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CITY OF PITTSFIELD, MA

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Requests that the City Council approve the following resolution to oppose H.R. 3557, the American Broadband Act of 2023 and refer to Mayor Tyer for approval and submission to the Representative Richard Neal, Sen. Edward Markey, and Sen. Elizabeth Warren.

Respectfully submitted,

*Amelia Gilardi*

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*James Conant*

James Conant  
Ward 4 City Councilor

*Kenneth G. Warren Jr.*

Kenneth G. Warren Jr.  
Ward 1 City Councilor

1. WHEREAS, H.R. 3557, "American Broadband Act of 2023," was introduced with little notice and without full text on May 22, 2023, and was approved by the House Committee on Energy and Commerce, and ordered to be reported following markup only two days later on May 24, 2023; and

2. WHEREAS, prior to H.R. 3557's introduction, only a single hearing was held on the eventual contents, on April 19, 2023, before the House Communications Subcommittee, the testimony before which consisted exclusively of that from witnesses supportive of federal preemption and to which not a single state or local government representative was invited to testify; and

3. WHEREAS, H.R. 3557 would pre-empt local governments' rights-of-way compensation and management authority, zoning powers, cable franchising authority, and property rights; and

4. WHEREAS, the proposed bill would bestow on broadband providers an unprecedented federal grant of access to state and local public property, but impose no obligations on those providers to serve "unserved" and "underserved" Americans; and

5. WHEREAS, H.R. 3557 would mandate that siting decisions be "deemed granted" if not denied by a local government within 60 days, which is as little as 25 % of the time the federal government gives itself to make identical decisions concerning access to federal property; and

6. WHEREAS, H.R. 3557 would make virtually any local government decision not to allow the installation of a proposed wireless facility at a provider's request a "prohibition" preempted by federal law, and would require local governments to draft and publicly release a written explanation for the decision to deny an application on the same day it votes on the decision—a virtually impossible task because such written decisions typically require the examination and analysis of evidence presented to local government; and

7. WHEREAS, the bill would substitute the FCC for the local federal district court as the reviewing body for challenges to local government decisions regarding wireless facility applications, thus breaking the promise made by Congress in 1996 that local governments would not be required to travel to Washington to defend local decisions; and

8. WHEREAS, H.R. 3557 would also eliminate cable franchise renewals, thereby restricting the ability of state or local franchising authorities to enforce franchise obligations such as public, educational, and government channel capacity and facilities, customer service requirements, and system build-out requirements; and

9. WHEREAS, H.R. 3557 would affirmatively grant cable operators the right to use local rights-of-way to provide non-cable services while prohibiting localities from imposing any fees on non-cable services for use of those rights-of-way.

**10. NOW, THEREFORE, BE IT RESOLVED:** That the City of Pittsfield through its mayor, Mayor Linda Tyer and its City Council opposes HR 3557 and urges Representative Richard Neal, Sen. Edward Markey, Sen. Elizabeth Warren to vigorously oppose this legislation.