

TOWN OF BARRINGTON, RHODE ISLAND

**A RESOLUTION ASKING THE GENERAL ASSEMBLY TO ENACT LEGISLATION
CREATING THE RHODE ISLAND BROADBAND DEVELOPMENT PROGRAM AND
ENABLING RHODE ISLAND MUNICIPALITIES TO INCENTIVIZE BROADBAND
SERVICES AND PROVIDE MUNICIPAL BROADBAND SERVICES**

WHEREAS, in the 2021 Legislative Session, the General Assembly considered House Bill 5148 and Senate Bill 896; and

WHEREAS, this proposed legislation would have created the Rhode Island Broadband Development Program; and

WHEREAS, this proposed legislation would have created a statewide broadband strategy, a state broadband council and a state broadband coordinator; and

WHEREAS, this strategy would increase the use and access of broadband services throughout the State of Rhode Island and would help obtain federal funds for municipal broadband pilot programs; and

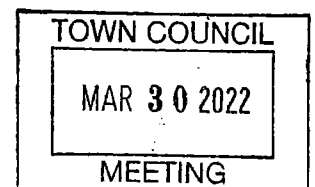
WHEREAS, the Barrington Town Council believes that additional broadband services are necessary in the Town of Barrington, in order to allow greater competition and higher quality services in the Town; and

WHEREAS, the Barrington Town Council supports the statewide broadband strategy set forth in House Bill 5148 and Senate Bill 896 as supportive of the Town's goal of improved broadband services in Town; and

WHEREAS, current legislation poses an impediment to Rhode Island municipalities taking local action to incentivize broadband providers to expand access to broadband, improve the quality of broadband or reduce the price of broadband in the municipality or, alternative, for municipalities to provide public municipal broadband; and

WHEREAS, specifically, Title 39, Chapter 28, Section 3 of the General Laws has broad preemptive effect when it provides "no department, agency, commission, or *political subdivision* of Rhode Island shall enact, adopt, or enforce, either directly or *indirectly*, any law, rule, regulation, ordinance, standard, order, or other provision having the force or effect of law that regulates, or *has the effect of regulating*, the entry, rates, terms, or conditions of VoIP service or IP-enabled service" (emphasis added); and

WHEREAS, Title 39, Chapter 28, Section 2 of the General Laws broadly defines "IP-enabled service" as "any service, capability, functionality, or application provided . . . using internet protocol, or any successor protocol, that enables an end-user to send or receive a communication in internet protocol format or any successor format"; and



WHEREAS, RIGL 39-28-3 could be read to have the unfortunate effect of preventing municipalities from providing municipal broadband services or incentivizing competition within the municipal broadband market; and

WHEREAS, the Barrington Town Council believes legislation should be enacted clarifying that municipalities are not preempted from providing municipal broadband services or incentivizing those services within the municipality and express enabling legislation should be adopted allowing municipalities to take such measures;

NOW, THEREFORE, BE IT RESOLVED:

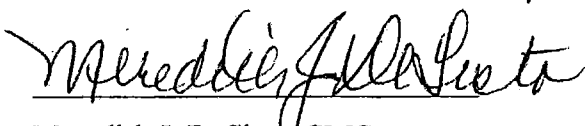
1. The Barrington Town Council hereby respectfully requests that legislation in similar form and content as House Bill 5148 and Senate Bill 896 from the 2021 Legislative Session be enacted in the 2022 Legislative Session; and
2. The Barrington Town Council hereby respectfully requests that legislation be enacted in the 2022 Legislative Session that expressly enables municipalities to incentivize improved broadband services, encourage competition within the municipal internet service provider market, or provide municipal broadband and that RIGL 39-28-3 be amended to make clear that such measures are not preempted; and

BE IT FURTHER RESOLVED, that copies of this Resolution be distributed to Barrington's members of the General Assembly, its leadership, the Governor of Rhode Island and the Clerks of all municipalities in Rhode Island.

This resolution shall take effect upon passage.


Michael Carroll,
Barrington Town Council President

ATTEST:


Meredith J. DeSisto, CMC
Barrington Town Clerk