Abstract

Since the enactment of the federal Telecommunications Act of 1996, the federal government has taken an incremental and decentralized approach toward ensuring availability of broadband services for all Americans. The federal government and the states have tried to reconcile two sometimes incompatible objectives of promoting competition among broadband service providers and reducing gaps in broadband deployment between sparsely and more densely populated regions. Federal and state funding mechanisms have been used to subsidize supply and stimulate demand in regions where private cost-benefit analyses have not justified investments in broadband infrastructure. In the absence of a national broadband policy, states have initiated their own programs for identifying gaps in broadband services between rural and urban areas.

This article explains how the federal-state partnership has evolved since 1996 to further broadband deployment and subscription goals, particularly in matters of shared public policy concern, such as health care services, education, economic development, and public safety and security. Finally, this article suggests a linear five-step approach for state broadband policy development in the context of this evolving federal-state partnership and rapidly changing technology. Examples of state laws enacted to facilitate broadband access are cited to illustrate state strategies toward reducing deployment gaps and increasing subscription. The Federal Communication Commission’s latest order regarding data collection and its reconstituted Federal State Joint Conference on Advanced Services may provide an opportunity for joint state-federal strategic policy formulation in the vein of that adopted by some states described in this article.

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