

Inter-County Association of Western New York

Representing the Counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Tompkins, Wayne, Wyoming, and Yates.

RESOLUTION NO. 2021-12-IC

URGING THE GOVERNOR AND FEDERAL GOVERNMENT TO EXPAND BROADBAND AND RURAL CELLULAR COVERAGE TO ALL NEW YORKERS

Offered by: the Inter-County Association of Western New York

WHEREAS, Governor Andrew M. Cuomo has said broadband coverage is a priority for New York State, and

WHEREAS, in September, 2019, the Governor announced the Upstate Cellular Coverage Task Force, stating “every New Yorker should be able to access a stable cell connection, yet our upstate regions have struggled for too long to make the connections that are vital to everyday life and commerce... Today we're leading the way forward by establishing a task force of cellular service experts, elected representatives and environmental advocates who will develop concrete policies and help to ensure service is provided and infrastructure for it is built in a sustainable way”, and

WHEREAS, maps developed by the Federal Communications Commission (FCC) using Form 477 data are inaccurate and misrepresent the accessibility of broadband and cellular service and are referenced by the federal and state governments for funding purposes, and

WHEREAS, based on newer and more accurate data gathered directly from schools, municipalities, and other organization, there are large gaps in broadband and rural cellular service across rural and upstate New York, contradicting FCC maps, and

WHEREAS, the FCC staff also determined that the Mobility Fund Phase II coverage maps submitted by certain carriers overstated actual coverage and did not reflect on-the-ground performance in many instances, and

WHEREAS, the FCC ultimately terminated the planned Mobility Fund Phase II auction and replace it with a 5G Fund for Rural America, using multi-round reverse auctions to distribute up to \$9 billion to bring voice and 5G broadband service to rural areas of our country that are unlikely to see unsubsidized deployment of 5G-capable networks, and

WHEREAS, New York State has also adopted legislation that enacted a right-of-way use and occupancy fee for any fiber optic cables located in or crossing a state-controlled right of way and authorized the New York State Department of Transportation (DOT) to enter fee-bearing permits with fiber optic installers, and

WHEREAS, understanding the financial constraints facing the State of New York, counties across the state endeavor to work with the State to incentivize the development of fiber connections in rural areas of the State, and

WHEREAS, our residents need access to reliable and affordable broadband and cellular service for school, employment, telehealth, and social aspects of life, and

WHEREAS, as we have seen in the face of this pandemic, broadband serves a vital need for breaking down the digital divide that creates groups of haves and have-nots within our state, and

WHEREAS, broadband and cellular access provides a critical public infrastructure need for New York residents, towns, municipalities, counties, emergency services, and more, now, therefore, be it

RESOLVED:

1. That the Inter-County Association of Western New York calls upon Governor Cuomo, our Federal and State legislative delegations to work with the Federal Communications Commission (FCC) and local leaders and officials to deploy new broadband and cellular service maps in order to deploy the 5G Fund for Rural America as well as broadband infrastructure programs; and
2. That the Inter-County Association of Western New York asks the Governor and State Legislature to amend Section 24-e of the Highway Law and Section 7 of the Transportation Corporation Law to incentivize the deployment of fiber connectivity in rural and hard to serve regions of the State; and
3. That the Inter-County Association of Western New York asks the Governor and our Federal and State legislative delegations to work to ensure this vital economic development infrastructure need is available to all New Yorkers to prevent the further isolation of those in need; and
4. That the Inter-County Association of Western New York Secretary is directed to send a certified copy of this resolution to state representatives and all others deemed necessary and appropriate.

This is to Certify that I, the undersigned, Secretary of the Inter-County Association of Western New York, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Association at a session held on the 16th day of April 2021 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Inter-County Association of Western New York dated April 16, 2021.



Jodi Adams, Secretary
Inter-County Association of Western New York

Sponsored by: Adirondacks Inter-County Association, Moved by: M. Rondinaro (*Schuyler*), Seconded by: K. DeRoller (*Orleans*)