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For Immediate Release

STATEMENT OF COMMISSIONER AJIT PAI
On Sixth Circuit's Decision to Overturn FCC's Unlawful Municipal Broadband Ruling

WASHINGTON, August 10, 2016.— Today, the United States Court of Appeals for the Sixth Circuit concluded that the FCC acted unlawfully when it attempted to preempt, on a party-line vote, restrictions on municipal broadband projects passed by the duly-elected representatives of the people of Tennessee and North Carolina. I applaud the Sixth Circuit's decision.

In my statement last year dissenting from the Commission's decision, I warned that the FCC lacked the power to preempt these Tennessee and North Carolina laws and that doing so would usurp fundamental aspects of state sovereignty. I am pleased that the Sixth Circuit vindicated these concerns. The court's decision is a big victory for the rule of law and federalism—a constitutional principle that lies at the heart of our system of government.

Today's decision also represents an opportunity for the FCC to turn the page. Rather than wasting its time on illegal efforts to intrude on the prerogatives of state governments, the FCC should focus on implementing a broadband deployment agenda to eliminate regulatory barriers that discourage those in the private sector from deploying and upgrading next-generation networks.

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