

**PUBLIC SERVICE COMMISSIONER TONY CLARK
STATE OF NORTH DAKOTA**

FOR IMMEDIATE RELEASE
Thursday, November 10, 2005

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Clark Testifies Before U.S. House Commerce and Energy Subcommittee

North Dakota Public Service Commissioner Tony Clark testified yesterday in Washington, DC at a key congressional hearing regarding revisions to the federal Telecommunications Act. Clark stressed the importance of promoting robust telecommunications networks, while ensuring that consumers continue to have adequate protections in an evolving marketplace.

“The telecommunications industry as we know it is undergoing tremendous transformation and restructuring,” Clark said. He indicated that regulatory law and policy has not always kept pace. The regulatory framework designed around yesterday’s technology is quickly “crumbling” he said.

One of the major points of discussion in the debate has been the division of regulatory duties between state and federal governments. Rather than rallying around old jurisdictional flags, Clark argued that telecommunications regulatory policies should focus on the core competencies of different levels of government. “States are clearly better equipped to handle some aspects of telecommunications law, while the federal government is better suited in other areas.”

Clark said states have traditionally been much more adept at handling fact specific matters such as consumer protection and telecom law enforcement. He cited the recent experience with the national do-not-call list. Clark said state officials have been strictly enforcing laws regarding telemarketer calls, while the federal law is riddled with loopholes and is weakly enforced. “It fell to a handful of states to say that “no means no.”

Clark also advocated for a federal telecommunications law that would be technology neutral. He said that without neutrality, it puts government in the position of “picking winners and losers,” and causes distortion in investment decisions.

Revisions to federal telecommunications laws could have major implications for states like North Dakota. After the hearing, Clark said every aspect of telecom policy is on the table in congress right now, including programs like universal service. “As a high cost, rural state, ensuring ongoing support for rural telecom networks has to be a priority. World-class telecommunications networks are literally economic lifelines for states like North Dakota.”

Clark’s testimony was presented on behalf of the National Association of Regulatory Utility Commissioners, representing state regulatory officials in the 50 states. He is Chairman of the association’s Committee on Telecommunications which is the nation’s leading telecom policy panel of state regulators. The hearing was held before the Telecommunications and Internet Subcommittee of the House Commerce and Energy Committee, and chaired by Rep. Fred Upton (R-MI).

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