



County Commissioners:
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Dear Governor Polis,

As you know, there is a clear need to improve broadband services for rural and remote areas of Colorado. Leaders throughout Western Colorado have responded to the Executive Order signed last spring in Grand Junction pointing towards universal broadband coverage.

Counties, municipalities and regional councils of government have made broadband a priority. They have allocated staff and hired external resources. Communities have leveraged American Rescue Plan (ARPA) and DOLA Energy/Mineral Impact Assistance Fund (EIAF) funds to prepare for upcoming federal broadband investment. The Colorado Broadband Office has closely monitored progress and has helped with community engagement.

Five regions in Western Colorado are working in sync to form a fiber optic backbone in the shape of a giant ring. The work involves Region 9/SWCCOG, Region 10, AGNC, San Luis Valley BCO and SCEDD. The resulting infrastructure will improve reliability, increase capacity and reduce the cost of wholesale bandwidth. This approach addresses market failure and lowers the barrier for private ISPs to extend their reach further into outlying areas.

Communities along the route are building fiber to reach the backbone. They're also installing small colocation facilities that will house broadband equipment.

DOLA EIAF grants have funded new projects in:

- Fruita
- Palisade
- Collbran
- Parachute
- Rifle
- Silt
- New Castle
- Glenwood Springs (Garfield Cnty)
- Durango
- Bayfield
- Pagosa Springs
- Ignacio area
- Lake City

Existing broadband facilities to be connected:

- Delta
- Montrose
- Olathe
- Ouray
- Ridgway
- Telluride
- Norwood
- Gunnison
- Crested Butte
- Hotchkiss
- Paonia
- Crawford
- Cortez

Sites in Grand Junction, Mesa County, Alamosa and Walsenburg will be added in the near future. Others are under consideration.

This initiative leverages existing fiber from Tri-State, Delta-Montrose Electric Association, La Plata Electric Association, Zayo, and the City of Grand Junction. It involves construction of new fiber lines in partnership with the Southern Ute Indian Tribe and will make service available to the Ute Mountain Utes.

Ultimately, activating the entire network relies on gaining access to State-owned fiber along Interstate 70 and Highway 160 over Wolf Creek Pass for unencumbered broadband use.

Locally, we are engaged in unprecedented intergovernmental cooperation to improve broadband throughout Western Colorado but legal ambiguities relating to CDOT's contractual arrangements continue to be a persistent roadblock and are delaying our progress. This puts our many broadband investments at risk. Several broadband projects have been placed on hold until this impasse can be resolved. Other projects have been completed, yet cannot be put into service without access to fiber along State highways.

In each case communities are stuck waiting for performance from the Intelligent Transportation Systems (ITS) department within CDOT that manages these State-owned fiber assets. Stipulations placed on state assets by private companies tied to these agreements severely restrict or prohibit broadband use. Legal clarification has been sought from the office of the Colorado Attorney General. While the discussions with the AG's office have been helpful, and Attorney General Weiser is supportive of our efforts, no solution has been forthcoming, as we wait for CDOT to take the lead on making its existing excess fiber available to us.

Many of our meetings with CDOT have included CDOT promises to resolve issues and make the requested fiber available, followed by correspondence from CDOT changing its position entirely. It appears in some cases that CDOT's focus has been increasing its ownership and use of fiber optics for its own operations, without regard for how that fiber connectivity is needed to deliver broadband services throughout Colorado. CDOT's executive management has been briefed in detail about these difficulties, but has not been able to affect a solution.

This collective effort throughout Western Colorado is an unprecedented example of intergovernmental and regional cooperation that defies many boundaries. We will continue to do our part to support the Goal of connecting 99% of in-state households to high speed broadband by 2027. We implore you to ensure that **all** state agencies revisit the State's fiber optic network agreements and determine whether they do indeed serve the broader public interest. If such arrangements preclude or significantly limit their use by local governments and the broadband providers who wish to use this publicly owned infrastructure, such agreements should be reevaluated.

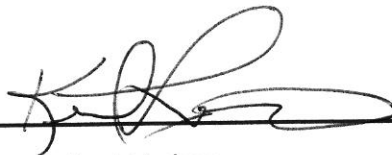
We are asking for your help to remove roadblocks and resolve delays in accessing State-owned fiber. We are available to meet with you and representatives of CDOT, OIT and any other state agencies, to find a solution to these issues. At this juncture, your direct involvement is needed and we very much appreciate you helping us find solutions that will benefit all of Colorado.

Respectfully,

Montezuma County Commissioners



Jim Candelaria



Kent Lindsay



Gerald Koppenhafer