



BOARD OF COMMISSIONERS

HILARY COOPER KRIS HOLSTROM LANCE WARING

April 15, 2019

Senator Donovan
200 E Colfax, Rm. 346
Denver, CO. 80203
Email: Kerry.donovan.senate@state.co.us

RE: SB107_L.001

Dear Honorable Senator Donovan and Senate Business, Labor and Technology Committee Members:

We would like to express our gratitude to you, Senator Donovan, and your team who have been working diligently to improve our ability to deploy broadband to rural areas using existing infrastructure. San Miguel County has compiled funding from DOLA, the Economic Development Administration and E-Rate to build a broadband network that will be joined with Region 10's network. One stretch of the network, from Nucla to Norwood, required us to perfect easements from approximately 50 landowners. A few of the landowners refused, so the Telluride Foundation secured another EDA grant to build the line at a cost of approximately \$1 million. Legislation allowing local governments and providers access to existing fiber lines for commercial use could have avoided this expense of public funds and enabled us to bring broadband to a rural area that is currently without high-speed internet access.

We are diligently pursuing fiber for another leg of the network in San Miguel County which crosses a mesa with 46 landowners. This leg currently has underground electric utility WITH existing fiber. If we cannot negotiate all 46 individual easements with landowners, we estimate the cost at close to \$5 million IF it is even possible to build around the private land.

We appreciate the opportunity to review SB 107 Version L.001. We offer the suggestions below which will enable the legislation to work for our specific situation as well as those across Colorado who need more tools to provide broadband to underserved communities.

Definitions: Interest Holder and Notice — combine "interest holder" and "property owner" to consistently refer to the real property owners of record. Notice should be sent to the contact address listed for the real property owner(s) of record obtained from the subject County Assessor's Office (not the Clerk). [Page 2, lines 13-15 and Page 3, lines 10-14 & 29-33]. Real property owner(s) of record may not have an electric account due to lack of improvements or renters or non-owners having the electric account. The real property owner(s) of record should be those given written notice at the mailing address on file at the Assessor's office.

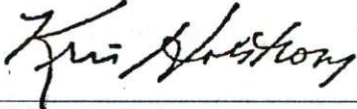
We appreciate the clarification that broadband service can be provided to income-qualified retail customers on page 5, line 10 & 11; and the clarification that the use is external on page 2, line 42.

Page 10, Lines 22-31 — The bill proposes to amend Statute 38-5-103 which currently does not recognize the need for local governments, including special districts to contract if desired. Instead of leaving as is in Statute 38-5-103, "city or town" should be changed to "local government, including special districts."

We would also like further discussion on the definition of "electric utilities" within the scope of this bill. For the legislation to enable the completion of the San Miguel-Montrose County broadband deployment, Page 2, lines 11-15 should allow "electric utility" to mean a cooperative electric association (a nonprofit electric corporation or association in 40-95-102) AND should also allow willing "nonprofit generation and transmission electric corporation or associations" to be included in the scope of this legislation. Please change electric utility to "nonprofit electric corporations or associations, including nonprofit generation and transmission electric corporation or associations."

Once again, we deeply appreciate your efforts on this legislation because our ability to provide broadband to anchor institutions in your hands.

Sincerely,
SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS



Kris Holstrom, Chair