



COLORADO

Broadband Office

Governor's Office of Information Technology

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250 East 18th Avenue, Suite 130
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April 17, 2020

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Re: Rural Digital Opportunity Fund, WC Docket No. 19-126

Dear Chairman Pai:

The Colorado Broadband Office (CBO) files this letter in support of the recent Petition for Reconsideration and Clarification made in WC Docket No. 19-126 by the Vermont Department of Public Service (VTDPS).¹ In its Petition, the VTDPS seeks reconsideration of the Commission's recent Rural Digital Opportunity Fund (RDOF) Order² insofar as that Order excludes from RDOF funding those census blocks that have been awarded funding by state broadband programs.³

In addition to legal arguments regarding the correct application of Section 553 of the federal Administrative Procedures Act,⁴ the VTDPS argues that access to RDOF funding remains crucial, even in those areas of Vermont that have received some state broadband funding.⁵ It is the view

¹ Vermont Department of Public Service, Petition for Reconsideration and Clarification, WC Docket No. 19-126 (Apr. 9, 2020) ("Petition")

² Rural Digital Opportunity Fund; Connect America Fund, Final Rule, 83 Fed. Reg. 13773 (Mar. 10, 2020) ("RDOF Order")

³ Petition at 3.

⁴ Title 5 U.S.C. § 553; Petition at 4-6.

⁵ Id. at 7.



of the VTDPs that the Commission should work in partnership with the states to ensure the maximum amount of funding goes to areas, particularly rural areas, that most need the funding.⁶

The CBO fully supports the arguments of the VTDPs and supports its Petition. The state of Colorado, like Vermont, is largely composed of rural, rugged terrain that is sparsely-populated, magnifying the cost of broadband deployment and the state's need for federal broadband funding. The RDOF should complement, not undermine, state broadband deployment efforts. Specifically, the CBO encourages the Commission to reconsider the RDOF Order to allow states with broadband funding programs to determine the RDOF locations and providers based on a framework established by the Commission.

Colorado has been working with our broadband service providers since 2009, gathering granular broadband mapping data and funding broadband deployment to more than 20,000 locations (deployed in under two years) at a cost of \$26 million since 2016. States, such as Colorado, with established broadband grant programs are painfully aware of the chronically unserved and underserved areas and are in a better position to efficiently and effectively direct RDOF funding. Similar to the success experienced [pursuant to the FCC's partnership with New York State](#) in the Commission's Connect America Fund program, Colorado could more efficiently administer the proposed \$69,482,795, funding for 98,983 Colorado locations identified in the RDOF Order. Absent a federal-state relationship that allows Colorado to identify, at a more granular level, the locations in need of RDOF support, the CBO estimates that approximately 15,000 locations, representing almost \$130 million, over ten years, could potentially be ineligible according to the FCC's proposed rules. That's approximately 16% of the almost 99,000 proposed locations, representing over 18% of Colorado's eligible RDOF funding, affecting 22 counties and potentially eliminating all eligible locations from Hinsdale, Jackson, Kiowa, Mineral, and Rio Grande counties and nearly all from Baca, Sedgwick, and Lake counties.

The FCC's 477 broadband deployment data is not sufficient for the detailed, sub-census block analysis necessary to identify unserved areas in Colorado, potentially leaving thousands of Coloradans and whole communities without the benefit of federal broadband funding. The CBO has more detailed broadband deployment data for Colorado and is capable of performing such analysis. The COVID-19 crisis has demonstrated that having the ability to virtually conduct business, video conference with medical professionals, and access online education is no longer a luxury, it is essential for everyone, everywhere. Colorado stands ready to work with the FCC to develop a federal-state relationship that effectively identifies and provides broadband support to Colorado communities that do not have access to robust, reliable and affordable broadband access.

Please do not hesitate to contact me with any questions regarding this letter.

⁶ Id. at 8.



Sincerely,



Anthony Neal-Graves
Executive Director
Colorado Broadband Office

