

Idaho Broadband Advisory Board

Idaho Broadband Fund

Public Comments: Awarded IBF Projects

Open February 1-8, 2023

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February 3, 2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: Letter of Support for IBAB Awards
to IRON and the Port of Lewiston

Dear Idaho Broadband Advisory Board:

This letter is to affirm support for two projects the IBAB has recently awarded state funding. First, the IBAB awarded \$20 million to the Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group's (IIG) public/private partnership for an open access middle mile broadband project from Grangeville to Star. This project is critical for establishing the long-awaited north-south Idaho broadband middle mile, and the expertise and contributions of this public-private partnership assures that Idaho's resources will go further so that we can connect more citizens in the region.

Second, we support the IBAB award of \$6.3 million to the Port of Lewiston. The Port of Lewiston and partners have deep experience and expertise to execute and manage this project. This middle-mile project connects to the IRON project and will support commerce, non-profits, economic development and stretch from Grangeville to Moscow. Both projects are critical to Idaho's 2027 broadband strategic goal of providing 100% of Idaho with accessible, reliable, and affordable high-speed internet.

Broadband access that is affordable and equitably accessible for commercial use, non-profits, local communities, and rural internet service providers matters to Idahoans. With these projects executed by IRON and the Port of Lewiston, Idaho residents and businesses will have access to education, telemedicine, and business services enabling Idahoans to thrive. Rural serving ISPs will be able to affordably offer last mile service by using this open access middle mile infrastructure.

Imagine Idaho Foundation is a 501(c)(3) non-profit created to connect rural Idaho with broadband infrastructure leading to Idahoans securing accessible, reliable, and affordable internet access, that is future-proof and high-speed to further economic prosperity. Incorporated in Idaho Falls, Idaho, we are a non-biased, grant funded, private entity that serves as an educational and capacity building resource for Idaho and its unserved and underserved communities. We have over 60 coalition members supporting our work, which can be found at www.imagineidaho.org. We are currently helping 14 grantee projects statewide and track the broadband planning in all 44 counties.

Sincerely,

A handwritten signature in blue ink that reads "Christina Culver".

Christina Culver
Director

February 6, 2023

Submitted via email: broadband@commerce.idaho.gov

Ramón S. Hobdy-Sánchez
PO Box 83720
Boise, ID 83720-0093

RE: Idaho Broadband Fund Awards Public Comment

Dear Mr. Hobdy-Sánchez:

Zipty Fiber appreciates the opportunity to provide comment and information related to the projects awarded by the Idaho Broadband Advisory Board from the Idaho Broadband Fund. Zipty Fiber is an Idaho Incumbent Local Exchange Carrier. Since acquiring the assets of Frontier Communications in 2020, we have invested tens of millions of dollars in network upgrades in Idaho. Our investments in Idaho have delivered fiber to over 60,000 address locations and construction is underway within several Idaho communities. We offer the following comments on the awarded projects:

Idaho Regional Optic Network – Intermountain Infrastructure Group (IRON-IIG): This middle mile proposal would provide fiber optic infrastructure Star to Grangeville and claims there is no middle mile infrastructure serving Cascade, Donnelly, McCall, New Meadows, Riggins and Whitebird. This is simply not true; Zipty Fiber owns and operates existing fiber backbone infrastructure from Horseshoe Bend to Whitebird. The proposal, as it exists, suggests overbuilding 150 miles of Zipty Fiber middle mile fiber. Zipty Fiber first reached out to the IRON team in June 2022 regarding the opportunity to partner, leveraging our existing fiber backbone to enhance route diversity in Idaho. To date, IRON has not responded to our outreach efforts.

Zipty Fiber facilities today to meet many of its obligation across Zipty Fiber's service territory. John van Oppen, Zipty Fiber VP-Network contacted IIG during in the application phase and they responded with a willingness to partner with Zipty Fiber on this project but wanted a very high-count cable end-to-end for reasons that were unclear.

Zipty Fiber utilizes Dense Wave Division Multiplexing (DWDM) with Reconfigurable Optical Add-Drop Multiplexers (ROADM's). DWDM technology divides optical carrier signals in a single optical fiber pair into 64 channels capable of up to 400 Gbps of capacity per channel. A single fiber pair has capacity of 25,600 Gbps of transmission. The proposal to construct 288-strand fiber is an unnecessary use of public funds and is not intended for local service delivery but rather interstate and international transport for the IIG network. The existing Zipty Fiber facilities along this route has more than sufficient capacity to provide multiple pairs of fiber connectivity, far exceeding the necessary capacity now and into the distant future for the entire region. In fact, some of the long-standing routes into the state operate with only four fibers serving entire region including the main Zayo route from Boise to Spokane and on to Seattle.

Zipty Fiber has invested tens of millions of dollars building redundant middle mile backbone infrastructure and lighting unique routes across the Pacific Northwest; and we bring competitive major market price structures to places we serve. The proposal notes "*As open access infrastructure, the North-South Middle Mile Network will create what Idaho loves – a free market environment.*". This environment exists

today, as Ziplly Fiber provides wholesale access to our network at market rates, terms, and conditions. Ziplly Fibers wholesale terms and conditions are publicly available at <https://zipllyfiber.com/corporate/terms-conditions/wholesale-service-agreement>.

The Central Idaho corridor has topographic, geologic and traffic safety challenges for any construction project. The cost savings to the State of Idaho resulting from a collaborative partnership with Ziplly Fiber is directly tied to the availability of our existing fiber: 150 miles multiplied by the proposals estimated \$57-\$75/per foot construction cost equates to \$45,144,000 to \$59,400,000 for this section of the project that simply does not need to be spent.

The reliance of the proposal to the Port of Lewiston project also raises concerns. The Port of Lewiston proposal stems from realized cost increases post-award of US Department of Commerce Economic Development Administration grant funds. Given the proposed construction date of 2025 for Phase 2 (Grangeville – Lewiston), we encourage the Department of Commerce to assess the risks associated with the financial commitment of these interdependent proposals. We have proposed a middle mile solution for Idaho that has none of these risks as much of the route exists and in service.

We urge the Idaho Department of Commerce to follow the lead of other major funders of infrastructure programs for proposals of this scale in their project security requirements. The FCC Rural Digital Opportunity Fund, NTIA Middle Mile and the USDA ReConnect programs each require awardees provide an Irrevocable Letter of Credit (ILOC) to ensure the cash resources are readily available to complete a proposed project. An ILOC would offer the State of Idaho assurance of awardee obligation to finance the project.

The proposed North-South Middle Mile Network project has many challenges and risks inherent to such large-scale construction projects. Ziplly Fiber has experience with these challenges, decades of experience and hundreds of millions of dollars of fiber construction projects successfully deployed. We wholeheartedly express our willingness to partner with the State of Idaho, IRON, and the Port of Lewiston to form a collaborative partnership to connect North and South Idaho efficiently and sustainably. Please do not hesitate to contact me at (503) 431-0458 or via electronic mail at jessica.epley@ziplly.com with any questions or concerns.

Sincerely,



Jessica Epley
VP Regulatory & External Affairs

February 6, 2023

Submitted via email: broadband@commerce.idaho.gov

Ramón S. Hobdy-Sánchez
PO Box 83720
Boise, ID 83720-0093

RE: Idaho Broadband Fund Awards Public Comment – Port of Lewiston

Dear Mr. Hobdy-Sánchez:

ZiPLY Fiber appreciates the opportunity to provide comment and information related to the projects awarded by the Idaho Broadband Advisory Board from the Idaho Broadband Fund. ZiPLY Fiber is an Idaho Incumbent Local Exchange Carrier. We offer the following comments on the awarded project:

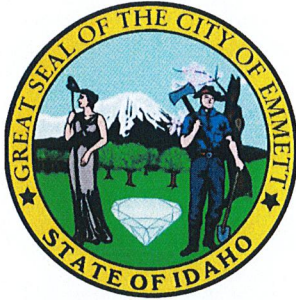
Port of Lewiston This middle mile proposal would provide fiber optic infrastructure Grangeville to Lewiston and claims there is no middle mile infrastructure along this route. This is simply not true; the State of Idaho has twice invested in telecommunications infrastructure upgrades along this route. In 2006, the Idaho Department of Commerce & Labor awarded funding to increase broadband service in rural Idaho. Qwest, now operating as Lumen, was awarded \$ 3,770,950 enabling broadband connectivity to 55 communities, which included Cottonwood, Craigmont, Kooskia, Lapwai and Nezperce. The second investment in this region stemmed from the Idaho Education Network expansion of fiber optic infrastructure connecting schools across Idaho. From 2010 to 2013, federal, state, and Albertson Foundation funds were used to award projects to enhance school connectivity. Century Link, now operating as Lumen, was awarded \$ 14.5 million to build a fiber backbone connecting education institutions across Idaho, which included connection Lewis-Clark State College in Lewiston to Grangeville High School.

The reliance of the Port of Lewiston proposal to the Idaho Regional Optic Network-Intermountain Infrastructure Group project raises concerns. Each propose overbuilding existing network, which in the Port of Lewiston project has been funded with public funds. As Incumbent Local Exchange carrier, Lumen is obligated to provide non-discriminatory interconnection access to carriers and resellers (often referred to as open access network). We urge the Idaho Department of Commerce to investigate the previous award of public funding along the Grangeville to Lewiston route. Please do not hesitate to contact me at (503) 431-0458 or via electronic mail at jessica.epley@ziply.com with any questions or concerns.

Sincerely,



Jessica Epley
VP Regulatory & External Affairs



CITY OF EMMETT
OFFICE OF THE MAYOR
501 E. Main Street
Emmett, Idaho 83617
208-365-6050

Gordon Petrie, Mayor
Lyleen Jerome, City Clerk
Jake Sweeten, Attorney

Councilors:
Steve Nebeker (Pres.)
Thomas Butler
Jody Harris
Tona Henderson
Gary Resinkin
Denise Sorenson

6 February 2023

Idaho Broadband Advisory Board
c/o Ramon S. Hobdey-Sanchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: City of Emmett support

The purpose of this letter is to affirm strong support for the Idaho Regional Optical Network and Intermountain Infrastructure Group's public/private partnership for an open-access middle-mile broadband proposal now planned from Grangeville to Star. This project supports Idaho's 2027 broadband strategic goal of providing 100% of Idaho with accessible, reliable, and affordable high-speed internet. Moreover, this middle-mile network will prepare Central Idaho communities for last-mile infrastructure and set Idaho up to successfully compete for BEAD funding. The network will link into the Port of Lewiston's open-access middle mile in Grangeville and help provide infrastructure to connect north and south Idaho.

As a leading municipal broadband proponent in the State of Idaho, the City of Emmett overwhelmingly supports the connectivity that this project will bring—not only to the City of Emmett—but to all citizens in Gem County.

Although we have made significant leaps in broadband connectivity for our community, we continue to lack affordable, and neutral middle-mile fiber optic options. This project will bring cost-effective bandwidth to our community along with much-needed interconnectivity with other communities and stakeholders throughout the state.

This regional/state-wide approach to funding projects like IRON's is a fiduciary win for the number of localities, entities, and providers that will benefit from this project now, and a win for future generations, as well. Hence, a win-win.

cc: Mike Knittel, IT
Clint Seamons, Public Works
Jake Sweeten, City Attorney

Yours fast communication,

A handwritten signature in purple ink, appearing to read "Gordon W. Petrie".

Gordon W. Petrie
Mayor, Emmett, Idaho

February 6, 2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702



Re: Creating Idaho's North-South Middle Mile Network
Notice of Public Comment Period Comment

Dear Idaho Broadband Advisory Board:

On behalf of the Clearwater Economic Development Association and for the Idaho Regional Optical Network and Intermountain Infrastructure Group's public/private partnership for an open access middle mile broadband proposal from Grangeville to Star - thank you for your support to fund \$20 million toward the project. The project is not only a huge benefit for Regions 2 and 3, but the statewide improvements are essential. We appreciate that you weighed this, as well as other considerations, in your selection of the project.

For the purposes of the public comment period, I am forwarding the Region 2 letters of support that were provided with the project submission. The extensive support for the project was cited at the IBAB meeting, and we want to reinforce that the private/public open access model is what entities in our region desire.

Just as the 1975 US-95 White Bird Grade project was a necessary and visionary transportation improvement connecting the north and south of Idaho, the IRON/IIG project will actualize a similar vision for the 21st Century and beyond. Thank you again for the support from IBAB.

Sincerely,

A handwritten signature in blue ink that reads 'Dodd Snodgrass'. The signature is fluid and cursive, with the first name 'Dodd' being particularly prominent.

Dodd Snodgrass
Executive Director

February 6, 2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: Creating Idaho's North-South Middle Mile Network
Letter of Support

Dear Idaho Broadband Advisory Board:

This letter is to affirm support for the Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group's public/private partnership for an open access middle mile broadband proposal from Grangeville to Star. Middle mile broadband is critically needed by the communities along the route and will set Idaho up to successfully compete for BEAD funding and help to finally provide infrastructure to connect north and south Idaho.

Idaho has many areas with limited access to specialty care due to its rural and frontier nature. Additionally, there is an alarming healthcare provider shortage throughout Idaho. Telemedicine can be a useful tool by helping to deliver health care services to areas where there are physician shortages and/or hospital capacity constraints and to provide care to patients unable to travel far from their communities due to distance or environment.

Many rural areas that today struggle with adequate bandwidth necessary to fully utilize telemedicine and all it offers will benefit from the creation of a North-South Middle Mile Network, which is why the Idaho Hospital Association supports the Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group's public/private partnership for an open access middle mile broadband proposal from Grangeville to Star.

Sincerely,



Brian Whitlock, President/CEO
Idaho Hospital Association

Board of Commissioners

Chairman:
BILL BUTTICCI
District II
MARK REKOW
District III
KIRK WILLE
District I



415 E. Main Street
EMMETT, ID 83617
(208) 365-4561
Fax 365-7795
Commissioners@co.gem.id.us

February 06, 2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: Creating Idaho's North-South Middle Mile Network
Letter of Support

Dear Idaho Broadband Advisory Board:

The Gem County Board of Commissioners in the city of Emmett, the county seat of Gem County are in support of this broadband project. This is a much needed service for those that live in this remote area.

This letter is to affirm support for the IBAB \$20 million award to the Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group's (IIG) public/private partnership for an open access middle mile broadband proposal from Grangeville to Star. This project establishes a long-awaited north-south Idaho broadband backbone. The project will provide broadband access for commercial use, non-profits, local communities and rural internet service providers that matter to our region.


Additionally, we support the IBAB award of this middle-mile project which will support commerce, non-profits, economic development and stretch from Grangeville to Moscow. Both projects are critical to Idaho's 2027 broadband strategic goal of providing 100% of Idaho with accessible, reliable, and affordable high-speed internet. This middle mile network will prepare Central Idaho communities for last mile infrastructure and set Idaho up to successfully compete for BEAD funding.

The Gem County board of Commissioners supports this project as it will bring broadband connectivity to the northern part of Gem County. This will allow internet access for our rural residents in the Ola, Sweet and the High Valley areas for remote learning and other daily needs. This will enhance the rural business that support the needs of the local residents while promoting those businesses economic growth and development. The service will also benefit our first responders in search and rescue efforts along with medical responses for our EMS services and our rural fire department in training needs and wildland fire responses.

Sincerely,

Bill Butticci
Chairman


Mark Rekow
Commissioner


Kirk Wille
Commissioner

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February 7th, 2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: Creating Idaho's North-South Middle Mile Network
Letter of Support

Dear Idaho Broadband Advisory Board:

I, Greg Adams, the Teton County IT Director affirm support for the IBAB \$20 million award to the Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group's (IIG) public/private partnership for an open access middle mile broadband proposal from Grangeville to Star. This project establishes a long-awaited north-south Idaho broadband backbone. The project will provide broadband access for commercial use, non-profits, local communities, and rural internet service providers that matter to our region.

Additionally, we support the IBAB \$6.3 million award to the Port of Lewiston open access middle mile project. This middle-mile infrastructure will support commerce, non-profits, and economic development and stretch from Grangeville to Moscow. Both projects are critical to Idaho's 2027 broadband strategic goal of providing 100% of Idaho with accessible, reliable, and affordable high-speed internet. Combined, these two middle-mile networks will prepare Central Idaho communities for last-mile infrastructure and set Idaho up to compete successfully for BEAD funding.

We support these projects because we believe the benefits of well-defined, regulated, and truly open-access middle-mile infrastructure is essential for bringing competition, affordability, and choice to Idaho customers. While this will not affect our region just yet, we support other rural Idaho communities as we work together to create a system of broadband for all.

Sincerely,

Greg Adams
Teton County IT Director
gadams@co.teton.id.us
208-354-2703

Valley County Board of Commissioners

P.O. Box 1350 • 219 N. Main Street
Cascade, Idaho 83611-1350



Phone (208) 382-7100
Fax (208) 382-7107

ELTING G. HASBROUCK

Chairman of the Board
ehasbrouck@co.valley.id.us

SHERRY MAUPIN

Commissioner
smaupin@co.valley.id.us

NEAL THOMPSON

Commissioner
nthompson@co.valley.id.us

DOUGLAS A. MILLER

Clerk
dmiller@co.valley.id.us

February 6, 2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: Creating Idaho's North-South Middle Mile Network
Letter of Support

Dear Idaho Broadband Advisory Board:

This letter is to affirm support for the IBAB \$20 million award to the Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group's (IIG) public/private partnership for an open access middle mile broadband proposal from Grangeville to Star. This project establishes a long-awaited north-south Idaho broadband backbone. The project will provide broadband access for commercial use, non-profits, local communities and rural internet service providers that matter to our region.

Additionally, we support the IBAB award of This middle-mile project will support commerce, non-profits, economic development and stretch from Grangeville to Moscow. Both projects are critical to Idaho's 2027 broadband strategic goal of providing 100% of Idaho with accessible, reliable, and affordable high-speed internet. This middle mile network will prepare Central Idaho communities for last mile infrastructure and set Idaho up to successfully compete for BEAD funding.

Valley County is located in the West Central Mountains of Idaho. Highway 55 connects our region over to Highway 95 which will be the main corridors for this project.

Broadband has been declared an essential service for our region. As a resort community, we have large population swings during the year. Our full time resident population is 12,600+ however on any given weekend we can escalate to 40,000+. The Internet Service Providers only build to our resident population. This creates times when no internet is available for our citizens and visitors. We must have stable internet to allow for businesses to conduct commerce and residents to participate in remote work and educational opportunities. With no college in our area, many residents take on line college courses to advance their educational needs. Broadband improvements are essential to continue to educate our residents and create greater economic opportunities.

Sincerely,

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Valley County Commissioners

Elt Hasbrouck, Chairman *Elt Hasbrouck*

Sherry Maupin, Commissioner *Sherry Maupin*

Neal Thompson, Commissioner *Neal Thompson*



February 7, 2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: Creating Idaho's North-South Middle Mile Network
Notice of Public Comment Period

Dear Idaho Broadband Advisory Board:

On behalf of the West Central Mountains Economic Development Council and for the Idaho Regional Optical Network and Intermountain Infrastructure Group's public/private partnership for an open access middle mile broadband proposal from Grangeville to Star - thank you for your support to fund \$20 million toward the project. This project is not only a huge benefit to Regions 2 and 3, but to the entire State of Idaho. We appreciate that you weighed this key benefit, as well as other considerations, in your selection of the project.

For the purposes of the public comment period, I am forwarding Region 3 letters of support that were provided with the project submission. When we began outreach for these letters, the response was overwhelmingly positive and prompt, showing us our regional constituents were ready and eager for such a project. The volume of letters endorsing the project was directly mentioned at the IBAB meeting, and we want to reiterate the desire for expanded service and direct access to broadband that these entities all share to continue to provide essential services. Just as the 1975 US-95 White Bird Grade project was a necessary and visionary transportation improvement connecting the north and south of Idaho, the IRON/IIG project will actualize a similar vision for the 21st Century and beyond.

All organizations, government, businesses, citizens, and visitors alike encounter daily issues of poor internet service and options to connect. Geographically speaking, we are a strategic area of Idaho that would benefit greatly from this project, but even bigger, the entire State would benefit with north-south contiguous connectivity. This is a win-win for all of Idaho and we are excited for the future.

Sincerely,

West Central Mountains Economic Development Council



Latah County
BOARD OF COUNTY COMMISSIONERS

P.O. Box 8068 ♦ 522 South Adams ♦ Moscow, Idaho 83843
(208) 883-7208 ♦ fax (208) 883-2280 ♦ e-mail bocc@latah.id.us
Kathie LaFortune ♦ Thomas C. Lamar ♦ John Bohman

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street, Boise, Idaho 83702

Tuesday, February 7, 2023

Re: Creating Idaho's North-South Middle Mile Network
Letter of Support

Dear Idaho Broadband Advisory Board:

The Latah County Broadband Coalition strongly affirms support for the two projects that the Board recently awarded with Idaho Broadband Funds for critical middle-mile routes to serve the state and our region:

- A \$20 million award for the public-private partnership between the Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group (IIG) to build a fiber route from Star to Grangeville.
- A \$6.3 million award to the Port of Lewiston to enable the second leg of a fiber route from Grangeville to Lewiston and Lewiston to Moscow.

These projects fill a huge gap in broadband infrastructure in the state by creating reliable, fast, resilient, and affordable fiber connections – especially in north central Idaho, our most underserved region. Building these middle-mile routes is not only a necessity for public health and safety — ensuring that rural Idahoans can rely on the same level of responsiveness to emergencies and access to healthcare that others do – but also provides the much-needed openly available connections that level the playing field for internet service providers, promoting competition, lowering prices, and allowing commerce and education to move at 21st-century speeds. Successful broadband implementation means separating infrastructure from service, where publicly funded assets are future-proof and made available to everyone at competitive wholesale rates. Finally, these critical projects are bolstered by the additional benefit that Idaho-owned assets keep Idaho's dollars in Idaho.

For these reasons, the Latah County Broadband Coalition heartily supports and commends the Board's decision to fund these proposals to build two long-awaited pieces of the state's digital highways. We would also encourage you to consider funding the DIGB2 proposal to close the fiber loop in our region – connecting Grangeville to Nez Perce to Orofino, which represents the final piece of the puzzle for regional redundancy and would all but guarantee that emergency responders and the communities they serve never experience a communications blackout.

These three routes build the foundation for the future-proof last-mile solutions that you'll see proposed from local communities like ours in upcoming rounds of funding. Indeed, they are prerequisite. Delivering the connectedness that our rural residents, businesses, and students deserve requires that these historic investments are carefully considered and built to last – *thank you* for your diligent and deliberate choices.

Sincerely,

Tom Lamar, Chair
Latah County Board of Commissioners

On behalf of the [Latah County Broadband Coalition](#): City of Potlatch, City of Bovill, City of Genesee, City of Kendrick, City of Juliaetta, City of Deary, City of Troy, City of Moscow, Latah County Library District, Moscow School District, Kendrick Joint School District, Genesee Joint School District, Potlatch School District, Troy School District, University of Idaho, Grinnell Medical Center, Latah County

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BROADBAND

231 W Main Street
Grangeville ID 83530
208-494-4343

February 8, 2023

RE: IRON & Port of Lewiston Open Access Middle Mile Projects

Lack of **affordable** middle mile fiber between Boise and Moscow presents a clear and present danger to the economic vitality of the rural communities in North Central Idaho.

Lack of **redundant** middle mile fiber between Boise and Moscow presents a clear and present danger to the safety of the citizens who live in these same communities.

This is a fact. It is obvious.

(1) Economic Vitality

In metro markets, ISP's will pay around \$1000 a month for a 10 GB connection. In rural areas between Boise and Moscow where a single provider controls all middle mile infrastructure, ISP's will pay around \$5000 a month for the same 10 GB connection. This is not only monopolistic and exclusionary, but it is unconscionable.

It is critical that the IBAB define "open access" when it comes to middle mile fiber, especially as it relates to rural Idaho where only one option exists. Folks might claim to be "open access" when appearing before the IBAB to secure free grant money, but if their middle mile fiber is priced so highly that it is unaffordable, we are not so sure that it is as "open assessed" as claimed.

Whenever a monopoly exists without defined guardrails, the following market inefficiencies will manifest:

- Monopolistic behaviors – designed to extract every last penny if able
- Exclusionary behaviors – designed to prevent competitors from entering a market

It is these "exclusionary behaviors" that the IBAB should take particular note.

If ISP's like AirBridge are unable to secure middle mile fiber and provide unserved and underserved rural communities with affordable broadband due to exclusionary pricing, these communities will continue to remain unserved and underserved. This is regrettable since ISP's

like AirBridge would have gladly built out infrastructure to these communities on its own dime ... had affordable middle mile fiber been obtainable.

Interestingly, if monopolies can preserve rural communities in their unserved and underserved state for the next 10 to 20 years (*due to exclusionary pricing*), these areas will continue to be eligible for future broadband grant funding. Holy Cow! What monopoly wouldn't have an incentive to do this?

Although potential future federal grant dollars are a net plus for the State of Idaho, we are not sure proactively preventing rural communities from securing broadband at present is an outcome that is in the best interest of the IBAB and the State of Idaho, not to mention for the individuals who live in these rural communities.

Imagine for a moment if the only reason why you were not able to get quality broadband internet at your home was because your internet provider purposefully didn't want you to get it in your neighborhood so that they could

- (1) preserve your neighborhood as being designated as unserved or underserved to***
- (2) secure more free grant dollars the next time an opportunity presented itself, whether it was in 5 years, 10 years, or 20 years?***

(2) Public Safety

Due to being single threaded, whenever there is a fiber cut in rural communities with a single middle mile provider, all cell phone providers and ISP's go down, including 911 and other emergency services.

This is incredibly dangerous.

Having a redundant fiber feed in rural areas between Boise and Moscow is a must, as there is no other way to address these safety issues.

As will be discussed momentarily, when it comes to middle mile fiber and safety, redundancy is not the same as overbuilding.

Final Thoughts

We are fully in support of the IRON project and the Port of Lewiston project (*as well as the DIGB2 project*) because together they address economic vitality and public safety head on.

We believe any opposition to these projects will be motivated by efforts to maintain the *status quo* – to preserve monopolistic and exclusionary practices at the expense of the economic

vitality and safety of rural communities in Idaho. It is a battle of future excellence vs preserving present mediocrity.

Furthermore, we feel it is important for the IBAB to make a clear distinction between the following:

- **Overbuilding** = occurs with (1) **last mile** builds in (2) urban markets where (3) 2 or more competent providers already exist with affordable pricing.
- **Redundancy** = occurs with (1) **middle mile** builds in (2) rural markets where (3) a single monopolistic provider exists

Making this distinction is critical as voices of opposition might use words like “overbuilding” in an attempt to kill these two projects (*words like “overbuild” are just a fancy way of distracting from realities like monopolistic and exclusionary behaviors, lack of redundancy, etc*).

As defined above, the IRON project and the Port of Lewiston project (*and DIGB2*) are clearly designed to provide redundancy and are not overbuilding. Consequently, they adequately address (1) economic vitality and (2) public safety - issues that overbuilding do not comprehend.

To be successful, voices of opposition (*or litigation*) must clearly demonstrate the following:

- (1) Evidence that ISP’s like AirBridge can secure middle mile fiber for prices closer to \$1000 for a 10 GB connection instead of the standard \$5000+ in a rural market.
- (2) Evidence that 911 and emergency services can remain active and live whenever fiber cuts occur in areas that feed these communities with bandwidth.

It would be unfortunate if litigation is weaponized in an attempt to kill either of these two projects in order to preserve monopolistic and exclusionary realities. This is something the IBAB should be mindful of. It would seem brazen to attempt to kill something that is critical to the safety and livelihood of residents in North Central Idaho with one hand while seeking to secure BEAD and other funds from the IBAB with the other hand.

Sincerely,

David McKnight
AirBridge Broadband | CEO

LINCOLN COUNTY COMMISSIONERS

Lincoln County Courthouse
Shoshone, Idaho



February 6th, 2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: Creating Idaho's North-South Middle Mile Network
Letter of Support

Dear Idaho Broadband Advisory Board:

The Lincoln County, Idaho, Board of County Commissioners affirm support for the IBAB \$20 million award to the Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group's (IIG) public/private partnership for an open access middle mile broadband proposal from Grangeville to Star. This project establishes a long-awaited north-south Idaho broadband backbone. The project will provide broadband access for commercial use, non-profits, local communities, and rural internet service providers that matter to our region.

Additionally, we support the IBAB \$6.3 million award to the Port of Lewiston open access middle mile project. This middle-mile infrastructure will support commerce, non-profits, and economic development and stretch from Grangeville to Moscow. Both projects are critical to Idaho's 2027 broadband strategic goal of providing 100% of Idaho with accessible, reliable, and affordable high-speed internet. Combined, these two middle-mile networks will prepare Central Idaho communities for last-mile infrastructure and set Idaho up to compete successfully for BEAD funding.

The Lincoln County Board of County Commissioners in conjunction with our partner ETS, we support these projects because we believe the benefits of well-defined, regulated, and truly open-access middle-mile infrastructure is essential for bringing competition, affordability, and choice to Idaho customers. While this will not affect our region just yet, we support other rural Idaho communities as we work together to create a system of broadband for all.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Wood". The signature is written in a cursive style with a large, stylized "W" at the end.

Rebecca Wood
County Commissioner, Chairman
Lincoln County Idaho
rwood@lincolncountyid.us
208-886-7641

111 West B Street Suite C Shoshone, Idaho 83352 (208) 886-7641 Fax (208) 886-2458

February 6th, 2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: Creating Idaho's North-South Middle Mile Network
Letter of Support

Dear Idaho Broadband Advisory Board:

I, John Crozier, County Commissioner in Jerome County Idaho, affirm support for the IBAB \$20 million award to the Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group's (IIG) public/private partnership for an open access middle mile broadband proposal from Grangeville to Star. This project establishes a long-awaited north-south Idaho broadband backbone. The project will provide broadband access for commercial use, non-profits, local communities, and rural internet service providers that matter to our region.

Additionally, we support the IBAB \$6.3 million award to the Port of Lewiston open access middle mile project. This middle-mile infrastructure will support commerce, non-profits, and economic development and stretch from Grangeville to Moscow. Both projects are critical to Idaho's 2027 broadband strategic goal of providing 100% of Idaho with accessible, reliable, and affordable high-speed internet. Combined, these two middle-mile networks will prepare Central Idaho communities for last-mile infrastructure and set Idaho up to compete successfully for BEAD funding.

I, in conjunction with our partner ETS, support these projects because we believe the benefits of well-defined, regulated, and truly open-access middle-mile infrastructure is essential for bringing competition, affordability, and choice to Idaho customers. While this will not affect our region just yet, we support other rural Idaho communities as we work together to create a system of broadband for all.

Sincerely,

John Crozier
Commissioner
Jerome County Idaho
jcro@mail.com
208-420-4552



February 7, 2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: Creating Idaho's North-South Middle Mile Network
Letter of Support

Dear Idaho Broadband Advisory Board:

I am Mark Mitton, City Administrator for the City of Burley and I support for the IBAB \$20 million award to the Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group's (IIG) public/private partnership for an open access middle mile broadband proposal from Grangeville to Star. This project establishes a long-awaited north-south Idaho broadband backbone. The project will provide broadband access for commercial use, non-profits, local communities, and rural internet service providers that matter to our region.

Additionally, we support the IBAB \$6.3 million award to the Port of Lewiston open access middle mile project. This middle-mile infrastructure will support commerce, non-profits, and economic development and stretch from Grangeville to Moscow. Both projects are critical to Idaho's 2027 broadband strategic goal of providing 100% of Idaho with accessible, reliable, and affordable high-speed internet. Combined, these two

middle-mile networks will prepare Central Idaho communities for last-mile infrastructure and set Idaho up to compete successfully for BEAD funding.

I in conjunction with our partner ETS, we support these projects because we believe the benefits of well-defined, regulated, and truly open-access middle-mile infrastructure is essential for bringing competition, affordability, and choice to Idaho customers. While this will not affect our region just yet, we support other rural Idaho communities as we work together to create a system of broadband for all.

Sincerely,

A handwritten signature in blue ink that reads "Mark Mitton". The signature is written in a cursive, flowing style.

Mark A. Mitton
City administrator
City of Burley



210 E. EARLL DRIVE
6TH FLOOR
PHOENIX, AZ 85012
PH: 602-364-6195
FAX: 602-364-6013
PATRICK.CARON@CABLEONE.BIZ

PATRICK N. CARON
ASSISTANT GENERAL COUNSEL

Delivery by Email only: broadband@commerce.idaho.gov

February 8, 2023

Idaho Broadband Advisory Board
Attn: Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: Idaho Broadband Fund – Cable One, Inc. Public Comments: Middle Mile Grant Award: Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group (IIG): Grangeville, ID to Star, ID

Dear Ramón:

Cable One, Inc. (d.b.a. Sparklight) offers the following public comments on the above referenced middle mile project awarded to Idaho Regional Optical Network/Intermountain Infrastructure Group (“Applicants”) by the Idaho Broadband Advisory Board on January 25, 2023, utilizing \$20 million support from the Idaho Broadband Fund.

As Cable One previously noted in comments to the Board, it supports strengthening backhaul communications infrastructure connecting north and south Idaho, providing opportunities for local connectivity, improved transport, and route redundancy throughout this critical sector.

Our general support notwithstanding, Cable One must take issue with a certain limited section of Applicants’ proposal, which appears to contradict the outcomes advocated in Idaho’s broadband planning and may violate federal law and policy. In particular, Cable One draws the Board’s attention to the following language appearing in the “Open Access” section of Applicants’ Proposal, stating:

The open access fibers are not intended for incumbents and carriers attempting to just pass through the area. Current and future last mile service providers who want to offer services in Central Idaho will be able to purchase connections from the middle mile network path to extend their last mile networks to reliable and cost-effective internet exchange locations at standard rates, not what the market will bear. This will minimize service monopolies that tend to keep prices high and services low.

(Emphasis original).¹

¹ Idaho Broadband Advisory Board, Idaho Broadband Fund Grant Applications: <https://commerce.idaho.gov/content/uploads/2023/01/IBAB-RFP-1.2.23.-3.0.pdf>, at p. 282 (Jan. 02, 2023) (“Proposals”).

Cable One’s primary concerns are, to the extent state funds are leveraged to accomplish this expansion, Applicants’ proposal to charge “standard” non-market determined rates amounts to impermissible state sponsored rate regulation. Additionally, the provision limiting access to only last mile providers “who want to offer services in Central Idaho” and not to carriers “attempting to just pass through the area” is contrary to Idaho’s Broadband Strategic Plan (the “Plan”)², and, to the extent it discriminates against interstate commerce, may violate the Commerce Clause. Cable One encourages the Board to include neither provision in a Grant Agreement with Applicants related to this project. Cable One offers the following analysis expanding on these concerns.

I) State level rate regulation of internet services is impermissible under existing federal law and regulation.

Applicants’ proposal to establish “standard rates, not what the market will bear” is unclear and should be analyzed before being incorporated in any Grant Agreement. Applicants’ “standard rates” proposal appears to be contrary to its statement that this proposed middle mile network will create “a free market environment”.³ It further suggests it or the Board will engage in some form of rate regulation for users of the middle mile.

Although it is unclear what Applicants mean by “standard rates,” its Proposal states that such standard rates will “minimize service monopolies that tend to keep prices high and services low”.⁴ Whatever Applicants’ intention, it should not be permitted to restrict access to its government funded broadband network or set “standard rates” that interfere with the intended equal access in economic development or results in decreased competition. As an award recipient, Applicant’s obligation is to deploy broadband facilities for use by broadband service providers who offer services to end users. Similarly, the Board’s jurisdictional mandate is to promote the deployment of broadband to unserved and underserved areas in Idaho, not to regulate the prices associated with the use of access to broadband facilities or services.⁵

Further, regulation of broadband internet access services is exclusively within the jurisdiction of the Federal Communications Commission (“FCC”), which has decided that the service should be “lightly regulated” without specific rate caps or pricing requirements (*Restoring Internet Freedom*, 33 FCC Rcd 311 (2018)).⁶

The *RIF Order* reaffirms that broadband Internet access service (“BIAS”) is an interstate information service and reversed the FCC’s 2015 decision to classify BIAS as a “telecommunications service.” Under long-standing federal law, information services have been free from state regulation.⁷ Thus, the FCC stated:

We therefore preempt any state or local measures that would effectively impose rules or requirements that we have repealed or decided to refrain from imposing in this order or that would impose more stringent requirements for any aspect of broadband

² *Idaho Broadband Strategic Plan*, https://commerce.idaho.gov/content/uploads/2022/06/Idaho-Broadband-Advisory-Board-Idaho-Broadband-Plan-Final-Version_.pdf (2022).

³ Proposals at page 282.

⁴ *Id.*

⁵ I.C. § 67-4761(2) (2021)(“The advisory board shall be responsible for creating a statewide broadband plan that will determine the manner of structuring, prioritizing, and dispersing grants from the Idaho broadband fund to areas of the state that are most in need...”).

⁶ *Restoring Internet Freedom*, 33 FCC Rcd 311 (2018) (“*RIF Order*”); *see also Protecting and Promoting the Open Internet*, 30 FCC Rcd 5601 (2015).

⁷ *See, e.g., California v. FCC*, 39 F.3d 919 (9th Cir. 1994); *see also National Cable & Telecomms. Ass’n v. Brand X Internet Servs.*, 545 U.S. 967, 976 (2005) (stating providers of information services are not treated as common carriers and thus are not subject to the requirements of Title II of the Federal Act).

service that we address in this order. Among other things, we thereby preempt any so-called “economic” or “public utility-type” regulations, including common-carriage requirements akin to those found in Title II of the Act and its implementing rules, as well as other rules or requirements that we repeal or refrain from imposing today because they could pose an obstacle to or place an undue burden on the provision of broadband Internet access service and conflict with the deregulatory approach we adopt today.⁸

Rate regulation is the hallmark of “common carrier” regulation.⁹ The FCC specifically rejected the imposition of common carrier regulation on BIAS,¹⁰ finding the Communications Act’s “overall intent [is] to allow information services to develop free from common carrier regulations.”¹¹ While the FCC preempted “state and local laws that interfere with the federal deregulatory policy” set forth in the *RIF Order*, the FCC did “not disturb or displace the states’ traditional role in generally policing such matters as fraud, taxation, and general commercial dealings, so long as the administration of such general state laws does not interfere with federal regulatory objectives.”¹²

During the appeal of the *RIF Order*, one of the questions presented to the D.C. Circuit was whether the FCC had express statutory authority to prospectively preempt all “state or local measures that would effectively impose rules or requirements” on broadband service.¹³ The *Mozilla* court invalidated the preemption portion of the *RIF Order*, but in doing so explained that because there was no particular state or local law at issue, it could not “make a conflict-preemption assessment in this case, let alone a categorical determination that any and all forms of state regulation of intrastate broadband would inevitably conflict with the [order].”¹⁴ The *Mozilla* court made clear that its decision would therefore not preclude a party from challenging a particular state law by “invok[ing] conflict preemption.”¹⁵

The limited reach of *Mozilla* was demonstrated in a suit challenging broadband rate regulation imposed by New York’s Affordable Broadband Act (“ABA”). The ABA requires broadband service providers to make available to “low income households at least two Internet access plans: (i) download speeds of at least 25 megabits-per-second at no more than \$15-per-month, or (ii) download speeds of at least 200 megabits-per-second at no more than \$20-per-month.”¹⁶ Based on an exhaustive analysis, the court granted the plaintiff’s motion for a preliminary injunction barring enforcement of the ABA, finding that the plaintiff was likely to succeed on the merits of its claim that the ABA conflicts with federal law by standing as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress (conflict preemption).¹⁷

⁸ *RIF Order* ¶ 195.

⁹ *Munn v. Illinois*, 94 U.S. 113 (1876).

¹⁰ *RIF Order* ¶ 58.

¹¹ *RIF Order* ¶ 82.

¹² *RIF Order* ¶ 196.

¹³ *Mozilla v. FCC*, 940 F.3d 1, 74 (D.C. Cir. 2019) (“*Mozilla*”).

¹⁴ *Mozilla*, 940 F.3d at 82.

¹⁵ *Mozilla*, 940 F.3d at 85.

¹⁶ *New York State Telecom. Assoc., Inc. v. James*, 544 F. Supp. 3d 269, 2021 WL 2401338, at *1 (E.D.N.Y. June 11, 2021).

¹⁷ *New York State Telecom* at *6.

The *New York State Telecom* court held the *RIF Order*'s classification of broadband as an information service was an "affirmative decision" by the FCC "not to treat [broadband] as a common carrier" service.¹⁸ In so doing, the FCC did "not tender jurisdiction to the States to regulate interstate broadband providers as common carriers."¹⁹ Because "[p]rice ceilings' regulate rates," and "rate regulation is a long-accepted method of regulating common carriers," the court determined that the ABA's price caps are inconsistent with federal law:

Putting it all together, the ABA conflicts with the implied preemptive effect of both the FCC's 2018 [*RIF*] Order and the Communications Act. The ABA's common carrier obligations directly contravenes the FCC's determination that broadband internet "investment," "innovation," and availab[ility]" best obtains in a regulatory environment free of threat of common-carrier treatments, including its attendant rate regulation; the ABA thereby stands as an obstacle to the FCC's accomplishment and execution of its full purposes and objectives and is conflict-preempted.²⁰

The court rejected New York's argument that the ABA is lawful under *Mozilla*, citing the D.C. Circuit's explanation that its decision was limited to the issue of express preemption, and not "the preemptive effect, under conflict or other recognized preemption principles, of the remaining portions of the [*RIF*] Order."²¹

The *New York State Telecom* case currently is pending on appeal to the Second Circuit, which held oral arguments on January 12, 2023.²²

II) Idaho's support of a project that explicitly prioritizes interstate commerce is contrary to the Idaho's Broadband Strategic Plan and may also violate the Commerce Clause.

Applicants' restriction limiting access to only last mile providers is contrary to one of the guiding principles in the Plan, which is to "Support middle mile and last mile infrastructure investments that support and build off existing infrastructure and provider networks, increase competition, efficiency, and redundancy to communities."²³ Excluding incumbent providers or those providers needing to pass through the geographic area undermines the Plan's goal to "support and build off existing infrastructure and provider networks."²⁴ Any exclusion on who may use state-funded middle mile infrastructure is contrary to the Plan and the goal to ensure all Idahoans have access to broadband.

This restriction is also inconsistent with other portions of Applicants' Proposal, which claims to promote "bandwidth resiliency by providing *all providers* duplicate access to exchange points" and "allow for more than one telecommunication pathway: one in-state and one out-of-state."²⁵ (Proposals at page 282).

Applicants' proposal to restrict access to middle mile broadband facilities also may have the effect of unlawfully interfering with interstate commerce. A state action may violate the Commerce Clause in three ways:

¹⁸ *New York State Telecom* at *7.

¹⁹ *New York State Telecom* at *7.

²⁰ *New York State Telecom* at *8 (alteration in original, internal citations omitted).

²¹ *New York State Telecom* at *9 (quoting *Mozilla*, 940 F.3d at 86).

²² Case No. 21-1975 (2d Cir.).

²³ *Plan* at page 8.

²⁴ *Id.*

²⁵ (Proposals at page 282).

(1) it clearly discriminates against interstate commerce in favor of in-state commerce; (2) it imposes a burden on interstate commerce that outweighs any benefits received; and (3) it has the practical effect of extraterritorial control of interstate commerce.²⁶

III) Conclusion

Based on the foregoing, Cable One reiterates its concern over certain provisions of Applicants' approved Proposal and we encourage the Board not to include these elements as enforceable provisions of a Grant Agreement in contravention of Idaho's Broadband Strategic Plan and prevailing federal law and policy. We thank the Board for the opportunity to share these comments. We are ready to provide further relevant information at the Board's request.

Sincerely,

CABLE ONE, INC.



Patrick Caron
Assistant General Counsel

copy: Chris Boone
Peter Witty
Cheryl Goettsche
Matt DeMuro
Teresa Whorton

²⁶ See, e.g., *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970); *South-Central Timber Development, Inc. v. Wunnicke*, 467 U.S. 82 (1984); *Healy v. Beer Institute*, 491 U.S. 324 (1989); *General Motors Corp. v. Tracy*, 519 U.S. 278 (1997)



Jacob Johnson | Chief Technology Officer / Owner

932 E 00 S, Bldg B, Declo, ID 83323

February 6th, 2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: Creating Idaho's North-South Middle Mile Network
Letter of Support

Dear Idaho Broadband Advisory Board:

This letter affirms support for the IBAB \$20 million award to the Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group's (IIG) public/private partnership for an open access middle mile broadband proposal from Grangeville to Star. This project establishes a long-awaited north-south Idaho broadband backbone. The project will provide broadband access for commercial use, non-profits, local communities, and rural internet service providers that matter to our region.

Additionally, we support the IBAB \$6.3 million award to the Port of Lewiston open access middle mile project. This middle-mile infrastructure will support commerce, non-profits, and economic development and stretch from Grangeville to Moscow. Both projects are critical to Idaho's 2027 broadband strategic goal of providing 100% of Idaho with accessible, reliable, and affordable high-speed internet. Combined, these two middle-mile networks will prepare Central Idaho communities for last-mile infrastructure and set Idaho up to compete successfully for BEAD funding.

At ETS, we have provided high-quality technical solutions to our customers for seventeen years (since 2004). ETS currently serves hundreds of clients in multiple industries and sectors. ETS offers a complete service experience with Internet service, IT consulting and management, equipment procurement, software development, web design, structured cabling, hardware installation, phone solutions, security systems, security cameras, door access control, electrical, and more. ETS works to solve the problems technology creates so that individuals, organizations, and communities can fully reap the benefits that technology offers. Our diverse client base includes educational institutions, municipalities, law enforcement, public safety, water conservation, the federal government, and small to medium businesses specializing in engineering, energy conservation, automotive, HR management, construction, manufacturing, equipment distribution, accounting, payroll, benefits analysts, insurance, printing, and others.

While outside of ETS's current geographic footprint, we wholeheartedly support IRON and its vision for middle-mile projects. We believe that the benefits of well-defined, regulated, and truly open-access middle-mile infrastructure are essential for bringing competition, affordability, and choice to Idaho customers. The region will benefit from reliable and affordable infrastructure that promotes service availability in previously fiscally unreachable locations. Rural communities and Idahoans will especially benefit from this type of accessible middle-mile. One of the ETS values is to think *Human and Community First*. We strongly believe this value aligns with IRON's vision of creating community-focused, affordable infrastructure.

Sincerely,



Jacob Johnson

	Jacob Johnson Chief Technology Officer

	Mobile 801 499 3608 Office 208 647 7153 jacob.johnson@etscorp.com
	932 E 00 S, Bldg B, Declo, ID 83323 www.ETSCorp.com



BOARD OF COUNTY COMMISSIONERS

P.O. Box 417
Gooding, ID 83330
(208) 934-4841

Susan Bolton @ **Mark Bolduc** @ **Ronald Buhler**
Denise M. Gill, Clerk

February 6th, 2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: Creating Idaho's North-South Middle Mile Network
Letter of Support

Dear Idaho Broadband Advisory Board:

We, Gooding County Commissioners, affirm support for the IBAB \$20 million award to the Idaho Regional Optical Network (IRON) and Intermountain Infrastructure Group's (IIG) public/private partnership for an open access middle mile broadband proposal from Grangeville to Star. This project establishes a long-awaited north-south Idaho broadband backbone. The project will provide broadband access for commercial use, non-profits, local communities, and rural internet service providers that matter to our region.

Additionally, we support the IBAB \$6.3 million award to the Port of Lewiston open access middle mile project. This middle-mile infrastructure will support commerce, non-profits, and economic development and stretch from Grangeville to Moscow. Both projects are critical to Idaho's 2027 broadband strategic goal of providing 100% of Idaho with accessible, reliable, and affordable high-speed internet. Combined, these two middle-mile networks will prepare Central Idaho communities for last-mile infrastructure and set Idaho up to compete successfully for BEAD funding.

We in conjunction with our partner ETS, we support these projects because we believe the benefits of well-defined, regulated, and truly open-access middle-mile infrastructure is essential for bringing competition, affordability, and choice to Idaho customers. While this will not affect our region just yet, we support other rural Idaho communities as we work together to create a system of broadband for all.

Sincerely,

Mark E. Bolduc
Gooding County Commissioner

Susan M. Bolton
Gooding County Commissioner

February 8, 2023

Via E-Mail: broadband@commerce.idaho.gov

Idaho Broadband Advisory Board
Attn: Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: *Idaho Broadband Fund – Comments on Awarded Funds*

Dear Mr. Hobdey-Sánchez:

Spectrum Pacific West, LLC (“Spectrum”) submits these comments (“Comments”) in response to the Idaho Broadband Advisory Board’s (“Board”) Notice of Public Comment Period dated February 1, 2023 (“Notice”). The Notice requests comments be submitted to the Board by February 8, 2023, relating to the broadband grant funds awarded on January 25, 2023. Spectrum submits these Comments to specifically address the Port of Lewiston’s application (the “Application”) which seeks to connect middle mile infrastructure in the already served area of Moscow, Idaho. The grant of the award to the Port of Lewiston should be modified to ensure that government funding is only used to connect unserved and underserved homes and businesses, and not used to provide service to an already served area. Using taxpayer funding to build in an area that already has existing broadband service is inconsistent with statute and the Board’s Broadband Plan, and does nothing to close the digital divide.

Spectrum shares the Board’s goal “to prepare citizens, businesses, and all Idaho communities to be able to compete for jobs in the next twenty to thirty years” by striving to achieve 100% broadband access by 2027.¹ However, for the reasons detailed in these Comments, the Port of Lewiston project should be modified to prohibit the use of the government funded portion of the network to be used to provide last mile service to the already served area of Moscow, Idaho, and should not permit middle mile funding in the same area. Modifying the award to the Port of Lewiston, consistent with these Comments, will prevent inefficient use of finite taxpayer-supported funding.

The Port of Lewiston project contains locations that overlap with Spectrum’s existing high speed wireline broadband offerings in Moscow. Specifically, Spectrum offers reliable wireline broadband service to 12,000 homes and businesses at speeds of up to 1 Gbps (1000/35 Mbps upload/download)

¹ *Idaho Strategic Broadband Plan 2022-2027* at 4.

in Moscow, which far exceeds the minimum thresholds for an unserved and underserved area.^{2, 3, 4} Thus, an area that is already served - particularly an area with service capable of speeds up to 1 Gbps - already meets and exceeds the Broadband Plan's objectives and statutory goals.

The Port of Lewiston project should be amended to prohibit last mile broadband connections from the middle mile infrastructure in areas that currently have access to broadband at speeds of at least 100/20 Mbps, such as in Moscow. Requiring the Port of Lewiston to modify its Application is consistent with the State's goals of ensuring grant funds, match funds, and future investments for the Port of Lewiston project go only to areas that do not currently have access to broadband at speeds of at least 100/20 Mbps.

The Legislature tasked the Board with creating a statewide broadband plan that will disperse grants from the Idaho broadband fund to "areas of the state that are most in need..."⁵ In keeping with its statutory mandate, the Board created a Broadband Plan that has the express objective of prioritizing "middle mile *and* last mile infrastructure investments to connect residents, businesses, and community anchor institutions that are unserved and underserved in the State of Idaho."⁶ The Broadband Plan defines "unserved" as "an area that lacks access to broadband infrastructure speeds of 10 Mbps download and 1 Mbps upload" and "underserved" as "an area that lacks access to broadband infrastructure speeds of 25 Mbps download and 3 Mbps upload."⁷ The Board's statutory mandate is very clear - funding should be targeted to projects "most in need" and therefore to unserved and underserved areas as the Board's Broadband Plan requires.

Spectrum strongly encourages the Board to protect taxpayer funds by modifying the Port of Lewiston project to prohibit using its middle mile line to connect to served locations, and accordingly adjust the funding granted for such project as well. Ensuring that the limited government funding only be used in unserved and underserved areas will ensure that Idahoan's investment is most efficiently and effectively utilized by reaching those most in need.

² See FCC National Broadband Map for Charter's service area in Moscow Idaho. This map can be found at broadbandmap.fcc.gov.

³ See Charter Communications customer redacted billing statements from Moscow, Idaho, submitted with this comment submission.

⁴ See Affidavit of Danielle Wade, February 8, 2023.

⁵ Idaho Statute 67-4761(2).

⁶ Broadband Plan at 11.(Emphasis added).

⁷ Broadband Plan at 5.

Ultimately, Spectrum desires an opportunity to partner with the Board and policymakers in a meaningful way to meet our shared objective of reducing the digital divide for all Idahoans. We look forward to engaging with the Board regarding the information in these Comments and to bringing our considerable experience to the table to enable all Idahoans to participate in the vast educational, economic, and social opportunities that a high speed broadband connection can bring.

Respectfully submitted,



Stafford G. Strong
Senior Manager, State Government Affairs – Washington and Idaho

AFFIDAVIT

STATE OF WASHINGTON
COUNTY OF CLARK, to wit.

I, Danielle Wade, being duly sworn, deposes and says as follows:

1. I am an Area Vice President, Field Operations for Charter Communications, Inc., a publicly-held Delaware corporation with a principal place of business at 400 Atlantic Street, Stamford, CT 06901 (“Charter”). I have personal knowledge of the facts set forth in this affidavit.
2. This affidavit is filed in support of Spectrum Pacific West, LLC’s (Spectrum) comments related to the Port of Lewiston’s application for broadband funding (“Application”) and subsequent grant award from the Idaho Broadband Advisory Board.
3. Charter is a provider of broadband internet services, among other products, and owns the cable system that provides broadband/high speed internet access (the “System”) operated by Spectrum in Moscow, Idaho. Spectrum Pacific West, LLC is a Delaware limited liability company with a principal place of business in Missouri.
4. The Port of Lewiston seeks government funding “to provide 95 miles of community-to-community middle mile fiber backbone ready to be leased by Internet Service Providers (ISP’s) to serve their customer. It provides an open-access connection from Moscow to Lewiston....” Spectrum’s comments are focused on the already served area of Moscow, Idaho.
5. I am familiar with the System and hereby declare and confirm that, based on information and belief, the System is deployed in and architected, designed and constructed to deliver residential and business internet with a connection of up to 1 Gbps (1000/35 Mbps upload/download) within the service territory that is the subject of Charter’s challenge to the Port of Lewiston’s Application for funding for areas that includes Moscow, Idaho, where Charter already provides broadband services.

Further this affiant sayeth not.

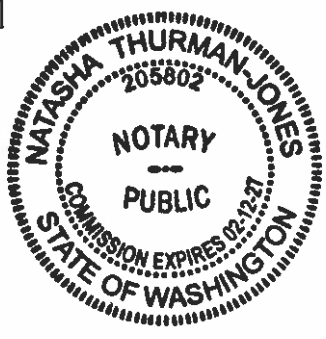
[SIGNATURE PAGE FOLLOWS]

^{7/4}
8
Subscribed and sworn before me, a notary public of and for the jurisdiction aforesaid, this day of February, 2023, by Danielle Wade, as AVP, Field Operations for Charter Communications, Inc., who affirmed that all of his declarations contained in the above affidavit are true and correct.

Danielle Wade

Danielle Wade,
AVP, Field Operations for Charter Communications, Inc.

[SEAL]



Natasha Thurman-Jones
Notary Public
My commission expires: 2-12-27



INFORMATION TECHNOLOGY

MAYOR: Lauren McLean | CHIEF INFORMATION OFFICER: Alexandra Winkler

2/6/2023

Idaho Broadband Advisory Board
c/o Ramón S. Hobdey-Sánchez, J.D.
State Broadband Program Manager
Idaho Department of Commerce
700 W. State Street
Boise, Idaho 83702

Re: North-South Middle Mile Network Letter of Support

Dear Idaho Broadband Advisory Board:

During this open comment period, this letter is to re-affirm the city's support for the Idaho Regional Optical Network and Intermountain Infrastructure Group's public/private partnership for an open access middle mile broadband proposal from Grangeville to Star. This open access network supports Idaho's 2027 broadband strategic goal of providing 100% of Idaho with accessible, reliable, and affordable high-speed internet. Further, we believe that connecting our future Greater Treasure Valley Network (GTVN) and this extended IRON network will create needed resiliency and connect more people to the internet.

Sincerely,

Alexandra Winkler

Alexandra Winkler
Chief Information Officer
City of Boise