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**From:** Steve Carter <SCarter@nelsoncounty.org>  
**Sent:** Friday, May 15, 2015 5:04 PM  
**To:** BOCrfc2015  
**Subject:** Broadband Opportunity Council - Request For Comments

Thank you for the opportunity to provide comment.

As an introduction, Nelson County, Virginia's local government was a Round 1 ARRA recipient of funding for the construction and subsequent operation of a middle mile (broadband) network consisting of 31 miles of fiber optic (cable) backbone, buried underground in 3" conduit, and 4 towers for wireless deployment. The local network is owned by Nelson County (a condition of receipt of the federal ARRA funding from NTIA) with responsibility for the network's operations done, pursuant to state law, by the Nelson County Broadband Authority, which was created/established (also) pursuant to state law.

The specific comment(s) I wish to submit is the inadequacy of federal law and regulation to require telecommunications corporations which provide fiber and/or wireless based internet services (for example, in Virginia such companies as Verizon, AT&T Lumos, Ntelos, Comcast Shentel, etc., etc.) to provide universal access to their internet services to all potential customers located along fiber optic installations and/or via wireless connectivity (my comment is primarily aimed at fiber based internet services). As an example of my concern, expressed as a comment, the aforementioned corporations have fiber networks within Nelson County that pass by residential and/or commercial properties but the corporations do not provide all such entities access to their services or don't provide services even though the infrastructure is in place to do so.. Rather, the corporations are providing services to specific customers or simply not providing services at all. As a specific example, when Nelson County completed a water/sewer utility expansion project within the past 5 – 6 years, the project's general contractor for construction unintentionally cut fiber optic cable installations owned by Verizon on at least two, possibly more, occasions.. The project area is within a location of the County which is unserved or definitely underserved. And, to the point, the fiber is there but no services are being provided – none. These corporations are using federal/state right of ways (roads) for the installations of their networks yet they are not providing universal access to services. And, as I understand it, these entities (i.e. Verizon, AT&T, Lumos, Ntelos, etc.) have been the beneficiaries of significant federal funding to construct their fiber networks and likely are continuing to receive federal funding and/or subsidies to do so. Yet, funding for local networks, which do provide universal access to broadband/internet services which, however, these networks are extremely limited in doing so because the network is not presently located throughout the County, due to funding constraints, and there is little to no federal or state funding available to such local, public networks, to enable them to grow, be sustainable and in doing so provide ongoing access to broadband services (i.e. the internet) to everyone that can be served and decides to obtain service(s).

Nelson County is presently in process with permitting and constructing an eight mile expansion (in three locations) of its fiber optic cable, middle mile network, which is universally accessible within the present limits of its network. In seeking permits from the VA Department of Transportation to construct the network expansion within state roadway right of ways, the County is being advised by VDOT of competing interests that are vying to use the right of ways for their installations but if so permitted will either not provide universal access to broadband services or are not providing broadband service (i.e. a wastewater extension project by a private company). As such, unless the County is able to obtain the necessary permits for its project(s) prior to the competing interests, it may be prevented from use of the state right of way(s), which could potentially prevent the public network's expansion, which residential and business entities located along the expansion areas are clamoring to have.

What does the County do when the above constraints are in place and being maintained by the state and federal governments? Our citizens want access to the internet and to broadband services but the present conditions are contrary to facilitating this need.

A second comment is assistance with funding for local government networks, including assistance with last mile installations costs, which are also a significant deterrent in being able to provide internet/broadband services.

Respectfully,

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