

Ezee Fiber's Policy Position

Date: June 5, 2025
For: The City of Albuquerque
From: Ezee Fiber
RE: Regarding Proposed Changes On High-Speed Fiber Optic Internet Construction

Purpose of this Document

This policy position paper outlines Ezee Fiber's response to proposed regulatory changes by Mayor Keller's administration affecting the construction of fiber infrastructure projects. While Ezee Fiber fully supports the City's goals and is committed to responsible deployment practices, several proposed provisions present significant safety and operational concerns that warrant further evaluation.

Executive Summary

This document provides Ezee Fiber's position on the provisions and recommended alternatives to the regulations on fiber infrastructure deployment. Our recommendations aim to ensure that the City's regulatory goals are met without compromising the efficiency and feasibility of fiber deployment. We offer practical solutions to specific regulations that may inadvertently create barriers to implementation, ensuring that residents benefit from reliable, high-speed internet access while preserving the integrity of public infrastructure and private property.

Policy Assessment Methodology

As a leading provider of fiber internet services, Ezee Fiber brings decades of combined expertise in building and maintaining high-speed fiber internet networks and working collaboratively with public authorities to shape and implement an effective regulatory framework. When evaluating proposed legislation or regulation, we apply a consistent set of principles to provide a foundation for effective assessment.

First, we examine whether the policy solution is **factual, data-driven, and objective**. Meaning, we believe the most effective public policy is easily measurable and rooted in established facts and relies on actual evidence to support conclusions.

Second, we examine whether the policy solution is **proportionate, reasonably time-bound, and relevant for the circumstances**. Policy solutions that are over-broad or too narrow create implementation, operational, and measurement challenges and should be avoided. As a result, the most appropriate solution is one that provides a reasonable and enduring solution but does not overburden any party with excesses, unnecessary expenses, or costly delays. Fit-for-purpose solutions are often desired as they strike the right balance between the needs of authorities, the general public, and commercial interests.

Third, we examine whether the policy solution is **clear and understandable**. Policies that are subject to significant interpretation by authorities may lead to not only disappointment, but friction as both those being regulated and those whose interests are being protected. Those charged with enforcement may find themselves at odds consistently, thus slowing overall progress. Policies that are not clear or understandable may lead to enforcement issues, which many parties often wish to avoid.

Fourth, we look for policy solutions that are crafted to **evolve as social needs evolve**, including needs tied to economic development and similar worthy goals. Overly rigid or highly structured policy solutions tend to need frequent revision or modification, thus creating uncertainty and some confusion as changes are proposed, debated, and ultimately rejected or supported.

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City Regulation #1: *Provides all vehicles conducting work for a Licensee within City ROW under a City work order, permit or other agreement shall conspicuously display signage with the name and address of the Licensee. Such signage shall also include a contact phone number, monitored and answered from 7 am – 7 pm MST to allow the public to contact the Licensee with any questions or concerns.*

Our Position: Ezee Fiber supports the City's intent to promote transparency and accountability on job sites through clear vehicle signage. However, we respectfully note that the requirement for *all* vehicles to display signage presents operational challenges. In the field, contractor signage is temporary in nature—often in the form of magnetic signs placed on vehicles. Many contractor vehicles are aluminum-bodied and cannot support magnetic signage. In these cases, signage is placed on equipment available to *some* vehicles, such as directional bore machines or compressors. As a result, it is not feasible to affix signage to every vehicle present. A more practical and effective approach would be to require signage on at least one vehicle or piece of equipment per job site.

Proposed Alternative: *Provides a vehicle or piece of equipment conducting work for a licensee within City ROW under a City work order, permit or other agreement shall conspicuously display signage with the name and address of the Licensee. Such signage shall also include a contact phone number, monitored and answered from 7 am – 7 pm MST to allow the public to contact the Licensee with any questions or concerns.*

City Regulation #2: *Provides all contractors conducting work for a licensee within a City ROW under a City work order, permit or other agreement shall clearly display the name of the Licensee on their outer clothing.*

Our Position: Ezee Fiber supports the City's goal of ensuring that all personnel working in the public right-of-way are clearly identifiable. However, requiring *all* personnel to wear branded clothing or PPE with the Licensee's name is not feasible in all cases. Subcontractors or tradespeople—such as plumbers or concrete restoration crews—are occasionally hired to perform specialized tasks and may not be equipped with branded gear. These professionals are still authorized to work on behalf of the Licensee but may not be part of the primary contractor team. A more flexible and equally effective solution is to require construction contractors to display the name of the Licensee on their clothing, and exclude concrete restoration contractors and trade-contractors, such as plumbers, landscapers.

Proposed Alternative: *Provides all construction contractors conducting work for a Licensee within a City ROW under a City work order, permit or other agreement shall clearly display the name of the Licensee on their outer clothing.*

City Regulation #3: *Provides Licensees and their agents are required to deliver written notice of upcoming work to affected residents at least 48 hours before construction. Notice shall not include any advertisement for services. Notice shall include a description of the work to be performed, traffic control set-up, dates and times of activities, and the name and telephone number of the Licensee's local representative. Licensee will not receive a Barricade or Excavation Permit, or combination thereof, until it has provided the City with documentation showing that the required written notice has been delivered. Documentation may include, but is not limited to, photographic or video evidence that the written notice was provided to affected residents, or certified letters;*

Our Position: Ezee Fiber is committed to transparency and proactive communication with residents. Our construction notification process begins up to six months in advance of any physical work, ensuring communities are well-informed. However, the current proposed regulation presents a procedural conflict. Specifically, it requires that written notice to residents include the traffic control set up and the exact dates and times of construction activities, yet also withholds permit issuance until proof of that notice is provided. Since construction dates cannot be finalized without an approved permit, this requirement is not operationally feasible. Likewise, traffic control set-up in the notice is not feasible to incorporate into the construction notices since traffic control is planned through a separate company, which submits such plans to the city's Department of Municipal Development (DMD) at the time of the ROW permit process. Ezee Fiber would not have access to the approved traffic control plans until DMD approves the permit.

Industry practical experience guides Ezee Fiber to provide ample construction notice and overcommunication with residents. However, a detailed description of work to be performed can vary on a case-by-case basis. We are happy to provide a high-level overview of our process with residents. Our notices currently include a QR code that leads residents to an in-depth video on what they should expect during our construction process. While safeguards can never eliminate the possibility of a resident neglecting to check their mail, we have tailored our communication practices to the best of our ability.

For these reasons, we recommend **amending this provision** to require proof of notification to residents and excluding the inclusion of a description of the work to be performed, traffic control set-up, and dates and times of activities from the notification.

City Regulation #4: *Provides in the event a Licensee is placing fiber within City ROW, a moratorium/cooling off period of six (6) months on further fiber construction within that ROW shall commence once construction has been completed, unless Licensees otherwise coordinate to share conduit or excavations. If Licensees have coordinated to share conduit or to have separate conduit installed in the same trenches to avoid additional excavating, then the moratorium/cooling off period shall not preclude the cooperating Licensees from running fiber drop lines to their respective customers.*

Our Position: Ezee Fiber supports the City's goal of minimizing disruption in the public right-of-way. However, we are concerned that the proposed six-month moratorium on fiber construction following project completion could result in unintended consequences. While we recognize the City's intentions behind encouraging conduit or excavation sharing, such coordination introduces significant construction challenges that warrant careful consideration.

In proposing a six-month moratorium between providers, rather than slowing activity, this provision could inadvertently encourage providers to accelerate deployment in competitive areas, increasing the risk of utility strikes and construction-related damage due to rushed timelines. Additionally, imposing a six-month gap between construction phases could significantly extend the overall disruption experienced by residents. A project that would typically take 3–6 months to complete could instead stretch to 12–18 months, prolonging the inconvenience for the community. Ezee Fiber is committed to minimizing the impact of construction on residents, which is why we respectfully cannot support the six-month moratorium as currently proposed.

The regulation's encouragement of shared conduit or joint trenching is also not well centered. The issue here is limitations on the ability to share a conduit for hyperscalers and the construction complications that come with excavating a larger hole for shared conduit packages. Hyperscalers have strict operational requirements that necessitate separate conduit paths. These requirements are driven by the need for network redundancy, security, reliability, future scalability, and carrier diversity, including anticipated demands from AI and quantum computing. Shared conduit arrangements are incompatible with these

standards and could deter major infrastructure investments, ultimately limiting the City's economic development potential.

From a construction standpoint, the physical limitations of joint trenching are substantial:

- **Joint Trenching in Green Field vs. Brown Field**
 - "Green Field Areas" = no houses, master plan communities. In these areas, joint trenching would be ideal
 - "Brown Field Areas" = houses already there. Joint trenching would be extremely damaging and disruptive due to the damage to driveways
- Larger conduit packages (e.g., 2–4 x 2" conduits per provider) require **larger bore diameters**, increasing the risk of:
 - **Subsurface instability**, leading to sinkholes and cracked driveways
 - **Shorter pulling distances**, requiring more frequent and larger access pits
- **Larger bore equipment** (e.g., moving from a Vermeer D8x12 to a D24x40 or larger) increases the construction footprint, requiring:
 - More space on streets and sidewalks
 - Greater encroachment on private property
 - Larger staging areas and deeper pits, which increase restoration complexity

In contrast, individual boring allows providers to operate at different depths, reducing the cumulative impact on subsurface integrity and enabling more efficient, lower-risk deployment.

For these reasons, we recommend **removing the moratorium provision** and allowing providers to continue deploying infrastructure independently while adhering to existing permitting and restoration standards that already safeguard public infrastructure.

City Regulation #5: *Provides if the City determines that there have been an excessive number of complaints related to the Licensee's activity, the City may – at its sole discretion – order the Licensee to immediately stop work until such time as the Licensee has addressed and remediated all outstanding complaints to the satisfaction of the City. This does not limit the City's authority to stop work pursuant to the license or applicable law.*

Our Position: Ezee Fiber recognizes the City's responsibility to respond to resident concerns and ensure accountability in the public right-of-way. However, the proposed language granting the City sole discretion to halt work based on an undefined threshold of complaints is overly broad and lacks objective standards. Without clear criteria, enforcement could vary significantly depending on neighborhood dynamics, political pressures, or subjective interpretations, creating uncertainty for both the City and providers.

The core issue is proportionality. Ezee Fiber holds itself to a high standard, maintaining a very low rate of unintentional utility strikes relative to the amount of fiber optic cable installed. As construction activity scales, it is reasonable to evaluate incidents, whether utility strikes or homeowner concerns, in proportion to both the total linear feet of fiber installed and the complexity of the work site.

Greenfield areas, with minimal existing infrastructure, are significantly easier to navigate. In contrast, brownfield sites—such as most of Albuquerque—present greater challenges due to dense, overlapping infrastructure and less reliable utility markings. These complexities increase the likelihood of minor

incidents despite careful planning. For this reason, we advocate for a more nuanced approach: measuring performance through a combination of fiber footage installed and construction complexity. As more data becomes available, we are eager to collaborate with the City to define fair, consistent, and evidence-based metrics, rather than relying on a one-size-fits-all standard that overlooks critical contextual factors.

In addition to examining the incidents in greenfield and brownfield sites, we believe that increased public education is key to improving relations with homeowners. There is little understood by many about the impact and role of fiber optic internet construction, and we welcome partnering with the city to further improve public understanding. This may include holding public meetings and information sessions, among other actions.

We are committed to an open and frequent exchange of data regarding such concerns and will regularly share data, with correct categorization, to fully inform deliberations with City officials.

City Regulation #6: *Provides Licensee is required to engage, at their own expense, an engineering firm approved in advance by the City to manage contractors and subcontractors and confirm that work within City ROW complies with License requirements, City ordinances, rules, and construction standards, including requirements under any permits or work orders issued by the City. Licensee is required to provide the name of such firm to the City upon request for a work order;*

Our Position: Ezee Fiber is committed to ensuring high-quality and compliant work is done within the public right-of-way. However, we have concerns about the proposed requirement for Licensees to engage an engineering firm at their own expense. This approach introduces an additional layer of redundant oversight. Currently, Ezee Fiber manages our contractors and subcontractors internally, and compliance is verified through the City's Design Review & Construction (DRC) section. This existing process has consistently ensured compliance with city standards while maintaining effective oversight of contractors.

For this reason, we respectfully recommend **removing the requirement to engage a third-party engineering firm**. Continuing forward with the collaborative framework between Licensees and the DRC is the most efficient and effective path forward. This approach maintains high standards while avoiding unnecessary costs and delays, ultimately supporting the City's interest in broadband development and concerns for minimizing public disruption.

City Regulation #7: *Provides Licensee will be responsible for the removal of all temporary utility markings (spray-paint, whiskers, etc.) applied for the construction project within 30 days of completion of construction;*

Our Position: Ezee Fiber shares the sentiment of the City to ensure a quality of restoration occurs in a timely manner. However, Ezee Fiber is committed to responsible restoration practices, which is why we respectfully express concern regarding the scope of this proposed requirement.

In general, we believe it is not a problem to remove temporary utility markings over hardscape surfaces. Power washing asphalt and concrete is relatively safe; however, power washing landscaping gravel and rock is both difficult and dangerous and can result in greater property damage due to flying debris (i.e., broken windows, car dents, accidents, etc.).

We believe this proposal goes too far in seeking to restore the property to the original condition, which is our requirement under the agreement.

V. Conclusion

Ezee Fiber is fully committed to partnering with the City to expand broadband infrastructure in a manner that is safe, efficient, and responsive to community needs. We share the City's priorities: minimizing disruption, promoting transparency, and building public trust. However, some of the proposed regulations—though well-intentioned—do not align with the operational realities of modern fiber construction and may unintentionally hinder progress. We respectfully encourage the City to adopt a collaborative, data-driven approach that integrates industry expertise with thoughtful oversight. Together, we can deliver fast, reliable internet access to residents while safeguarding both public infrastructure and private property.