



June 2, 2025

Mayor Tim Keller
City of Albuquerque Government Center
1 Civic Plaza NW
Albuquerque, NM 87102

Mayor Keller,

On behalf of Gigapower, LLC, I write to express concerns with the City of Albuquerque's proposed rulemaking regarding construction of fiber broadband networks in the City's right of way. Gigapower is committed to being a good partner with the City and its residents. We appreciate the opportunity to engage on matters that directly impact our ability to construct a fiber broadband network.

Gigapower has committed approximately \$250 million toward building an open access fiber network across Albuquerque. As part of that investment, we are developing infrastructure in neighborhoods that have traditionally lacked access to high-speed broadband. Unlike conventional networks, our open access infrastructure enables multiple internet service providers to operate on the same physical system, encouraging competition that helps lower costs for residents and making high-speed internet more affordable and accessible. Our platform is designed not only to deliver high-quality broadband services, but to stimulate the local job market and contribute positively to the City's tax base.

We have reviewed the City's proposed rulemaking in detail. There are components of the proposal that we are already practicing or support implementing, such as timely resident notification, signage, bilingual communications, and basic restoration timelines. These are fair expectations. We remain willing to collaborate on refining these practices to serve the public interest.

However, several aspects of the proposed rules present unnecessary, duplicative, or unworkable requirements that put Gigapower's investment at risk. If implemented, they would impose burdens and introduce operational unpredictability that deters the timeline for deployment of our broadband platform for the following reasons.

- The mandatory six-month moratorium, trench-sharing mandates, and permitting delays tied to 30-day notification postings are fundamentally anticompetitive and would cause serious disruption to build schedules. These measures expose proprietary plans to our competitors and impose obligations that exceed what is reasonable or necessary to protect the public interest.
- Requiring engineering plans to be stamped by a Professional Engineer and reviewed by City-approved firms will significantly increase both permitting delays and project costs. These reviews appear to be required prior to permit approval. Furthermore, proof that other licensees declined to participate in conduit sharing or to install additional conduit during a single excavation is anti-competitive. If implementation costs escalate beyond initial expectations, the viability of Gigapower's build will be jeopardized.
- While we support full and timely restoration of build sites and landscaping, the 48-hour restoration window for asphalt and cement lacks specificity and clarity, particularly around when the restoration period begins. Without accounting for inspections, material cure times, availability of asphalt and cement companies to provide their materials, or weather delays, this rule will force inefficient construction sequencing and could extend the duration of work in residential areas.



- Cutting excavation hours down by three hours daily will directly reduce our productivity, extend build timelines, and increase the length of neighborhood disruption. This restriction would create more residential inconvenience by prolonging the construction period required to complete the same amount of work, without any indication of a benefit that would be conferred on the neighborhood by the reduced hours.
- Requiring Fiber construction crews to remove all locate markings applied by underground facility owners is impractical. There is currently no reliable method for removing markings from gravel without causing disruption to landscaping and attempts to do so may leave the area in worse condition than before. Unexpected additional landscape restoration could extend construction timelines and increase neighborhood disruption. With zero-scaped areas prevalent across Albuquerque, this would risk a worse experience for residents. In addition, the paint used by underground facility owners is supposed to disappear within a few weeks to a month of its application.

Furthermore, many of the proposed requirements are redundant to enforcement powers the City already has. Adding unnecessary layers of bureaucracy designed more to appease perception than to solve actual problems is not a realistic solution. The City has the authority today to address non-compliance or poor contractor behavior without burdening all licensees with new processes.

Lastly, the rulemaking introduces provisions that appear to conflict with the resolution passed by the Albuquerque City Council. We are concerned that this process is moving forward in a manner without proper stakeholder communication or coordination within the local government.

These rules, particularly if adopted on an accelerated timeline, will introduce ambiguity and likely cause delays or even derail ongoing construction. We urge the City not to adopt the new rules outlined in this letter that would have an adverse impact on Gigapower's project. Further, we look forward to the stakeholder meeting where these issues can be discussed in detail.

We remain open to working with the City of Albuquerque and Albuquerque City Council to develop a regulatory framework that protects the community without companies risking loss of capital investment in the area.

Sincerely,

Toni Broberg
Vice President of External Affairs
Gigapower, LLC