

From: [Carolyn Acree](#)
To: [Eye, Alison M.](#)
Subject: Cable Installation
Date: Sunday, June 8, 2025 4:23:07 PM

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I was unable to attend the June 5 zoom meeting on this subject due to another commitment. However, I understand you are accepting written comments, submitted herewith.

I am a resident of the Santa Monica Estates community bordered by Santa Monica Blvd and Louisiana Blvd, NE. In recent years there have been no less than five companies that have installed fiber optic cable in our neighborhood: Ezee Fiber, GigaPower, Vexus Fiber, Verizon and Comcast/Xfinity. I find it hard to understand why we would need or want ever more fiber optic accessibility for the 100 or so residences located in this neighborhood—especially considering the disruptions that have occurred during installations.

I know the Biden Administration advocated for and signed into law a huge infrastructure bill which includes a lot of funding to increase internet accessibility throughout the country. I believe this level of investment was intended primarily to provide access to under-served communities that historically have lacked adequate service. Santa Monica Estates is a modestly affluent neighborhood that has had ample access to high-speed internet, even before the expanding migration to fiber optic technology. I believe companies are taking advantage of the funding to market to affluent neighborhoods like ours rather than expanding service to less-affluent, under-served communities as was intended.

For this reason, I think the City of Albuquerque should be reviewing applications from these companies much more critically to ensure that service is expanded to areas most in need rather than to neighborhoods that are already receiving adequate service.

Respectfully submitted,

Carolyn Acree
6809 Promenade Ave Ne
Albuquerque 87109

From: [Eileen Mahn](#)
To: [Eye, Alison M.](#)
Subject: Complaints about fiber optic damage
Date: Tuesday, June 3, 2025 6:54:23 PM

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On April 24 our land phone line with Century Link went down. We have not had a land line working since April 24. I want to know what is being done to repair the phone lines that were damaged due to digging by Gigapower. I was told by a city official that Gigapower admitted to cutting the phone cable along Central Ave which has affected several hundred Century Link subscribers. It has now been 42 days that we have not had phone line service. This has caused us to purchase another cell phone since my husband relied solely on the land line. Please let me know when Century Link will be able to provide service again. We live at 1708 Conestoga Dr. SE. I was told that Century Link was working on the repair but I have not seen anything being down along Central Ave.

Any help would be greatly appreciated.

Eileen Mahn
cell phone: 505-507-1904

From: [Barbara Lueders](#)
To: [Eye, Alison M.](#)
Subject: Fiber company issue
Date: Tuesday, June 3, 2025 11:37:10 AM

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Hello. We live at 6625 Luella Anne Dr NE, Albuquerque. There is a street lamp near the entrance to our driveway. The Vexus company drilled through the area next to the street lamp when installing fiber lines. They left a deep hole which has gotten larger from recent rains. I reported the problem to a Vexus employee some time ago but nothing has been done to fill the hole. Thank you, and hopefully you can get the problem fixed.

From: jeffhenry22@gmail.com
To: [Eye, Alison M.](#)
Subject: fiber complaints
Date: Saturday, June 7, 2025 11:17:24 AM

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When can we expect the removal of all the paint markings on our street and sidewalks. The paint markings are no longer necessary and NEED TO BE REMOVED, our streets don't need to look like perpetual construction zones.

Jeff Henry, Owner/Broker
J Paul Henry Company, LLC
[\(505\) 480-5333](tel:(505)480-5333)
jeffhenry22@gmail.com
www.jphco.com
License #14020

From: [Mary Parker](#)
To: [Eye, Alison M.](#)
Subject: Fiber Infrastructure
Date: Thursday, June 5, 2025 12:13:08 PM

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I support the fiber optic infrastructure project(s) and desire for the job(s) to be completed so I can receive the services I preregistered for last October.

Multiple companies should somehow coordinate to potentially avoid re-digging and potentially disrupting lines which may enable damage on subsequent digs.

I think the city can do more to help, not hinder, the advancement of these projects (more than 'rules'), and not seemingly place the blame on a single entity. Living in a city/state where we are almost last in most things, this is all very frustrating. Let's have the city work in a positive way to help bring better internet service to help us with school, work, and entertainment.

Being supportive might leave more time to work harder on "real" problems like the crime in our city.

Thank you for your time.
Mary Parker
ABQ Resident

Sent from my iPhone

From: [Chuck Preston](#)
To: [Eye, Alison M.](#)
Subject: Fiber Installation Comments for June 5
Date: Thursday, May 29, 2025 8:03:09 AM
Attachments: [IMG_20250505_092805528.jpg](#)
[IMG_20250319_112058384.jpg](#)
[IMG_20250501_142756649.jpg](#)
[IMG_20250502_084638113_HDR.jpg](#)
[IMG_20250501_140049605_HDR.jpg](#)

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Please see attached pics and comments below. Thank You

1. Fiber companies are not backfilling the observation holes they drill in the streets correctly and repairs are sinking into the street.
2. Fiber companies are not cleaning up debris after working and leaving trash everywhere they work.
3. Fiber companies are not providing porta potties for employees and workers are having to go to the bathroom in public streets.
4. As of 5/29/2025 I continue to see several fiber companies vehicles without company marking working in the NE heights area.
5. Fiber companies are dumping their drilling cuttings from their vacuum trailers on private property.
6. The fiber companies are not taking precautions to protect the environment from oil leaks from their equipment.
7. Fiber companies are not installing their yard fiber lines in a timely manner after home fiber installation.











From: [J L A](#)
To: [Eye, Alison M.](#)
Subject: Fiber Installation Complaints
Date: Tuesday, June 3, 2025 10:12:46 PM

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Dear Allison,

I just read how there will be a virtual meeting about Fiber companies this Wednesday.

On Monday, June 2, I had an incident where I accidentally drove my car over a 4-foot by 7-foot, 9-inch-deep hole that was left open and poorly marked.

At about 12:30 PM, I left my subdivision to do errands. A team of workers was digging a hole at Marilyn and Truchas. Their vehicles were unmarked.

While I was away, it rained, causing street flooding throughout the city.

I was returning at about 3:15, and I saw orange cones around the area where they had been working. I was able to slip by the area and drove to my home. The rain was letting up, but water was still rushing down the street. I was home for about 15 minutes, then left to do another errand.

The orange cones were still there, so I drove around in the same way I had come in. Unknown to me was that the water rushing down the side of Truches had shifted the cones down the road, and the water was covering the hole. I drove around the cones just as I did when I drove into my neighborhood.

The left side of my car drove into the hole. Luckily, I was able to pull over to the side of Truchas. Then a gentleman pulled over to help me reposition the cones and then assisted me in pulling the plastic wheel well from under my car.

I took several photos of the damage to my car and the resulting hole.

I called 311, and they provided me with the name of the company, Gigapower, working on that corner. When I called the number, it just kept ringing. There was no way I could even leave a message.

Tuesday morning, I went out and saw that workers had filled in the hole's bed with sand, leaving room for cement.

Later, after returning home from an appointment, I saw more workers there and stopped to tell them what had happened. I talked to Dave S, and he called his boss. He came back and told me to call the number he gave me and ask for Brian.

I called shortly afterwards, and after getting several voicemails with various departments, I was finally able to speak to a real person, but I still ended up leaving a message. I have not heard from them as of yet.

I spoke with my insurance company today, and they informed me that companies rarely cover any costs for vehicle damage.

My insurance will cover the damage to my car, but I will still be responsible for a \$350

deductible and any car rental expenses.

How can I obtain reimbursement for my expenses from Kelly Cable?

The company is liable because they used lightweight plastic cones instead of heavier ones.

Thank you,

Janet Aden, 6712 Vista Del Monte, 87109

505-503-0062

I would also add to the complaints of unidentified vehicles and workers. I had men come to my door trying to get me to sign up through Vexus, but they didn't have clothing or an ID proving who they worked for.

Another issue I would like to bring up is the excessive use of spray paint in the neighborhoods. There's paint on shrubs and people's landscaping and along the streets.

Who will remove all of the paint when they are done and gone?

From: [JAMES E ELIZABETH LOHKAMP](#)
To: [Eye, Alison M.](#)
Subject: Fiber installation damage
Date: Wednesday, June 4, 2025 6:55:27 PM

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EZEE Fiber said **all** property would be restored to the **original condition** after their work was completed. Red, Yellow, Blue, and Orange paints (supposedly water soluable) remains on sidewalks, driveways, and front yards all around the neighborhood. Although EZEE did not physically apply the paints, their activity caused the problem. Nearly one inch of rain has not affected the paints. Who is responsible for the paint removal?

Owner @ 9801 Karak RD NE

From: [Caroline Smatana](#)
To: [Eye, Alison M.](#)
Subject: Fiber issues
Date: Thursday, June 5, 2025 2:04:20 PM

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Hello,

We live at 6712 Napa Rd. In Santa Monica Estates. We have had many issues with the fiber companies. Although they are currently at a stop, they have left several issues that continue to pop up. They came and fixed a couple of the driveways and streets but now after the rains, we are seeing sink holes where their access ports are. Also, they replanted a DEAD bush that sat dug up for two weeks.

Our other concern is that other issues may arise after they leave. I have heard about people having holes/cracks in their sewer lines. What if that shows up in 3 months or 6 months and we have no way to prove that's where it came from. Can we get them to pay for the sewer lines to be checked after they are finished??

The city should have had a plan not just sent these companies out to do whatever. This is the worst plan for utility installation I have ever seen. Do not let any more come do their destruction please!

Thank you for your attention,
Caroline And John Smatana



7be7d5ea-5d3c-4058-8cfb-b7b3c420f303.jpg



/storage/emulated/0/Pictures/
Messages/7be7d5ea-5d3c-4058-8c
fb-b7b3c420f303.jpg

3072x4096 • 8.42 MB



Modified February 18 at 5:50 PM
Taken February 18 at 5:50 PM



motorola edge plus 2023
f/1.8 • 1/60 • 5.56mm • ISO628





From: [0 0](#)
To: [Eye, Alison M.](#)
Subject: Fiber optic complaints
Date: Thursday, June 5, 2025 6:59:36 AM
Attachments: [Screenshot_20250605-064528.Files by Google.png](#)
[IMG_20250506_154727577_MP.jpg](#)
[IMG_20250506_154717315_HDR.jpg](#)

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In case I cannot attend, please note

Eezee fiber started marking then tearing up my neighborhood in mid February.

As of today, June 5, 2025, their work remains incomplete. Concrete patching is incomplete. Reseeding yards is incomplete. There continue to be holes in the street. One hole is at least two feet deep, over a gas line. I have reported to the city, the gas company, the fiber company, multiple times over the past month. N.O.T.H.I.N.G. has been done. The deep hole in the street is a hazard, and a great place to start a sinkhole.

I have walked the neighborhood with eezee representatives, again nothing has happened, but I got some more numbers to call. Really?

My taxpayer dollars not at work. Very frustrating.

Attaching selected pictures

Street is Manzanillo Loop NE.

From: [Edward Shestak](#)
To: [Eye, Alison M.](#)
Subject: fiber optic infrastructure
Date: Tuesday, June 3, 2025 1:01:01 PM

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From my perspective, this effort appears to be Albuquerque's "Second Ave subway line". It seems like two years ago that Vexus installed conduit and junction boxes along Mountain Rd, but everytime I check one of their advertising emails for availability to sign up for service, I get the "pardon our dust" reply. The city's webpage on the project doesn't provide much information on the planned schedule either.

--

Edward J. Shestak
1112 8th St NW
Albuquerque, NM 87102

ejshestak@gmail.com
(260) 273-9413

From: [Larry Wurdeman](#)
To: [Eye, Alison M.](#)
Subject: Fiber optic problems
Date: Thursday, June 5, 2025 9:40:51 AM

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Installing the fiber optic cable is often done by digging a hole and horizontal digging with an automated drill.

My own experience is after purchasing a home in Roswell and experiencing my sewer line being skewered by the optical cable. According to neighbors the initial hole was dug three houses away and the automated drill was run unseen. The house we purchased was unoccupied for several years prior to our purchase.

The results were a sewer backup and damage to floors and two feet of sheetrocked walls in three rooms and a hallway. There was no response from my call to the cable company so I filed a homeowner's insurance claim. There have been \$56,000 paid out by the insurance company (Allstate in my case) for repairs and living accommodations due to the fact that the house (which we had purchased three weeks prior to the backup) was inhabitable.

We had moved from Copperas Cove Texas where the optical cable company was doing installation. There they punctured a 14 inch water main and the following day hit a natural gas line.

After Allstate sent them a bill for the \$56,000 a local supervisor came by and offered to pay me \$1,100 to cover my deductible and partial cost of having the sewer inspected and the back up cleared. The supervisor told me that this was just for part but the paper that he wanted me to sign stated that this was the total payment from them.

No news yet from the insurance company but I am going to file a small claim suit to recover my expenses.

Just a little more information and no response required.

Larry Wurdeman
1 Eagle Place
Roswell NM 88201
408/813-9235

From: [Larry Wurdeman](#)
To: [Eye, Alison M.](#)
Subject: Fiber optic problems
Date: Thursday, June 5, 2025 9:40:51 AM

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No news yet from the insurance company but I am going to file a small claim suit to recover my expenses.

Just a little more information and no response required.

Larry Wurdeman
1 Eagle Place
Roswell NM 88201
408/813-9235

From: [Sam Patel](#)
To: [Eye, Alison M.](#)
Subject: Fiber Optic Rules??
Date: Friday, May 30, 2025 9:00:14 AM

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I'm disappointed with the city's Stop Work Order that brought vital fiber optic installation to a screeching halt. Several months ago Ezee Fiber installed my home near Paseo Del Norte and Ventura Blvd. Their team contacted me through the entire process and the install crew were very polite and professional! Now we have super fast internet that saves us money and no longer paying ransom money to the Comcast Mafia. I can forgive Ezee Fiber for disturbing the sidewalk landscape and paint markings to avoid other utilities.

What I will not forgive is the city's dumb, knee-jerk reaction to a few crybabies! Why was there no swift reaction to complaints about Comcast, CenturyLink, and other internet providers?? Fiber internet took decades to arrive in our neighborhoods, yet the mayor and his city council buddies are in "election mode" to prove their worthiness. That's ridiculous!

Samir Patel

Albuquerque resident since 1995

From: [arlene brown](#)
To: [Eye, Alison M.](#)
Subject: Fiber optic town hall
Date: Tuesday, June 3, 2025 1:16:28 PM

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Hello. With the problem people are having with wifi, and connectivity issues, why do the meeting virtually? It seems to imply that you actually dont want community input as connections will be dropping or sketchy at best.

Arlenebrownmd@gmail.com

Corrales NM

From: [Amorrowlpcc](#)
To: [Eye, Alison M.](#)
Subject: Fiber optics
Date: Wednesday, June 4, 2025 6:56:02 AM

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I live on a small gravel cul-de-sac of 7 houses in the North Valley with a canopy of old cottonwoods and a grinder sewer system. The grinder sewage piping extends from each house down the road to hook into the ABQ sewer.

Having seen what is going on with other neighborhoods in which this system is not being successfully installed, I am adamantly opposed to this on my street.

There are still markings left on my landscaping from when this company came in. Those markings indicate the need for some serious concerns as follow:

1. Who is liable to replace the gravel road torn up by trenching and large trucks driving on it and the sprinkler system that can be destroyed by trucks and trenching?
2. Who is liable for the death of the old cottonwoods that roots get severed? It costs thousands of dollars to cut down these trees. Is the City of ABQ going to do that? The beauty of the neighborhood is priceless and cannot be replaced
3. Who is liable for our grinder system? Raw sewage is a major problem in the home I have had to deal with this system for years. It costs thousands of dollars to retrench.
4. Who is going to replace the flagstone, gravel and established piñon and other plantings from my grinder system to the gravel road and the same for the other 6 properties

To reiterate, I am adamantly opposed to this action by the City of Albuquerque.

from my iPhone

From: [Jesse Getz](#)
To: [Eye, Alison M.](#)
Subject: Fiber Town Hall Comment 6/4/25
Date: Wednesday, June 4, 2025 12:47:55 PM

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Hello,

I am requesting that we do not allow these complaints to pause or impede the fiber rollout. NIMBY groups of older wealthier white New Mexicans will need to be ignored if we are ever going to update out infrastructure. The people who will benefit most from cheaper faster broadband services are not the people who have the time and money to lobby city government.

I understand it's frustrating when techs don't restore spaces to their original conditions after installation. But they aren't equipped or frankly paid/staffed well enough to care about pouring concrete and flattening dirt mounds.

There should be a system in place where the company guarentees the restoration of these spaces after installing fiber, or these residents need to contact the city for repairs. No solution should involve impediment of the fiber rollout.

Frankly I care way more about having competition in the ISP space than the state of property owner's yards.

Thank you.

From: [Jim Hudson](#)
To: [Eye, Alison M.](#)
Subject: Fubre optic cable installation.
Date: Thursday, June 5, 2025 6:44:46 PM

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Why isn't someone in the city responsible for handling complaints and making sure that they are addressed?

Holes in the street and bike lanes everywhere which are hazards just waiting to maim someone. They need to be properly repaired.

Previously reported to the city - three weeks later none are repaired.

"Holes in truchas are a hazard for bicyclists that use Truchas. Nw corner truchas and Kelly, se corner truchas and El Morro, hole in front of 6301 truchas ne. thanks for any help."

From: [Foley, Caren](#)
To: [Eye, Alison M.](#)
Cc: [Broberg, Toni](#); [Grace, Thomas](#); [Winter, Becky](#); [Jason Weak](#)s; [Velarde, Michael](#); [Kearney, Tom](#)
Subject: Gigapower Comment Proposed Rulemaking - Regulations Governing Public Right-of-Way Excavation and Barricading for Fiber Infrastructure Purposes
Date: Monday, June 2, 2025 10:59:39 AM
Attachments: [Outlook-z2lqtscl](#)
[Gigapower to Mayor Keller re Fiber Rule 06.02.25.pdf](#)

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Attached is Gigapower's letter to Mayor Keller which serves as Gigapower, LLC's comments regarding the recent proposed regulation to provide requirements that Licensees shall follow while completing any excavation or barricading work within the City of Albuquerque under the Street Excavation and Barricading Ordinance of the City of Albuquerque, New Mexico.

Best Regards,



Caren Foley, PMP

Product Development Manager – Service Delivery

M: (209) 406-8268

E: caren.foley@gigapower.com



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

From: [Family Thomson](#)
To: [Eye, Alison M.](#)
Subject: Notice of Proposed Rulemaking - Regulations Governing Public Right-of-Way Excavation and Barricading for Fiber Infrastructure Purposes
Date: Friday, June 6, 2025 7:21:58 AM

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I missed the virtual meeting but approve of the proposed regulations.

Signed
Daniel and Megan Thomson
6200 Lola Dr NE, Albuquerque, NM 87109

From: [Salas, Jordan L.](#)
To: [Eye, Alison M.](#); [Nicolaou, Catherine](#)
Cc: [Malouff, Johanna L.](#); [Melendrez, Christopher P.](#); [Sanchez, Mark S.](#); [Warren, H.](#); [Allred, Stan](#); [Cadena, Kristopher](#)
Subject: Public Comment Regarding Notice of Rulemaking-Regulations Governing Public Right-of-Way Excavation and Barricading for Fiber Infrastructure Purposes
Date: Wednesday, June 4, 2025 2:44:46 PM
Attachments: [image001.png](#)
[image002.png](#)
[COA Broadband Program Letter.VZ6HiELG0m.signed.pdf](#)
[2025-06-05 broadband-proposed-rule.pdf](#)
Importance: High

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Good afternoon,

Attached are comments on behalf of the Water Authority with regards to the public hearing listed in the subject line.

[Notice of Proposed Rulemaking - Regulations Governing Public Right-of-Way Excavation and Barricading for Fiber Infrastructure Purposes — City of Albuquerque](#)

Thank you,

Jordan Salas
Executive Services Coordinator
Albuquerque Bernalillo County Water Utility Authority
PO Box 568 | Albuquerque NM | 87103
505-289-3100 (office) 505-357-7668 (mobile)
www.abcwua.org



June 4, 2025

Chair
Klarissa Peña
City of Albuquerque
Councilor, District 3

Vice Chair
Barbara Baca
County of Bernalillo
Commissioner, District 1

Frank A. Baca
County of Bernalillo
Commissioner, District 2

Dan Lewis
City of Albuquerque
Councilor, District 5

Eric C. Olivas
County of Bernalillo
Commissioner, District 5

Louie Sanchez
City of Albuquerque
Councilor, District 1

Timothy M. Keller
City of Albuquerque
Mayor

Ex-Officio Member
Gilbert Benavides
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Catherine Nicolaou
Allison Eye
City of Albuquerque Broadband Program
1 Civic Plaza NW
Albuquerque, NM 87102

**RE: Comments on the Proposed Regulations Governing Public Right-of-Way
Excavation and Barricading for Fiber Infrastructure Purposes**

City of Albuquerque Broadband Program,

This letter is in response to the Proposed Regulations Governing Public Right-of-Way Excavation and Barricading for Fiber Infrastructure Purposes. The Water Authority has the following comments on the proposed regulation.

1. As the provider for water for the City of Albuquerque, the Water Authority is requesting that a section be added related to "Construction Water." The following language could be included, *"For Construction Water from Fire Hydrants, the contractor shall obtain a fire hydrant permit and meter from the Water Authority Customer Service. The contractor shall be required to comply with the conditions of service and will be charged a base fee plus water consumption each month. Contractors are strictly prohibited to utilize fire hydrants without a permit, an approved Water Authority issued meter, and an approved backflow prevention method."* The Water Authority has experienced an increase in stolen fire hydrant meters and our staff have observed fiber optic contractors using fire hydrants without a meter. Unauthorized use of a fire hydrant meter or fire hydrant constitutes Water Theft and/or Tampering which is a criminal offense with a penalty of up to \$500.00 and/or 90 days in jail.
2. In the City of Albuquerque, the water service line is the responsibility of the customer from the back side of the water meter into the property. The sewer service lateral is the responsibility of the customer to the point of the connection at the sewer main. The Water Authority recommends that the contractors provide more than 48 hours' notice (as listed in Section 5 Notice and Timing of Construction and New Mexico Excavation Law) to the residents prior to excavation, micro trenching, or boring so that they have sufficient time

to locate, or arrange for a private company to locate, their service lines. Also, to reduce damages, **if residents are not able to locate their private water and sewer lines, the contractor should locate these lines for residents prior to excavation, micro trenching, and boring within the public utility easement.** Far too many private service lines have been damaged. It is a public health concern to leave residents without water and sewer service for an extended period while repairs are made.

3. The Water Authority recommends restricting excavation, micro trenching, and boring to Monday through Friday from 7:00am-4:00pm in Section 5.2. If a private water, sewer or other utility line is damaged, it is difficult for the residents or the contractor to have it repaired outside of regular working hours without additional unnecessary cost (at on-call rates). While the Water Authority has crews available 24/7 to repair public mains and service lines, this scheduling would also facilitate timely repairs as more Water Authority staff are available during standard weekday hours. It is a public health concern to leave residents without water and sewer service for an extended period while repairs are made.
4. As a licensee in the public right-of-way, the Water Authority requests that cement restoration in Section 7 be further defined to include restoration of sidewalk and concrete collars around other existing infrastructure (such as meter boxes). If these items are not restored by the contractor and are not properly barricaded, it becomes a tripping hazard. The Water Authority recommends that language be added requiring barricades until restoration is complete for the time periods listed in 7.4.
5. As the provider for water for the City of Albuquerque and a licensee in the public right-of-way, the Water Authority is requesting that a statement be added related to obtaining a permit for Work Around San Juan Chama Transmission Lines. The following language could be included, "A separate permit is required when working around the Water Authority San Juan Chama Transmission Lines. The permit should be obtained from the Water Authority." Failure to obtain the required permit prior to commencing work near the San Juan Chama Transmission Lines—upon notification to the City—should constitute grounds for termination of the license agreement. The San Juan Chama Transmission Lines are critical water supply facilities for the City of Albuquerque.

6. As the provider for water for the City of Albuquerque and a licensee in the public right-of-way, the Water Authority is requesting that *"Water Authority requirements, specifications, and details"* be added to the list of applicable laws and standards in Section 2.3. Failure to comply with these requirements should constitute grounds for termination of the license agreement. The Water Authority recently developed a new detail when working around meter boxes and service lines that is required through the Design Review Committee process. There should be consequences if the contractors are not following this detail.

Please contact us if you have any questions related to the comments listed above. As the provider for water for the City of Albuquerque and a licensee in the public right-of-way, the Water Authority appreciates your cooperation and support with this matter.

Sincerely,



Mark S. Sanchez
Executive Director



Christopher Melendrez
General Counsel

Cc: Stan Allred, Chief Operations Officer
H Warren, Field Division Manager
Johanna Malouff, Chief Engineer Field Distribution
Kristopher Cadena, Chief Engineer Utility Development

CITY OF ALBUQUERQUE
REGULATIONS GOVERNING PUBLIC RIGHT OF WAY EXCAVATION AND
BARRICADING FOR FIBER INFRASTRUCTURE PURPOSES

1. TITLE:

1.1 These regulations may be cited as the “Regulations Governing Public Right of Way Excavation and Barricading for Fiber Infrastructure Purposes.”

2. AUTHORITY AND SCOPE:

2.1 The Regulations Governing Public Right of Way Excavation and Barricading for Fiber Infrastructure Purposes are promulgated pursuant to the Street Excavation and Barricading Ordinance of the City of Albuquerque, Sections 6-5-2-1 et seq (“Barricading Ordinance.”)

2.2 The Regulations provide standard detail requirements that Licensees shall follow while completing any excavation or barricading work within the City of Albuquerque for the purpose of installing fiber infrastructure.

2.3 The purpose of these regulations is to ensure that fiber infrastructure projects minimize disruption, are completed timely, safely, and with as little inconvenience as possible to the public, and comply with applicable law, including but not limited to the Barricading Ordinance, the 2020 Edition City Standards for Public Works Construction, as amended and the State Pipeline Regulations Excavation Handbook.

2.4 Licensees are required to ensure that the Licensee and any subcontractor employed by the Licensee to perform right of way (“ROW”) construction for fiber infrastructure purposes comply with applicable ordinances and standards whether such ordinances and standards were in existence at the time of the execution of the License or were enacted thereafter.

2.5 Nothing in this Regulation should be construed or interpreted as to affect the Planning Department’s control, regulation and authority over approval and regulatory enforcement of applicable work orders issued by the Planning Department and pertaining to construction within City of Albuquerque Right of Way.

3. DEFINITIONS:

3.1 “Fiber Infrastructure” is defined as the fiber optic cable network and related equipment that facilitate high-speed data transmission.

3.2 “Licensee” is defined as any entity or person who has entered into an agreement with the City of Albuquerque, where the agreement gives license to complete work or occupy any City ROW for fiber infrastructure purposes, but does not include persons or entities having the right to work within or occupy City right of way through easement or franchise agreement. “Licensee” includes Licensee’s agents, including but not limited to contractors, subcontractors, and any other person or entity authorized to act in any way on the Licensee’s behalf.

4. SIGNAGE AND IDENTIFICATION

4.1 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 a.m. to 7 p.m MST to allow the public to contact the Licensee with any questions or concerns.

4.2 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.

4.3 All contractors conducting work for a Licensee and operating in the City ROW shall have written materials available in Spanish and English that include the Licensee’s contact information and information about the work being performed.

5. NOTICE AND TIMING OF CONSTRUCTION WORK

5.1 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.

5.2 In the event Licensee is placing fiber within City ROW, fiber micro trenching, boring and excavating within residential neighborhoods and streets shall only be allowed between the hours of 7:00 a.m. and 4:00 p.m. All other fiber network construction and

installation shall only be allowed between 6:00 a.m. and 7:00 p.m. The City may revise these time restraints in its sole discretion upon written notice.

6. COORDINATION AND JOINT TRENCHING

6.1 This provision is intended to minimize the number of excavations in a City ROW. 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. Licensees will advertise planned construction locations to other Licensees for the purpose of providing the opportunity of conduit sharing. At a minimum, such notification shall consist of:

- i. Posting information on NM811 website, NMPRC website, or the City of Albuquerque's Planning Dept website.
- ii. Proof that the notification was advertised for thirty (30) days prior to applying for the barricade and/or excavation permit, and
- iii. Proof that other Licensees declined to participate for purposes of sharing conduit or installing extra conduit in the single excavation.

7. COMPLAINTS AND RESTORATION

7.1 Licensees shall respond to complaints within 24 hours of receipt, by either notifying the complainant that the issue has been resolved or by providing an explicit timeframe in which the issue will be resolved. Licensees shall also provide the name and contact information of a person to whom the complainant can address any follow-up questions.

7.2 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.

7.3 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.

7.4 Soft scape and asphalt restoration within City ROW and authorized under a City issued work order or permit shall be completed within 48 hours. Cement restoration shall be temporarily completed within 48 hours and permanently completed within 15 days. Permanent cement restoration shall not be held up for any reason, regardless of the amount of cement needed.

7.5 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.

8. SOLICITATION

8.1 All solicitation efforts must strictly follow the City of Albuquerque's Solicitation Ordinance.

9. ENFORCEMENT

9.1 Failure to follow these guidelines, or any provisions of §§ 6-5-2-1 et seq., or other applicable law, regulation, rule or agreement with the City, shall result in enforcement or abatement actions, as determined at the discretion of the Mayor or designee, up to and including termination of applicable work order(s) or permit(s), suspension of the privilege of acquiring new work order or permits, or termination of the license agreement. Nothing in these required guidelines shall be construed as to limit in anyway of enforcement and abatement actions the City may have available as a matter of law, rule or regulation against Licensees working in or occupying City ROW.





From: [Joanie Griffin](#)
To: [Eye, Alison M.](#)
Subject: Public record for Fiber comment tomorrow
Date: Wednesday, June 4, 2025 6:25:52 PM
Attachments: [image \(2\).png](#)
[trenching.png](#)

This Message Is From an External Sender

This message came from outside your organization.

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Good evening.

Could you add these photos to the public record, they will be part of the comments from Richard Estrada from Ezee Fiber.

Thank you.

--

Joanie Griffin, Founding Principal
SUNNY505
618 Lafayette Drive NE
Albuquerque, NM 87106
c) 505-261-4444
fax (505) 764-8636
sunny505.com
check out our latest work at: [Samples](#)

Member of TAAN
www.taan.org

Like us on [Facebook](#) and stay on top of the hottest marketing trends

From: [Kateri West](#)
To: [Eye, Alison M.](#)
Subject: Stop EZEE Fiber and require full repairs
Date: Tuesday, June 3, 2025 8:34:54 AM

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Dear City of Albuquerque:

As a resident of High Desert I have been dismayed by the destruction to sidewalks and roads caused by EZEE Fiber's haphazard installation. The so-called repairs to the sidewalks on Academy and Spain have left discolored large sections of sidewalk that do not match the surrounding area using obviously cheaper grade of concrete than was originally used. Bricks were destroyed and not repaired. The damage left has scarred a once beautiful sidewalk. For what? We have fiber optic cable that works fine. Why not take their services to parts of NM without high speed internet access? Now they want to come into our neighborhood and destroy our personal private properties. Their services are not needed. Until they fully repair the destruction they have left on work completed they should be stopped from further unnecessary destruction.

Sincerely,

Kateri West
Albuquerque resident
6109 Club Cholla Ct NE
Albuquerque, NM 87111

From: [marilynn crelier](#)
To: [Eye, Alison M.](#)
Subject: The Fiber Optics Fiasco
Date: Tuesday, June 3, 2025 10:10:13 AM

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Many of the workers appear to be illegals!! Do NOT speak English and are very rude and disrespectful!!

Where is ICE?? No identification! These workers are NOT wanted/welcomed in any neighborhood!

No sign of porta potties and/or clean drinking water supply!!!! What gives! ??

None of these companies have given advance notice! They just mail their ads and flood our mailboxes!!

STOP this fiasco!!

Concerned citizen!!

From: [Sharon Townsend](#)
To: [Eye, Alison M.](#)
Cc: [Sharon Townsend](#)
Subject: Virtual town meeting fiber installation complaint 7436 Marilyn Ave. NE Lingering property damage
Date: Tuesday, June 3, 2025 5:34:41 PM

This Message Is From an Untrusted Sender

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My name is Sharon Townsend. I am a property owner at 7436 Marilyn Ave. NE. I diligently pay my property taxes every year in full.

Vexus and Gigapower have destroyed my street. Last August, Vexus destroyed my property and worse, breached my sewer line and my next door neighbor's sewer line. Vexus also failed to provide any advance notification of their actions to dig. And, to add insult to injury, their digging contractor's employees very rudely and unprofessionally attempted to deny they breached my sewer line less than 12 hours after their boring machine was on my property with seven large, deep holes in the ground. Again, with no prior notification or request to do so. They repaired my sewer line but destroyed a large portion of my sidewalk. My sidewalk and others on Marilyn weren't repaired for weeks.

I also spoke with Catherine, Broadband Project Mgr. with City of Abq., and lodged a complaint regarding Vexus and Kelly. My neighbor, William Schooley at 7428 Marilyn, has also spoken to Catherine many times and recently received a visit(s) from Mayor Keller regarding the level of destruction and city statute and code violations that have occurred and are occurring. Our once pristine neighborhood continues to remain in disrepair with shoddy pothole repair and paint utility markings everywhere resembling graffiti.

How will the city properly enforce these proposed regulations? This is KEY.

If these proposed regulations are passed, do property owners like myself who have already been negatively impacted by fiber optic installation have any recourse?

When will I and other property owners finally receive complete restoration services, specifically utility paint marking removal? Contrary to what everyone has advised, they are NOT fading away.

I am also requesting the City of Abq. completely re-pave Marilyn Ave.

Respectfully,
Sharon Townsend
602-696-1611

From: [Dawn Trevino](#)
To: [Eye, Alison M.](#)
Subject: Public Comment [EMBARGOED UNTIL JUNE 5, 12:00 PM]
Date: Wednesday, June 4, 2025 4:35:47 PM
Attachments: [Outlook-kn5gx23u](#)
[RichardEstrada-Testimony.docx](#)
[CarlosRosas-Testimony.docx](#)
[Ezee Fiber Policy Position.pdf](#)
[EXHIBIT A.pdf](#)
[EXHIBIT B.pdf](#)

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[EMBARGOED UNTIL JUNE 5, 12:00 PM]

For public comment on the Proposed Fiber Regulation:

The following speakers will be speaking at the meeting. Please see their attached testimonies.

- Carlos Rosas, Senior Vice President and General Manager, Southwest Region Ezee Fiber
- Richard Estrada, Regional Vice President, Construction, Ezee Fiber

Dawn Trevino

Government Affairs

Mobile: [251-424-5293](tel:251-424-5293)

Direct: [346-471-3649](tel:346-471-3649)



Richard Estrada, Regional Vice President, Construction, Ezee Fiber
June 5, 2025 - Albuquerque Dept of Municipal Development

***Hearing for Notice of Proposed Rulemaking - Regulations Governing Public Right-of-Way
Excavation and Barricading for Fiber Infrastructure Purposes***

My name is Richard Estrada, and I'm Regional Vice President of Construction at Ezee Fiber and a life-long New Mexican who has lived in the Albuquerque metro for the last 25 years.

Ezee Fiber supports the majority of the proposed rules, and in fact, is already in compliance with most of them. That said, we do have concerns about a few specific areas:

Regarding the notification to homeowners, 48 hours prior to construction.

We fully support transparency and proactive communication with residents. However, the proposed regulation creates a procedural conflict by requiring that resident notifications include traffic control plans and exact construction dates and times—details that are not available until a permit is issued. At the same time, permits are withheld until proof of such notice is provided, making the requirement impractical to implement.

We are committed to providing residents with ample notice, as we generally do up to 6 months in advance, and are eager to work with the city on finding a feasible alternative.

Trenching and Conduit Sharing

Joint trenching and sharing conduit is one of the most complex and important areas. Trenching decisions are highly site-specific.

- Joint trenching will cause more problems than it will solve. Joint trenching means larger conduit packages that will cause more disruption than what is currently being done. Joint trenching requires much larger equipment, leading to a higher likelihood of sinkholes, damaged driveways, and public inconveniences.

We request that this provision be removed and allow providers to continue deploying independently, while adhering to standards that already safeguard public infrastructure

Six Month Cooling-Off Period

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.

In summary, we believe many of the proposed rules are on the right track—and we're eager to partner with the City to make fiber deployment smoother, safer, and more predictable for everyone involved.

Carlos Rosas, Senior Vice President and General Manager, Southwest Region Eze Fiber
June 5, 2025 Albuquerque Dept of Municipal Development

***Hearing for Notice of Proposed Rulemaking - Regulations Governing Public Right-of-Way
Excavation and Barricading for Fiber Infrastructure Purposes***

Good afternoon, my name is Carlos Rosas. I'm the Senior Vice President and General Manager of the Southwest Region and an Albuquerque resident. Thank you for the opportunity to provide public comment on behalf of Eze Fiber.

Eze Fiber is authorized by the City of Albuquerque to expand high-speed fiber infrastructure; and we take our responsibilities to this community seriously.

We appreciate the City's leadership in modernizing its broadband access and ensuring that residents benefit from reliable, future-ready internet service.

We have submitted detailed written testimony in advance of today's hearing, but I want to highlight a few key items for your consideration.

First, I'd like to emphasize that Eze Fiber already complies with the majority of the rules outlined in the notice of advanced rulemaking. We support the spirit of the rules—greater transparency, clear communications with residents, and higher standards for performance. These are values we share.

That said, we do have issues with some of the proposed changes, and we appreciate the opportunity to provide input on how to make them more workable in practice.

We are a customer-first company. Our operations and corporate escalations teams already respond to homeowner concerns within 24 hours. When a concern is escalated, our team collaborates directly with the resident and our field crews to resolve it quickly and fairly.

However, construction, by nature, is disruptive, and unfortunately, there will always be complaints. To have language that says "excessive" is not measurable and not practical. Industry-wide, a primary reason for utility hits is due to mis-marked utility lines, as is the case here in Albuquerque.

Taking on a major fiber infrastructure project like this comes with a significant construction undertaking. We feel the solution is to partner with the city to further educate the public.

Public education is a valuable asset that would aid in resolving resident inquiries. We are committed to finding a solution that meets the needs of the administration and the general public.

Thank you for your time.

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.

Ezee Fiber's Policy Position

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.

EXHIBIT A

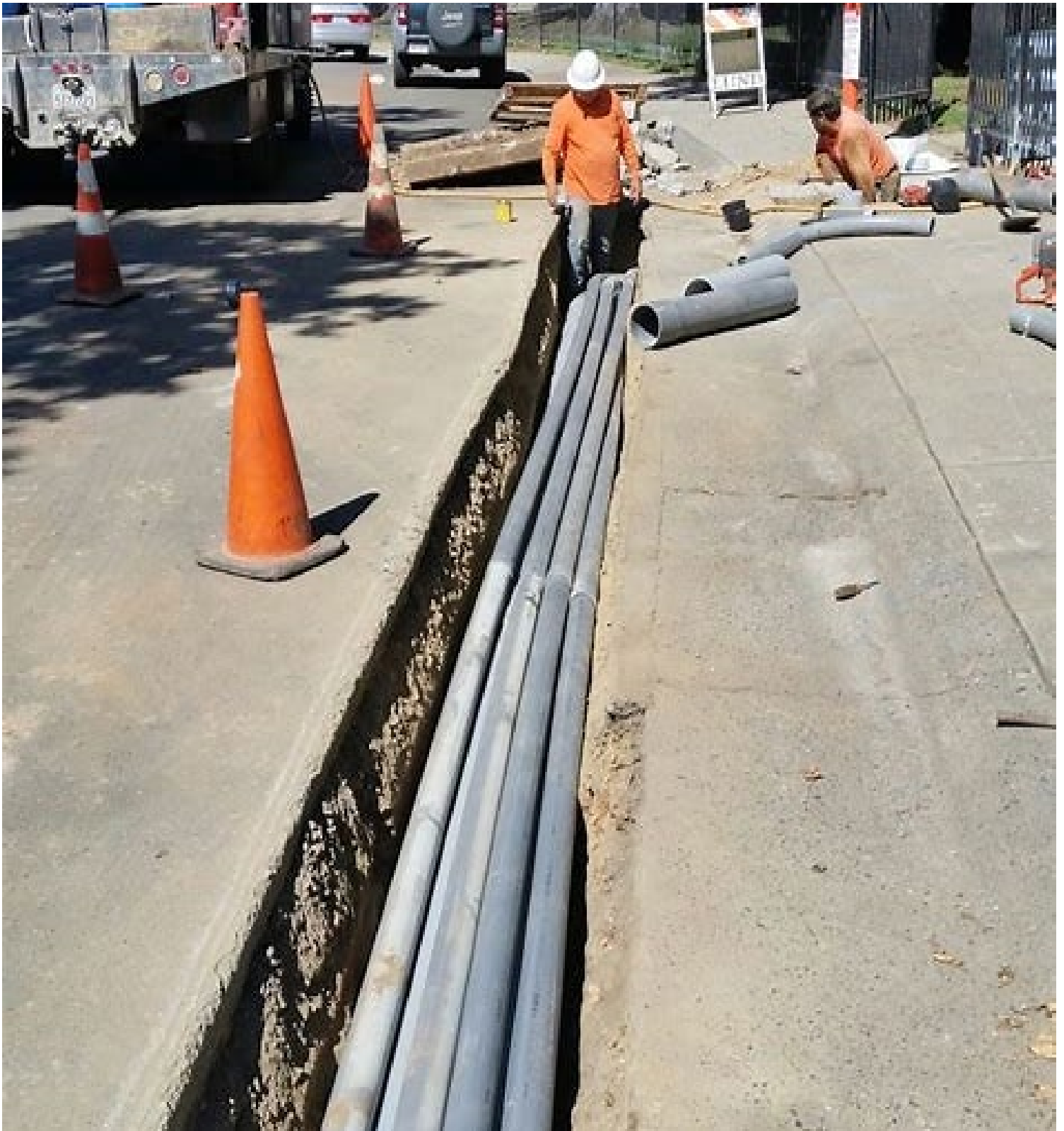


EXHIBIT B

