

REGULATIONS GOVERNING FIBER HEARING – 6-5-25

SPEAKERS

1. Garrett Paulus: Have reported repeated problems to the fiber optic company and to the City, and nobody has responded for resolution.
2. William Schooley: They have breached the sewer line four times in my neighborhood, and a water line two times, Xfinity one time. Citizens can't go without toilets for 24 hours.
3. Dorothy Nesbit: Represents the Santa Monica Subdivision. The heavy rains have caused sinkholes. Experience of water line being broken, bush being uprooted and the dead bush being replanted, paint being left everywhere.
4. Lucero Mendoza: There needs to be a better process for lifting the stop-work orders for the companies. City response (Catherine Eagle, Broadband Program Manager): Under a stop-work order, the fiber companies have the ability to conduct restoration efforts. The stop-work order will be lifted once the company addresses all remediation and repair efforts.
5. Carlos Rosas: Senior Vice President and GM for southwest region for Easy Fiber. Construction by nature is disruptive, and unfortunately there will always be complaints.
6. Richard Estrada: Regional Vice President of Construction at Easy Fiber. The proposed regulation creates a procedural conflict by requiring that resident notifications include traffic control plans and exact construction dates and times, the details of which aren't available until a permit is issued. A 6-month moratorium increases the risks of utility strikes and construction related to damage due to rushed timelines.
7. Caren Foley: Wants confirmation that you received Gigapower's response about proposed changes to the resolution.
8. David Krukar: Never got a response to 311. Got a dangerous sinkhole that a person could fall into, I can't seem to get a response.
9. Eileen Mahn: My landline has been down, and Gigapower has damaged a Centurylink cable along Central, and we are without a landline.

10. Catherine Nicolaou (Broadband Manager) responded to Eileen's concerns, and informed her that she needs to be put into contact with someone at Centurylink or 311 and get a ticket. We can contact the public regulation commission or someone at the City who has Centurylink contacts.
11. Johanna Malouf: I am with ABCWUA, and I want to know if you received our comments. Shahab Biazar confirmed that they did.
12. Garrett Paulus: I called a quality control inspector with one of the fiber optic companies, and my water has been shut off for quite a while, and nobody has called me back.
13. Catherine Nicolaou (Broadband Manager): we are going to find the 311 information and work on this.
14. Jennifer Turner (DMD): In response to a question about micro-trenching, yes, the City has developed standards for microtrenching.
15. Jennifer Turner (DMD): We have implemented a process of issuing stop work orders against all three fiber companies when there are violations of our regulations.
16. Catherine Nicolaou (Broadband Manager): Joint trenching and shared conduit is possibly being used.
17. Jay Heck: Would like an ETA as to when we can get back to work. The stop-work order is affecting our employees and company, and have been doing a lot of restoration work.
18. Catherine Nicolaou (Broadband Manager): We've given the fiber company instructions to get off the stop-work order.

Chat

Hi, I'm an AI assistant helping Shawn Maden take notes for this meeting. Follow along the transcript

here: https://otter.ai/u/sOC1xcLBjwf6itY4jd7bRRPmuW4?utm_source=va_chat_link_dm

You'll also be able to see screenshots of key moments, add highlights, comments, or action items to anything being said, and get an automatic summary after the meeting.

Fireflies.ai Notetaker Zach 12:02 PM

Talk to Fireflies: (Web-search enabled)

- Say: Hey Fireflies how can you help?
- Type: /ff help

to get started.

Messages addressed to "meeting group chat" will also appear in the meeting group chat in Team Chat

Due to the large number of participants in this meeting, system messages for those who joined or left have been disabled

Shawn Maden (Zoom Moderator) 12:03 PM

Please remember that this is a legally mandated rulemaking hearing. Please limit all comments to those that impact the proposed rule changes. For concerns outside of the rulemaking process, please call 311.

Comments will be limited to 2 minutes. Please be sure to state your name and who you represent. Also be sure to keep comments related to the proposed rule changes and how you feel they should be adjusted to address your comments.

Chat comments are admissible into the record, so please be sure that comments are appropriate for an official hearing.

Woody 12:05 PM

I can barely hear you

We cant hear you at all

your audio is very poor quality

Shawn Maden (Zoom Moderator) 12:10 PM

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Eileen E 12:15 PM

There were inspectors? When is a neighborhood considered 'complete' as mine certainly is not.

Shawn Maden (Zoom Moderator) 12:17 PM

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Eileen E 12:20 PM

The answer to the question about when a project is considered complete is not an answer. This needs further addressing in the proposed regulation.

William Schooley 12:28 PM

Why are companies commenting?

Eileen E 12:30 PM

The comments re: the sharing of conduit are confusing for the general public, at least those of us who have seen the size of the conduit compared to the size of the fiber optic line.

Alicia 12:31 PM

I'm sorry I just joined a little late. Who do I need to contact to get my tree replaced from a fiber optics installation. They hit our gas line and dug 3 holes on our street. one was in my driveway and they had to remove my tree for the repair. I filled out a request through 311.

Shawn Maden (Zoom Moderator) 12:32 PM

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Comments will be limited to 2 minutes. Please be sure to state your name and who you represent. Also be sure to keep comments related to the proposed rule changes and how you feel they should be adjusted to address your comments.

Chat comments are admissible into the record, so please be sure that comments are appropriate for an official hearing.

Laura Harrison, NM811, CEO 12:33 PM

Catherine - NM811 would be happy to jump in and assist. Can we get the residents phone number?

Eileen E 12:35 PM

How will the proposed regulation address the issues being brought up by attendees?

Steven Phillips 12:36 PM

Joint trenching and shared conduit are widely used in US fiber optic projects, often facilitated by "Dig Once" policies, to achieve cost savings, minimized disruption, expedite deployment and provide future flexibility.

Celeste 12:36 PM

Is there a map somewhere showing when our neighborhood will be impacted?

Thanks

DR.Rich 12:37 PM

Can't hear anything

Alicia 12:38 PM

try to test your audio and make sure it's on

Celeste 12:37 PM

And will they be leaving door hangers?

Dominic 12:38 PM

I am in support The complaint logos need to be clearly visible. Also dates of which company will work should be in notices. I have so many unmarked trucks in my neighborhood. I have no idea which company is at fault or which company I need to contact to fix sink hole in my front yard.

Alicia 12:39 PM

who do we contact if we filed a complaint request through 311 and haven't received a response? the company that came through hit our gas line and replaced it. but they had to dig out our tree in the process.

Karen Schwartz 12:40 PM

Subcontravtor trucks should identify the contractor they are working for.

Celeste 12:41 PM

Shouldn't these companies be required to finish the jobs before moving to new areas?

Repeat that contact info, please

Eileen E 12:42 PM

mleech@cabq.gov

Charles 12:43 PM

Does the city allow microtrenching? Will you be rolling out this technique across the board? This means there is less damage than with drilling.

Sharon 12:44 PM

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

Eileen E 12:45 PM

are there financial penalties for noncompliance? I see nothing in the proposed regulation

Is there a way to request an inspection?

Steven Phillips 12:46 PM

Why is joint trenching and shared conduit not being used in ABQ?

Colin McConnell 12:47 PM

Where can these regulations be seen? I have not seen the proposed rule changes?

Colin McConnell 12:47 PM

I have not seen the changes.

Shawn Maden (Zoom Moderator) 12:48 PM

https://www.cabq.gov/clerk/documents/2025-06-05_broadband-proposed-rule.pdf

Colin McConnell 12:49 PM

Ythank you.

Thank you.

Steven Phillips 12:49 PM

Who do residents talk to to get joint trenching and shared fiber in areas to be started.

Sharon 12:50 PM

Will there be a town hall for citizens to express their concerns outside of this hearing?

SamB 12:50 PM

Who do we contact for yard landscape damage? My artificial turf has been damaged.

Alicia 12:51 PM

they just referred us to contact 311 again

I asked that earlier about my tree

Loral Welde 12:52 PM

What is the schedule to complete this project. We are in zip code 87112 and there has been no sign of any work done here by us.

Lucero.Mendoza 12:53 PM

Wouldn't it be beneficial for everyone if a town hall meeting were organized to speak directly with the companies? It could provide clarity, address concerns in real time, and ensure everyone is on the same page moving forward.

TRANSCRIPT

Shawn's Meeting Notes

Thu, Jun 05, 2025 11:49AM 1:05:32

09:51

You

09:54

know,

10:19

I Think she get

10:27

over first, and then It goes on To the grill. So

11:40

Okay, good. Noon. Today is Thursday, June 5, 2025. Time is global. 1pm we are holding this hearing over zoom for ease of public access and input. Today's hearing will be recorded and transcribed. My name is Shahab Biazar, and I am city engineer for cities. I have been with the designated by the city's chief administrative officer to conduct today's public the Department of Municipal Development, DMD is proposing regulations governing public right away excavation and barricading for fiber purposes, hereafter refer to this hearing as regulation. The purpose of this hearing is to obtain public input on DMDs proposed regulation.

The public hearing allows members of the public Trinity to submit testimony and argument on the proposal as this is recorded legal hearing. Please ensure all comments and use of this Zoom Text and this sorry, this Zoom Text Chat is only for appropriate comments regarding the proposed regulation. Please also note that this hearing is regarding the proposed regulation comments and concerns not related to the proposed changes to the existing regulations are outside of this rule making process. Are encouraged to be called 2311, to be addressed by city staff. I'd like to thank everybody today for participating in today, any written comments submitted along with all all those given today in the overall record of public comments for this rule. This hearing compiled the city's rule making ordinance confined codified chapter two, article 15, public notice, including text to the proposed amendments, was provided on City's Clerk's Office website and provided to Mayor and CEO and was also posted in the lobby of City Hall.

13:49

There was a request for public comments to be extended. So I was thinking that we are going to be well, I'm going to be making room to extend here into Monday, June 9, at 5pm and if you could make that reflected on the city website, that would be great.

14:05

14:12

We also have representatives from DMD Department of Technology and Innovation and planning, and if those folks would like to present themselves,

14:24

sure. Thank you. Shahab. I am Jennifer Turner. I am the director of the City Department of Municipal Development. Good afternoon, everybody. My name is Mark Leach. I'm the director of technology and innovation here at the City of Albuquerque. My name is Jorge Gonzalez. I'm Deputy Director of the Department of Municipal

14:42

Development. Brian wall, Division Manager for construction services. Good morning. I'm Catherine Nicolaou, Broadband Program Manager for the Department of Technology and Innovation.

14:49

14:56

Brian Roland, I am a deputy city attorney in the field, I am the Public Information Officer.

15:05

Shawn Maden, I am the CIP official for Municipal Development. I'll be acting as moderator.

15:14

And Vanessa Martinez, I'm with the capital implementation program.

15:18

And any of the folks on Zoom would like to introduce themselves.

15:27

It's none, so we'll continue on. Shawn Maden and Vanessa Martinez from municipal development will be assisting with Zoom and will be calling on individuals on comments during the comment section of this hearing.

15:41

Today's hearing will be conducted in the following manner. First, I will provide an overview of the proposed regulations. After this concludes, I will open the hearing for public comments. If you would like to speak, please raise your virtual hand to zoom. Clicking the raise hand button on the bottom bar of the zoom window, press star nine. If you're calling in, the speakers will be called another time. It is important to remain muted unless you are giving comments.

16:12

If you're recognized, to offer comments, unmute yourself and provide yourself and provide your first name and last name and who you represent, remember to speak loudly and clearly. Commenters are asked to limit their comment to two minutes so everybody has the opportunity to speak again. Remember, as a reminder, please limit your comments to their proposal itself. Once a comment is provided the opportunity to respond before I recognize the next commenter to speak shop, the chat says they can barely hear you. Okay, sure.

16:51

Following the public comments, I will close the hearing pursuant to City's rule making ordinance, I am required to submit their report to chief administrator officer and to DMV director, their Bucha described in general terms the public comment received, including any submitted written comments in response to public comments, if any, and shall contain recommendations changes to the public rulemaking when appropriate, I am required to give due consideration to all comments.

17:21

Now we'll provide an overview of the proposal change.

17:27

The proposal provides new enhanced regulations, requirements of licensing to follow while completing any fiber excavation or barricading work within city of Albuquerque, under the street excavation and barricading ordinance, the proposed regulation can be found in the public notice provided on the City of Albuquerque clerk's website.

These regulations provide specific requirements for licensees completing fiber work under a street excavation and barricading permit, and generally include additional licensing, signage requirements on contractors, vehicle and other clothing, bilingual information, material readily available to the work sites, additional complaint remediation and restoration standards, additional oversight as meeting City Construction Standards, stricter time for Day of day, restraints on fiber installation moratorium and required coordination on trenching activities in order to encourage conduit sharing, removal of temporary utility markings within and increase requirements for written Notice to affected residents and clarification on following ordinance requirements and standards for construction and subscription now

18:51

we're going to open the floor for public comments. Shawn,

18:56

hey, the first that we have a hand raise is here by phone. It's 505-803-0230,

19:09

you can unmute yourself and go ahead and give comments. If you could please provide your name and if you represent any group.

19:17

Okay, hello,

19:19

yes, we can hear you.

19:22

Okay. First off, can you stop this bell and continue ringing? Because it makes it really hard to understand what's being said?

19:34

Sure. Thank you. If you could please provide us with your name, and if you represent anybody,

19:41

my name is Garrett Paulus. I'm a citizen of Albuquerque. This reported problems repeatedly, both to the fiber optic company and to the city, and I've had nobody contact me for resolution.

20:02

And do you have any any suggestions or comments regarding the rules, sir?

20:09

Comments regarding what, sir, the

20:11

rule, the rules, the new rules that we are implementing, regarding the fiber installation, the

20:19

rule,

20:21

yes, sir,

20:24

I don't know what rules you're talking about, sir,

20:29

yeah, so this So sir, this hearing is regarding the new rules that we are implementing on fiber installation.

20:36

So if you have any comments regarding that, please proceed.

20:40

Okay,

20:44

no, just

20:46

I've been having people understand, and a couple of the people, they have real distinct accents and my ear words but not understanding some of the sentences.

21:01

Yeah, I apologize that.

21:05

So I mean we provide chat information time to just,

21:13

oh geez on the phone. So,

21:18

yeah, yeah, Sir, we're

21:22

gonna thank you for providing your testimony. We're gonna move on to the next

21:30

I would like to suggest that you publish the transcript of this phone call, maybe in the newspaper, so that I can get the full understanding of what's being said.

21:46

I need the transcripts online, yeah, so that will be provided online, sir,

21:53

okay. Thank you. Applause.

22:05

Okay, up next we have Mr. William Schooley. Go ahead and unmute.

22:12

Hey, there we go. This I'm William Schooley, um, yeah, I had a couple points for you in the proposed rule, it said they have 24 hours to respond to complaints that would be the construction company.

22:28

And my question would be that I think there needs to be further guidance included in that because, say, they breached the sewer line, which happened four times in my neighborhood, two times water lines, one time XFINITY, but a citizen can't go without toilets for 24 hours.

22:46

So maybe there needs to be a clarification on emergencies. They need to rectify that immediately.

22:53

Good point, yeah, we'll take a note about that. The

22:55

second thing I had is there seems to be a huge problem with the number of inspectors from the city on these job sites.

23:04

We started, when we did my neighborhood for the whole construction project, there was one inspector. And, you know, the poor guy can only be in one place at a time.

23:14

And then I think they've upgraded that now to four inspectors. But I would suggest there be some guidance, and I'm sure you all can figure out better than me, how many inspectors are required per job site to keep it under control, because the statutes are real clear and real good. Unfortunately, enforcement is lacking.

And I understand there's budget constraints and things like that that go into the deal, but it seems to me that we don't force things. People don't follow the rules.

23:48

Last thing I had is which I'm thrilled to death that you all included removal of all the paint from the 811, services,

23:59

because as Catherine will tell you, my neighborhood is a complete disaster.

24:04

And in our case, are they going to grandfather what happened before? Because mine is now complete in my neighborhood, but we saw pain everywhere. Are they going to grandfather this guidance to previous jobs?

24:19

And I really think they should,

24:23

because we're left holding the bag with a mess of the neighborhood,

24:29

and anybody wants to respond that, see,

24:34

I

24:43

uh, feedback and good comments, we'll take all these into consideration.

24:49

Hey, thanks so much all y'all. Have a great day. Thank you for doing this.

24:53

You too. Thank you, sir.

24:57

All right. Next up we have, uh, by phone is 505401

25:03

8500, go ahead and unmute please.

25:12

Hello. Can you hear us?

25:13

Yes, this is Dorothy Nesbitt. I'm in the Santa Monica subdivision, representing 119 houses in our HOA and I would like to just reinforce what the previous gentleman said about the mess that's being left behind. The heavy rains have now also caused the holes that were filled to cave in, and we now have basically accidents waiting to happen all throughout the neighborhood with these sinkholes that someone could accidentally step in. You know, because the rocks make it hard to see, especially in the late afternoon, we have a lot of people that walk and the holes can be easily tripped in our HOA already had someone trip in the subdivision and sued us, which meant for four years, we paid \$7,000 extra for insurance because we had to go out of state because we were uninsurable in the state. So I agree these, there are emergencies that require being addressed. You know, quicker than 24 hours. We also had the experience of a water line broken. We've also had the experience of paint being left everywhere,

26:29

asphalt patches on concrete. I understand you're trying to toughen the rules, but the rules aren't helpful if they're not enforced, and if they're not enforced, you know, strongly.

26:45

We have a bush that was uprooted by the gig easy fiber and left uprooted for like, three weeks when they were told they needed to fix address the problem, they came and replanted the dead bush. I mean, that's really inexcusable negligence, both on the part of the company and the part of the people who manage this process. That should not be happening. We should the citizens should have a chance to sign off on the quality of the work that's completed when they perform their quote remediation, because very often it's not remediation at all. It's just another mess. Thank you.

27:26

Thank you for the comments. You're right. If there's no enforcement, you know obviously rule making doesn't make any sense, and you definitely will look into the timing the emergency situations under rule making. Thank you for the comments. Next, there's a quick question in chat asking about, when is a neighborhood considered complete?

27:50

If anybody here would like to comment on that? So this attorney go allow the Broadband Program Manager at the City of Albuquerque, because this is not a city project. This is not city money. This is not taxpayer money. These are not city contractors. That's a really good question we would have to ask the companies, but it has to be for in terms of safety, everything has to be done in a safe manner according to city specifications and standards, and that's when a neighborhood would be complete.

28:27

Then next up with their hand up is wait. Dorothy Nesbit, you just provide a comment earlier. I believe that's correct. Are you also calling in on 401, 8500,

28:40

I don't think so.

28:41

Okay, then the caller on 505401 8500, go ahead and unmute yourself, please. If you would like to give comments. I

29:04

Okay, we'll

29:06

keep trying for them. Next up, we have Lucero Mendoza go ahead and unmute yourself, please.

29:14

Thank you. Good afternoon. I just wanted to see if we could get a better understanding of the process to get the stop work order lifted. A lot of the work is stopped, and a lot of you know, damages to the community are still affected because of the stop work order. So is there going to be a conversation about how to lift that for the companies? Yeah,

29:44

so this is Catherine Eagle out the Broadband Program Manager The under a stop work order the fiber companies have the ability to conduct restoration efforts. So restoration efforts would include anything that is unsafe, if they need to properly cover potholes, if there's anything in the right of way, or public utility easements that is a safety hazard, that that's what they're going to work on. They're also allowed to place flower pots and vaults. Those are technological terms that the industry uses, but basically it's those little boxes in our neighborhoods, and that is also for safety, so that infrastructure is not hanging around or hanging out on the streets,

29:49

30:38

and so that that's, that's what they have to focus on under a stop work order.

30:44

Thank you. Is there any way that there could be like a time frame or some checklist that we could better understand as a community

30:57

and I, and the reason I'm asking is just because I have a neighbor who has a hole in their front area, and the company that's supposed to be fixing it is on a stop work authority.

31:17

So the first of all, a stop work order will be lifted once the company has repaired and remediated all all issues, all concerns. But to address your comments about your neighbor,

31:33

we're happy to work with your neighbor and communicate with the fiber company so that's no longer an issue, so that they fix that safety issue, would you or your neighbor be able to contact 311,

31:47

absolutely. And we have, we've directed a lot, and I just get worried because she's handicapped. I want to make sure that it's fixed soon.

31:59

Okay, so under a stop work order, they can go back and repair work that they've done in the past. So we can help with that. Do I can? You can contact me directly, and I can help get that addressed and fixed for your neighbor.

32:19

Perfect. I'll email my information to the email that was provided on the city council membership page. If that's okay with you,

32:29

Yes, that'd be fine. We'll look for it. Thank you, of course, thank you. Thank you. Appreciate it.

32:36

In the chat, they do request that we address project completion. So the answer about when a project is considered complete, they they do request that that should be further addressed in the proposed regulation. That is a comment from the chat, uh,

32:52

next up with their hand raised is Carlos Rosas. Please go ahead and unmute yourself.

32:59

Good afternoon. My name is Carlos Rosas, and I serve as easy Fiverr Senior Vice President and GM for the southwest region, and I'm also an Albuquerque resident. Thank you for the opportunity to provide public comment on behalf of easy Fiverr. Easy Fiverr is authorized by the City of Albuquerque to expand high speed fiber infrastructure, and we take our responsibilities to this community very 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 a detailed written testimony in advance of today's hearing, but I want to highlight a few items for your consideration.

33:34

First, I'd like to emphasize that easy five already complies with the majority of the rules outlined in the notice of advanced rule making. We support the spirit of the rules, great transparency, clear communications with residents, and higher standards for performance.

These are values we share that said, we do have some 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're a customer first company, our operations and corporate Escalation Teams already respond to homeowners concerns within 24 hours when our concerns escalated, our team collaborates directly with the resident and our field crews resolve it quickly and fairly. However, construction, by nature, is disruptive and unfortunately, there will always be complaints to have a language that says excessive is not measurable and not practical. Industry wide, a primary reason for utility hits is due to mismark utility lines, as in this case here in Albuquerque, taking on a major fire infrastructure project like this comes with a significant construction undertaken. We feel the solution is to partner with the city to further educate the public. Public education is a valuable asset that would aid and resolve in 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.

34:50

Thank you, sir.

34:54

Okay. Next up we have Richard Estrada, please go ahead and unmute yourself.

35:01

Thank you, everybody. My name is Richard Estrada. I'm the regional vice president of construction at easy fiber. I'm a lifelong New Mexican who's lived in the Albuquerque metro for the last 25 years. At easy fiber, we support the vast majority of the proposed rules, and in fact, we already are in compliance with the vast majority of them that said. We do have concerns about a few specific areas that I'll highlight. The first of them is 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 these details are not available until a permit is issued, unfortunately, and at the same time, permits are withheld until proof of such notice is provided, making the requirement impractical to implement.

35:52

We are committed to providing residents with ample notice, as we generally do, up to six months in advance, and are eager to work with the city on finding a feasible alternative to meet this spirit of this rule,

36:03

trenching and conduit sharing, we did actually, I believe, share some visual aids. I'm not sure if you guys are able to pull those up, but I had a couple of pictures that we wanted to submit for this portion of the of the testimony.

36:16

Joint trenching and shared conduit is one of the most complex and important areas regarding the discussion for this and trenching and trenching decisions are highly site specific.

36:27

Joint trenching will cause more problems than it will solve. Joint trenching means larger conduit packages that will serve to disrupt more of the underground utilities and the above the above ground surface for the for the residents, joint trenching requires a much larger equipment, leading to higher likelihood of sinkholes damaged driveways and public inconveniences down the road. I'm not sure. Were we able to bring up the visual aids? This is more of a question.

36:54

No, sir, but I did receive the record.

36:58

Thank you for Okay, perfect. We do request that this provision be removed and allow for providers to continue deploying independently while adhering to the standards that already are in place to safeguard public infrastructure. The last of them is the 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 a competitive area, this increases the risk of utility strikes and construction related damage due to rush timelines. In summary, we do believe that many of the proposed rules are on the absolute right track, and we're eager to partner with the city to make fiber deployment smoother, safer and more predictable for everyone involved. Thank you very much. Thank you, sir. Do

37:45

we currently have nobody else with a hand raised. Does anybody else in this hearing wish to propose any comments to the proposed regulations?

38:00

Okay? Caren Foley,

38:07

go ahead and unmute yourself.

38:10

Shahab, I just wanted to make sure that you received Giga powers response on the website regarding our concerns about the proposed changes to the resolution or proposed regulation changes.

38:25

Yes, I saw that. Okay, okay, great. I just

38:28

want to make sure you got that.

38:29

Thank you.

38:32

Next we have David Krukar muted,

38:37

yes, uh, thank you.

38:40

You earlier mentioned contacting the three different companies. I've been trying to contact Gigapower for several days now at the phone number that was given to me by 311, and I've never gotten anybody to answer the phone. I leave constant messages to, please call me, but I haven't heard a word from them.

39:06

Okay,

39:07

I've got a dangerous sinkhole in up by my in my next to our sidewalk that's looking for somebody to break, to fall into, and I just can't seem to contact anybody.

39:20

Thank you. Thank you. We'll we'll make sure that they respond in a timely fashion.

39:25

David, if you give me your number, I can make sure that somebody contacts you.

39:34

Yeah. Mike Velarde is on if I get a phone number or something, I'll make sure I get someone out there today.

39:41

Hi, this is Eileen

39:42

Mahn. I don't know how to raise my hand. You wanted my phone number? This is David. Again, it's 505-292-3917.

39:53

Sure like to get to be able to get a hold of Gigapower.

39:57

Michael, did you get that?

39:59

3917, correct? Yes, sir, apologize, I'll take care of it.

40:02

40:05

All right. If you could all please mute yourselves. Thank you.

40:12

Okay. We had somebody who said that they could not raise their hand. Eileen, my apologies. Eileen, yes, go ahead.

40:19

Yes. My question is, our US? Landline for CenturyLink has been down for 47 days, and when I called the city, I was told that Gigapower had broken or damaged a cable for CenturyLink along central now now I can't get any information at all from the city or from Century Link on when that will be repaired and who is responsible for repairing it. Is Giga powder power going to be repairing that cable, or is that up to Century Link? But in the meantime, we are without a landline, and my husband depends on it almost solely for communication.

41:06

So Eileen, this is Catherine at this the broadband manager, yes, so this is good information for everyone on this call. Anytime a utility is hit, there is an investigation done at the state level, with the public Regulation Commission. And the reason why an investigation is done is because it needs to be determined who is at fault. As you referenced, Eileen,

41:32

just because a line is hit does not necessarily mean that it was a fiber provider or their contractor.

41:41

What we're finding, and this is information that is coming straight from the public Regulation Commission, is that sometimes the utility owners, and what I mean by utility owners, are the current companies already here in the city, like a Century Link, may not have, may not have properly located their line, and that's why it was hit. If that's the case, then CenturyLink would be at fault, and they would have to pay for that. If they're not at fault, and it is a fiber contractor, then the fiber company is at fault, and they'll pay for that either way, though, most importantly, Eileen, in order to get you back up for telephone service, we need to get you in contact with someone at CenturyLink. That's a safety issue. If you don't have the ability to call 911, by the FCC standards, that is a safety issue, and CenturyLink has an obligation to get you back in service.

So I'm happy to help you. I'm not sure if you've called 311 or we have a ticket for you. Yet,

42:43

I did not call 311 my my husband went to a town meeting, and we got the name of someone who gives permits to the fiber optic cable companies to dig. And he tried to contact us CenturyLink, and found out that it was a major, major cable on central I've contacted a century link at least once a week asking when it was going to be repaired, and they always give me on a couple days we're working on it. It's a equipment problem, it's a damaged cable problem. They've given me all these excuses, and every time I call or I can't talk to a real person, I can only get a chat with the computer, and they say, Oh, it'll be done. And it gave they give me two or three days. Well, the two or three days pass, and then nothing. And then I call again and they say, oh, in two or three days, we have two crews, they said, online, working nine hour shifts a day, trying to repair it. But this is going on like 46 days.

43:06

43:52

Yeah, and

43:53

several there's several elderly people and our neighborhood who solely rely on landline.

44:03

Two things, Eileen, we can contact the Public Regulation Commission and let them know if they're not aware already of this issue. But I'm also happy to help you. I can get you an actual person, if that person still works at CenturyLink, but there may be other people at the city who have CenturyLink contacts. We are happy to help you. Eileen, I can get your

44:24

I can't talk to a real person. Unfortunately, with CenturyLink, it's all online now, or by texting

44:32

and shows the Shahab as well. I was wondering if they could probably call another provider, maybe Comcast, and get a new contract, since these guys are not being responsive, she wants to.

44:42

Yeah, I think that would be an option. Eileen, sorry, just thank you for for your testimony.

44:49

Okay, yeah, if I could get directly to someone who would talk to me at CenturyLink, I'd appreciate it.

45:00

Sorry, folks, I don't know. I didn't know how to raise my hand. I'm Shawn Galant. I work for CenturyLink.

45:06

Eileen, I sent you a message here on chat. If you want to reach out to me, I can help get a repair ticket issued for you.

45:16

Right? Are there any other comments on over the Zoom meeting that would like to give any sort of recommendations on the proposed regulations. We have Johanna Malouf,

45:30

Hi, yes, I'm with the water utility authority. I'm just getting on to check to see that Shahab and Catherine received the water authority's response to the proposed rule and our comments?

45:44

Yes, we did. Thank you for the comments. Thank you,

45:48

Shahab, thank you.

45:58

Would anybody else like to enter any comments about the proposed regulations at this time,

46:10

some questions

46:14

a second. I

46:34

Yeah, so we're going to be looking at all the comments provided via today's hearing, and will be emails that have been sent to us. And as part of that, we'll go through all the emails and everything, and we'll look at the rules, and we'll see how best is to change the rules to address all the comments provided

46:59

somebody in the chat is asking if there is a map somewhere showing when our neighborhood will be impacted.

47:08

We do have a map. This is Dan Mayfield, the PIO for DMD. If you go the city's website, you can find our barricade map. And there are two barricade map, one is for regular road construction, and one is specifically for construction related to fiber optics. So you can go to the city's website and just search for barricade map, and you can find that, and that will show you everything this week and next week that will be impacted with with fiber optic construction.

47:40

So this is Shahab Biazar, so technically that fiber companies are supposed to also provide you information on when your area will be impacted with your work.

47:54

Also in the chat is a comment stating that joint trenching and shared conduit are widely used in US fiber optic projects facilitated by dig once policies to achieve cost savings, minimize disruptions, expedite employment and provide future flexibility. So we wanted to read that into the record.

48:16

Somebody in chat is asking if they will be leaving door hangers. Is that a part of the regulations, the proposed regulations? Yes, yes, it is.

48:31

Are there any other comments from the online meeting that would like to propose any comments? I

48:43

Okay, we have a comment that says they are in support the complaint. Logos need to be clearly visible. Also dates of which company will work should be in notices.

48:57

They state that they have many unmarked trucks in the neighborhood so they do not know which company that they need to contact in order to address any complaints.

49:14

Are there any other comments from any of the attendees who wish to make any comments about the proposals.

49:24

505-803-0230,

49:29

go ahead and unmute yourself.

49:36

Okay, I was the first one that talked on this. So let me,

49:42

could you provide your name please?

49:45

Garrett Paulus,

49:47

thank you, sir. Good.

49:50

Okay,

49:52

I have called a quality control inspector with one of the fiber optic companies. I've called the 311, line.

50:02

I actually spoke with the lady named Catherine, and I did a narrative, and I sent pictures along with it, and I've looked couple messages for this quality control inspector. Nobody has ever contacted me or called me back. And my water is currently shut off and has been for quite a while, and I've been having the whole water just to flush the toilets and stuff, and nobody has called me back. So I keep you saying rules here, I don't know what the rules are, but, but nobody is addressing my problem, and I don't know where else to turn or what else to do. Fortunately, I saw this article in the paper, and that's how I got on this call.

50:57

Garrett. This is Catherine. What? How do I spell your last name,

51:03

P, A, u, l, u, s,

51:07

okay. There's a chance that you may have talked to our broadband assistant, Caren. Either way, we're going to find the information. If you have submitted a 311 we have the ability to pull it up and find it, so let me do some research real fast, and I have your phone number. We can reach out to you today and work on this. If we haven't done

51:36

okay, I would be happy to wait and tell somebody contact me back. Thank you.

51:46

Thank you, sir.

51:48

Online, we have a question about who they contact if they file the complaint through 311, and haven't received a response.

52:02

All, um, they can contact me. Markle, Emily should see ubq.gov, okay, there's a comment that states that the regulation should address that subcontractor trucks should identify the contractor they are working for, and somebody asking if the company should be required to finish the jobs before moving to new areas.

52:29

Mark, can you repeat that contact info please. M, leach@cbq.gov,

52:36

so that's M, L, E, E, C, h@cabq.gov,

52:50

hey, Garrett, this is Catherine.

52:53

We have received your 311 call. Apparently Caren has called you back. She may not have the right number, so we're going to try again. OK, Caren is going to call you probably in a few minutes.

53:15

Next up, we have councilor Dan Champine. Please go ahead and unmute.

53:21

Thank you. I wasn't more of a comment, just a request that Catherine loop me in on that,

53:27

on Garrett situation, and it's progress, please just include me on the email.

53:33

Will do counselor Absolutely.

53:35

Thank you, ma'am.

53:37

There's a question, if the city allows micro trenching, and they ask, Will you be rolling out this technique across the boards? That means there is less damage than with drilling?

53:52

This is Jennifer Turner from the Department of Municipal Development, and to answer your question about micro trenching, yes, the city has developed standards for micro trenching. We've already had one of our licensees use micro trenching, um, and so yes, it is permissible. Um, you have to meet our standards, as well as all the other standards they have in place. And then if a contractor or licensee is currently on a stop work order. They cannot start micro trenching until that is lifted. But the answer is yes.

54:09

54:36

Are there any other comments that would like to be on the record about the proposed rules 54:44 for fiber installation,

54:48

there's a question, how will the city properly enforce these proposed regulations?

54:57

So this is Jennifer Turner from the Department of Municipal Development. So we in DMD work in partnership with the planning department, as well as with the Department of Technology and Innovation on enforcement. One of our options that we've already implemented with respect to all three of the fiber companies is to issue a stop work order, so if they were to violate any city requirements, and we have the authority to stop them from from work. We also have the authority in the Department of Municipal Development to issue fines, \$500 per violation. We've already done so and will continue to do so if we were to see violations of our regulations.

55:01

55:49

And our planning colleagues both do inspections and also issue work orders, and can hold off on issuing those work orders or slow down issuance of the work orders if we see enforcement issues. So it's really a city wide effort to enforce these regulations, and I just want to say thank you to all the folks already that have commented on concerns with fiber in the city, as well as those who have expressed support for the regulations. We'll be taking a look at all of those comments, as the hearing officer has mentioned, and taking and especially those about enforcement issues. So thank you. Thank you. There is a question about financial penalties for non compliance, which I believe that you addressed, but also, is there a way to request an inspection.

56:33

56:47

You can submit, I think the best way, honestly, is 311, you would identify the issue that you see, and then it will go to the appropriate city department. So in Municipal Development. If we hear there's an issue with folks not getting notice, for example, or if there's a barricading issue or questions, such as someone's driveway is being blocked, then 311, will route that to Municipal Development, and we sent, I'm looking at my construction services division manager right now, but we'll send folks out within the hour when we learn about issues such as driveways being locked or other concerns. So I always tell people, file through 311, it will get routed, and then we can actually log and track complaints and resolution.

57:40

There's a question, why is joint trenching and shared conduit not being used in

57:56

Albuquerque? This is Catherine, the broadband manager. Joint trenching and shared conduit is possibly being used for middle mile, for dark fiber, it's possible, and that's another type of

58:13

that's another revenue stream for fiber companies. What we're talking about today in terms of residential fiber.

58:20

I um, it's, it's really, it really has to do with the companies coming in and deciding, you know, they they want to go to certain parts of town

58:35

initially, it wasn't going to be an issue.

58:39

And so if some that's why we're looking at it now, to make this process a better process moving forward, so it may be used in some cases throughout the city already. Sorry.

58:59

Just a second. I second.

59:03

59:08

Are there any other participants online who would like to speak about these proposed regulations? I

59:24

So, so there's no more participants providing comments that the record reflect that there's no more testimony. And okay, ultra just second. We've got one more, but we do need, if anybody else would like to comment, we do need you to raise your hand at this time, please.

59:50

Jheck, go ahead.

59:53

Yeah, I was calling, I'm calling from a large installation company here in New Mexico, and we were just kind of curious if we have any kind of an ETA on when we might be able to get back to work. We are fully compliant with the new rules that have been set in place.

1:00:09

We've already been implementing the contractor on the door of the truck and on our badging, also on our vest, with a lot of this stop work authority. It's starting to affect a lot of these companies and our employees. So we're just kind of curious if there's any kind of an ETA on when we might be able to get back to work with this. Again, we are fully compliant with that. We have been doing a lot of the restoration work for the three fiber companies that are on board with us.

1:00:39

This is Catherine the broadband manager, what are you a contractor for one of the fiber companies?

1:00:45

That's correct. Okay, so that's a great question I would ask the fiber company that you work for. So they're on a stop work order. We've given them instructions on how to get off. So that's up to them.

1:00:59

Okay, yeah, we're just kind of curious to see what it's looking like, as far as on the on your level, if there's any kind of an eta of when all this might Be back into coherence.

1:01:18

Okay, we have a few questions in chat. Who do residents talk to to get joint trenching and shared fiber in areas to be started?

1:01:30

Will there be a town hall for citizens to express their concerns outside of this hearing? And who do we contact for yard language or large yard landscape damage.

1:01:46

Who do residents talk to to get joint trenching and shared fiber in areas to be started

1:01:54

in the event that these rules, you know, once these rules go into effect the areas that are chosen for construction. And so if an area is chosen, if a company chooses an area, and they are required to do joint trenching, that's something that the companies decide they just this is an open market. The companies are deciding where they want to go, that that's that's something they that's on them. So I would say actually, what we could do is, if you're interested in talking to the companies and letting them know, Hey, we're open to you being in our neighborhood, if you join trench and share conduit, that would be open communication between you and the company, and that might be very productive

1:02:46

regarding the landscaping damage. For landscaping damage, you would contact 311, then the last question in there is, will there be a town hall for citizens to express their concerns outside of this hearing? I

1:03:07

uh, Mr. Shaw, because I don't think we have that information. We can look into that and collect additional information online. Thank you.

1:03:16

Okay, what is the schedule to complete this project. They're in zip code 87112, there's been no side of any work here by us. Do you? Does anybody have questions pertaining to the rule, the proposed changes to the rules? I

1:03:19

1:03:49

so can we

1:03:55

but remind people they can comment until Monday.

1:04:01

So I just wanted to put that on record that you're still, you still could provide comments till Monday, 5am and like I said, we'll put that under the city website. And please provide additional comments if you need to. So at this time, if there are no more participants or testimony, I'd like to end and close the further oral testimony, the comments submitted will be duly considered, and I will submit a report with my consideration. Any rule adopted will be filed with the City Clerk's Office and will be signed by the CAO CAO and posted on the City Clerk's website. Sorry, I'd like to thank all members of the public presence for their participation and attendance today. Let the record reflect that this hearing was adjourned at 12:54pm thank you again for all questions,

1:04:56

1:04:58

Bishop. Thank you.