

From: [Dave Zelenok](#)
To: [BOCrfc2015](#)
Subject: BROADBAND OPPORTUNITY COUNCIL COMMENTS - EXCESS CAPACITY OF US DOT-FUNDED BROADBAND ASSETS
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PROBLEM STATEMENT:

Many local governments are reluctant to commit broadband assets (e.g., fiber and conduit) which were funded by the US DOT (e.g., Congestion Mitigation/Air Quality) funds for municipal and/or commercial/public use.

RECOMMENDATION:

Develop clear guidance as to how can local governments can use the excess capacity of fiber optic and/or conduit assets - by assigning a **value** of that "excess capacity" when the asset is either wholly or partially paid for with US DOT funds.

BACKGROUND:

Examples of specific issues that could benefit from clarity in guidance from the US DOT include **joint** use (e.g., traffic signals – plus: municipal and/or municipal/commercial use) of federally-funded transportation-related broadband assets to:

- a. Use new multiplexing technologies to "Ride over top" of the existing "lit" fibers when the fibers may have been paid for jointly with local government and US DOT funding – when the grant's intended purpose is complete and the original DOT purpose is being fully met.
- b. "Light up" unused "dark fibers" which are no longer needed and will likely never be used thanks to new technologies for local government and/or commercial purposes
- c. Direct precisely how local governments may use the excess capacity by accounting for the value of the available **volume** or **space** in city-owned, federally-funded **conduits**. For example, conduits installed with US DOT dollars are often large enough to allow new, additional fiber optic cable to be pulled through these conduits. However, in order to satisfy complex federal accounting rules, the excess capacity of the asset may only be "re-purposed" after a time-consuming and expensive appraisal and valuation process. The complexity of this process are often viewed as confusing – and possibly conflicting - with other existing federal guidelines and laws and often serve as a significant barrier to deploying needed, new broadband capacity.

Stated another way - since so many new technologies are allowing never-before contemplated uses of existing US DOT-funded broadband assets, having clear **guidance** in place which could encourage:

- 1 - Public-private partnerships and/or -
- 2 - Joint (muni and commercial) use of the **excess** capacity of federally-funded assets would be helpful in encouraging an expanded use of broadband while meeting the President's goals.

3 - By assigning a value of excess capacity, state and local governments may reimburse the US DOT/state DOT's, respectively for the value of the broadband assets(s) no longer needed for transportation purposes and commit the excess capacity for other uses – thus enabling broadband deployment by proactively avoiding and preventing challenges and problematic issues related to the availability of the asset arising in the future.

Respectfully submitted,

DSZ

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