



D 2022 023

EXECUTIVE ORDER

Restating and Amending Executive Order D 2022 009 Accelerating Broadband Deployment in Colorado

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, issue this Executive Order, restating and amending Executive Order D 2022 009, to create a universal broadband Executive Order to accelerate broadband deployment in Colorado.

I. Background and Purpose

Fast, reliable, and affordable broadband service is critical for participation in our modern economy. To create a Colorado for all, equitable online access to educational opportunities and government services is imperative. To accelerate Colorado's economic recovery and continue to position Colorado as a top state to live and work in, we must invest in broadband infrastructure.

To achieve this, Colorado set the goal of connecting 99% of in-state households to high-speed broadband by 2027 (the "Goal"). To meet this Goal, Colorado must leverage State and federal funding, including funds from the U.S. Economic Development Administration as well as legislative packages such as the American Rescue Plan Act (ARPA) and Infrastructure Investment and Jobs Act (IIJA), to ensure all Coloradans have access to robust and scalable broadband infrastructure. Colorado must also further expand and coordinate its broadband activities to meet this Goal.

My administration has already taken action to expand access to broadband services. On October 30, 2020, I signed Executive Order B 2020 009 that directed the Governor's Office of Information Technology (OIT) to oversee and coordinate broadband activities for all Agencies and/or Departments. On June 28, 2021, I signed House Bill 2021-1289, which codified the Colorado Broadband Office (CBO) and their responsibilities for coordinating broadband efforts across all State agencies. This year, I signed Senate Bill 2022-083 and House Bill 2022-1306, which aid with broadband deployment and pave the way for broadband public rights-of-way.

Acknowledging that the Colorado Broadband Office (CBO) is the State leader for improving broadband access to individuals, businesses, and community anchor institutions, this Executive Order directed CBO to develop a Broadband Strategic Plan (Plan) by August 31, 2022. The Plan will include a roadmap for meeting the Goal by the end of 2027. Through the Plan, CBO will also: determine how to better leverage federal funds, develop a robust process for

stakeholder feedback solicitation, and review State agencies and departments managed by governor-appointed executives (Agencies and/or Departments) current and future broadband needs, including the specific needs of education, telemedicine, rural communities, and other State services.

I directed OIT, through CBO, to lead collaboration and coordination between all Agencies and/or Departments for all broadband deployment efforts in Colorado, including the Plan and the Goal. CBO will ensure that all Agencies and/or Departments prioritize broadband deployment and increase transparency, cooperation, and collaboration to tactically execute on the Governor's vision for broadband throughout Colorado. Finally, I directed the Colorado Department of Transportation to enhance their Fiber Lease and Right of Way program.

CBO will implement this Executive Order and the other measures outlined above while continuing to plan and coordinate with other State, public, and private entities and the people of Colorado to develop and improve the availability of affordable, quality broadband throughout the State. With these administrative and legislative actions, Colorado has set forth a clear vision on broadband deployment.

This Executive Order, restating and amending Executive Order D 2022 009, creates a universal broadband Order to accelerate broadband deployment in Colorado. My original Executive Order on broadband, Executive Order B 2020 009 is no longer needed. This Executive Order rescinds Executive Order B 2020 009 and consolidates all Broadband directives in this Executive Order.

II. Declarations

- A. Reliable broadband service is critical for anyone working or studying from home or accessing business, government, or healthcare services that are increasingly available online.
- B. Fast, reliable, and affordable broadband access is critical to attracting, recruiting, and retaining a quality workforce across the State.
- C. Colorado must leverage funding opportunities and partnerships with local, State, and federal governments, including ARPA and IIJA, communities, private industry, and other relevant organizations to ensure Colorado has robust and scalable broadband infrastructure.
- D. Colorado's Goal of providing 99% of Colorado households with access to reliable, high speed broadband by December 31, 2027 will spur economic growth and provide meaningful support to individuals and families across the state.

III. Directives

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- A. I direct that OIT, through CBO, will lead collaboration and coordination between all State agencies for all broadband deployment efforts in Colorado.
- B. I direct OIT, through CBO, to publish a Colorado Broadband Strategic Plan (Plan) by August 31, 2022 that will include:
1. A roadmap for how the State could, by December 31, 2027, meet the Goal of providing 99% of Colorado households with access to high-speed broadband that reliably delivers 100 megabits per second download and 20 megabits or scalable to 100 megabits per second symmetrical speeds, or any more recent federally recognized definition of high-speed broadband;
 2. Highlight and engage on broadband innovation, including external partner presentations (e.g. nonprofits, academia, industry leaders) that contribute to achieving these directives.;
 3. A clear and transparent process for soliciting ongoing feedback from August 31, 2022 until the end of 2027 from industry and community stakeholders on how:
 - a. the State can accomplish and meet the Goal; and
 - b. to receive additional recommendations for improving “middle mile” and “last mile” grant programs for efficient deployment of federal funds;
 4. A plan for creating a CBO-led listening tour to understand statewide needs and challenges local communities and providers are currently facing;
 5. Initial recommendations for improving “middle mile” and “last mile” grant programs for efficient deployment of federal funds; and
 6. A review of Agencies and/or Departments’ current and future broadband needs so the State can better deliver programs and services to Coloradans through technology and digital services, which shall include the following:
 - a. Incremental performance goals and strategies that focus on broadening economic recovery efforts and achieve the directives in this Executive Order;
 - b. Develop inter-agency strategies and evidence-based methods to address, among other issues:
 - i. Workforce, supply chain or other external economic challenges;

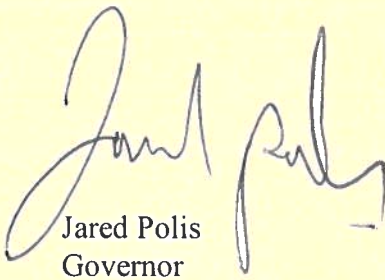
- ii. Barriers that have resulted from complicated or contradicting statutes, local ordinances or other legal and regulatory barriers, including for providing greater access to utility poles; and
 - iii. Industry partner collaboration and innovation;
 - b. Individualized plans to address the broadband needs for:
 - i. K-12 distance learning;
 - ii. Libraries;
 - iii. Improving Colorado tourism;
 - iv. Providing internet connectivity in State Parks;
 - v. Supporting telemedicine;
 - vi. Programs in State prisons;
 - vii. Federally recognized tribes;
 - viii. Challenges faced by rural communities; and
 - ix. Considerations for Colorado's shifting demographics, to ensure equity is incorporated throughout the Plan and accounted for in other long-term CBO goals.
- C. I direct the Office of the State Controller (OSC) to streamline internal policies or other intergovernmental agreements to increase the speed of project initiation, contracting, or implementation for statewide broadband deployment.
- D. I direct Agencies and/or Departments providing grants for broadband planning and infrastructure to:
 - 1. Formalize all grant processes to ensure a transparent process and timely review of applications, including review by CBO where necessary.
 - 2. Work with OSC on the grant process and to answer questions of eligibility.
 - 3. All grants must include: eligibility requirements, verification that applications were reviewed in collaboration with the CBO and Colorado Department of Transportation (CDOT) where applicable, provide justification for grant awards based on clear, publicly available criteria, comply with fiscal rules, and use standard state grant agreements developed by OSC.

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4. That criteria shall require applicants to demonstrate how their projects will help the State accomplish its Goal of connecting 99% of households to broadband.
- E. I direct CDOT to complete the following for its Fiber Lease and Right of Way program:
1. CDOT will achieve a 90% approval rating on eligible contracts, public private partnerships, and permits, while adhering to Federal Regulations, State Statutes and procedures, as it relates to CDOT Right of Way access for broadband service providers. Acceptances and denials shall be provided to the broadband service provider in writing with clear reasons for approval and denial and be made available to the public online. C.R.S. 43-1-1201 through 1204.
 2. By August 30, 2022, CDOT must develop a uniform electronic application, permitting, contract, and fee structure to facilitate non-government entities' access to CDOT rights of way and fiber lease for the deployment of broadband. This process shall include:
 - a. A transparent website that identifies the process of accessing state owned fiber must be published by March 31, 2022;
 - b. To ensure a consistent approach, while adhering to Federal regulations and State statutes, the process shall, to the extent practicable and efficient, provide equal access to Right of Way and leasing of excess fiber, for the deployment of wireline and wireless facilities; and
 - c. Standard pricing and cost frameworks, expected timelines and details about the application review process, maintenance and operational resources, and any other requirements that CDOT would deem necessary to support a standard streamlined application.
- F. The Director of CBO shall provide monthly updates to the Governor's Office on the progress of the Plan, Roadmap, and Goal created in this Executive order, which shall also include reports on any potential barriers Colorado may face in achieving 99% by 2027 Goal. The Goal and the above directives shall also be included in the annual Performance Plan for the OIT, and displayed on the Governor's Dashboard for public accountability and transparency.
- G. I rescind Executive Order B 2020 009 concerning broadband responsibilities in OIT because CBO has been codified and OIT has successfully integrated collaboration and coordination of broadband efforts for Colorado into work.

III. Duration

This Executive Order, restating and amending Executive Order D 2022 009, shall remain in effect unless modified or rescinded by future Executive Order.

GIVEN under my hand and
the Executive Seal of the
State of Colorado, this
second day of June 2022.



Jared Polis
Governor