

Practice Tips

Key Considerations for Developing a Community Broadband Network

By: Adrian Herbst, Bradley, Hagen & Gulickson LLC

The rapid deployment of high-speed broadband service to many large and mid-sized cities throughout the United States has led rural communities to believe that they are left out because incumbent providers have not committed to deploying the necessary capital to upgrade the seemingly antiquated networks. Rather than doing nothing or waiting for cable television and television companies to improve the existing network, many communities are considering the options available to develop a community broadband network.

Regardless of the size and resources of a community or the deployment options that a community may have, it is important to organize a general approach for the process and adjust the approach as necessary as the process proceeds. Because each community broadband project is unique, the process suggested below is for guidance purposes to get the process underway.

1. Create a project team: Although policy makers within a City are responsible for ensuring the authority exists to ensure the development of upgrading the existing networks and affordable access to them, it is important to unite additional players and key stakeholders in the process.

2. Identify and set community goals by identifying the needs for high-speed Internet access through surveys and needs assessment.

3. Identify existing providers and the current available services and prices for the services they provide. Engage with these providers, because it may be in their best interest to work with a community than compete.

4. Identify the broadband network requirements.

5. Conduct an inventory assessment, identifing the existing infrastructure and any available services that exist.

6. Review and streamline existing zoning, permitting and construction processes.

7. Review fee and tax structure to identify what incentives, if any, can be provided to potential, providers.

8. Identify target time periods for network deployment

9. Identify whether proposed network is for the specific community only or will surrounding communities in region be included in the network by engaging with neighboring cities, towns and counties.

10. Consider bringing in a consultant to help assess and organize information gathered and provide guidance on various business/entry models including: legal analysis, development of a feasibility study, developing a business model(s), and review proposals that would meet the business model and assist in negotiating terms of agreement.

11. Consider and review available financing options including sources for capital funding.

There are many funding sources that may be available to a community including federal and state funding. Consider public-private models rather than relying exclusively on municipal funding. ML

More information is available from Mike Bradley, Adrian Herbst and Leslie Herbst-Saporito who are telecommunications attorneys of Bradley, Hagen and Gullikson, LLC (bradleylawmn.com) in Minnesota at 651-379-0900; and Bob Duchen, Vice President of River Oaks Communications Corporation (www.rivoaks.com) in Colorado at 303-721-0653. Both Mr. Duchen and the telecommunications attorneys of Bradley Hagen and Gullikson are frequent speakers and authors on communications matters throughout the country. All together, these individuals have worked on communications or other similar projects in more than 35 States and Puerto Rico for more than 30 years.

