

*Tom Jankovsky, Chair*

District 1

*Perry Will, Chair Pro Tem*

District 2

*Mike Samson*

District 3



April 21, 2025

The Honorable Michael Bennet  
United States Senator, Colorado  
261 Russell Senate Office Building  
Washington, DC 20510

The Honorable John Hickenlooper  
United States Senator, Colorado  
374 Russell Senate Office Building  
Washington, DC 20510

The Honorable Jeff Hurd  
U.S. House of Representatives, Colorado's 3rd District  
1641 Longworth House Office Building  
Washington, DC 20515

Dear Senators Bennet and Hickenlooper, and Representative Hurd:

On behalf of the Board of County Commissioners of Garfield County, Colorado, we write to respectfully urge your immediate action to direct that the approximately \$406 million in BEAD nondeployment funds allocated to Colorado be released to the State without restriction or delay, for use in expanding and improving broadband infrastructure — including both middle mile and last mile services — throughout communities like ours. These funds were appropriated by Congress through the Infrastructure Investment and Jobs Act (IIJA), to be allocated to each state based upon its broadband needs and to be used to improve broadband availability and service. Colorado has received its allocation. It is time to put those funds to work.

**Garfield County Has Invested in Broadband Infrastructure — and Is Ready to Do More**

Garfield County has made significant direct investments in middle mile infrastructure, constructing and securing long-term Indefeasible Rights of Use (IRUs) on fiber along the I-70 corridor — one of the most critical transportation and communications corridors in western Colorado. This middle mile network connects Carrier Neutral Locations (CNLs), providing open-access interconnection points that enable multiple providers to extend services into communities throughout the region. These investments reflect the County's commitment to creating the foundational infrastructure on which competitive, high-quality last mile services can be built.

Building on that middle mile foundation, Garfield County has conducted formal outreach to internet service providers to catalyze investment in last mile fiber infrastructure. That outreach has generated

genuine interest from multiple ISPs, each of whom has expressed a willingness to engage in further discussions about deploying last mile fiber to homes, businesses, and institutions across the county's underserved communities. What every one of those providers has told us is the same: they cannot move forward with confidence until there is clarity on how Colorado's BEAD nondeployment funds may be used. That clarity must come from the federal level — and it must come soon.

### **The Uncertainty Around Nondeployment Funds Is Causing Real Harm**

We are acutely aware that federal guidance on allowable uses of the \$21 billion in BEAD nondeployment funds nationwide — and Colorado's \$406 million share — remains unresolved. A guidance release expected in March 2026 was postponed, and as of the date of this letter, no new release date has been announced by NTIA. This delay is having direct consequences for our county and for the communities and service providers that have been preparing to move forward:

- Internet service providers who expressed strong interest in partnering with Garfield County on BEAD-eligible projects have told us directly that they cannot finalize plans, commit resources, or seek local financing without knowing how nondeployment funds may be used.
- Communities in our county continue to lack reliable, high-speed internet access — every month of delay is a month that residents, students, and businesses are left behind.
- Colorado broadband officials and local governments cannot complete planning or procurement processes without federal guidance on eligible uses, cost structures, and program parameters.
- Investment-ready projects — including middle mile infrastructure that would enable last mile expansion — remain on hold, waiting for a policy signal that has not come.

We appreciate that Commerce Secretary Lutnick has committed not to rescind the nondeployment funds. That commitment is important and we are grateful for it. But a commitment not to take funds away is not the same as a commitment to put them to work. Colorado needs both.

### **Our Request: Release Funds to Colorado, Broadly and Without Delay**

We respectfully urge you to use your influence in Congress and with the Administration to achieve the following outcomes:

- Direct NTIA to release overdue guidance on nondeployment fund allowable uses immediately, without further delay.
- Ensure that guidance preserves broad state flexibility — consistent with the IIA's intentionally flexible framework — to address the specific broadband infrastructure needs of communities like Garfield County, including both middle mile backbone infrastructure and last mile connections to homes and businesses.
- Support the approach articulated by House Commerce Democrats in their March 10, 2026 letter to NTIA Administrator Roth: that NTIA cannot and should not prohibit or unduly limit states' use of nondeployment funds so long as those uses are consistent with the broad parameters of the IIA.

- Resist any effort to condition the release of these funds on state compliance with unrelated federal policy objectives — including restrictions tied to state artificial intelligence laws or other policy areas outside the scope of broadband infrastructure investment. President Trump's December 2025 executive order conditioning nondeployment fund eligibility on state AI policies is not authorized by the IJA and risks punishing Colorado communities for policy decisions that have nothing to do with broadband.
- Support the SUCCESS for BEAD Act (Supporting U.S. Critical Connectivity and Economic Strategy and Security for BEAD Act), introduced by Senators Wicker and Capito. This bipartisan legislation would authorize states to use nondeployment funds for network resiliency, public safety, next-generation 911 implementation, and other critical infrastructure priorities — and notably, it does not condition funding on state AI laws. It represents exactly the kind of flexible, community-focused framework Colorado needs.
- Oppose legislation that would claw back nondeployment funds entirely. A bill introduced by Senator Ernst would rescind the full \$21 billion in nondeployment funds nationwide, returning them to the federal treasury. Such an outcome would be devastating for states like Colorado that have planned and prepared in good faith. We urge our delegation to oppose any such effort and to defend Colorado's full BEAD allocation.

### **Middle Mile and Last Mile: Both Matter**

We want to be clear that Garfield County's broadband needs span the full network stack. Last mile fiber connections to homes, businesses, and institutions remain the highest priority — and we strongly support ensuring that BEAD nondeployment funds continue to prioritize higher-bandwidth last mile deployment as envisioned by the IJA.

At the same time, middle mile infrastructure — the backbone networks that connect communities to regional and national internet exchange points — is a critical enabling investment. Without adequate middle mile capacity, even well-funded last mile projects face cost barriers, capacity limitations, and long-term resiliency vulnerabilities. Garfield County strongly encourages guidance that preserves state and local flexibility to invest in middle mile infrastructure where it is the appropriate and strategic investment.

### **Conclusion**

The communities of Garfield County have waited long enough. Federal investment in broadband infrastructure was promised, authorized, and funded. Colorado has done its part. We ask that our federal delegation do theirs — by pressing NTIA and the Administration to release guidance promptly, protect state flexibility, and allow Colorado to put its \$406 million in nondeployment funds to work for the people who need it most.

We welcome the opportunity to discuss these priorities with your offices directly and are happy to provide additional information about broadband conditions in Garfield County. Please do not hesitate to contact our office.

Respectfully,



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Tom Jankovsky, Chair  
Board of County Commissioners  
Garfield County, Colorado

Cc Garfield County Board of County Commissioners  
Fred Jarman, County Manager  
Jamaica Watts, Finance Director