

Expanding Broadband Connectivity in Colorado

Why It Matters and How to Help

BY JOHN VAUGHT

CBA President John Vaught discusses the threat to access to justice in greater Colorado posed by inadequate broadband infrastructure.



From the earliest days of the last century, the United States struggled to extend electricity to all rural counties in America. That challenge did not end until well after World War II. On its heels, the Truman, Eisenhower, and Kennedy administrations took up a similar challenge to provide telephone service to every corner of this and every state. While party lines, manual switchboards, and pay phones filled the communication gaps, eventually we came to expect electricity and telephone service in every residential home in America.

A new challenge to meaningfully communicate in a modern world, however, has taken the place of rural electricity and landline telephone service. The new challenge is broadband connectivity in all counties in Colorado at speeds that permit users to have a meaningful

connection to the Internet.¹ Medicine, education, library services, the practice of law, courts, and governmental functions are just some of the areas negatively affected by the absence or ineffectiveness of broadband coverage.

Colorado has the distinction of having the “worst” county in the United States for broadband coverage: Saguache.² Located west of Pueblo, this county’s topography has much to do with its standing. Still, only 6% of the county’s population—both residential and business—have access to the Internet. In other rural Colorado counties, students gather in Walmart parking lots and on steps of local libraries in the evening to take advantage of Wi-Fi availability.³ Without such Wi-Fi “borrowing,” there would be no reasonable Internet access in these Colorado counties.

The Broadband Problem

Fiber optic cables have been laid along interstates and existing railroad lines throughout much of Colorado. This critical infrastructure is referred to as the “middle mile.” But many rural areas are still missing the important connection between the middle mile and individual residences and businesses. This end-user connection (via copper, satellite, microwave, hardwire, etc.) is known as the “last mile.” The last mile must yield enough subscriber dollars to entice private enterprise to invest in that infrastructure. While by no means the only hurdle, the last mile is not

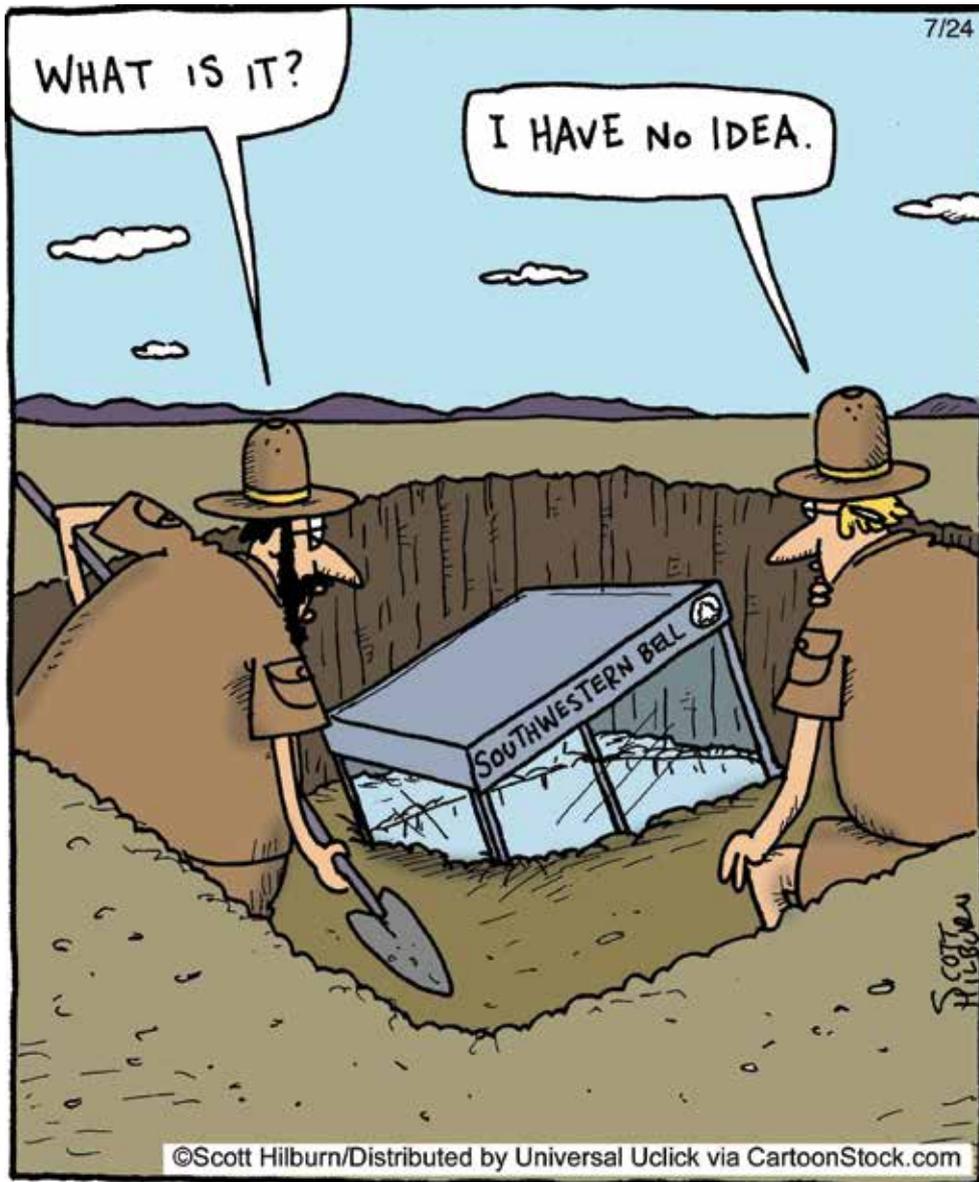
available in many parts of the state because it is not yet economical based purely on private investment.

Senate Bill 152 has created a substantial barrier to infrastructure expansion in Colorado. That legislation, passed in 2005 as a result of the lobbying efforts of the private sector, bars the use of tax revenue to fund the ownership and placement of infrastructure (e.g., middle and last mile connections) to support broadband. To sidestep this barrier, approximately 116 Colorado municipalities and counties have, by popular vote, elected to override the restrictions of SB 152 to allow their local governments to appropriate taxpayer dollars to build their own infrastructure.⁴ In addition, Governor Hickenlooper signed legislation in April 2018 to free up previously collected and escrowed telephone landline fees totaling \$115 million.

However, millions more must be invested in this infrastructure, and it must happen before meaningful access to justice in greater Colorado slowly evaporates. While other options may exist by legislative mandate, the decision to apply taxpayer revenues to solve the infrastructure problems—in conjunction with private enterprise—seems to be the most viable solution.

The CBA’s Involvement

While inadequate infrastructure is not solely a problem for the legal profession—schools, physicians, hospitals, and libraries depend on



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economic development groups, the Governor’s Office for Community Relations, county commissions, and private-sector telephone and Internet providers who can team with county government in your area.⁵ Do what other counties and municipalities in Colorado have successfully accomplished: attack the problem with the help of the public sector. Expanded broadband infrastructure will ensure that the practice of law and access to justice continue to thrive in greater Colorado.

Without a doubt, the next technology breakthrough—artificial intelligence—is waiting just over the virtual horizon. Let’s be ready. ^{CL}

NOTES

1. “Meaningful connection” is defined by the Colorado Broadband Office as 25 mbps download and 3 mbps upload. See Aguilar, “Colorado Divide: Broadband gaps threaten to leave rural areas in the dust of digital age,” *The Denver Post* (Sept. 8, 2017), www.denverpost.com/2017/09/08/rural-colorado-broadband-gaps.

2. Aguilar, *supra* note 1.

3. *Id.*

4. Aguilar, “In Colorado, do more votes for municipal broadband networks mean instant internet access? Not so fast,” *The Denver Post* (Dec. 1, 2017), www.denverpost.com/2017/12/01/colorado-municipal-broadband-internet-access.

5. The CBA Legislative Relations department has prepared a list of governmental agencies and other entities in your county that can provide assistance. Contact Jeremy Schupbach at jschupbach@cobar.org.

broadband service as much as lawyers do—the reality is that without viable and reliable Internet service in every Colorado county, lawyers will stop practicing in areas with inadequate broadband services. And without these lawyers, access to justice in state courts will be denied to a substantial percentage of our population. In one Colorado county the size of Rhode Island, for example, only 22 lawyers remain in practice. The youngest is 55.

In recognition of this problem, on August 14, 2018, the CBA Executive Council voted to lobby the Colorado Congressional Delegation to appropriate more federal dollars to address

the communication needs of greater Colorado. CBA’s delegates to the American Bar Association will present a resolution to the House of Delegates this winter to enlist the aid of the ABA to lobby Congress for the allocation of funds—much as in FDR’s day—to complete the installation of critical Colorado infrastructure.

How You Can Help

The short answer is political activism. As individual members of the CBA, and with our help, we encourage you to communicate with and organize meetings with your Colorado legislators and its congressional delegation,