



BB&K

BEST BEST & KRIEGER

ATTORNEYS AT LAW

Municipal Broadband and Opportunities for Public Private Partnerships

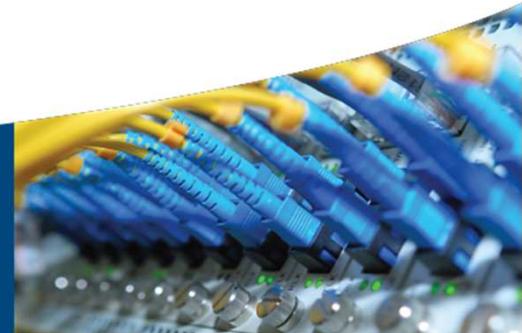
IMLA SAN FRANCISCO 2013

September 29, 2013

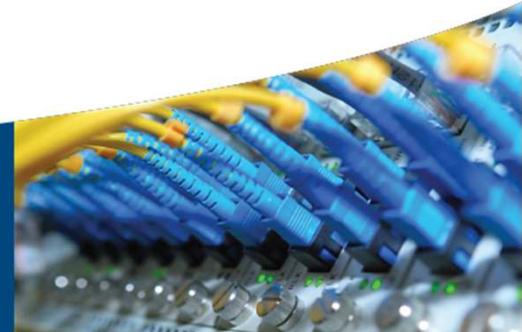
PRESENTED BY

Gail A. Karish
Of Counsel

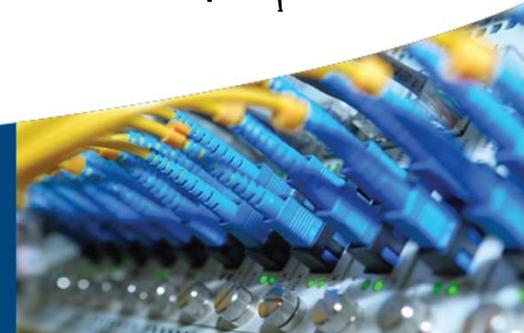
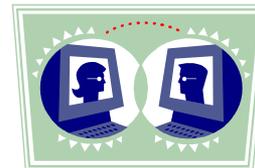
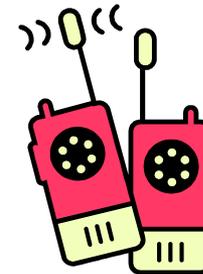
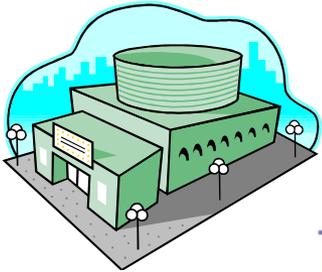
©2013 Best Best & Krieger LLP



Is It Time to Think About Establishing a Municipal Network?



You are a Major Consumer of Communications



And your Cable Operator Supplied “Institutional Network” is....

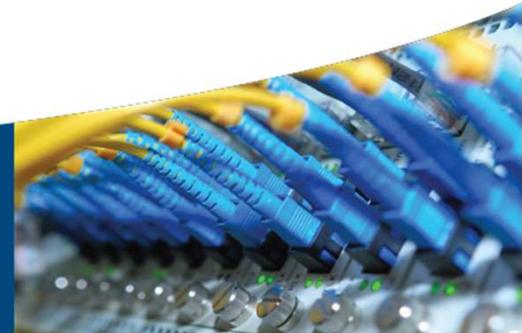
(a) Nonexistent

or

(b) A thing of the past
(thanks to state franchising)

or

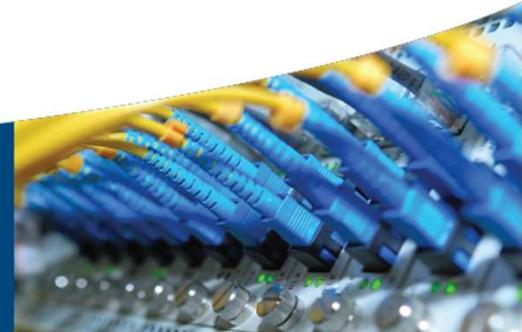
(c) At risk
(provider offering “Managed Services” in renewal)



Your alternatives are limited

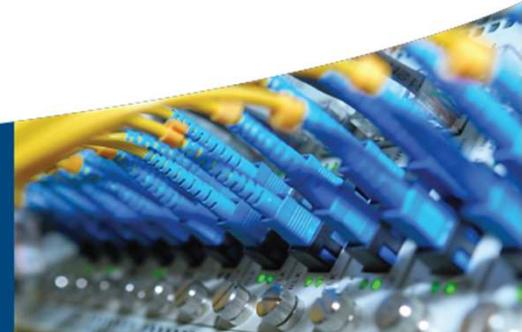
Typical jurisdiction has:

- One incumbent cable operator
- One incumbent telephone company
 - A few CLECs/resellers
 - Four wireless companies

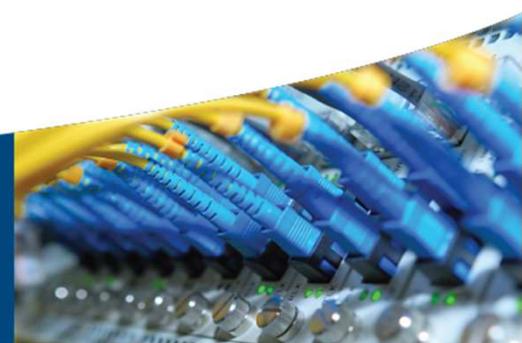




Your communications needs
are growing



Your budget is tight

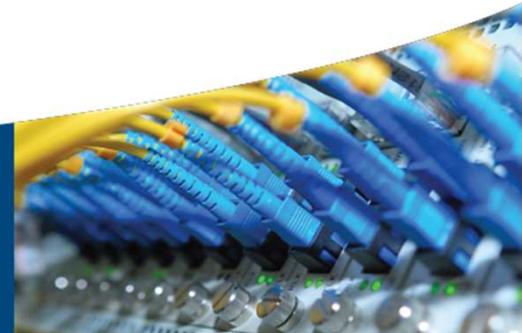


Your planning is...

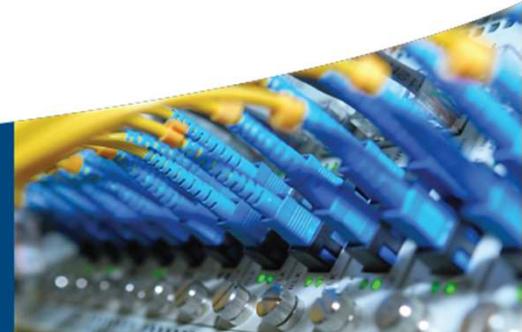
Dispersed
among different departments

AND

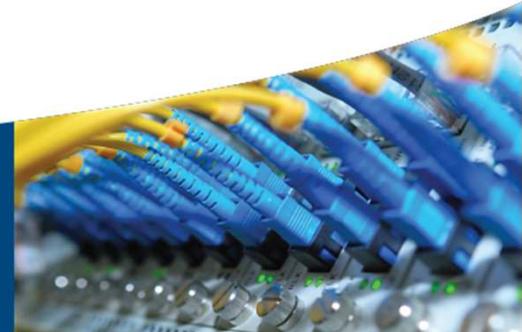
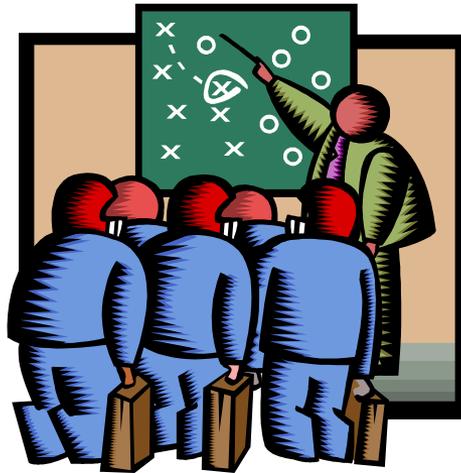
Incremental in approach



AND,
you want affordable broadband
to attract
residents and businesses
to your community

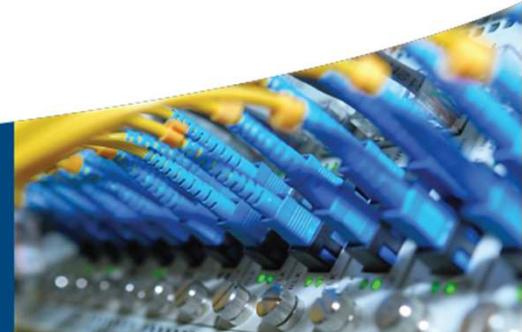


You Need A Game Plan



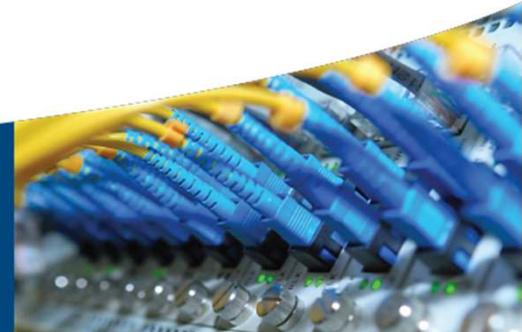
authority

- Check state law
 - At least 18 states have laws that restrict or prohibit outright municipalities from offering broadband services
- Check for restrictions on use of existing institutional networks



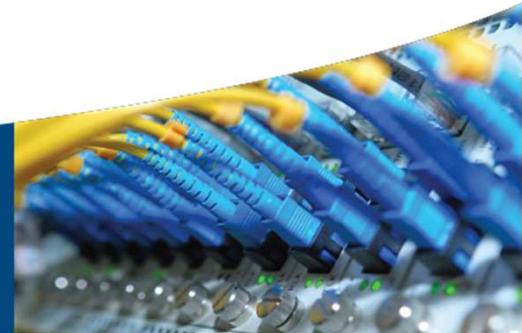
inventory

- existing communications assets and systems
 - transit system fiber
 - Smart Grid (utility communications infrastructure)
 - Wi-Fi systems
 - public safety systems
 - radio licenses
 - Educational Broadcast Spectrum licenses
 - conduit



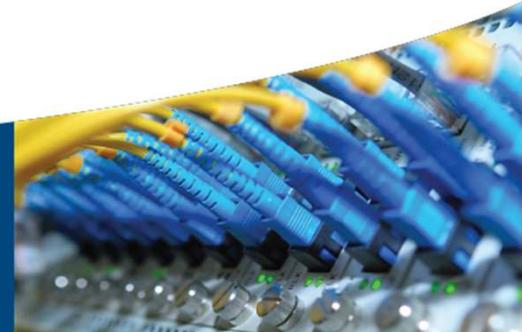
consultation

- *To ascertain:*
 - whether communications needs are being met (government and the community); and
 - what investments in infrastructure are needed to meet current and future needs over the next decade
- *To help build community support* for the investment
 - Using community needs assessment techniques (surveys, focus groups, interviews typical in franchise renewal processes) may be helpful.



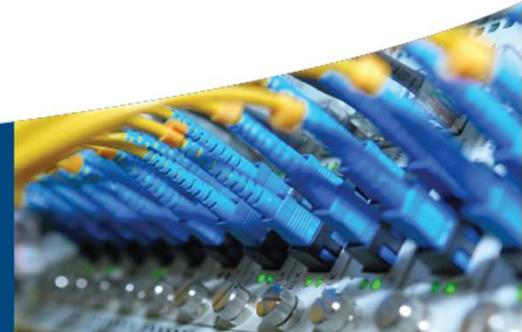
evaluation

- Benefits/risks of “building” vs. “buying”
- Benefits can include:
 - controlling your own costs, technology and build out
 - the opportunity to generate revenue by selling excess capacity and/or becoming a wholesale or retail provider
- Risks can include:
 - longer payouts
 - you are service provider
 - technology change
 - maintaining community commitment



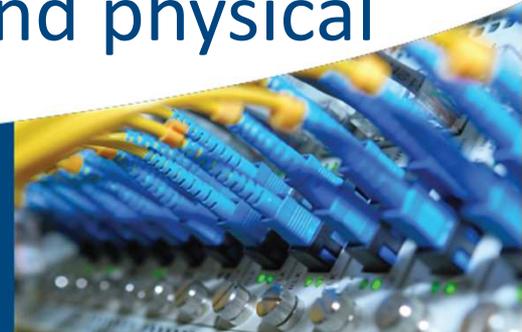
education

- Lots of service models out there to consider:
 - Think about types of services
 - Think about service models:
 - Self-provisioning
 - Government to Government
 - Wholesale
 - Retail (residential/commercial)
 - Open Access



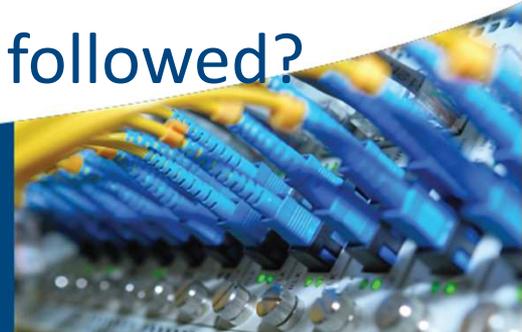
collaboration

- Everyone is looking for more, faster, cheaper communications services
- Collaboration with other entities should be strongly considered
 - Public-private
 - Public-public
 - Public-institutional
- Pooling resources – both financial and physical – can make a lot of sense



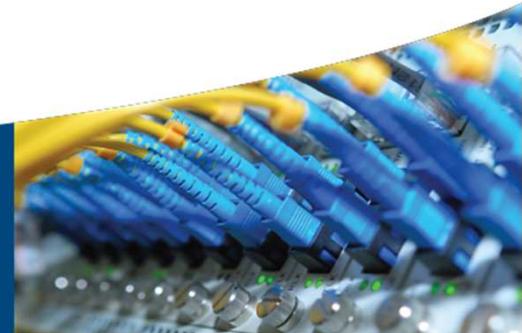
organization

- Organizational and operational structure should be carefully considered up front
 - 1) What is the appropriate legal entity and ownership/operational structure?
 - 2) Is the entity and/or the services being offered subject to regulation?
 - 3) How complicated is it to get access to public rights of way and towers?
 - 4) What should be done “in-house”?
 - 5) What contracting processes must be followed?



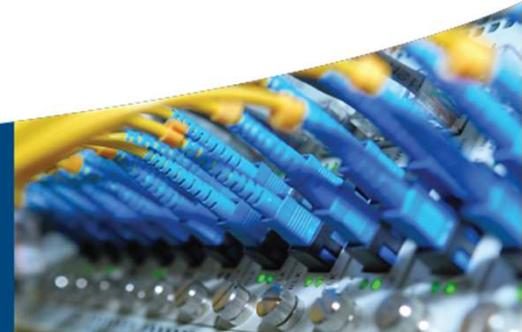
funding

- Be flexible and creative:
 - Self-funding
 - Federal
 - State
 - In-kind
 - Private
 - Crowd-sourced
- Building on existing infrastructure is an important cost savings strategy
- Types of funding include for construction, planning, services



RECAP

Authority
Inventory
Consultation
Evaluation
Collaboration
Organization
Funding



thank you for attending

Gail A. Karish

Of Counsel

Best Best & Krieger LLP

Phone: 909-466-4916

Email: gail.karish@bbklaw.com

www.bbklaw.com



Telecommunications Law

