



August 7, 2026

Ms. Brandy Reitter, Executive Director
Colorado Broadband Office
Governor's Office of Information Technology
1575 Sherman Street, Denver, CO 80203

RE: Comments – Draft Middle Mile Due Diligence and Strategic Roadmap Report

Dear Ms. Reitter,

The ACLP at New York Law School respectfully submits the following comments regarding the Draft Middle Mile Due Diligence and Strategic Roadmap Report.

Should you have any questions, please do not hesitate to contact us.

Kind regards,

_____/s/_____
Michael J. Santorelli, Director

_____/s/_____
Alex Karras, Senior Fellow

1. Introduction

The Draft Middle Mile Due Diligence and Strategic Roadmap Report (Draft Report) offers recommendations for “transform[ing] Colorado's fragmented infrastructure into a unified, financially self-sustaining digital asset.”¹ In support of its recommendations, the Draft Report observes that “Colorado’s current middle-mile landscape is characterized by deficient access to high-speed internet access across rural and underserved areas, where private network deployment has not fully reached all parts of the state due to financial challenges.”² This suggests that broadband access is lagging in parts of the state where existing middle-mile infrastructure has been deemed deficient. The Draft Report, though, fails to provide compelling data in support of this assertion. Nevertheless, the Draft Report recommends investing nearly \$32 million to build open access middle-mile fiber in three priority corridors in the state.³

The ACLP at New York Law has taken a closer look at the priority corridors to evaluate the current landscape of broadband availability in those areas. The ACLP has engaged in similar analyses in a variety of states, notably New York and Texas, to flag for policymakers the likelihood of overbuilding stemming from planned investments of public funds.⁴ Overbuilding is wasteful because it squanders scarce public resources to build something that is already readily available. In these instances, the ACLP recommends more precisely targeting interventions so that available funds can be efficiently deployed.

2. Analysis of Broadband Availability in the Priority Corridors

The Draft Report focuses on three regions in western and southwestern Colorado, identifies stretches of state and federal highway where new fiber could be laid, and scores them to select a smaller set for construction. Five corridor groups are carried through to a cost estimate of roughly \$31.6 million. This analysis measures the extent to which broadband service already exists along these priority corridors.

2.1 *Corridor Map*

The ACLP reproduced the Corridor maps included in Appendix B of the Draft Report, by leveraging public data, namely CDOT’s published highway centerlines for the corridors,

¹ *Draft Middle Mile Due Diligence and Strategic Roadmap Report*, at p. 7, Colorado Broadband Office (July 24, 2026), <https://docs.google.com/document/d/1TVA8OxZB4k-75hqMVaMgji9MXc0jHES1F6HAgR1kEXU/edit?tab=t.0>.

² *Id.* at p. 8.

³ *Id.* at p. 63.

⁴ See, e.g., Alex Karras and Michael Santorelli, *Analysis of Texas Middle-Mile Applications Finds Evidence of Significant Overbuild*, Feb. 2, 2026, Broadband Expanded, <https://broadbandexpanded.com/posts/tmmanalysis>; Michael Santorelli and Alex Karras, *New York Doubles Down on Broadband Overbuilding*, Nov. 13, 2025, Broadband Expanded, <https://broadbandexpanded.com/posts/nymip2>.

CDOT’s published record of which highways carry state fiber and between which mile markers for the fiber network, and Census county boundaries for the three regions. The corridor codes used in the draft are CDOT route identifiers, so each corridor maps directly to a published highway.

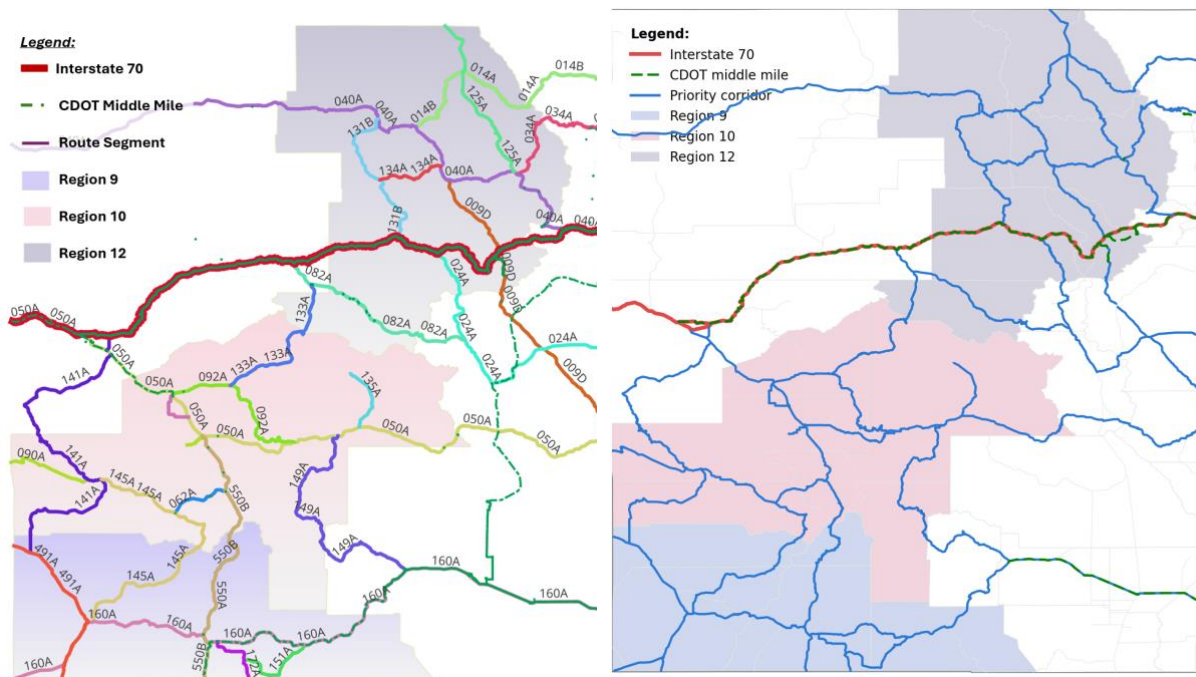


Figure 1: Priority corridors as drawn in the Draft Report (left) and rebuilt from public data (right).

2.2 Proximity to Existing Service

For each priority corridor, every broadband serviceable location within a set distance of the route was identified, and the share where service of at least 100 Mbps download and 20 Mbps upload is already available was measured. Satellite and unlicensed fixed wireless are excluded. A second measure adds locations which are included in a future BEAD project (again excluding satellite and unlicensed fixed wireless). Locations come from the FCC’s location fabric, service from the FCC’s Broadband Data Collection as of December 2025, and awards from Colorado’s published BEAD data. Corridors are measured only within Regions 9, 10 and 12.

Table 1, below, gives the share of nearby locations where service is already available, at four distances. Within three miles of a corridor, 87.4% of locations already have service and 90.4% either have it or are included in a BEAD project.

Table 1 – Locations Near a Priority Corridor, By Distance.

Distance	Locations	Already served	Served or BEAD-funded
1 mile	92,737	89.5%	92.5%
3 miles	129,023	87.4%	90.4%
5 miles	149,024	86.8%	89.5%
10 miles	183,250	85.8%	88.4%

Table 2, below, gives the same measures for all locations in each region, whether or not they are near a corridor. Across the three regions 84.8% of locations already have service. Region 9 is the least served at 79.6% and Region 12 the most at 88.3%.

Table 2 – All Locations, By Region.

Area	Locations	Already served	Served or BEAD-funded
Region 9	50,316	79.6%	84.8%
Region 10	55,104	84.8%	85.7%
Region 12	73,317	88.3%	90.5%
All three regions	178,737	84.8%	87.4%
Colorado	2,002,901	93.1%	94.8%

Table 3, below, compares the five corridors selected for funding with the twenty that were not. Selected corridors are slightly less served today, 87.1% against 89.5%. Counting locations included in BEAD projects, the two groups are the same at 91.2%.

Table 3 – Corridors Within 3 miles, Selected for Funding vs. Not.

Corridors	Locations	Already served	Served or BEAD-funded
Selected for funding	57,252	87.1%	91.2%
Not selected	86,347	89.5%	91.2%

Table 4, below, breaks the three-mile figures out by corridor. Three of the five selected corridors are among the better served: 145A at 86.7%, 160A at 89.8% and 550B at 92.2%. The other two are the least served of the group, 149A at 40.3% and 062A at 59.3%. Several corridors that were not selected fall below most of those that were, including 151A at 52.5% and 131B at 73.9%.

Table 4 – Locations Within 3 Miles of Each Corridor (Corridors 134A and 491A have fewer than 500 locations within 3 miles).

Corridor	Selected	Locations	Already served	Served or BEAD-funded
160A	yes	27,981	89.8%	92.7%
550B	yes	27,578	92.2%	95.5%
050A		23,437	95.8%	95.9%
040A		17,705	85.8%	89.6%
145A	yes	10,720	86.7%	88.9%
082A		10,080	98.5%	98.6%
092A		8,092	98.7%	98.7%
135A		6,953	83.6%	83.6%
348A		6,654	99.9%	99.9%
009D		6,385	90.8%	94.6%
133A		6,132	94.6%	94.6%
034A		5,806	95.2%	98.3%
131B		4,754	73.8%	73.8%
172A		4,431	92.1%	92.6%
024A		2,430	88.7%	88.7%
062A	yes	2,034	59.3%	67.2%
151A		2,012	52.5%	59.0%
125A		1,849	84.5%	87.1%
141A		1,434	83.6%	83.6%
149A	yes	1,391	40.3%	64.6%
014A		741	74.8%	85.4%
014B		732	78.4%	79.6%
090A		540	78.9%	78.9%
134A		373	6.4%	53.1%
491A		8	0.0%	0.0%

3. Conclusion

The preceding analysis demonstrates that:

- **Most locations near the proposed corridors already have service.** Within three miles of a priority corridor, 87.4% of the 129,023 broadband serviceable locations can already get service of at least 100 Mbps download and 20 Mbps upload, excluding satellite and unlicensed fixed wireless.

- **Counting BEAD, that share rises to 90.4%.** Adding locations included in a future BEAD project, again excluding satellite and unlicensed fixed wireless, nine in ten locations within three miles of a corridor either have service today or are due to be served.
- **The result holds at every distance tested.** 89.5% already served at one mile, 87.4% at three, 86.8% at five, and 85.8% at ten. Widening the buffer does not surface a materially less-served population.

In sum, moving forward with the recommendations in the Draft Report could result in significant overbuilding of existing infrastructure. The broadband office might consider recalibrating its recommended interventions to address those areas where broadband of any kind will not exist post-BEAD.