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**RFI Number: 601-20 DIGITAL INFRASTRUCTURE ASSETS AND STRATEGY**

Notice to all interested parties to please be advised of the attached Addendum.

For internet access to information provided from the 601-20 Request for Information (RFI), please see the ODOT web site at ->

<ftp://ftp.dot.state.oh.us/pub/contracts/601-20/>

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Ohio Department of Transportation  
Digital Infrastructure Assets and Strategy  
Request for Information

Report of the Review Committee

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## Introduction

On June 21, 2019, the State of Ohio released a Request for Information (RFI) through the Ohio Department of Transportation (ODOT) in an exploratory effort to improve broadband access throughout the state. The RFI was released by ODOT as the agency controls numerous assets that companies may want to use for the expansion of broadband throughout Ohio, including limited access rights-of-way. To assist in reviewing the response, the review committee included representatives from ODOT, the Development Services Agency, JobsOhio, the Department of Administrative Services, the Ohio Turnpike, OARNet, and the Governor's office. Further, this RFI allowed companies to provide insight as to what allowing access to those rights of way may look like from a valuation perspective. There were twenty four respondents, and of those the review committee had one-on-one follow up interviews with Agile Networks, AT&T, the City of Defiance, Horizon, New Network Development, Inc., Charter, Cincinnati Bell and Starry Inc.

This RFI has effectively generated market interest in Ohio's digital infrastructure across a range of companies including consumer facing, large-cap tech, backhaul fiber, tower companies, municipalities, trade associations, and advisory firms. The responses provided insights into the current state of the industry and how Ohio can expand connectivity throughout the state. This process identified numerous positives about Ohio, while also identifying some of the limitations facing the state.

## Positives Identified

- Based on currently available information, it appears many Ohioans have access to speeds of at least 25 Mbps download and 3 Mbps upload or greater internet service<sup>1</sup>
- Carriers are investing in and densifying their networks, including through Fiber-to-the-Tower (FTTT) and small cells, to support exponential mobile data growth. For example:
  - Cincinnati Bell has invested more than \$1 billion since 2010 to build a fiber network in Greater Cincinnati and parts of the Dayton Region. As a result, Cincinnati has become one of the most fiber-dense cities in the U.S. with over 12,100 route miles built out
  - AT&T has invested more than \$1.5 billion in Ohio wireless and wired networks during 2016-2018
  - Other consumer-facing companies (e.g., Charter, Verizon) are investing significantly in their networks
- New companies are establishing a presence in Ohio – for example, Starry is launching innovative, next generation fixed wireless technology in various cities
- New partnerships are emerging – for example, Agile Networks and Microsoft are partnering to deliver broadband internet access to rural communities in Ohio using new technology

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<sup>1</sup> More information as to access in Ohio can be found in the statement by the FCC here: <https://docs.fcc.gov/public/attachments/FCC-19-44A1.pdf>

- Communities are engaged and motivated to improve their digital assets – for example, Convergence Broadband received a federal Appalachian Regional Commission (ARC) planning grant to improve rural broadband coverage in Vinton and Meigs county
- Data center investments are highly correlated with dense wired network connectivity (e.g. fiber). Because Ohio has attracted many data centers, the need for fiber investment remains critical
  - Ohio has close to 100 data centers that can support expanding broadband connectivity throughout the state

## Challenges Identified

- Based on currently available information, it appears over 300,000 households in Ohio, representing approximately 1 million people, do not have access to 25x3 internet service
- In the past, Ohio has not achieved its “fair share” of Connect America Funds (CAF) awarded by the FCC. Given federal subsidies intended to address the “Digital Divide” are expected to continue, Ohio should endeavor to gain its “fair share” of funding going forward for unserved areas
  - In December 2018, the USDA announced it would offer up to \$600 million in loans and grants to help build broadband structure in rural America
- There is currently no clear ‘best practice’ strategy for broadband. States have taken various approaches to incent private investment and maximize long-term economic development and public value
- There are some problems with current maps that detail broadband coverage in the state, as the methodologies used overstate the amount of coverage available in Ohio
- Other states are adopting aggressive goals to achieve universal access and higher speeds (e.g., Minnesota)
- AT&T particularly emphasized the issue of “If you build it, will they come” with broadband in rural areas
  - One solution they provided was developing a digital literacy program that would educate rural communities about the services being provided to increase adoption rates
  - There were also concerns around ensuring that the broadband remains affordable for those in lower income areas
- Many of the respondents identified outdated tax codes that would inhibit / discourage companies from wanting to partner with Ohio
- General “red tape” issues e.g. issues around rail road crossings and a predictable consistent process ensuring fair access to ROWs were a common theme in the responses

While all the companies agreed that there is no silver bullet to the expansion of broadband throughout the state, the respondents provided a great deal of information regarding how Ohio can reach its goals. This RFI is not the end of the state’s inquiry, but the beginning of the process in determining the policies necessary to create the most robust, up-to-date network that reaches all Ohioans regardless of where they live.

## Goals

1. Provide broadband coverage to rural and underserved communities and driving ubiquitous access to broadband services, wired or wireless to all Ohioans regardless of where they are in the State.
2. Create a robust, world class network across the state of Ohio.
3. Enable next-generation transportation capabilities, including autonomous vehicles, smart roadways and transportation systems, and creation of an integrated data exchange for transportation users, partners, developers and providers.
4. Drive economic and workforce development statewide – including the support of incubating new businesses in the State and supporting the creation of opportunities for existing businesses of all sizes, reinventing Ohio’s economy as a high-tech leader while leveraging the State’s manufacturing legacy and creating high value, high paying jobs.
5. Extend and enhance Ohio’s connectivity, utilizing the power of advanced networking to drive efficiencies, connectedness, economies of scale and collaboration
6. Obtain revenue that can be applied to future projects, capitalizing on the value of the rights-of-way in desirous locations to install fiber and telecommunications equipment to meet the above objectives in areas that are less desirable.

## Major Considerations

While each RFI respondent brought their own unique perspective, there were numerous items that were mentioned a variety of times. The major considerations represent the aggregate of the respondents and their ideas for moving the state closer to its goals and are provided without commentary as to how any of these suggestions may be implemented.

1. There is no silver bullet in expanding broadband services to un/underserved populations.

A theme that arose from the responses, as well as the in-person interviews, is the realization that there is no single solution for the expansion of broadband throughout the state. Each community has different characteristics and challenges. Horizon, for instance, shared in their in-person interview how they had planned to complete a broadband project in a rural area, but the make-ready costs, which include expenses associated with ensuring utility poles are strong and tall enough to support fiber capacity, were higher than expected and acted as a limitation on their ability to provide the amount of coverage they had originally planned.

Innovative technologies are providing new ways to get high speed internet to underserved areas. Charter and AT&T described their forays into fixed wireless solutions and explained how current technology is changing. Pilot projects are occurring throughout the nation as proof of concept, but even this technology requires fiber backhubs and power, which are not readily available in certain areas of Ohio. The different possibilities for reaching underserved communities will be discussed later in this report.

A consensus is that reaching unserved communities in Ohio will require multiple different solutions, from wireline to a hub, to fiber-to-the-home, to fixed wireless. Solutions will need to be evaluated on a case-by-case basis, with an eye towards what technologies may work the best for the unique circumstances of the community.

2. There is value in ODOT's limited access rights-of-way.

This RFI allowed stakeholders to express interest in numerous assets that the state has some control over, with a focus on the rights-of-way owned by ODOT. While ODOT has clear statutory authority over the permitting and leasing of its rights-of-way, this RFI provided an opportunity for respondents to discuss the value of access and how the rights-of-way may be leveraged to meet the stated goals. Indeed, other states have leveraged their rights-of-way to expand broadband throughout the state or as a source of revenue. As Ernst and Young stated in their response, "cellular carriers and telecommunications companies are generally seeking large, contiguous rights-of-way for the deployment of broadband or wireless antenna infrastructure." The following respondents expressed interest in accessing the rights-of-way:

- Amplex
- Agile Networks
- AT&T
- Cell Site Capital
- Century Link



- City of Defiance
- Horizon
- Independents Fiber Network
- Metrohealth
- Middle Mile Infrastructure
- Neo Network Partners
- The New Albany Company
- Verizon
- Zayo
- Cincinnati Bell

While each of these companies expressed their desire to access the rights-of-way, there was no general consensus on what type of consideration should be given for that access. Horizon stated that it would seek to have anchor tenants, possibly including ODOT, and then proposed running lateral fiber lines to areas of the state that do not have access to middle mile infrastructure. Cell Site Capital was interested in a more dynamic structure which takes into account the purpose of the access to the rights-of-way and how that purpose fits into the state strategy for broadband deployment. The Ohio Telecommunications Association, Zayo, Amplex Electric and Verizon all state that the costs for accessing the rights-of-way should be limited to the actual costs of maintaining the right-of-way and performing the work necessary to approve the permit.

### **Considerations for access to the rights-of-way**

With the threshold inquiry of whether companies would value access to ODOT’s controlled rights-of-way being answered in the affirmative, there are numerous considerations for allowing that access.

3. The state must reach its goals without impeding business.

Numerous companies encouraged the state to balance leveraging the rights-of-way to reach specific goals with the needs of business. Indeed, as numerous respondents indicated, there are already companies that are expanding coverage into underserved areas, including AT&T, Horizon, and Charter. These companies, and others including Zayo and Amplex, have used rights-of-way in the past to provide services to clients, and want keep the state attractive for future investment.

Charter noted that “additional costs associated with access to state assets could discourage broadband expansion.” The New Albany Company echoed similar sentiments in their response, focusing on the needs of large-scale data centers. Specifically, in making considerations on how to leverage the rights-of-way, “[t]he failure to support critical connectivity required by these companies could result in the redirection of future investment to more supportive regions and states and dampen the momentum Ohio currently enjoys.” Similarly, Cincinnati Bell urged caution in determining rights-of-way value in that it could create “challenging economics for providers who are interested in deploying success-based capital and forcing them to look elsewhere for attractive investment opportunities.

On the topic of who may be granted access to rights-of-way, the Ohio Telecommunications Association recommended that any change in policy be competitive and technology neutral, to ensure that the state is not picking winners and losers when it comes to expanding access.

In determining value, Ernst and Young noted:

Each right-of-way is different, providing varying commercial value and cost to build. The commercial potential of each situation must be assessed independently, as do the needs of the public and private entities. Together, these will define the universe of possibilities.

4. Create a comprehensive statewide approach for access to the rights-of-way.

Many of the respondents who indicated the desire to locate in the right-of-way also discussed how best to allow that access to occur.

a. Utilize a P3 to offer companies the opportunity to locate in the rights-of-way

Agile Communications advocates for a comprehensive P3 approach in its response to the RFI. This would allow the state to maintain the most control over its assets and ensure that the entire state had coverage, instead of broadband being placed in only the most valuable locations around the state. Cell Site Capital similarly advocates for a P3 where the entity granted access to the rights-of-way becomes the dark fiber provider for companies needing access. Horizon also expressed interest in entering a P3 for intelligent transportation systems. Similarly, Nokia stated that it has experience in P3s to help municipalities leverage their current assets to increase connectivity for first responders. Ernst and Young lays out many of the considerations that ODOT should consider if it chooses to go forward with a P3 and indicated that there are multiple approaches to understanding the value of the right-of-way when entering into the agreement.

b. Leverage the rights-of-way to provide greater access to rural areas.

Horizon, the New Albany Company and Ernst and Young described how the rights of way could be leveraged to promote expanding access to rural areas. Companies would pay for right-of-way access and those funds would go toward expanding broadband to unserved areas. Independents Fiber Network stated that the state should charge a fee for accessing the rights-of-way but should also facilitate the construction of the network. Horizon also specifically promotes the idea of making a swap, where Horizon would be allowed access to the right-of-way on the condition that it ran laterals to underserved communities. These monies may be able to be used for the grant programs that will be described later in this report.

c. Create a management partnership.

Short of creating a comprehensive statewide P3, Ohio could enter into a management contract to have a company manage access to the rights-of-way. Agile discussed this possibility, while Neo Networking described how their three-tiered platform could catalogue and then manage the assets

under ODOT's control. Gartner also explained in their response how they could manage not only the physical infrastructure, but data as well.

### Strategies to expand broadband coverage

#### 5. Utilize fixed wireless solutions.

Numerous respondents proposed fixed wireless solutions to reach unserved and underserved areas in Ohio. New technology is capable of providing speeds that meet or exceed the federal definition of high-speed internet. Some companies, including Starry, Inc. and Agile Communications, indicated that leveraging some of the existing vertical assets that are owned by the state could also drive costs down for the deployment of this technology.

Charter shared that it is piloting the use of CBRS bandwidth in other states as a pilot to provide coverage and is proving the technology infrastructure. Agile Communications and Cincinnati Bell are similarly piloting the use of fixed wireless technology. AT&T discussed some of its fixed wireless solutions and how they can piggyback off of the work the company is already doing as a part of FirstNet and the deployment of Band 14. Crown Castle noted that small cell solutions may be of use where there is challenging geography. And while Starry, Inc. noted that its fixed wireless solution is currently better suited to urban, suburban and exurban neighborhoods, they plan on testing equipment that will otherwise be able to reach more users in a rural setting.

These real-world examples demonstrate that technology has the capability of providing solutions to difficult to reach areas without running fiber to the home.

#### 6. Create a grant to assist in covering some costs for deployment.

An overarching theme from the respondents was that they could reach more areas to provide broadband if they had access to some capital from the state to assist in the investment. As part of the responses, and in some of the interviews, some principles were developed regarding any possible grant program.

- a. The grants should incentivize private sector investment.

Respondents noted that grants should not go to incentivize government owned networks and instead should be used to incentivize private companies to build the necessary infrastructure.

- b. The grants should be used for unserved and/or underserved areas.

Grants should not be used to supplement areas that already have existing networks, and instead should be used to reach those areas that have no access to high speed internet. Areas should be considered unserved if they do not have access to the federal definition of high-speed internet, which is 25 Mbps download speed and 3 Mbps upload speed. There was some discussion, specifically with the City of Defiance and Horizon, as to how the current mapping from the FCC may not be the most accurate methodology of determining whether an area is unserved and underserved. AT&T and Charter discussed how these maps still have value for making the determination.

- c. The grants should have some guardrails.

While there was some consensus that there should be some guardrails for the grants, there was not a consensus as to what those guardrails should be. Charter requested specific limitations, including a robust challenge process for whether an area is unserved, not allowing the grant to go to companies that have received other grant monies, and having the money come from the general revenue fund, and not off of a fee on providers. Horizon and the City of Defiance argued that there should be few guardrails on a grant, as long as it was going towards the goal of expanding coverage.

- d. The grants should be technology agnostic.

The grants should not value one method of expanding coverage over another so long as it meets the definition of high-speed internet access.

## 7. Utilize existing infrastructure of Rural Electric Cooperatives

Two respondents, the New Albany Company and the City of Defiance, explained how rural electric co-ops may help bring broadband to unserved areas in Ohio. Rural co-ops already have existing infrastructure that can help with deployment. Cincinnati Bell, in their in-person interview, discussed how a possible partnership with a co-op could work: the provider installs fiber on the poles for coops to help with monitoring of the grid and how power is used, and coop members then have access to high speed broadband. In this scenario, the co-op becomes an anchor tenant that can change the economics for expanding broadband in the area. It also allows the co-ops to provide a valuable service to members.

## 8. Improve current mapping.

Up to date and correct maps are a necessity for the state to move forward with improved access to broadband. Maps are a requirement to help determine which areas are unserved, which are underserved, and which have access to high speed internet access. Horizon discussed how current mapping can “overstate broadband availability due to the census-block nature of mapping.” The City of Defiance echoed that their community looked like it had more coverage as a result of the census-block approach currently taken in determining whether an area has access to broadband. Neo Partners recommended a design tool that can help map the needs of a community to determine what solutions may be best. In the context of a possible grant, accurate mapping will be a necessity in identifying eligibility.

## 9. Improve the regulatory climate.

Numerous respondents identified that the regulatory structure could be changed to quicken the expansion of broadband throughout the state and make the process more economical. These suggestions may require changes in the law at a state or local level to implement and are presented without discussion as to the steps necessary for implementation. These considerations include:

- a. Streamline the permitting process to access rights-of-way and infrastructure.

AT&T, Century Link, Charter, the New Albany Company, and Middle Mile Infrastructure all discussed improving the permitting process. This includes looking at the structure for municipalities to grant permits. Long runs of fiber optic cable can run through multiple local jurisdictions, and without a simplified methodology or specific timeline for granting permits at the local level, projects can be delayed. Uniform rules for access to rights-of-way or other government owned infrastructure would speed these projects to market and allow for a faster return on investment. The Ohio Telecommunications Association noted that the process for accessing infrastructure assets that are not rights-of-way should be similarly streamlined, including placements of equipment on state owned buildings and poles.

- b. Simplify the process for installing fiber at railroad crossings.

Like the request that there be a streamlined permitting process, AT&T noted that the process for being allowed to cross railroads can be time consuming and expensive. Standardizing this process would eliminate an uncertainty for projects.

- c. Update an existing sales tax exemption to include modern technology.

Currently, there is a sales tax exemption for some telecommunications equipment. AT&T and Charter both stated that this exemption has not been updated to reflect the current technology used across the country. Both stated that the law should be clarified so that equipment used in providing high-speed internet services should also enjoy the exemption. This would keep the state competitive with Indiana and Michigan, which currently have this exemption.

- d. Standardize and reduce pole attachment rates.

Part of the expense for running aerial fiber includes pole attachment costs. While a process exists to dispute these fees when they are charged by a utility, it does not apply to rural electric co-ops. Both Charter and Horizon stated that pole attachment costs can be a barrier to providing broadband services to rural Ohio, as they increase the costs of the project. Both sought a way to reduce these costs.

- e. Allow fiber providers to use existing electrical easements.

In a similar vein to attachment costs, there is some uncertainty around whether existing easements for some electric carriers have the ability to be used to expand telecommunications equipment. Horizon raised this concern as a part of their response to the RFI and Charter discussed this issue in person. This would eliminate a gray area in the law and allow fiber providers to connect new areas without worrying about possible litigation over their access to poles.

10. Create a broadband cabinet level position.

The City of Defiance, during their in-person interview, advocated for a cabinet level position for broadband. As broadband is a large topic and each project comes with a separate set of challenges, a high-level official should oversee the state's broadband efforts.

#### 11. Create a statewide broadband plan.

In the most recent USDA round of ReConnect funds, the scoring criteria awarded 20 points to projects where states have a broadband plan. Horizon, Defiance, noted that the state was losing out on possible dollars as there is not currently a formal statewide broadband plan. Putting this plan in place would allow Ohio projects to be more competitive for federal dollars.

### **Other Considerations**

There was a great deal of information provided by the respondents in response to this RFI. Not everything can be catalogued here, and while this report has a focus on access to the rights-of-way, there were numerous other considerations that were discussed, both in responses and in person.

#### 12. Other State approaches.

##### a. Kentucky

When asked about a state that has been facing problems in trying to expand broadband, Charter stated that Kentucky's program, called Kentucky Wired, has been unsuccessful. While there is no one reason that the program is not meeting expectations, Charter stated that that did not have the right principles at first, including focusing the program to unserved/underserved areas of the state.

##### b. Massachusetts

Massachusetts was described as a success by Charter. While the state's initial idea was too broad and difficult to implement, the state changed the program to a grant that targeted underserved areas and was focused on how to connect individual locals. Charter stated that this approach was successful and that they had participated in two projects. Charter also noted that Wisconsin has a similar grant program.

##### c. Minnesota

Minnesota's Border-to-Border Broadband Development Grant Program provides funding to incentivize existing broadband providers to build infrastructure in areas of the state that are unserved and underserved. The State has seen near bi-partisan support for the program, appropriating roughly \$86mm to the program since 2014. Going forward, the State's goal is to achieve statewide 100Mbps down/20Mbps upload by 2026.

##### d. Michigan

AT&T stated in its in-person interview that Michigan had a robust grant program that made sure that projects were sustainable and had a process for feedback. Further, the fund was only usable for areas in need of service.

### 13. Innovative projects

- a. Use fiber to connect monitoring equipment for water quality projects.

The City of Defiance proposed utilizing new sensors to monitor the chemicals that can lead to harmful algal blooms as a part of protecting the watershed. The sensors need a robust internet connection to allow researchers access to the data in real time. As a result, Defiance proposed installing concentric fiber rings that would be connected to the monitoring stations utilizing existing rural electric coop infrastructure. Using these sensors as an anchor tenant, the fiber rings could then be expanded to provide high-speed internet services to residential and business customers. This innovative project is not merely an expansion of fiber to an underserved area, but uses that fiber to help solve real world problems facing Ohio today.

The barrier to this project is that government grants to non-profits can be considered non-member income. As a result, rural electric coops are limited in their ability to take grants for fiber buildouts as they may be taxed on the money and possibly jeopardize their non-profit status. Defiance stated that this is a federal, not a state, issue.

- b. Utilize increased connectivity for connected and autonomous vehicles

Transportation is changing. Companies like Uber and Lyft have changed the way that people get from place to place. Multimodal apps are giving people more options in how they travel. Numerous technology companies are also working towards more connected and autonomous vehicles to make our roads safer and more efficient. Many of these new technologies require a robust internet connection to function, and numerous respondents discussed how they wanted to be a part of deployments to meet this need. AT&T described its all-in-one fleet tracking and management solution as well as connecting drones with first responders. Charter explained that they have a division dedicated to connected and autonomous vehicles and that they have a vision for the future of transportation. Ernst and Young acknowledged that it needed to be a part of the conversation and that the state should attempt to determine the need. Horizon would like to be a part of a P3 to expand connected infrastructure, and Cincinnati Bell envisioned a connected corridor on Interstate 75 from Cincinnati to Dayton. It is clear that numerous companies are interested in utilizing existing ODOT infrastructure to increase connectivity for transportation needs.

- c. Leverage existing health assets as a hub for high speed internet coverage.

MetroHealth in Cleveland responded to the RFI to explain how it envisioned using the ODOT rights-of-way to expand broadband coverage to an underserved urban area. The fiber would be installed to serve the MetroHealth system. MetroHealth would in turn create digital literacy programs to help education people on how to use the technology. The health system would then leverage this new asset to provide telehealth services to nearby residents. Horizon also described how a hospital or health center can be an anchor tenant that allows a provider to run wire to a location and then expand coverage out to the nearby community

- d. Utilize existing vertical assets to leverage federal grant dollars.

Convergence Broadband has been awarded a federal ARC planning grant to improve rural broadband coverage in Vinton and Meigs county. To help expand the coverage as far as possible, the company hopes to have access to the MARCs towers or other vertical assets owned by the state to provide for fixed wireless solutions. Any fees associated with leasing the towers would be linked to the operation and maintenance, as the project is serving the specific goal of expanding high speed internet into rural areas.

### **Closing**

This process has helped provide insight around the current state of broadband in Ohio and how to overcome challenges to expansion. The responses made clear that the rights-of-way controlled by ODOT, as well as other assets, can be a key to expanding coverage throughout the state. This process, and the information gained from the responses, will help Ohio take the next steps in understanding how best to incentivize expansion and leverage existing assets to that goal.

The responses in this RFI will help ODOT when considering policies for accessing state controlled assets and will assist the administration in drafting its broader statewide broadband policy, which is anticipated to be released by December 31, 2019.