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FiberLight

October 8, 2025

Texas Comptroller of Public Accounts
Broadband Development Office
P.O. Box 13528
Austin, Texas 78711-3528
Broadband@cpa.texas.gov

Re: Texas Middle Mile Program – Feedback on Applicant Eligibility Requirements

Dear Members of the Broadband Development Office,

I am writing on behalf of FiberLight to express our concerns regarding the applicant eligibility criteria for the Texas Middle Mile Program, specifically the categorical exclusion of entities that provide any retail broadband services to end users.

Understanding of Our Ineligibility

We have carefully reviewed the NOFA, Addendum No. 1, and the official Q&A responses published by the BDO. We understand that FiberLight is ineligible to participate in the Texas Middle Mile Program based on the program's clear language that "entities that provide retail broadband service to end users are not eligible to participate in this program as either lead or joint applicants." The BDO has further clarified that this exclusion applies to entities that provide retail broadband service "wherever located," not just within the project area, and that "last-mile providers of retail broadband that service individual households and businesses are considered ineligible applicants to the TMM Program."

Because FiberLight provides retail broadband services to businesses in certain markets, we fall within this categorical exclusion, even though our core business model is wholesale middle-mile infrastructure provision. We recognize that the BDO has been explicit and consistent in applying this eligibility standard.

FiberLight's Middle-Mile Infrastructure and Rural Presence

Despite our ineligibility, we believe it is important for the BDO to understand the scope and impact of FiberLight's middle-mile operations. FiberLight operates over 13,000 route miles of middle-mile fiber infrastructure across Texas, with a significant portion serving rural and underserved communities. Our network provides critical wholesale connectivity to internet service providers, carriers, government entities, and enterprise customers throughout the state. We have invested heavily in building and maintaining middle-mile infrastructure in areas where private capital has historically been difficult to deploy, and we continue to serve as a backbone provider for communities that lack robust broadband access.

The Impact of Categorical Exclusion

We were previously ineligible for BEAD and the Texas Broadband Infrastructure Program (Boot Program) because we do not provide fiber-to-the-home (FTTH) services. Now, we are ineligible for the Texas Middle Mile Program because we provide retail broadband services to businesses in some

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capacity. The result is that a proven middle-mile provider with substantial existing infrastructure and operational expertise in underserved areas is unable to access any state broadband funding program, despite our ability to deliver exactly the type of infrastructure these programs are designed to support.

We respectfully submit that the categorical exclusion of mixed-service providers does not account for the operational realities of the broadband industry or the public interest in leveraging existing infrastructure and expertise. Many entities that operate middle-mile networks also provide retail services in certain segments or geographies, and their exclusion may limit the pool of qualified applicants and reduce the overall impact of the program. Our extensive middle-mile footprint and our ongoing commitment to wholesale, open-access connectivity position us to expand the very infrastructure that would benefit the communities and partners we serve today, including rural areas that are the intended beneficiaries of this program.

Our Concerns

We believe that our contributions to middle-mile infrastructure align perfectly with the objectives of the Texas Middle Mile Program. By enabling open access and fostering competition, we help lower costs and improve service quality for end users. A more nuanced approach, such as requiring functional separation, open-access commitments, or project-specific eligibility determinations, would better serve the goals of the Texas Middle Mile Program while ensuring that experienced providers with significant rural infrastructure can participate.

Request for Consideration

We understand that the BDO has issued official guidance on this matter and that the eligibility requirements are clearly stated. However, we respectfully urge the Texas Broadband Office to reconsider the eligibility requirements for future iterations of the program or to explore potential waivers or alternative structures that could accommodate entities like FiberLight. We are committed to expanding wholesale middle-mile infrastructure on an open-access basis, and we believe there are pathways for participation that align with the program's goals and protect the public interest without compromising the integrity of the program’s objectives.

We remain committed to expanding broadband access in Texas and stand ready to work with the BDO and other stakeholders to identify solutions that leverage our existing infrastructure and expertise to serve underserved communities.

Thank you for your consideration. We welcome the opportunity to further discuss how FiberLight can contribute to the goals of the Texas Broadband Office and support the continued expansion of broadband access throughout the state.

Sincerely,

DocuSigned by:
Ron Kormos
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Ron Kormos
Chief Strategy Officer