



HILDALE CITY

Established 1963

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The City of Hildale is committed to serving its citizens and ensuring that there is safe and responsible development of the community. One of the main responsibilities the City has to our community is to regulate the use of public rights-of-way (ROW) which include streets and sidewalks. The City must ensure that use and development of ROWs is done with the public's interest being the first priority.

Recently, a broadband provider expressed interest in using a ROW in a public street for their private infrastructure. The City requested that the broadband supplier apply for ROW permits and explore entering into a franchise agreement as the company did not have an existing contract covering installation of fiber in a public road or utility ROW. A ROW permit is standard practice when private companies wish to install infrastructure in public streets and a franchise agreement is standard for entities wishing to operate facilities for telecommunications, power, gas etc. within the public ROWs owned by a city. They insure and protect both the interests of the citizens and the private company, and establish basic procedures for safe installation, repairs and improvements.

In response to the City's request, this broadband provider threatened the City with litigation, and filed complaints of discrimination with the Department of Justice Court Monitor overseeing the injunction on the City. After an initial investigation, the Court Monitor found no evidence of discriminatory behavior by the City. The broadband provider's complaints against both Hildale City and Colorado City are undergoing significant legal review by two separate legal teams which have been unable to find any issues with the City's actions. The caution necessitated by the company's threats has increased the time required to process its applications; however the length of time taken has remained well within regulatory guidelines.

The City believes that the complaints from the broadband provider are entirely erroneous, unjustified, and unsubstantiated. Rather, they are an apparent attempt by the company to avoid undergoing the proper procedure that has been required of all other applicants (See Garkane's franchise agreement with Hildale City by going to hildalecity.com). The City remains committed first to protecting the public's interest and safety and then to assisting the broadband supplier with their requests and processing their applications and any upcoming agreements in the most expeditious manner possible after further extensive legal review is completed.

We encourage citizens with questions to contact City Manager Christian Kesselring by email at Manager@hildalecity.com or by phone at 435-874-2323.

We also invite members of the public to attend our monthly city council meetings at 320 East Newel Ave, Hildale, UT – generally held on the first Wednesday of each month. Our next meeting will be August 7th at 6:30 pm. Please bring your questions and comments