

February 19, 2026

Sent Via Electronic Mail To: asaenz@losalamosnetwork.com

Allan Saenz,
President Los Alamos Commnet, Inc.
1390 Avenida Rincon 301
Santa Fe, New Mexico 87506

COUNTY COUNCIL

Randall T. Ryti
Council Chair
Ryn Herrmann
Council Vice Chair
Theresa Cull
Suzie Havemann
Melanee Hand
Beverly Neal-Clinton
David Reagor

COUNTY MANAGER

Anne W. Laurent

Dear Mr. Saenz,

Thank you for the response. Please understand that the County is not at a point to discuss or negotiate a sales price.

The County has time within the Community Broadband Schedule to address this matter in a diligent and responsible way that does not impose any additional costs LANet. The County is willing to pay the costs of outside neutral experts to review this matter. These neutral outside experts would then inform both the County and LANet on the matter. The County would welcome this review because the issue of ownership must be resolved one way or the other. The County is only interested in finding the correct answer. If it is determined that LANet does have property rights in this infrastructure, then the County and LANet will then be at a place to discuss price.

Do you have any objections to bringing in third-party neutral experts to get a second opinion by reviewing the real estate records and other records, evaluate the County's initial finding and determine if there is other evidence that might support LANet's claim of ownership-- at no cost to LANet?

To address your response, my previous letter explained and provided the real estate documents that determine who has the property rights in the infrastructure under the roads and rights of way in Quemazon and Hawk's Landing. These were the recorded plats. These real estate documents show that all the property rights in the infrastructure beneath the streets and rights of way were vested in the County, and not LANet. These facts cannot be ignored or brushed aside.

The County's review of the property records demonstrate that LANet does not own this infrastructure, and without some other documentation or judgment from a court establishing LANet's property rights in the infrastructure, the County cannot

lawfully purchase it. Proceeding without resolving the title issue could likely result in an illegal transaction where the public would be defrauded of any agreed amount paid.

As to your appeal to events in 2016/2017, those involved LANet's lack of compliance with its Franchise Agreement. You did provide some documents as you state, but none of those documents can or do create or vest property rights. Those documents at most show what you believe you own. However, the actual real estate documents that do determine where property rights are vested indicate that your belief about ownership of this infrastructure is not supported by the real estate records.

Regarding the Franchise Agreement discussion in 2016/2017, LANet failed to provide the required 2 sets of "As-Built" drawings of LANet's telecommunication system as required by the Franchise Agreement. The documents you provided appeared to be printed Google maps with lines and marks indicating the general location of parts of LANet telecommunication system. The then County Manager followed with attached demand letter and no "As-Built" were received. Also, LANet has failed to make any Franchise Fee payments since 2019.

However, I want to remain focused on the issue of ownership of this infrastructure as that is a separate and distinct issue from LANet's lack of compliance with its Franchise Agreement with the County. That issue will be addressed separately.

As stated in my original letter, LANet's good-faith effort in resolving this matter is essential.

Sincerely,



Anne W. Laurent
County Manager

Attachment: Demand Letter

cc: Los Alamos County Council



County Manager's Office

March 1, 2019

VIA U.S. CERTIFIED MAIL

Los Alamos Commnet, Inc.
dba Los Alamos Network
c/o Mr. Allan Saenz
Post Office Box 1118
Los Alamos, New Mexico 87544

Re: Demand for Past Due Payments (Third & Fourth Quarter 2018) and Past Due Submittals

COUNTY COUNCIL

Sara C. Scott
Council Chair

Pete Sheehy
Council Vice-Chair

COUNCILORS

David Izraelevitz
Antonio Magglore
James N. Robinson
Randall T. Rytel
Katrina Schmidt

COUNTY MANAGER

Harry Burgess

COUNTY ATTORNEY

J. Alvin Leaphart

ASSISTANT

COUNTY ATTORNEYS

Kathryn S. Thwalts
Kevin J. Powers

Dear Mr. Saenz:

As you are aware, the Council for Incorporated County of Los Alamos ("County"), in Ordinance No. 658, adopted in May 2015, granted Los Alamos Commnet, Inc., *d.b.a.*, Los Alamos Network ("LA Net"), a franchise to provide telecommunication services within the County's rights-of-ways (hereafter "Franchise Agreement").

As part of the Franchise Agreement, Section 3(b), LA Net agreed to pay to the County a specified access line fee of \$0.38 per line per month. As provided in Section 3 (b)(3), these payments were due no later than the last day of each quarter (March 31st, June 30th, September 30th, and December 31st). In addition to the payment, LA Net must also submit the number of access lines provided to customers during each month of that quarter, along with the payment for each month.

It has come to the attention of the County that LA Net has not provided or submitted payments since May 2018. As such, LA Net is now delinquent for the third and fourth quarters of 2018, these including the monthly payments for June, July, August, September, October, November, and December.

The County, pursuant to Section 3(b)(3) and Section 9 (a) and (b) of the Franchise Agreement, herein makes demand that LA Net submit the required payments and bring its account current as required by the Franchise Agreement **within 30 calendar days** from the receipt of this letter.



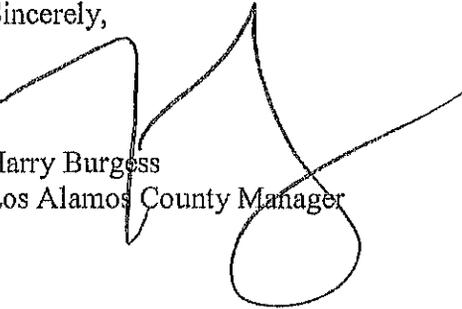
1000 Central Avenue, Suite 350
Los Alamos, NM 87544
P 505.663.1750 F 505.662.8079

losalamosnm.us

The County further reminds LA Net that it still has not obtained the required and mandatory "as-built" plans which were requested in January 2018. Finally, it has come to our attention that LA Net has also failed to provide proof of insurance to the County as required Section 11 (e). Please submit both of these items within 30 days from the date of this letter.

If you have further questions, comments, or would like to discuss this matter, please contact our office at (505)663-1750.

Sincerely,

A handwritten signature in black ink, appearing to be "Harry Burgess", written over the typed name and title.

Harry Burgess
Los Alamos County Manager