


<b>FROM</b>	NAME & TITLE	Steve Sharkey, Director	<b>CITY of</b> <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of General Services 800 Abel Wolman Municipal Building		
	SUBJECT	<b>CITY COUNCIL BILL 15-0528</b>		

**TO**

DATE:

June 1, 2015

The Honorable President and Members  
of the Baltimore City Council  
c/o Natawna Austin  
Room 400 – City Hall

I am herein reporting on City Council Bill 15-0528 introduced by the Council President on behalf of the Administration (Department of Transportation).

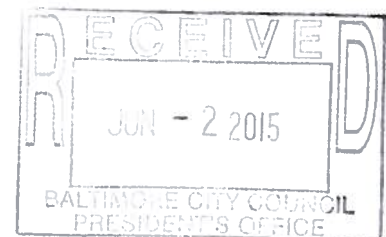
The purpose of the Bill is to grant a franchise to Extenet Systems, Inc., to construct, install, maintain, repair, operate, relocate, replace, and remove certain facilities relating to the provision of a distributed Antenna Systems services in and across certain streets and public ways, subject to certain terms and conditions; and providing for a special effective date.

The Mayor and City Council may grant use of the rights-of-way and other City properties or structures by private entities through a franchise ordinance. The franchise ordinance includes the terms under which the franchise may exist and for how long (no longer than 25 years, although renewals are possible). An annual franchise fee is set by the Board of Estimates according to a Schedule of Fees and Charges adopted by them and periodically updated. The fees and charges are based on the type of encroachment and the location in one of three zoning groupings.

City Council Bill 15-0528 proposes to grant a franchise to Extenet Systems, Inc. for the installation of wireless communications facilities that would occupy the rights-of-way within the boundaries of the City. Extenet’s facilities would be marketed to cellular service providers to provide the infrastructure these companies would need to improve service delivery to their customers. The facilities that would be installed are radiofrequency transmitters or antennae, fiber optic and coaxial cable, transmission facilities, control boxes, and other appurtenant structures. The antennae would be attached to street light poles, stand-alone poles, or third party utility poles. The recommended annual franchise fee is \$100 per year plus an attachment charge for every installation location based on an attachment agreement.

The City, through the Department of Transportation, would review the plans and specifications submitted by the Franchisee and approve them before any installations could begin. Should a public way be closed to public use by ordinance, the Franchisee would either have to remove their facilities or, in the case of private use of the former right-of-way, provide for the accommodation of the facilities or pay for their removal. The fiber optic or coaxial cables would

*No Obj*



The Honorable President and Members  
of the Baltimore City Council  
June 1, 2015  
Page 2

be placed in the City's conduit system under a lease agreement or, if conduit was not available, the Franchisee would have to construct new conduit and transfer its ownership to the City. In addition, erecting new poles for the sole purpose of supporting the Franchisee's infrastructure would be done as a last resort, and as part of the approval for the new poles, the new poles would be required to be deeded over to the City.

The following technical error was found and needs to be corrected in the legislation.

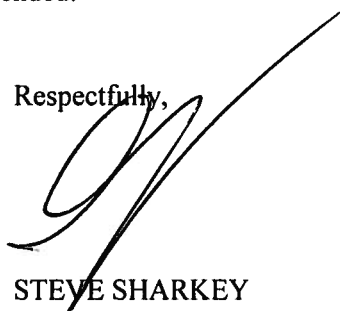
Amendment

Change the word "Franchise" to "Franchisee" on page 7, line 36, so that it reads:

"...and remove Network Facilities in the Public Way, ~~Franchise~~ Franchisee shall pay to the City..."

Based on these findings, the Department of General Services has no objection to the passage of City Council Bill 15-0528 as proposed to be amended.

Respectfully,



STEVE SHARKEY  
DIRETOR

SS/MMC:ela