

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

May 19, 2015

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 15-0528 – Franchise – Extenet Systems, Inc.

Dear President and City Council Members:

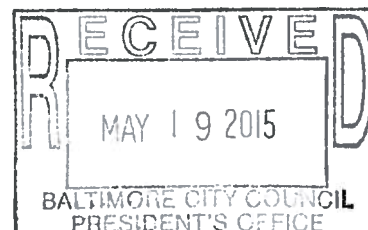
The Law Department has reviewed City Council Bill 15-0528 for form and legal sufficiency. The bill would grant a franchise to Extenet Systems, Inc. to construct, install, maintain, repair, operate, relocate, replace and remove facilities relating to the provision of a distributed antenna system in and across certain streets and public ways, subject to certain terms and conditions; and providing for a special effective date.

This franchise ordinance and the attached franchise agreement, which is made part of the ordinance, allows Extenet Systems, Inc. to use the City rights-of-way to conduct a business in which wireless antenna will be attached to poles to provide certain cellular communication services. Extenet Systems, Inc. is not itself a provider of cellular communications, but rather it provides the infrastructure used by cellular service providers. Specifically, the Extenet franchise will allow Sprint and future Extenet customers to provide robust cellular service in Baltimore.

The exercise of this franchise ordinance is conditioned on Extenet executing a separate attachment agreement with the City. The attachment agreement governs the actual attachments that will be used on City poles. In contrast, and pursuant to Article VIII of the City Charter, Council Bill 15-0528 concerns matters pertaining to Extenet's use of City rights-of-way.

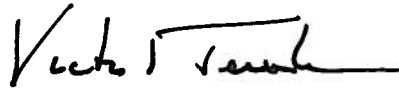
Article VIII of the Baltimore City Charter requires that a bill granting a franchise be referred to the Board of Estimates after first reading. City Charter, Art. VIII, § 2. The BOE is empowered to change both the proposed compensation to be paid the City and the conditions under which the franchise is granted. *Id.* Furthermore, the Board of Estimates must approve by vote or resolution the compensation and terms of the franchise and these are to be attached to the bill before the bill can be enacted. *Id.*

Fav w/ Comm



If the above procedural requirements are met, the bill shall be in accordance with Article VIII of the Baltimore City Charter and the Law Department will approve the bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in black ink, appearing to read "Victor K. Tervala". The signature is fluid and cursive, with a long horizontal stroke at the end.

Victor K. Tervala
Chief Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief, Opinions & Advice
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor