



# CITY OF SAN MATEO

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## Agenda Report

Agenda Number: 8

Section Name: {{section.name}}

Account Number: 10-4691

File ID: {{item.tracking\_number}}

**TO:** City Council  
**FROM:** Drew Corbett, City Manager  
**PREPARED BY:** Public Works Department  
**MEETING DATE:** October 17, 2022  
**SUBJECT:** Use of Public Right-of-Way – Agreement

### RECOMMENDATION:

Approve a Utility Equipment Agreement with Crown Castle Fiber, LLC for the construction, installation, maintenance, and operation of fiber optic network facilities within the public right-of-way and authorize the Public Works Director to execute the agreement in substantially the form presented.

### BACKGROUND:

On June 24, 1999, the California Public Utilities Commission (CPUC) granted NTC Network, LLC a Certificate of Public Convenience and Necessity (CPCN) that authorized it to operate as a facilities-based competitive local carrier and to offer resold local exchange services within the territories of Pacific Bell, GTE California Incorporated, Roseville Telephone Company, and Citizens Telephone Company. On June 12, 2014, the CPUC accepted Advice Letter No. 6 merging NTC Network, LLC and Freedom Telecommunications, LLC by Pro Forma Consolidation. On November 24, 2018, the CPUC accepted Advice Letter No. 13 merging Freedom Telecommunications, LLC into Crown Castle Fiber, LLC by Pro Forma Consolidation. The consolidation documents and CPCN are included in Attachment 1.

Crown Castle Fiber desires to construct, install, maintain, and operate fiber optic network facilities within the City's public right-of-way. This will allow Crown Castle Fiber to provide telecommunication services, such as fiber and internet, to residents and other clients.

The City has the authority to regulate the terms and conditions for Crown Castle's use of the public right-of-way through a Utility Equipment Agreement (UEA) (Attachment 2). The UEA will authorize telecommunication services under applicable federal and state law. However, it will not authorize cable (TV), broadcast television, or wireless (small cell) services.

The main terms and conditions of the UEA are as follows:

- 1) The term of the Agreement is ten (10) years from the effective date and may only be amended in writing and signed by both parties.
- 2) Crown Castle Fiber shall be required to remove or relocate its facilities, without cost or expense to the City, when made necessary by any lawful change of grade, alignment, or width of any street, including the construction, maintenance, or operation of any underground facility by the City, and/or construction, maintenance, or operation of any other City underground or above ground facilities.
- 3) Crown Castle Fiber shall be required to apply for encroachment permits and provide the necessary fees, deposits, and bonds prior to doing work in the public right-of-way.

**BUDGET IMPACT:**

Crown Castle Fiber, LLC shall be required to pay all necessary encroachment permit fees, deposits, and bonds.

**ENVIRONMENTAL DETERMINATION:**

In accordance with CEQA Guidelines Section 15378(b)(5), Council Action on this item is not a project subject to CEQA because execution of a License Agreement is an administrative activity that will not result in direct or indirect physical changes in the environment.

**NOTICE PROVIDED**

All meeting noticing requirements were met.

**ATTACHMENTS**

Att 1 - Consolidation Documents and Certificate of Public Convenience and Necessity

Att 2 - Agreement

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