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**POLE INFRASTRUCTURE LICENSE AGREEMENT BETWEEN  
THE BOARD OF PUBLIC WORKS AND LICENSEE**

THIS LICENSE AGREEMENT is made this 27 day of October 2015 by and between the Board of Public Works of the City of Lewes, chartered by Act of the State of Delaware, (hereafter "BPW") of 107 Franklin Avenue, Lewes, DE 19958 and FiberTech / FIBER TECHNOLOGIES of NEWARK, L.L.C. Licensee ("Licensee").

**2.2 Term** The initial term of this Agreement is five years, beginning on the Effective Date. Licensee may be allowed to opt to extend the term of this Agreement for up to four additional terms of five years each as provided in this paragraph. At the end of each then-current five-year term, Licensee shall, if it intends to renew, give BPW written notice of its request to renew at least 60 days before the end of the then-current term. If Licensee has not materially defaulted during the course of the then-current term, the request to renew will be allowed. Otherwise, BPW will give written notice of the reasons for denial and this Agreement will expire at the term's end. This paragraph is subject to and conditioned upon any lawful requirements or limits imposed by City/County franchise.

**17.5 Payments & Interest** All monetary payments under this Agreement shall be due and payable within 30 days after receipt of invoice. All overdue balances shall accrue interest at the rate of 1.5% per month from the due date until paid, or the maximum rate allowed by law, whichever is less.

AGREEMENT OF LEASE

This is an Agreement of Lease, made and executed this 29th day of August, 1991, by and between THE CITY OF LEWES, a municipal corporation of the State of Delaware, hereinafter referred to as Lessor,

- AND -

GENERAL TELEVISION OF DELAWARE, INC., with Offices at Midway, Rehoboth Beach, Delaware, 19971, hereinafter referred as Lessee.

2. The term of this agreement shall be for a period of ten (10) years, beginning on January 1, 1991, and ending at midnight on December 31, 2000, provided, however, that this agreement of lease and all of its terms and conditions shall be automatically extended for two (2) additional and consecutive terms of five (5) years each, beginning on January 1, 2001, and on January 1, 2006, unless written notice of termination shall be given to Lessor, or its successors in title or assigns, at least thirty (30) days prior to the expiration of the original term hereof or the first such extension of such original term, as the case may be. Such notice shall be deemed to have been given if mailed to Lessor, or its successors in title or assigns, by regular United States mail addressed to the last known address of Lessor or the address specified herein and postmarked more than thirty days prior to the expiration of the terms specified herein.

<b>Lewes BPW Electric Miscellaneous Fees</b>		
Security Light monthly charge (current customers only)		\$8.00
Electric Residential advance payment deposit - Tenar		2/12th or \$125.00 (which ever is greater)
Electric Nonresidential		2/12th or \$125.00 (which ever is greater)
Electric Disconnection Fee (Non-payment, demolition, seasonal, upgrade service, repair meter pan, move meter to different location, etc.)		\$30.00
Electric Reconnection Fee (Non-payment, demolition, seasonal, upgrade service, repair meter pan, move meter to different location, etc.)	7-4 M-F	\$40.00
	4-midnight M-F	\$96.00
	other hours	\$172.00
Collection fee to prevent disconnect for non paymen		\$30.00
Electric meter testing		\$60 (refund if defective)
Electric Trouble calls/Service visits (charge if on customer side)	7-4 M-F	\$65.00
	After hours	\$90.00
Returned Check Fee		\$30.00
Electric Misc Materials		cost plus 20%
Transfer Fee/Settlemen		\$37.00
Off Cycle Meter Read (Special Reading)		\$25.00
Impact Fee Electric	200AMP	\$1,350.00
	400AMP	\$2,506.00
Trench Inspection		\$25.00
reinspection if failed		\$15.00
<b>Water &amp; Sewer Miscellaneous Fees</b>		
Water/ Sewer line inspection	48 hr notice	\$30.00
	24 hr notice	\$60.00
	same day(non emerge	\$90.00
Turn off/on water, trouble water/sewer call:	48 hour notice	\$30.00
	24 hour notice same day service/ non emergency	\$60.00
		\$90.00
Water Purchase from Water Treatment Plant		\$20.00 per loac
		plus \$7.50 per thousand gallons
Water misc materials		cost plus 20%
Test water meters.		\$35 (refunded if defective)
Disconnect/ Reconnect water service for nonpayment'	during hours	\$40.00
	after hours	\$96.00
Fire Hydrant flow test		\$150.00
Impact Fee Water	5/8 or 1" house meters	\$2,600.00
Impact Fees Sewer	residential	\$2,893.00
Water meters	5/8"	\$840.00
	1"	\$950.00
Lewes BPW cap water and sewer lines for abandoned proprties and put lien on property.		\$300.00
Plumbing Permit		25% of Building Permit or \$60.00 minimum
Plumbing License and has to get City Business license for \$151		\$10.00
Water & Sewer Taps	each	\$250.00

for similar use of the public ROW.<sup>231</sup>

78. *Fee Levels Likely to Comply with Section 253.* Our interpretation of Section 253(a) and “fair and reasonable compensation” under Section 253(c) provides guidance for local and state fees charged with respect to one-time fees generally, and recurring fees for deployments in the ROW. Following suggestions for the Commission to “establish a presumptively reasonable ‘safe harbor’ for certain ROW and use fees,”<sup>232</sup> and to facilitate the deployment of specific types of infrastructure critical to the rollout of 5G in coming years, we identify in this section three particular types of fee scenarios and supply specific guidance on amounts that presumptively are not prohibited by Section 253. Informed by our review of information from a range of sources, we conclude that fees at or below these amounts presumptively do not constitute an effective prohibition under Section 253(a) or Section 332(c)(7), and are presumed to be “fair and reasonable compensation” under Section 253(c).

79. Based on our review of the Commission’s pole attachment rate formula, which would require fees below the levels described in this paragraph, as well as small cell legislation in twenty states, local legislation from certain municipalities in states that have not passed small cell legislation, and comments in the record, we presume that the following fees would not be prohibited by Section 253 or Section 332(c)(7): (a) \$500 for non-recurring fees, including a single up-front application that includes up to five Small Wireless Facilities, with an additional \$100 for each Small Wireless Facility beyond five, or \$1,000 for non-recurring fees for a new pole (*i.e.*, not a collocation) intended to support one or more Small Wireless Facilities; and (b) \$270 per Small Wireless Facility per year for all recurring fees, including any possible ROW access fee or fee for attachment to municipally-owned structures in the ROW.<sup>233</sup>

80. By presuming that fees at or below the levels above comply with Section 253, we assume

<sup>231</sup> Our interpretation is consistent with principles described by the BDAC’s Ad Hoc Committee on Rates and Fees. Draft BDAC Rates and Fees Report at 5 (Jul. 24, 2018) (listing “neutral treatment and access of all technologies and communication providers based upon extent/nature of ROW use” as principle to guide evaluation of rates and fees).

<sup>232</sup> BDAC Regulatory Barriers Report, Appendix C, p. 3.

<sup>233</sup> These presumptive fee limits are based on a number of different sources of data. Many different state small cell bills, in particular, adopt similar fee limits despite their diversity of population densities and costs of living, and we expect that these presumptive fee limits will allow for recovery in excess of costs in many cases. 47 CFR § 1.1409; National Conference of State Legislatures, *Mobile 5G and Small Cell Legislation*, (May 7, 2018), <http://www.ncsl.org/research/telecommunications-and-information-technology/mobile-5g-and-small-cell-legislation.aspx> (providing description of state small cell legislation); Little Rock, Ark. Ordinance No. 21.423 (June 6, 2017); NCTA August 20, 2018 *Ex Parte* Letter, Attachment; *see also* H.R. 2365, 2018 Leg. 2d Reg. Sess. (Ariz. 2018) (\$100 per facility for first 5 small cells in application; \$50 annual utility attachment rate, \$50 ROW access fee); H.R. 189 149<sup>th</sup> Gen. Assemb. Reg. Sess. (Del. 2017) (\$100 per small wireless facility on application; fees not to exceed actual, direct and reasonable cost); S. 21320<sup>th</sup> Gen. Assemb. Reg. Sess. (Ind. 2017) (\$100 per small wireless facility); H.R. 1991, 99<sup>th</sup> Gen. Assemb. 2<sup>nd</sup> Reg. Sess. (Missouri, 2018) (\$100 for each facility collocated on authority pole; \$150 annual fee per pole); H.R. 38 2018 Leg. Assemb. 2d Reg. Sess. (N.M. 2018) (\$100 for each of first 5 small facilities in an application; \$20 per pole annually; \$250 per facility annually for access to ROW); S. 189, 2018 Leg. Gen. Sess. (Utah 2018) (\$100 per facility to collocate on existing or replacement utility pole; \$250 annual ROW fee per facility for certain attachments). *See also* Letter from Kara R. Graves, Director, Regulatory Affairs, CTIA, and D. Zachary Champ, Director, Government Affairs, WIA to Marlene Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Aug. 10, 2018) Attach. (listing fees in twenty state small cell legislations) (CTIA/WIA Aug. 10, 2018 *Ex Parte* Letter); Letter from Scott K. Bergmann, Sen. Vice President, Regulatory Affairs, CTIA to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17-79 (filed Sept. 4, 2018) at 3, Attach. (analyzing average and median recurring fee levels permitted under state legislation). These examples suggest that the fee levels we discuss above may be higher than what many states already allow and further support our finding that there should be only very limited circumstances in which localities can charge higher fees consistent with the requirements of Section 253. We recognize that certain fees in a minority of state small cell bills are above the levels we presume to be allowed under Section 253. Any party may still charge fees above the levels we identify by demonstrating that the fee is a reasonable approximation of cost that itself is objectively reasonable.