CITY COUNCIL
ATLANTA, GEORGIA

03-O-0471

AN ORDINANCE
BY COUNCILWOMAN CLAIR MULLER

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT WITH INTERSTATE FIBERNET INC., D/B/A ITC DELTACOM, TO USE A SPECIFIC PORTION OF THE PUBLIC RIGHT-OF-WAY FOR LIMITED TELECOMMUNICATIONS PURPOSES NOT INCLUDING TELECOMMUNICATIONS SERVICES, AS DEFINED IN THE TELECOMMUNICATIONS ACT OF 1996 (47 U.S.C. SECTION 153 (46)) OR LOCAL EXCHANGE SERVICE AND FOR OTHER PURPOSES.

WHEREAS, INTERSTATE FIBERNET INC., D/B/A ITC DELTACOM, has applied for a right-of-way agreement to provide limited telecommunications services on, under, over and through specifically identified portions of the public right-of-way; and

WHEREAS, INTERSTATE FIBERNET INC., D/B/A ITC DELTACOM, intends to install equipment in the public right-of-way to transport signals across the city without originating or terminating Telecommunications Services at, to or from any person or location in the City; and

WHEREAS, INTERSTATE FIBERNET INC., D/B/A ITC DELTACOM, has negotiated a right-of-way agreement with the City which provides such access and preserves the rights of the City.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

SECTION 1: That the Mayor be and is hereby authorized to execute a franchise agreement with INTERSTATE FIBERNET INC., D/B/A ITC DELTACOM, for use of the public right-of-way for telecommunications purposes.

SECITON 2: That such franchise agreement shall expire and terminate on April 1, 2006. -

SECTION 3: INTERSTATE FIBERNET INC., D/B/A ITC DELTACOM, shall pay the City at a rate of eight ($8.00) dollars per linear foot for the use of the Right-of-Way within the Peachtree Corridor, and Two ($2.00) dollars per linear foot for the use of Right-of-Way outside the Peachtree Corridor. The Grantee's obligation to pay the Franchise Fee shall commence on the Effective Date and continue throughout the Term; fees shall be paid on a quarterly basis for the preceding quarter, and shall be due on April 15, July 15, October 15, and the 15th day of January of each year throughout the Term. In the quarter, the Franchise Fee shall be prorated relative to the number of days in the quarter that the Franchise is in effect. On or before each quarterly payment date, Grantee shall provide a certificate, signed and attested to by the appropriate corporate officers or authorized corporate representatives, which verifies Grantee's Gross Revenues for the prior quarter.

foregoing terms, which shall be approved by the City Attorney as to form.

SECTION 5: That said right-of-way agreement shall not be binding on the City until executed by the Mayor sealed by the Municipal Clerk and delivered to INTERSTATE FIBERNET, INC.

SECTION 6: That the City hereby modifies, waives or amends for this instance only, the following provisions of Chapter 138:138-134 (a)(1) —Term of the franchise; 138-127 (h)(7)-Audit; 138-134 (a)(12)-Transfer provisions.

RCS# 4632
4/21/03
3:49 PM

Atlanta City Council

Regular Session

MULTIPLE 03-O-0457; 03-O-0460; 03-O-0464; 03-O-0471; 03-O-0474; 03-O-0475
FILE

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	B Woolard

MULTIPLE

14

03- ◯ -0471
(Do Not Write Above This Line)

AN ORDINANCE BY:

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FILED BY
CITY COUNCIL
APR 21 2003

- ❑ CONSENT REFER
- ❑ REGULAR REPORT REFER
- ❑ ADVERTISE & REFER
- ❑ 1st ADOPT 2nd READ & REFER
- ☑ PERSONAL PAPER REFER

Date Referred 3/17/03
Referred To: C. U.
Date Referred
Refferred To:
Date Referred
Referred To:

First Reading
Committee
Date
Chair
Referred To

Committee: City Affairs	Committee
Date: April 7, 2003	Date
Chair: [illegible]	Chair
Action: Fav, ~~Adv, Hold~~ (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: [illegible]	Other
Members: [illegible]	Members
Refer To: 2nd Reading 1st Adopt.	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION
☑ 2nd ❑ 1st & 2nd ❑ 3rd Readings
❑ Consent ❑ V Vote ❑ RC Vote

CERTIFIED

CERTIFIED
APR 21 2003
Felicia A. Moore
COUNCIL PRESIDENT PROTEM

CERTIFIED
APR 21 2003
Rhonda Daughtin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION