

**Pole Attachment License Agreement
New Cingular Wireless PCS, LLC (AT&T)
Requested Revisions**

Article 2

- 2.1 Terms of Agreement noted as 10 years. Exhibit A – Schedule of Fees notes 5 years of annual payments. Board must clarify length of agreement. FiberTech agreement (2015) notes a 5-year initial term with option of 4 additional 5-year extensions. General Television of Delaware (Comcast) agreement (1991) notes an initial 10-year term with 2 additional 5-year extensions. Existing addendum has added additional 5-year extensions.

Article 4

- 4.2 Original draft document notes payment of invoices within 30 days. AT&T requested change to 120 days. **Recommendation** – leave at 30 days for consistency with past practices.
Original draft document does not note percentage of interest accrued on the unpaid amount. AT&T requests 10% per annum. FiberTech agreement notes 1.5% per month or 18% annum. **Recommendation** – 18% for consistency.
- 4.4 Original draft document notes error or erroneous charge shall be adjusted within 30 days. AT&T requested change to 90 days. **Recommendation** – adjust to 60 days.

Article 5

- 5.9 Original draft document does not note percentage of interest accrued on unpaid balances. AT&T requests 10% per annum. FiberTech agreement notes 1.5% per month or 18% annum. **Recommendation** – 18% for consistency.

Article 9

- 9.9 Original draft document notes action to permanently restore cables/conductors within 30 days. AT&T requested change to 90 days. **Recommendation** – adjust to 60 days.

Article 10

- 10.2 Original draft document notes removal of unauthorized attachment or submission of permit application within 30 days. AT&T requested change to 90 days.
Recommendation – adjust to 60 days.

Article 12

- 12.4 Original draft document notes the make permit application for each pre-existing attachment without permit as 60 days. AT&T requested change to 90 days.
Recommendation – leave at 60 days.
Original draft document notes failing to make application within 60 days. AT&T requested change to 90 days. **Recommendation** – leave at 60 days.

Article 14

- 14.1 Original draft document notes removal of attachment if BPW needs such space to be completed within 45 days. AT&T requested change to 90 days. **Recommendation** – adjust to 60 days.
Original draft document notes removal of attachment if BPW needs such space to provide service to customer to be completed within 10 days. AT&T requested change to 30 days. **Recommendation** – adjust to 30 days as requested.

Article 15

- 15.1 Original draft document notes BPW may abandon pole upon 30 days' notice. AT&T requested change to 90 days. **Recommendation** – leave at 30 days.
Original draft document notes removal or transfer of attachments from abandoned poles within 30 days. AT&T requested change to 90 days. **Recommendation** – leave at 30 days due to opportunity for BPW to grant additional time for completion.

Article 22

- 22.1(1) Original draft document notes defaults of payment for a period of 15 days. AT&T requested change to 30 days. **Recommendation** – adjust to 30 days as requested.

- 22.1(2) Original draft document notes default in performance of obligations and cure periods as within 30 days. AT&T requested change to 90 days. **Recommendation** – adjust to 60 days.
- 22.1(1) Sub-section must be changed to (3). Original draft document notes default for matters involving safety if correction takes longer than 30 days. AT&T requested change to 90 days. **Recommendation** – leave at 30 days due to safety concerns.
- 22.2 Format change required. No action required by Board.
- 22.3 Format change required. No action required by Board.
Original draft document notes time period for correction of default as 30 days. AT&T requested change to 90 days. **Recommendation** – adjust to 60 days.
- 22.4 Format change required. No action required by Board.
- 22.5 Format change required. No action required by Board.

Exhibit A

Application Fee	\$100.00 – fee approved at previous meeting.
NESC Audit/Inspection Fee	\$60.00 – see 5.8 for description of fee.
Attachment Fee per Year	\$270.00 – fee noted in FCC 2018 document. Add additional years if required – see 2.1.
Pole Transfer Fee	Cost plus 20% - see Exhibit B, item C for description of fee. Proposed charge consistent with fees noted on misc. fee schedule.
Unauthorized Attachment Discovery Fee	\$150.00 – see 10.2 for description of fee.
Unauthorized Attachment Daily Fee	\$50.00 – see 10.3 for description of fee.
Storm Restoration Fee	Cost plus 20% - see 9.9 for description of fee. Proposed charge consistent with fees noted on misc. fee schedule.

Item C

Original draft document notes relocation and reattachment of any cables/conductors within 30 days. AT&T requested change to 90 days. **Recommendation** - adjust to 60 days. This item corresponds with the recommended time period in 9.9.

Exhibit B-6

Original draft document notes submission of permit application for unauthorized attachment required within 30 days. AT&T requested change to 90 days. **Recommendation** - adjust to 60 days. This item corresponds with the recommended time period in 12.4.

Exhibit B-8

Original draft document notes certificate of correction be made within 30 days after correction. AT&T requested change to 90 days. **Recommendation** - adjust to 60 days.