

ORDINANCE NO. 098, SERIES 2018

AN ORDINANCE AWARDING A COMMUNICATIONS SERVICES FRANCHISE TO MCIMETRO ACCESS TRANSMISSION SERVICES CORP. D/B/A VERIZON ACCESS TRANSMISSION SERVICES PURSUANT TO THE TERMS AND CONDITIONS IN CHAPTER 116 OF THE LOUISVILLE METRO CODE OF ORDINANCES.

SPONSORED BY: COUNCIL MEMBER MULVIHILL

WHEREAS, pursuant to Chapter 116, as amended, of the Louisville Metro Code of Ordinances the Louisville/Jefferson County Metro Government (“Louisville Metro”) solicited bid proposals from parties interested in obtaining communications services franchises to erect, install or maintain communications facilities or provide communication services by use of said communication facilities within the confines of Louisville/Jefferson County, Kentucky; and

WHEREAS, MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services submitted a bid proposal to Louisville Metro for a communications services franchise which meets all of the requirements of Chapter 116, as amended, of the Louisville Metro Code of Ordinances and all other applicable state and federal laws.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:


SECTION I. Louisville Metro hereby grants to MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services for a period of twenty (20) years, a non-exclusive franchise to erect, install or maintain communications facilities or provide communication services by use of said communication facilities within the confines of Louisville/Jefferson County, Kentucky pursuant to Chapter 116, as amended, of the Louisville Metro Code of Ordinances.

SECTION II. The franchise agreement by and between MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services and Louisville Metro as appended to this ordinance is hereby approved and the Mayor is hereby authorized to execute and enter into that agreement for and on behalf of Louisville Metro.

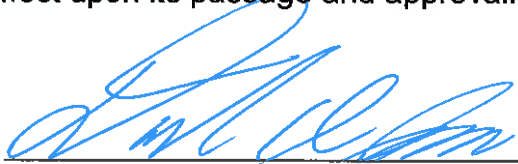
SECTION III. That the statements set forth in the Preamble to this Ordinance are hereby incorporated in this Ordinance by reference, the same as if set forth at length herein.

SECTION IV. That if any section, sentence, clause or phrase of this Ordinance is held to be unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remainder of the Ordinance.

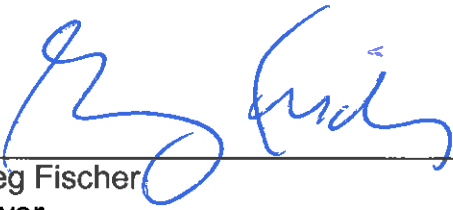
SECTION V. This ordinance shall take effect upon its passage and approval.




H. Stephen Ott
Metro Council Clerk



David James
President of the Council




Greg Fischer
Mayor



Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell Jefferson
County Attorney

By: 



FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT made and entered into this 29th day of JUNE, 2018, by and between the Louisville/Jefferson County Metro Government (hereinafter "Louisville Metro") and MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services.

WITNESSETH:

WHEREAS, pursuant to Chapter 116, as amended, of the Louisville Metro Code of Ordinances and Sections 163 and 164 of the Kentucky Constitution, Louisville Metro solicited bid proposals from parties interested in obtaining franchises to erect, install and maintain communications facilities or provide communication services by use of said communication facilities within the confines of Louisville/Jefferson County, Kentucky.

WHEREAS, MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services submitted a bid proposal to Louisville Metro for a communications services franchise pursuant to the requirements of Chapter 116, as amended, of the Louisville Metro Code of Ordinances.

WHEREAS, pursuant to Ordinance No. 098, Series 2018, Louisville Metro granted to MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services for a period of twenty (20) years, a non-exclusive franchise to erect, install or maintain communications facilities or provide communication services by use of said communication facilities within the confines of Louisville/Jefferson County, Kentucky pursuant to Chapter 116, as amended, of the Louisville Metro Code of Ordinances.

WHEREAS, Louisville Metro and MCImetro Access Transmission Services Corp.

d/b/a Verizon Access Transmission Services have entered into this Franchise Agreement to memorialize the award by Louisville Metro to MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services of said franchise pursuant to the terms and conditions reflected in Chapter 116, as amended, of the Louisville Metro Code of Ordinances.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements contained herein the receipt and sufficiency of which are hereby acknowledged, Louisville Metro and MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services hereby agree to incorporate the foregoing recitals as if fully set forth herein and further agree as follows:

1. Chapter 116, as amended, of the Louisville Metro Code of Ordinances is incorporated herein by reference in its entirety and shall apply as if fully set forth herein.

2. The bid of MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services for said franchise, which is attached hereto as Exhibit A, is incorporated herein by reference in its entirety and shall apply as if fully set forth herein.

3. MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services agrees to comply with all applicable requirements as set forth in the Louisville Metro Public Works & Assets Utility Policy.

4. Upon thirty (30) days' notice prior to installation the Franchisee agrees to allow Louisville Metro to attach to Franchisee owned poles, at no cost to Louisville Metro, equipment and associated accessories that are used solely for public health, safety, or welfare purposes of Louisville Metro (i.e. cameras and sensors, hereinafter, "equipment"). Louisville Metro will be responsible for all costs associated with the installation of this

equipment, including costs for any required load bearing survey, and all costs associated with the operation of the equipment, including, but not limited to maintenance of the devices, electric service, and network connectivity. The Franchisee shall maintain rights in reviewing its capacity for the equipment and determining placement of equipment on its poles so as to avoid damage or conflict with the Franchisee's equipment or other authorized attachments. Any proposed installation shall be conditioned on (i) availability and space, (ii) non-interference with existing users, and (iii) structural capacity. If it is determined that the Franchisee has excess capacity in their dark fiber network at a location where a camera is to be installed, Louisville Metro and the Franchisee may negotiate a fee for use of the excess fiber capacity to connect the equipment to the Louisville Metro network.

5. Louisville Metro granted unto MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services a non-exclusive franchise, for a term of twenty (20) years to erect, install or maintain communications facilities or provide communication services by use of said communication facilities within the confines of Louisville/Jefferson County, Kentucky and as more specifically identified in the above-mentioned bid pursuant to Chapter 116, as amended, of the Louisville Metro Code of Ordinances.

6. The franchise memorialized in this Franchise Agreement shall commence on 6/29/18, 2018 and shall expire on 6/28, 2038.

7. MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services does hereby bind itself, its successors and assigns, to faithfully

and fully perform each and every condition of said franchise as memorialized in this Agreement, and further to faithfully perform all acts required of it as the purchaser of said franchise.

8. This Franchise Agreement memorializes the agreement between the parties and shall be binding upon and inure to the benefit of the respective successors in interest to the parties hereto.

IN WITNESS WHEREOF, Louisville Metro and MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services have executed this Franchise Agreement as their free and voluntary act and deed effective as of the day and year first above written.

**LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT**



GREG FISCHER, MAYOR

PROVIDER

BY: 

TITLE: SR, MGR. Network GNB.

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 



Louisville Metro Public Works & Assets Communications Franchise Application

Applicant information

Applicant Name: MCI metro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services

(Complete Legal Name as registered with the Kentucky Secretary of State)

Address: 600 Hidden Ridge, MC: E02E57

City: Irving

State: TX

Zip Code: 75038

E-mail Address: david.welsh@verizon.com

Phone Number: 972-457-6540

Fax Number: _____

Local Representative Information

Applicant Name: Brian Augustine

Address: 2421 Holloway Road

City: Louisville

State: KY

Zip Code: 40299

E-mail Address: brian.augustine@verizonwireless.com

Phone Number: 502-883-5867

Fax Number: _____

Emergency Contact Information: 800-MCI-WORK

Certification

Applicant agrees to be bound by all provision of the Franchise and agrees to obtain all application permits and authorizations prior to constructing, installing or operating a System in the right-of-way.

Applicant hereby certifies that the information provided by the applicant is true and correct and that the person signing on behalf of the applicant is authorized to do so. Applicant further acknowledges and certifies that it shall be responsible to certify to Louisville Metro any material changes to the information provided in the completed application during the terms of any Franchise.

Complete Legal Name of Applicant: MCI metro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services

Signature: Robert J. Hayes

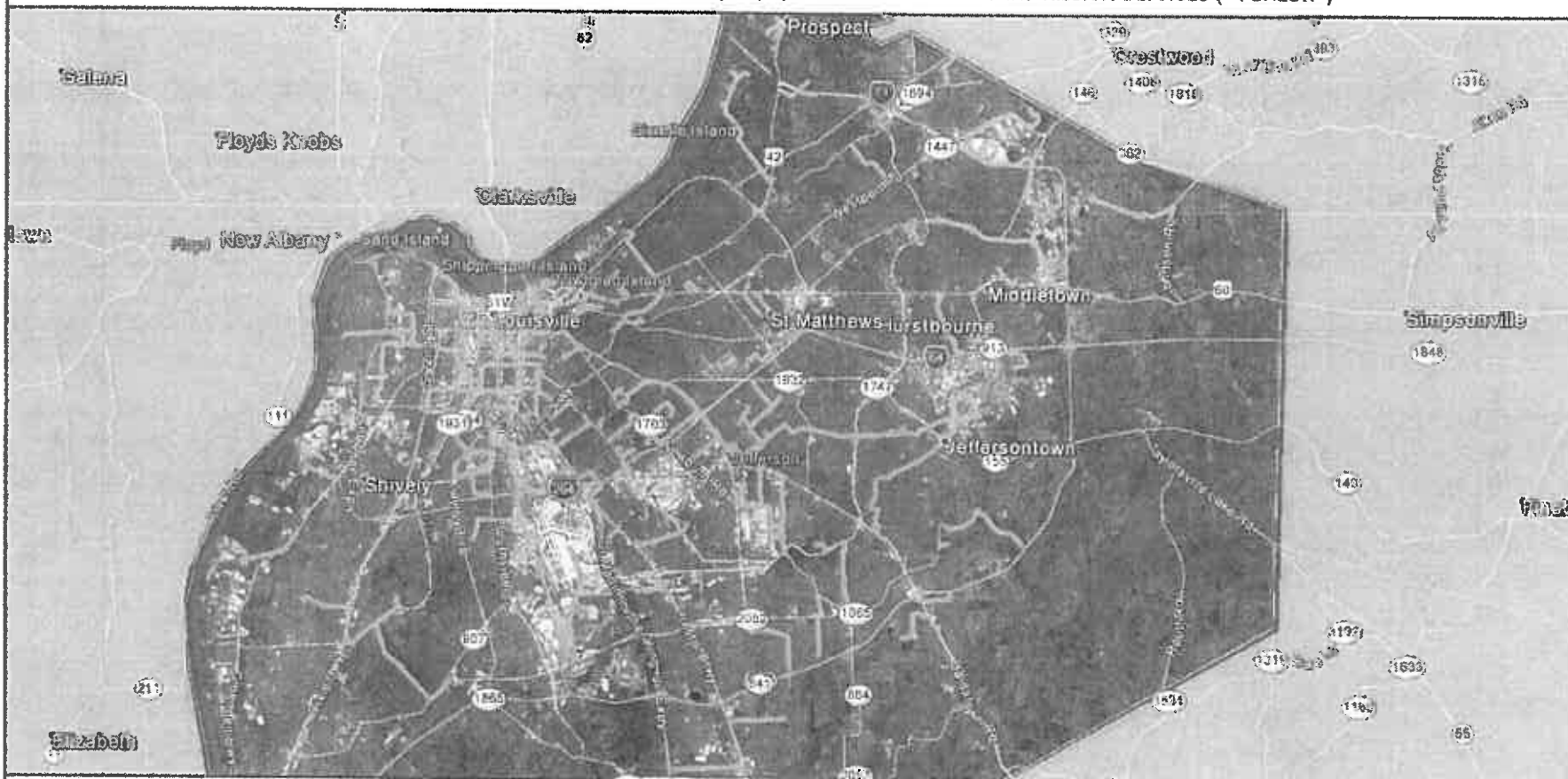
Printed Name: Robert J. Hayes




Title: Senior Manager – Network Engineering and Operations


Date: 05/23/2018

Louisville Metro Franchise License Area Planned Fiber Route

MCI metro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services ("Verizon")



-  Planned Aerial
-  Planned Buried
-  City Boundary



Note: This is a PRELIMINARY VIEW only
Final design not yet completed, thus routes subject to change.

Confidentiality Statement: Verizon/MCI metro Confidential and Proprietary. May Contain Trade Secrets, or Sensitive Commercial or Financial Information. Any Unauthorized Review, Use, Disclosure, Distribution, or Copying is Prohibited.

Data Source: VZS | Projection: NAD_83_10U | Map Created: 7/16/15 | Map Created by: Brian Sagarstine



Louisville Metro Franchise License Area Planned Fiber Route

MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services ("Verizon")

Description of proposed system:

Verizon intends to invest in and deploy a fiber-optic network to meet the growing commercial demand of our wireline services within the Louisville Metro area. The fiber will be deployed primarily in commercially dense areas to provide wireline high speed telecommunications services to existing large business (enterprise) & wholesale customers, as well as, to new medium and small business customers. The market deployment consists of the Metro and the surrounding Jefferson, Bullitt, Oldham, Clark & Floyd counties. The build program will touch 25 of the 26 Council Districts and will mostly traverse the busy thoroughfares including state & metro through roads.

The fiber deployment seeks to utilize the benefits of the one touch make ready ordinance with more than 50% planned aerial attachment. Installation of underground conduit will be limited to the specific areas where aerial attachment is impractical due to cost, timing, or existing infrastructure layout. All construction methods will adhere to the Public Works & Assets Utility Policy. Underground construction will utilize various methods appropriate for the conditions such as micro trenching, traditional boring, open cut trenching, and hand digging where necessary. Hand holes will be buried flush to the ground within the right-of-way allowing for the safest location for installation, maintenance and network service expansion.

The project will first prioritize building the backbone infrastructure along state routes between Downtown and Jeffersontown and later expand throughout the Metro area along those commercially targeted areas shown. Verizon and its contractors will operate as good community stewards working to mitigate disruption to the citizens. This includes planning construction activities around the major events, community events on the Metro's event calendar, Public Works planned paving efforts, & notification to surrounding communities of our intent even if only on Metro through roads. In the event of unforeseen circumstances and at the request of the Metro, Verizon will suspend construction to accommodate.



Note: This is a PRELIMINARY VIEW only

Final design not yet completed, thus routes subject to change.

Confidentiality Statement: Verizon/MCImetro Confidential and Proprietary. May Contain Trade Secrets, or Sensitive Commercial or Financial Information. Any Unauthorized Review, Use, Disclosure, Distribution, or Copying is Prohibited.
Data Source: A2B | Projection: HLD_328_10U | Map Created: 5/16/18 | Map Created by: Brian Argus@v

