

# Staff Summary Report



Council Meeting Date: 06/28/2012

Agenda Item Number: 5B16

**SUBJECT:** Request approval authorizing the Mayor to execute a Wired Telecommunications License and Right-of-Way Use Agreement between TCG Phoenix and the City of Tempe.

**DOCUMENT NAME:** 20120628pwws02 TCG PHOENIX (0802-15)

**COMMENTS:** TCG Phoenix ("TCG") was granted a five-year license in 2007 for use of the City's rights-of-way to provide intrastate telecommunication services. This license expired on January 3, 2012 and had been in a 90 day holdover term, which expired April 2, 2012. Under Sections 31A-10(a) and 31A-14 of the Tempe City Code, TCG needs to have a license in order to continue providing services and/or do any work in the right-of-way. This license and agreement will expire June 27, 2017.

**PREPARED BY:** Wendy Springborn, Engineering Services Manager (x8250)

**REVIEWED BY:** Andy Goh, Deputy Public Works Director/City Engineer (x8896)  
Dave Heck, Deputy Information Technology Director (x8777)

**LEGAL REVIEW BY:** Jenae Naumann, Assistant City Attorney (x8402)

**DEPARTMENT REVIEW BY:** Don Bessler, Public Works Director (x8205)  
Ken Jones, Financial & Technology Director (x8504)

**FISCAL NOTE:** All of the current facilities owned by TCG, which are subject to this license and right-of-way use agreement, carry intrastate telecommunications that are exempt from a right-of-way use fee under A.R.S. § 9-582(A). TCG will, however, be responsible for any application fees, transaction privilege taxes, permit fees, damage fees, and reasonable costs associated with construction, maintenance, and operation of its facilities under Tempe City Code, Chapter 31A, and Sec. 29-19.

**RECOMMENDATION:** Authorize the Mayor to execute the Agreement.

**ADDITIONAL INFO:** N/A