



Chandler - Arizona
Where Values Make The Difference

Application for Class 4, Class 5, and Class 6 Encroachment/Right-of-Way(ROW) Licenses and/or Use Agreements

Name of Applicant (Company): _____ Date: _____

Company Representative: _____

Title _____ Phone _____ email _____

Brief description of project and/services to be delivered as a result of the project:

Type of License applying for (check appropriate box):

- Class 4--Telecommunication
- Class 5--Fiber Optic Communication & Other Non-Telecom Communication Services
- Class 6--Cable Television & Related Services

*A synopsis of the various Classifications is listed below, but Chapter 46 of the Chandler City Code has more detailed information. An applicant can review the Chandler City Code either at the City's Internet Home Page at <http://www.chandleraz.gov> Choose the Tab "How do I..." And select "Search City Code and Ordinances." Then look for Chapter 46 and read through the classifications to determine the one applicable to your company and project. If you have problems finding the City Code in this manner, you can also get information from the City Clerk's office at 480-782-2185 or call the City's Regulatory Affairs Manager at 480-782-3410.

Class 4-Telecommunications Encroachment License/Agreement *Application Fee-\$3,000***

Examples: Common carriers, Companies that construct/place infrastructure to provide local telephone or high-speed data service for a fee directly to the public. Companies that hold a Certificate of Convenience and Necessity from the State of Arizona generally fall into this area but may need to meet additional Class requirements (often related to the Class 5 category) depending on business activity of the company. Only one License/Use Agreement is required.

Class 5-Fiber Optic Cable, Interstate Services & Other Communication Facilities excluded from the definition of "Telecommunications" Encroachment License /Agreement *Application Fee-\$3,000***

Examples: construction/placement to provide long distance telephone service; dark fiber construction; private carrier, wireless Internet service or related services, which the company does not hold a Certificate of Convenience and Necessity from the State of Arizona to provide telecommunication services.

Note: A "Civil Improvements/Encroachment Permit Application" will also be necessary for a Class 4 or 5 License/Use Agreement before any construction can begin. While the applicant may submit for this permit concurrently, Time Frames are separate and apart for the License/Agreement application process. The Permit is online in the City's Unified Development Manual at : http://www.chandleraz.gov/content/UDM_EncroachmentPermitApp.pdf or call 480-782-3310.

**The City may retain outside experts to assist in the review and processing of complex applications. All reasonably related costs for such experts shall be recovered as part of the application fee, which could result in a higher amount than noted.

Class 6-Cable Television & Related Services Encroachment License/Agreement Application Fee-\$10,000**

Examples: construction/placement to provide cable television & related services. (Sometimes referred to as a Cable Franchise.)

Note: A “Civil Improvements/Encroachment Permit Application” will also be necessary before any construction can begin. While the applicant may submit for this permit concurrently, Time Frames are separate and apart for the License/Agreement application process. The Permit is online in the City’s Unified Development Manual at http://www.chandleraz.gov/content/UDM_EncroachmentPermitApp.pdf or call 480-782-3310.

****The City may retain outside experts to assist in the review and processing of complex applications. All reasonably related costs for such experts shall be recovered as part of the application fee, which could result in a higher amount than noted. The application fee will be credited to future license fees paid to the City. Those companies renewing their license and already paying license fees do not have to pay an application fee.**

I. The applicant should read the entire Chapter 46 of the Chandler City Code to be familiar with all the specifics of Encroachment and Other Uses in the Right-of-Way Licenses and Permits. In addition, they should be aware of the requirements in the City Engineering Utility Notes (UDM Form 30) available on the City’s website at (<http://udm.chandleraz.gov/index.php?aid=387>)

II. The application process includes submitting in writing the information listed below as an attachment to this form. The City may waive some of the information on the following list if it is not applicable to the particular application being filed. Call the 480-782-3410 if there are questions.

- A. The names, addresses, and telephone numbers of the applicant, including those for responsible parties during the application, construction and implementation process. This includes a 24-hour emergency telephone contact. Please include the exact legal name of the applicant as it is specified in its charter.
- B. A copy of the applicant’s valid Certificate of Public Convenience and Necessity, which has been issued by the Arizona Corporation Commission.
- C. A detailed statement of the corporation or business entity organization of the applicant, including but not limited to the following and to whatever extent required by the City:
 - 1. The names and mailing addresses of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling the applicant in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity.
 - 2. A copy of the annual report or other financial information demonstrating the financial position of the company.
- D. A plan describing scope of project, type of equipment to be installed and other relevant information.
- E. A statement identifying by place and date any other Telecommunications or Cable Licenses awarded to the applicant, its parent or subsidiary; the status of said Licenses.
- F. A detailed description and map indicating all areas proposed to be served and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire service area together with a chart comparing the schedule with the City’s proposed street maintenance schedule.
- G. A detailed site specific description and map indicating each place where the applicant desires to encroach, every street, right-of-way or easement which may be affected and what equipment, cable, conduit, structure or other facility applicant desires to construct.
- H. The name and license number of the contractor who will be performing the work.
- I. A copy or abstract of any agreement covering the license area, if existing between the applicant and the local telephone and/or other utilities providing for the use of any facilities of the utility including but not limited to poles, lines or conduits.

- J. Any other details, statements, information or references, pertinent to the subject matter of such Application which shall be required or requested by the City Manager and/or City Council, or by any other provision of law.
- K. The applicant shall also enclose with or attach to the application a certified statement that the applicant will obtain any and all other licenses, permits or approvals required by the City or any other governmental agency or other private party except, as required, for the Certificate of Public Convenience and Necessity which is required as part of the initiation of the application process.

III. Through the licensing process, the following terms and conditions will need to be addressed:

- A. The applicant shall maintain insurance of the types and in the amounts specified by the City's Risk Manager, and provide proof of insurance as required by the City; post performance bonds and security funds required; shall agree to fully indemnify the City, its officers, agents, boards and commissions, in a form satisfactory to the City; and shall agree that it shall have no recourse whatsoever against the City, its officers, agents, boards, commissions, agents or employees for any loss, costs, expense or damages arising out of any provision or requirement of the City because of the enforcement of the license or franchise or because of defects in this chapter; or the license or franchise issued or as a result of any damage that may result from the City's exercise of its rights under the License, or applicable provisions of law.
- B. The initial license term shall be for a period of five (5) years and may be renewed for five-year terms. (Term may differ for cable licenses.)
- C. A license is personal to the licensee. Except as provided in the license, no transfer or change of control over the licensee, (including but not limited to, forced or voluntary sale, merger, consolidation, receivership, or any other means) shall occur unless prior application is made to the City and the City's prior written consent is obtained, which consent will not be unreasonably withheld or delayed except that no consent shall be required if the transfer or change of control is to a person which is owned or controlled or under common control with the same person as the licensee and if the transferee submits a binding agreement to the City stating that it has read, accepts and agrees to be bound by the License, and assumes all obligations, liabilities, and responsibility under the License for the acts and omissions of licensee, known and unknown, for all purposes and the licensee gives written notice of the transfer or change of control to the City.
- D. Licensee shall produce books and records for the City's inspection and copying, prepare reports, respond to questions and permit the City to have access to its facilities as the City may request in order to determine whether licensee has complied with its obligations under the license or other applicable law or regulation.
- E. The applicant shall agree to provide and maintain accurate maps showing the location of all its facilities including all the Facilities it will use in the Highways within the City, and to comply with such other mapping requirements that the City may establish from time to time.
- F. For telecommunications licenses, the applicant shall provide proof to the City that the applicant has received a Certificate of Public Convenience and Necessity from the Arizona Corporation Commission which authorizes applicant to provide Telecommunications Services within the City. It is important that the applicant details the specific services and products being provided by their facilities.
- G. The applicant shall agree to comply with highway use requirements that the City may establish from time to time.
- H. The applicant shall agree to comply with and be bound by the administrative and enforcement provisions as may be prescribed from time to time by the City.
- I. The applicant must agree to abide by such other conditions and terms as required by the City Council upon consideration of the application.

IV. Time Frame

While these agreements do not fall under A.R.S. § 9-831 (SB 1598), the following information is to give comparable Time Frame information for planning purposes.

- A. General Information. Applications for Licenses related to Chapter 46 vary in their complexity which may impact the time period for review and processing. The review time period is also impacted if this is a renewal application or initial application. Renewal applications should take less review time unless there are significant modifications to the original license. In addition, the applications will be reviewed in the order of submission and the number of applications in the cue. Also the resources/availability of City staff may impact the length of the review period. These timeframes are an estimation of processing time and the applicant should indicate to the City if the applicant has any critical time constraints and goals so that the City can take those into consideration. These time frames are also separate from the review time frames for the “Civil Improvements/Encroachment Permit Application.” However, the License and Permit can be reviewed concurrently if requested and if the project lends itself to a dual review.
- B. Application Review Period:
1. Applicant should submit all information listed in Section II of this Application Form along with this Form itself, as well as a check to cover the application fee as detailed for the class of License/Use Agreement applicable. The check should be made out to the “City of Chandler.” An application is not considered ready for Administrative Review until all the information and the application fee has been submitted.
 2. While the City and applicant may have discussions on the submitted material and request clarifications during the review period, the City will issue a written or electronic notice of Administrative Completeness or deficiencies by the end of the review period. If there are deficiencies, the applicant will be given a comprehensive list of the specific deficiencies. The Administrative Completeness Review Time Frame and the Overall Time Frame are suspended from the date the notice is issued by the City until the date the City receives the missing information from the applicant.
 3. The City and applicant may mutually agree in writing or electronically to allow the City to submit supplemental request for additional information. If the city issues a comprehensive written or electronic request or a supplemental request by mutual written or electronic agreement for additional information, the Substantive Review Time Frame and the Overall Time Frame are suspended from the date the request is issued until the date the City receives the additional information from the applicant.
 4. An Administratively Complete Application is estimated to take between two to four weeks to review by the Transportation and Development Department. This time period may be extended if there are technical components that involve additional research time. Either during this review time, or at its completion, the applicant will be sent a draft License/Use Agreement for the company’s technical and legal staff to review. The Overall Time Frame is suspended from the time the draft License/Use Agreement is given to the company until the date the City receives an approved draft. The approved draft from the company will then be submitted to the City’s Legal Department for review and approval for a City Ordinance format. The Legal Review Time Frame can be an additional two to 12 weeks, depending on the complexity of the legal issues and how many modifications have been made to the original draft License/Use Agreement.
- C. Council Action\Approval or Denial: Once the Transportation and Development Department has the Ordinance returned from the Legal Department in an approved format, it will be submitted as an agenda item for City Council approval at two consecutive Council Meetings. Council meetings are typically held the second and fourth Thursday of the month, except in July, August, October, November and December when they have a compressed schedule. A time line for Council Meeting dates will be given to the applicant when the Council item it is submitted to the City Clerk’s office. At the end of the second Council Meeting there is a 30-day waiting period before it becomes effective and is signed by the Mayor. While encroachment permits may be applied for concurrently during the license process, permits will not be authorized prior to the effective date of the license.

D. The Overall Time Frame based on this process for a License/Use Agreement to become effective can take as little as 3.5 months for an application that uses a generic License/Use Agreement template with little modification, to as much as a year for a complex application that undergoes multiple technical and legal reviews by both parties to develop a customized License/Use Agreement. While these agreements do not fall under A.R.S. § 9-831 (SB 1598), the following information is to give comparable Time Frame information for planning purposes. If an application is anticipated to be more complex, an applicant may request to process the license application under the City's Alternative Licensing Review. Under this process the applicant may be afforded multiple opportunities to alter or amend the application and to confer with city staff for advice without constraint of limited reviews or time frames for approval otherwise imposed by City in order to meet the requirements of A.R.S. § 9-831 *et seq.*

E. **V. Complaint/Appeal Process**

In general, refer to City Code 1-7. For a Cable Television & Related Services License specifically, refer to City Code 46-8.17 and 46-8.18.

VI. Inspections:

There are no applicable inspections related to SB 1598 involved in the application process, nor after being issued such a License, detailed on this application form.

VII. Contact Information:

Questions related to Chapter 46 License/Use Agreement application process should be directed to:

Margaret Coulter, Regulatory Affairs Manager
Physical Address: 215 E. Buffalo, Suite 202
Mailing Address: PO Box 4008, Mail Stop 403, Chandler, AZ 85244-4008
Phone: 480-782-3410
E-mail: margaret.coulter@chandleraz.gov

Questions related to the Civil Improvement/Encroachment Permits application process should be directed to:

Steve DiDomenico, City's Development Project Coordinator
Physical Address: 215 E. Buffalo, Suite 102
Mailing Address: PO Box 4008, Mail Stop 410, Chandler, AZ 85244-4008
Phone: 480-782-3315
E-mail: Steven.DiDomenico@chandleraz.gov