

CITY OF SALINA, KANSAS
TELECOMMUNICATIONS FRANCHISE APPLICATION

Instructions:

Any person or entity desiring to obtain a telecommunications franchise in the City of Salina shall first make application to the City Manager, in the form provided below, and shall deposit with the City the amount of \$5,000.00. As soon as reasonably possible after consideration of the telecommunications franchise application by the City's governing body, the City shall be entitled to deduct from the applicant's deposit an amount equal to the City's reasonable, actual and verifiable costs of reviewing and approving the contract franchise, plus all expense of publishing any ordinance. The City reserves the right to request reimbursement for additional actual and verifiable costs and expenses in excess of the applicant's deposit. Any deposit funds remaining after payment of the City's costs shall be returned to the applicant.

The City requests that each applicant respond to each question contained in this application form, in good faith. Answers to questions should be typed, unless otherwise indicated. It is recognized that this application may not fully describe or coincide with all types of telecommunications services or facilities that an applicant proposes to offer. If applicant believes that certain questions are either not relevant or inapplicable, please indicate the basis for such belief. Applicants are also asked to provide any additional information believed to be useful to the City in processing this application.

Once completed, the City will use the application to determine the applicant's qualifications and eligibility for the requested telecommunications franchise, in light of the requested franchise's impact on the public health, safety and welfare, and to assist the City in developing the franchise regulations necessary to facilitate, coordinate, and manage the various providers seeking to use the City's public right-of-way. Questions regarding this application should be submitted to the City Clerk, P.O. Box 736, Salina, Kansas 67402-0736.

For purposes of this application, the following words and phrases and their derivations shall have the following meanings:

- a. "Telecommunications services" means providing the means of transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- b. "Public right-of-way" means only the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other nonwire telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.

PART A: GENERAL INFORMATION

1. Name of the Applicant, including all affiliates of the Applicant:

Applicant:

Date:

Affiliates:

2. Address of the Applicant:

3. Name and telephone number of contact person for the Applicant:

4. If different than the individual named above, please provide the name, address and telephone number for the Applicant’s proposed local point of contact, who would be available at all times to act on behalf of Applicant if the requested franchise is granted.

5. Please provide any proposed terms, provisions or requested accommodations, including a proposed franchise term duration and scheduling constraints of the Applicant.

PART B: DESCRIPTION OF PROPOSED SYSTEM AND SERVICES

1. Please describe:

a. The general geographic area(s) within the City of Salina in which the Applicant proposes to construct its facilities and/or offer telecommunications services.

b. The type(s) of facilities to be installed, constructed or utilized (e.g., reinforced conduit, duct banks, fiber, co-axial cable, copper twisted pair, wireless radio transceivers) and the proposed general location within the public rights-of-way where such facilities will be placed.

2. Please describe the type(s) of telecommunication services that the Applicant plans to offer or provide over the proposed facilities. This information is necessary for the City to assess the proper franchise fee. Accordingly, please provide sufficient detail to enable the City to ascertain whether the Applicant plans to install or utilize access lines, and whether the Applicant intends to provide any services for which the City may be entitled to a gross receipts fee pursuant to K.S.A. 12-2001.

3. Please describe in detail to whom, how and when such services or facilities will be offered.

4. Please describe the Applicant’s proposed maintenance plan.

PART C: APPLICANT'S QUALIFICATIONS

1. Has the Applicant obtained all required federal and state permits, licenses, certificates and franchises, and met all other legal requirements to provide the proposed telecommunications services? If yes, please attach all relevant documentation.
2. If the Applicant's answer to the previous question is "No," please provide detailed documentation of the steps that the Applicant has taken, or intends to take, toward that end.
3. Please explain any changes to the Applicant's structure or operation, which occurred after the Applicant obtained a certificate of authority from the Kansas Corporation Commission to provide the proposed telecommunications services.
4. If possible, please provide the City with contact names, addresses and phone numbers of three municipalities where the Applicant has been granted permission to use the public rights-of-way to provide any telecommunications service.
5. Has the Applicant ever been engaged in any litigation with a municipality with respect to the use of rights-of-way or payment of franchise fees? If so, please describe the nature of the dispute, the municipality involved, whether damages were awarded or paid, and indicate whether the dispute has been finally resolved.
6. Is the Applicant currently involved in any disputes before any federal or state regulatory agency that would impact the ability of the Applicant to legally construct, maintain or provide facilities or services in the City? If so, please describe.

I certify that I am authorized to execute this application and any subsequent agreement on behalf of the Applicant. I further understand that if there are material omissions of information requested by this application or deliberately false answers given to questions on this application, the City may revoke any franchise granted in reliance on the answers provided by Applicant. Further, such actions shall be punished as provided by law.

Dated: _____ By: _____ Title: _____

STATE OF _____, COUNTY OF _____, SS:

This instrument was acknowledged before me on _____, 20____, by _____, as _____ of _____.

Notary Public