



Public Service Provider Registration

In order to protect the public health, safety and welfare, all public service providers desiring to use the public rights-of-way shall register with the City of Arlington. Registration in accordance with the Right-Of-Way Management Chapter of the Code of the City of Arlington shall be in the name of the public service provider who will own the facilities. When any information provided for the registration changes, the public service provider shall inform the City of the change no more than 30 days after the date the change is made.

Compliance with this registration requirement does not grant Applicant the right to construct in the public rights-of-way. Applicant must be either a Certificated Telecommunications Provider under Chapter 283 of the Texas Local Government Code; Network Provider under Chapter 284 of the Texas Local Government Code; Cable and/or Video State-Issued Franchisee under Chapter 66 of the Texas Utilities Code; or have a franchise, franchise ordinance, or license agreement with the City. Applicant must obtain a separate construction permit for specific work to be completed in public rights-of-way.

A. Public Service Provider Information:

Company Name: _____

Address: _____

Business, Assumed, or Trade Names used within past 5 years: _____

Contact Person: _____

Address: _____

Telephone: _____

B. Authority to be in City of Arlington Right-of-Way

1. **Local Exchange Telephone Service Provider.** Has applicant been issued a certificate of convenience and necessity, certificate of operating authority or service provider certificate of operating authority by the Public Utility Commission of Texas to offer local exchange telephone service?

☐ Yes ☐ No

If the response is yes, are the facilities proposed to be placed within the public right-of-way for the purpose of providing local exchange service or voice service as defined by Chapter 283 of the Texas Local Government Code?

☐ Yes ☐ No

If the responses to these two questions are “yes,” applicant must complete Attachment A, Verification of CTP Eligibility for Chapter 283 R-O-W Access and attach a copy of such certification.

Approved By: _____

Date: _____

2. **Cable Television Provider.** Has applicant been issued a Cable and/or Video State-Issued Certificate of Franchise Authority by the Public Utility Commission of Texas to offer cable and/or video service? If so, please attach a copy of such certification.

☐ Yes ☐ No

If the response is yes, are the facilities proposed to be placed within the public right-of-way for the purpose of providing cable and/or video service pursuant to Chapter 66 of the Texas Utilities Code?

☐ Yes ☐ No

3. **Network Provider.** Is applicant a Network Provider as defined by Chapter 284 of the Texas Local Government Code? *A Network Provider is a wireless service provider or a person that does not provide wireless service but builds or installs on behalf of a wireless service provider network nodes or node support poles or any other structure that supports or is capable of supporting a network node.*

☐ Yes ☐ No

If the response is yes, are the facilities proposed to be placed within the public right-of-way related to the provision of wireless service under Chapter 284 of the Texas Local Government Code?

Such facilities include a Network Node (including equipment that enables or is associated with wireless communication) and a Transport Facility (a physical line from a network node directly to the network for the purpose of providing back-haul for network nodes).

☐ Yes ☐ No

4. **Other Authority.** Does Applicant have other authority, such as a franchise, franchise ordinance, license or other agreement, to place facilities within the City of Arlington's Rights-of-Way? If so, please attach a copy of such authority.

☐ Yes ☐ No

If the response is yes, are the facilities proposed to be placed within the public right-of-way for the purpose of providing service pursuant to that authority?

☐ Yes ☐ No

C. Insurance Requirements. Attach a certificate of insurance providing proof of coverage as set forth below:

A public service provider shall obtain and maintain insurance throughout the time it has facilities in the public right-of-way. The City reserves the right to review the insurance requirements, and to reasonably adjust insurance coverage and limits. Pursuant to Section 53.064 of the Texas Utilities Code and for purposes of this subsection, the City will accept certificates of self-insurance issued by the State of Texas or letters written by the public service provider in those instances where the State does not issue such letters, which provide the same coverage as required herein. However, certificates of self-insurance must be approved in advance by the City. For the City to accept such letters, the public service provider must demonstrate by written information that it has adequate financial resources to be a self-insured entity as reasonably determined by the City, based on financial information requested by and furnished to the City. Proof of existing insurance shall comply with the following requirements:

Workers' Compensation and Employer's Liability Insurance

Workers' Compensation	Statutory Limit
Employer's Liability	\$1,000,000 Each Accident
	\$1,000,000 Disease—Each Employee
	\$1,000,000 Disease—Policy Limit

Liability Insurance

Commercial General Liability	\$1,000,000 Per Occurrence/
(No standard coverages are to be excluded by endorsement.	\$2,000,000 Aggregate

XCU and contractual liability are not to be excluded.)

Automobile Liability Insurance

Commercial Auto Liability (including coverage for owned, hired, and non-owned autos)	\$1,000,000 Combined Single Limit
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Umbrella Liability

(Following Form and Drop Down Provisions Included)	\$5,000,000 Each Occurrence
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Any combination of underlying coverages providing equal or better liability limits is acceptable.

In addition to the above requirements, the insurance shall:

1. be written with the City of Arlington as an additional insured except on Workers Compensation and Employer's Liability Insurance, and on the General Liability policy, the City shall be named as additional insured for ongoing operations as well as completed operations.
2. provide for 30 days' notice of cancellation to the City, and 10 days' notice for nonpayment of premium.
3. be written through companies duly authorized to transact that class of insurance in the State of Texas. Insurance is to be placed with insurers with a Best Rating of no less than A:VIII.
4. waive subrogation rights for loss or damage so that insurers have no right to recovery or subrogation against the City of Arlington. It is the intention that the required insurance policies shall protect the City and be primary coverage for all losses covered by the policies.
5. provide that notice of claims shall be provided to the City by certified mail.

D. Bonding Requirements. Provide Performance, Payment and Maintenance Bonds for the construction work to be performed in the rights-of-way for the upcoming year as set forth below:

Each year, the public service provider shall, without cost to the City, provide Performance, Payment and Maintenance Bonds for the construction work anticipated to be performed in the public rights-of-way in the upcoming year. Each bond shall be in the amount of the estimated costs to restore the public rights-of-way for the work anticipated to be done in that year. The Performance Bond shall be conditioned upon the faithful performance of the work in the public rights-of-way. The Payment Bond shall be conditioned upon payment of all persons supplying labor or furnishing materials for said work. The Maintenance Bond shall guarantee the work for two years from the date of its completion. Each bond shall be executed by a surety company authorized to do business in the State of Texas and acceptable to the City.

- E.** The above requirements may be met by public service providers with a current franchise, a franchise ordinance approved by the City Council, or license if their current franchise or license adequately provides for insurance and bonds and provides an indemnity in favor of the City.
- F.** Applicant understands and confirms that submission of this Registration Form, acceptance of the registration by the City, and payment of the associated fees constitutes a written agreement granting authority to be in the right-of-way. Applicant must provide a certificate of insurance providing proof of coverage, and also Performance, Payment and Maintenance Bonds as required by City of Arlington Ordinances governing Right-of-Way Management.
- G.** **If the responses to the two questions in Part (B)(1) above are "yes," applicant should also complete the following Attachment A, Verification of CTP Eligibility for Chapter 283 R-O-W Access and attach a copy of such certification.**

“I hereby certify or affirm that all information provided is true and correct as of the date of this statement, and I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Arlington, Texas, as changes occur.”

Affiant Signature

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me (or proved to me on the oath of _____ or through _____ (description of identity card or other document)) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed same for and as the act and deed of _____ thereof, and for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, 20__.

Notary Public In and For
The State of Texas

My Commission Expires

Notary's Printed Name

Attachment A
Verification of CTP Eligibility for Chapter 283 R-O-W Access

I. Certificated Telecommunications Provider:

Right of access to use the City's public rights-of-way under Tex. Loc. Gov't Code, Chapter 283, ("Chapter 283") applies to wireline Public Utility Commission of Texas (PUC) certificated telecommunications providers (CTP).

A CTP is defined in Chapter 283, Sec. 283.002 as a person who has been issued a certificate by the PUC to offer local exchange telephone service or a person who provides voice service.

- A "local telephone exchange" service is defined in Chapter 283, Sec. 283.002 and in Tex. Util. Code § 51.002 as telecommunications service provided within an exchange to establish connections between customer *premises* within the exchange.¹
- "Voice service" is defined in Chapter 283, Sec. 283.002 as voice communication services provided through wireline facilities located at least part in the right-of-way. The term does not include voice service provided by a commercial mobile service provider as defined by 47 U.S.C. § 332(d).

A CTP is required to count and report its "access lines", and compensate each municipality in accordance with the access lines rates as adopted by the PUC, as revised annually by an inflation factor.

"Access line" is defined by Chapter 283, Sec. 283.002(1), and in PUC Rules, as being each switched transmission path "*physically* within the public rights-of-way", each private line termination point of a non-switched circuit "*located within* the public rights-of-way", resulting in three categories of access lines: residential switched, business switched (including PBX type services) and private/dedicated point-to-point data services, that terminate at a customer's premises, i.e., a retail end-user (and excluding interoffice transport lines that do not terminate at an end-user's premises, as described in PUC Rules, 16 Tex. Admin. Code § 26.461(c)(1)(B), but are used to provide landline/wireline local exchange telephone services or other Chapter 283 defined access line services, 16 Tex. Admin. Code § 26.461(d), of "voice", data, or private landline/wireline services.)²

Chapter 283, and the PUC Rule definitions describe a *landline* based telecommunications service that has *physical* facilities *within* the rights-of-ways extending to the retail end users; Chapter 283 does not apply to wireless (cellular) commercial mobile service.³

¹ See also 16 Tex. Admin. Code § 26.5. Definitions (13) Basic local telecommunications service; (134) Local exchange telephone service or local exchange service.

² 16 Tex. Admin. Code § 26.461 generally and subsection (d) on the three categories of access lines; See also Rule 26.465(c) definitions of a "transmission path" and subsection (d) methodology for counting access lines.

³ A Chapter 283 CTP does not grant the right to use the right-of-way to wireless commercial mobile service providers (i.e., cellular telephone); See *Implementing HB 1777, Commission Order Adopting Rule § 26.465*, P.U.C. No. 20935, at 13-14 (December 27, 1999). ("1999 PUC Order") "... *wireless lines must be excluded for the following reasons: first, the Local Government Code § 283.002(6) states that, "the term (public right-of-way) does not include the airwaves above a right-of-way with regard to wireless telecommunications." By excluding the airways from the definition of the right-of-way, the Legislature specifically excluded the "last mile" of the wireless network from the application of HB 1777. Next, each element of the definition of "access line" refers to transmission media within the right-of-way extended to the end-use customer's premises... by definition, the wireless network falls outside the definition of access lines.... the commission also excludes the lines terminating at a wireless provider. The commission also clarifies that it does not consider lines to wireless providers to be interoffice transport....*" (Italics added.)

If a wireline CTP complies with Chapter 283, i.e. files quarterly access line reports to the PUC and compensates each municipality access line fees based on those reports, it is allowed to place its facilities within the local public rights-of-way, although (no-cost) permits can still be required.⁴

The CTP Applicant's completion of this form, the Chapter 283 CTP Verification Form, will provide guidance to the City on ensuring that only qualified CTP entities have the benefit of Chapter 283 rights-of-way access, as narrowly allowed by Chapter 283; in other words, the completion of this form is intended to elicit the minimum amount of information from the CTP Applicant in order to assist the City in verifying that the CTP is qualified under Chapter 283 in its request to have access to use the public rights-of-way as allowed by Chapter 283, and that the CTP Applicant fully understands and agrees to its responsibilities and obligations of counting, reporting and compensating the City based on its access lines within the City's public-rights-of-way, all in accordance with Chapter 283, PUC Orders and PUC Rules.

II. Terms Used in Application:

"CTP Applicant" – This is the person or entity that will actually locate its facilities within the public rights-of-way, with the permit in the Applicant's name.

"CTP Applicant's Agent" – CTP Applicant's Agent is the agent for the CTP Applicant in connection with completing this Chapter 283 CTP Verification Form, with written authorization to sign and submit the Chapter 283 CTP Verification Form on the CTP Applicant's behalf.

"CTP" - Certificated telecommunication provider, as defined in Chapter 283 and PUC Rules.

"Chapter 283" - Chapter 283, Tex. Loc. Gov't Code.

"Chapter 283 CTP Verification Form" - This application form.

"PUC Rules" – Public Utility Commission of Texas Rules pertaining to Chapter 283, located at 16 Tex. Admin. Code §§ 26.461 to 26.469.

"Public Rights-of-Way" - as defined in Chapter 283 and PUC Rules.

III. CTP Applicant Information

A **Full Legal Name of CTP Applicant:** Including full name of individuals, corporate name, LLC, LLP, as applicable.): _____

B. **Principal CTP Applicant Contact Name:** _____

Title: _____

Address: _____

City: _____ State: _____ ZIP: _____

Tel: _____ Ext: _____

Email Address: _____

⁴ Chapter 283, § 283.052. Effect Of Payment Of Right-Of-Way Fees To Municipality. (a) ... a [CTP] that *complies with this chapter and commission orders* issued under this chapter: (1) may erect poles or construct conduit, cable, switches, and related appurtenances and facilities and excavate within a public right-of-way to provide telecommunications service; and (2) is not subject to municipal franchise requirements...."; § 283.056(b) no cost construction permits, consistent with other like permits, may be required by a city.

- C. **If applicable, CTP Applicant's Agent Name:** _____
Title: _____
Firm Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Tel: _____ Ext: _____
Email Address: _____
- D. **CTP Certificate number and the most recent PUC Docket No. filing** pertaining to the initial issuance or renewal of the PUC Certificate. Attach a copy of the CTP certificate, annotated with the most recent PUC Dkt. No. on issuance or renewal. Designate this as "Exhibit A, CTP Certificate".
- E. **If CTP Applicant asserts legal authority other than or in addition to Chapter 283** that may allow placement of facilities and use of the public rights-of-way, describe in detail that governmental authority, statutory authority, or other legal authority that granted the CTP Applicant the privilege to use the public rights-of-way for placement of its facilities. Designate this as "Exhibit B, Permission to use R-O-W other than Chapter 283".

IV. Representations on submitting the Chapter 283 CTP Verification Form Application:

This Section must be initialed to constitute a completed application, if inapplicable, add to the initials "N/A" and explain why N/A in separate answer attached to the application.

- A. _____ (Initial indicating agreement). **If neither the CTP Applicant nor the CTP Applicant's in-house representative signs the Chapter 283 CTP Verification Form, please attach a letter of agency appointing the named CTP Applicant's Agent as the agent for the CTP Applicant in connection with this the Chapter 283 CTP Verification Form and as being fully authorized to sign and submit the Chapter 283 CTP Verification Form on the CTP Applicant's behalf. The CTP Applicant's Agent must represent that: (1) they have the authority to act for the business entity of the CTP Applicant; (2) they have read and understand the Chapter 283 CTP Verification Form; and (3) to the best of their knowledge the answers and information submitted with the Application are true and correct. Designate this as "Exhibit C, CTP Applicant's Letter of Agency."**
- B. **The CTP Applicant agrees and understands that:**
All sections must be initialed to constitute a completed application.
1. _____ (Initial indicating agreement). **Chapter 283 municipal right-of-way access line fee compensation methodology applies equally to a CTP that owns facilities or provides facilities or capacity to another CTP in the rights-of-way of municipalities as is the "underlying CTP, and to the CTP to whom an underlying CTP has resold, leased, or is using another CTPs' facilities or is otherwise provided access lines that extend to the end-use customer's premises, as the "reseller CTP", as required by PUC Rules.⁵**

⁵ Chapter 283, § 283.051(a) [all CTPs required to pay access line fees], 283.055(i) and -(k) underlying CTPs need not report or pay if reseller CTPs furnished "adequate proof" they would report and pay.

2. _____ (Initial indicating agreement). **That the CTP Applicant's current billing system is in a format to strictly comply with PUC rules that require the CTP billing system to "be sufficient to substantiate compliance with the access line reporting requirements..." and requires CTP records to be maintained "in a manner which allows for easy identification and review".⁶**
3. _____ (Initial indicating agreement). **That the CTP Applicant has, or will prior to the issuance of permits, establish a Municipal Access Line Reporting System (MARS) account on the PUC website, as required by PUC Rules.⁷**
4. _____ (Initial indicating agreement). **That the CTP Applicant will file quarterly access line reports, whether they have access lines or not, as required by PUC Rules.⁸**
5. _____ (Initial indicating agreement). **That the CTP Applicant will provide "adequate proof" documents to the City as to the CTP that is reporting and paying its access line fees if the CTP Applicant is not filing reports or paying access line fees directly, as required by PUC Rules.⁹**

V. Affirmation as to Type of Telecommunications Wireline Facilities

All sections must be initialed to constitute a completed application, if inapplicable, add to the initials "N/A", and explain why N/A in separate answer attached to the application.

- A. **Yes___ No___ (Initial one). CTP Applicant affirms that the facilities are being installed to provide landline/wireline local exchange telephone services or other Chapter 283 defined access line services, 16 Tex. Admin. Code § 26.461(c)(1) & -(d), of "voice", data, or private landline/wireline services.**
- B. **Yes___ No___ (Initial one). CTP Applicant affirms that some of the facilities being installed may be "interoffice transport" lines, lines that do not terminate at an end-user's premises, as described in PUC Rules, 16 Tex. Admin. Code § 26.461(c)(1)(B), which lines are used to connect landline/wireline local exchange telephone services equipment or equipment for other Chapter 283 defined access line services, 16 Tex. Admin. Code § 26.461(d), of "voice", data, or private landline/wireline services.**

[footnote 5 continued] 16 Tex. Admin. Code § 26.467(k)(4) "Adequate proof of reporting and compensation responsibilities." "(A) Definition of 'underlying CTP' and 'reselling CTP.' (i) An underlying CTP is a CTP that owns facilities or provides facilities or capacity to another CTP in the rights-of-way of municipalities. (ii) A reselling CTP is a CTP to whom an underlying CTP resold, leased or otherwise provided access lines that extend to the end-use customer's premises."

⁶ 16 Tex. Admin. Code § 26.467(k)(2) requires that the CTP billing system "must be sufficient to substantiate compliance with the access line reporting requirements..." and 16 Tex. Admin. Code § 26.465(i) requires CTP records are to be maintained "in a manner which allows for easy identification and review".

⁷ 16 Tex. Admin. Code § 26.468.

⁸ 16 Tex. Admin. Code §§ 26.467(k)(3) and 26.468(d) for filed quarterly reports, even if no access lines.

⁹ A CTP, whether reselling or underlying, have an obligation pursuant to 16 Tex. Admin. Code §§ 26.467(k)(4) and 26.467(l) to obtain or provide adequate proof in the form of a written agreement that specifically cites, and assigns responsibility for compliance, i.e., the reporting and compensation requirements, with Chapter 283.

- C. Yes___ No___ (Initial one). CTP Applicant affirms that some facilities that may be installed as “interoffice” back-haul¹⁰ used to connect landline/wireline local exchange telephone services equipment or equipment for other Chapter 283 defined access line services, 16 Tex. Admin. Code § 26.461(d), of “voice”, data, or private landline/wireline services.
- D. Yes___ No___ (Initial one). The proposed facilities enable or are associated with wireless communications (“network nodes”), provide back-haul for network nodes, provide “commercial mobile service” as defined in Federal law,¹¹ or interconnect wireless cellular sites for a Distributed Antenna System (DAS), or other cellular sites that are covered by Texas Local Government Code Chapter 284 (Not to be confused with permissible interoffice transport of “back-haul” connections from a wireless site to interconnect to the wireline publicly switched telephone network, as described above in subsection C). If Yes, Chapter 284 will govern those facilities in the rights-of-way that enable or are associated with wireless communications (“network nodes”), provide back-haul for network nodes, provide “commercial mobile service”, or interconnect wireless cellular sites for a Distributed Antenna System (DAS), or other cellular sites.
- E. Yes___ No___ (Initial one). A network provider will be obtaining transport service from CTP Applicant to connect a network node to the network using the public right-of-way. CTP Applicant affirms that it is paying municipal fees, i.e. access line fees under Chapter 283, to occupy the public right-of-way that are the equivalent of not less than \$28 per node per month. Tex. Loc. Gov’t Code § 284.055(a)(2).

By executing and signing this Chapter 283 CTP Verification Form, the CTP Applicant or CTP Applicant’s Agent affirm and represent (1) they have the authority to act for the business entity of the CTP Applicant; (2) they have read and understand the Chapter 283 CTP Verification Form; and (3) to the best of their knowledge the answers and information submitted with the Application are true and correct.

Signature of CTP Applicant or CTP Applicant’s Agent

Printed Name and Title of CTP Applicant or CTP Applicant’s Agent

Date of Submission of the Chapter 283 CTP Verification Form.

¹⁰ 16 Tex. Admin. Code § 26.465(f)(2) and (3). See also, 1999 PUC Order, at 52-53 “... replacing the term ‘transmission facilities’ with the term ‘back-haul’ facilities to provide clarity...”.

¹¹ A Chapter 283 CTP does not grant the right to use the right-of-way to wireless commercial mobile service providers (i.e., cellular telephone), as defined in Federal law, 47 U.S.C. § 332(d) Definitions. For purposes of this section--(1) the term “commercial mobile service” means any *mobile service* (as defined in section 153 of this title) that is provided for profit and makes *interconnected* service available (A) to the *public* or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission....”

See also, 1999 PUC Order, at 13-14 “... wireless lines must be excluded for the following reasons: first, the Local Government Code § 283.002(6) states that, “the term (public right-of-way) does not include the airwaves above a right-of-way with regard to wireless telecommunications.” By excluding the airways from the definition of the right-of-way, the Legislature specifically excluded the “last mile” of the wireless network from the application of HB 1777. Next, each element of the definition of “access line” refers to transmission media *within* the right-of-way extended to the *end-use customer’s premises*... by definition, the wireless network falls outside the definition of access lines.... the commission also excludes the lines terminating at a wireless provider. The commission also clarifies that it does not consider lines to wireless providers to be interoffice transport....” (Italics added.)

STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned on this day personally appeared _____ (Name),
_____ (Title) and attested that she/he is authorized to sign on behalf of
_____ Corporation and proved to me through the presentation of a valid State
Driver's License to be the person whose name is subscribed to the foregoing instrument, and acknowledged to
me that she/he executed the same for the purposes and consideration therein
expressed. _____ furthermore attested that she/he is signing this document in the capacity
as _____ for and on behalf of _____ Corporation, and that
such capacity makes his signature valid and binding to _____ Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 20____.

Notary Public In and For The State of Texas

My Commission Expires: _____

Notary's Printed Name