



REGISTRATION INFORMATION & INSTRUCTIONS FOR TELECOMMUNICATIONS USERS OF THE RIGHT OF WAY

Access to the City's right of way for the placement of private or commercial voice, data or video, control or other telecommunications facilities is regulated by State Statute Section 202.105 and 337.401 and City Code Sections 25-401 to 25-419. A copy of the City code section may be obtained from the City Clerk's Office or via the City's website, www.stpete.org.

Our objective is to complete the registration process as quickly as possible. Please note registration requires approval by City Council; scheduling the required public hearing may take four to six weeks. It is recommended that you read the City code carefully before completing your application and submit your application in a timely manner. City Code Sections 25-402, 403, 404 specifically address the registration process.

Existing users may continue to operate systems currently in the right of way and request construction permits as required to support those systems while the Registration Process is completed.

Registration is only required ONCE for each firm wishing to occupy the right of way. Once registered, a firm may obtain construction permits for all subsequent work without repeating the registration process.

ALL USERS OF THE RIGHT OF WAY MUST REGISTER OR BE SUBJECT TO THE PENALTIES OF SECTION 25-418

Please read the State of Florida Telecommunications Tax Simplification Act and the City Code Sections 25-402 through 25-419. Be sure that you have supplied all of the necessary information. Incomplete applications will be returned.

APPLICANTS WITH EXISTING FACILITIES IN THE RIGHTS OF WAY

St. Petersburg City Code, Section 25-416 Existing **Private** systems in the right of way.

These are existing systems connecting two or more buildings providing intra building connectivity. Complete the registration form and return to the contact listed below. Include the number or a copy of your existing Telecommunications Permit.

Please Note: If all fees are current no money is due, no bonds or letters of credit are required.

St. Petersburg City Code, Section 24-416 Existing Pass through Systems carrying commercial traffic.

These are existing systems carrying long distance traffic, local traffic, data services or connecting central offices. Complete the registration form and return to Clerk of Council include the number or a copy of your existing Telecommunications Permit.

Registration Information & Instructions for Telecommunications Users Of The Right of Way

Please note: If all fees are current and no money is due, NO bonds and/or letters of credit are required.

St. Petersburg City Code, Section 215-403 Registration - All other telecommunications providers

Complete the attached Registration form, attach all required documentation, bonds /letters of credit and any payment required return to the City as noted below.

NEW APPLICANTS REQUESTING ACCESS TO THE RIGHT OF WAY

Review the following:

- State Statute Section 337.401
- City Code Sections 25-402 through 25-419
- Section 215-403 Registration
Complete the Registration form, attach all required documentation, bonds/letters of credit, proposed construction plans and any payment required, including \$300 application fee.

Note: Construction permits for telecommunications facilities are issued by the engineering department construction services division. No permits will be issued until the registration process is complete.

This registration packet is for both persons or firms who currently have telecommunications facilities or private networks that are in or over the City's rights of way, and for new users wishing to place facilities in a City right of way. All persons or firms using the rights of way are required to register. Please review this form and the attached information carefully. Questions regarding the application or the application process should be forwarded to:

Mr. John Armbruster, Assistant Director, ICS
(727)893-7055
john.armbruster@stpete.org

Completed applications should be addressed to: Ms. Julie Weston
Director, Development Services
P.O. Box 2842
St. Petersburg, FL 33731

1. Any person or firm desiring to use the City right of way for the purposes listed must complete this application process and adhere to the requirements of Ordinance - 507-G.
2. Communications service providers are those firms who provide communications services(as defined by Florida Law) to customers for a fee or charge.
3. Pass through Providers are those firms with networks passing through the City that do not have any actual customers in the city.
4. Private communications networks are those facilities placed in the right of way and used by persons or firms for their exclusive use to connect buildings or facilities together, but not used to provide communications services to the public.

**PROPRIETARY INFORMATION, THE FLORIDA PUBLIC RECORDS
LAW, AND CITY OF ST. PETERSBURG REQUIREMENTS
FOR COMMUNICATIONS SERVICE PROVIDERS**

The requirements of the City of St. Petersburg with respect to “proprietary” confidential information that you file with the City are governed by Florida Statutes and the City Code of Ordinances.

Florida Statutes

Section 202.195 Proprietary confidential business information; public records exemption.

(1) Any proprietary confidential business information obtained...by a local governmental entity... relating to regulating the public rights-of-way is confidential and exempt from the [public records law]..., may be used only for the purposes of imposing such fees or assessing such tax or regulating such rights-of-way, and may not be used for any other purposes, including, but not limited to, commercial or competitive purposes.

(2) For the purposes of this exemption, “proprietary confidential business information” includes any proprietary or otherwise confidential information or documentation, including maps, plans, billing and payment records, trade secrets, or other information relating to the provision of or facilities for communications service that is intended to be and is treated by the company as confidential and is not otherwise publicly available to the same extent and in the same format as requested by the local governmental entity. Proprietary confidential business information does not include schematics indicating the location of facilities for a specific site that are provided in the normal course of the local governmental entity’s permitting process.

(3) Nothing in this exemption expands the information or documentation that a local governmental entity may properly request under applicable law...

(4) Any information in the possession of a local government entity which consists of maps, plans, schematics, diagrams, or other engineering data relating to the exact location and capacity of facilities for the provision of communications services by the local government entity shall be exempt from the [public records law]... Such information shall remain exempt only for a period of 60 days after completion of the construction of the communications services facilities.

St. Petersburg City Code

Generally, the City complies with the Public Records Law. More specifically, with respect to information you may provide to the City, Section 25-405(2) of the City Code states:

Section 25-405. Oversight And Regulation.

(2) Confidentiality; Public Records Law; Litigation; Hold Harmless and Indemnification.

Registration Information & Instructions for Telecommunications Users Of The Right of Way

(a) All information submitted to the POD [the “Person Officially Designated” to act for the mayor] that is considered by the person submitting such information to be proprietary confidential business information shall be clearly marked as such when submitted. Information not so marked shall be presumed to be public record, open for inspection as provided by Florida law. The POD shall exercise reasonable efforts to protect proprietary confidential business information which is clearly marked as such from public inspection, but only to the extent that such protection is required and authorized by Florida law, unless public inspection or disclosure is required by federal or state Law. This paragraph shall not be deemed to be an assurance or warranty that any such information will not be disclosed.

(b) In the event of litigation brought by any person seeking to compel access to, inspection, or copying of any such information, the person submitting such information shall, upon notice by the City of such litigation, appear, indemnify, and hold the City and its officers and employees harmless from all costs and damages arising from such litigation including but not limited to attorney’s fees incurred by the City and attorney’s fees awarded to the successful plaintiff in such litigation.

Instructions and Recommendations

Consistent with the foregoing and with the requirements of the City otherwise applicable to applications for Certificates of Registration:

1. You will need to file a complete and acceptable application, but you do not need to file more information than is necessary.
2. The information that you consider “proprietary”and confidential should be clearly marked as such when you file it with the City.
3. Not all the information you provide will be “proprietary”and confidential. Some information will be open to public inspection. An example is the general information you provide identifying your business (such as your name, contact person, and address).
4. If you identify information as “proprietary”and confidential, the City will exercise reasonable efforts to honor that designation. If anyone who is not authorized to inspect it demands to do so under the Public Records Law of Florida, and if that person sues the City to gain access, we will notify you of the lawsuit and you will be required to appear, defend, and indemnify the City. This kind of litigation always runs the risk that, if the person who sues is successful, attorney’s fees are usually awarded to that person. The City will also incur attorney’s fees and costs in such cases. Taking that risk into consideration, we recommend that you avoid designating information as “proprietary”and confidential unless you are prepared and willing to take an active role in any lawsuits that might arise and pay the costs and fees if you are not successful.

City of St. Petersburg
Development Services
P.O. Box 2842
St. Petersburg, FL 33731





TELECOMMUNICATIONS PROVIDER REGISTRATION FORM

Date Submitted _____

A. GENERAL INFORMATION:

Name of Firm _____

Address of Business Office _____

City _____ State _____ Zip _____

Telephone Number _____ Fax Number _____

E-mail Address _____

Contact Person _____

Telephone Number _____ Fax Number _____

B. TYPE OF REGISTRATION

Local Exchange Carrier (LEC)

Pass Through Provider

Alternative Local Exchange Carrier (ALEC)

Private Network

C. Brief Description of the Firm:

D. Florida Public Service Commission Information:

Evidence of issuance of certificate of authorization by the Florida Public Service Commission, if applicable; such evidence may be in the form of an affidavit executed by an officer of the Provider or a true copy of the certificate.

This is not required if you checked the "Private Network" box.

Attach as Exhibit A

E. FLORIDA DEPARTMENT OF REVENUE INFORMATION

- 1.0 Florida Department of Revenue Telecom Tax registration number _____
(Note: Not required unless you are a provider of cable service or open video service)
- 2.0 Evidence of certification or acceptance by the Florida Department of Revenue for the firm's situsing data base or, if not so certified, a description of the situsing database methodology to be used is not required to provide customer-specific information.
- 3.0 Evidence of certification of the situsing database may be in the form of an affidavit executed by an officer or director of the Provider, or a true copy of the certificate.

This is not required if you checked the "Private Network" box.

Attach as Exhibit B

F. INDEMNIFICATION, HOLD-HARMLESS AND INSURANCE REQUIREMENTS

Evidence of compliance with indemnification, hold-harmless, and insurance requirements, including an affirmative statement that subcontractors will be required to comply with insurance requirements; see Section 25-407. Such evidence shall be in the form of a statement of agreement with the indemnification and hold-harmless requirements of Subsection (1), and evidence of purchase of insurance required by Subsection (2), of Section 25-407.

This is not required if you checked the "Private Network" box.

G. REQUIRED BONDS/LETTERS OF CREDIT

All construction and removal bonds or letters of credit required by Section 25-415.

This is not required if you checked the "Private Network" box.

H. GENERAL CONSTRUCTION PLAN

If you are planning any construction within the next year provide a general construction plan as applicable to the Facilities to be placed in the Right of Way, including but not limited to the following:

1. An initial construction plan in conceptual form, showing proposed underground and aerial construction and time frames. The initial construction plan shall include, but not be limited to, all construction projects which the applicant proposes after registration.

H. GENERAL CONSTRUCTION PLAN (cont.)

Note: The initial construction plan may be modified from time to time, before and after the issuance of a Certificate of Registration. An application for a Construction Permit for work not shown on the initial construction plan shall be deemed a modification of the initial construction plan, and issuance of the Construction Permit shall be deemed approval of the modification.

2. Evidence in the form of one or more affidavits, each executed by an officer of the firm, stating in effect that the firm has secured the right to use the poles in the Right of Way that the firm intends to use by entering into pole attachment agreements or other appropriate agreements with the owner(s) of the poles. Copies of the pole attachment agreements are not required.

Attach as Exhibit D

I. CONTRACTORS/SUBCONTRACTORS

If the firm is using contractors or subcontractors for construction in the Right of Way, provide a list of the contractors/subcontractors. Statement of compliance with vehicle markings requirements per Section 25-413(17)(i).

This is required ONLY if you are using contractors and/or subcontractors.

J. OCCUPATIONAL LICENSES

Attach copies of all necessary City and County occupational licenses.

Attach as Exhibit F

K. PROPRIETARY INFORMATION

Information considered proprietary and not subject to public disclosure shall be marked PROPRIETARY by the APPLICANT on every page and drawing.

Acceptance of information marked proprietary by the City does NOT assure that such information is proprietary as defined under state statute and if so ordered by a court of competent jurisdiction, the City will disclose any and all material provided.

L. TERM OF CERTIFICATE

Designation of term of Certificate of Registration. The term of a Certificate of Registration or any renewal thereof shall be two (2) years.

M. SIGNATURE

The applicant, by signing this form, agrees to comply with the terms and conditions of Ordinance 507-G and all other applicable City Codes.

Officer or Agent

Date

Printed name and title of officer or agent

FOR INTERNAL CITY USE ONLY

Review and approval (please initial approval)

- | | |
|---|---|
| <input type="checkbox"/> Engineering _____ | <input type="checkbox"/> Public Utilities _____ |
| <input type="checkbox"/> ICS/Telecom _____ | <input type="checkbox"/> Legal _____ |
| <input type="checkbox"/> Administration _____ | <input type="checkbox"/> City Council _____ |

Comments:

