



PROCEDURE #3 – Pole Attachment Agreement and Licensing Procedure – New Hampshire & Maine

Thank you for your inquiry regarding the process to obtain a license to place or maintain attachments to poles that are Joint Use (JU), Joint Owned (JO) or Fully Owned (FO) by Northern New England Telephone Operations LLC, d/b/a FairPoint Communications – NNE (FairPoint).

This document will assist you in obtaining a new Pole Attachment Agreement. It will also provide you with the forms necessary to apply for a Pole Attachment License. It is FairPoint’s intent to make this process as efficient as possible for you.

Note: *If the person negotiating this Agreement is someone other than the owner of the cable, a letter must be submitted to FairPoint by the cable owner authorizing that person to act on their behalf. A sample is included in this package.*

Included in this package are the following documents:

Application Forms:

- Form 1 Application and Pole Attachment License – When received along with a check for the field survey initiates the Licensing Process
- Form 2 Authorization for Field Survey Work
- Form 3 Itemized Estimate of Pole Make-ready work and charges
- Form 4 Authorization for Pole Make-ready work
- Form 5 Licensee Itemized Self-Survey
- Form 6 Notification of Discontinuance of Poles
- Form 7 Request for Project Management Form
- Form 8 Licensee to RCE (Reimbursable Construction Engineer) Notification
- Form 10 Licensee Power Supply Schematic

Agreement Forms:

- Checklist Application/Agreement Checklist (Use this for New Agreements and Applications)
- Profile Customer Profile – Establishes Customer Contact Information
- Sample 1 Letter of Agency – Provides authority to act on the cable owner’s behalf
- Insurance Requirements for an ACORD Form
- Bond Requirements for a Surety Bond

All forms and correspondence should be mailed to: - or - Faxed to:

FairPoint Communications - NNE
License Administration Group
615 Odlin Road
Bangor, ME 04401

FairPoint Communications - NNE
License Administration Group
207-941-1952



The Pole Attachment License application process consists of three parts:

Part I – Adequacy – (Application Process) Submit Application to Initiate a Pre-construction Survey

- A. Calculate and make check payable to FairPoint Communications for the applicable Pre-Construction Pole Survey(s) Charge along with the License Application. The Pre-Construction Pole Survey(s) Charges shall be calculated based on the rates and formulas found in Appendix I of your Pole Attachment Agreement. There are two elements of the Pre-construction Survey: 1.) **field inspection** of the existing pole and anchor facilities to determine any necessary make-ready work and determination of point of attachment and 2.) **Administrative effort** required to process the application and prepare the charges for make-ready work, if applicable.
- B. **Project Management** – You have the option of initiating a “Request for Project Management Form” at any time. You may want to consider Project Management if your request involves one or more of the following:
 - A mix of conduit and aerial requirements
 - Multiple requests for pole attachments for more than 2,000 poles on all applications that are pending approval by Licensor at any one time within a single Planning Manager’s Area
 - Submission of multiple requests for the same municipality within a short time frame

Based on the scope of your Project, FairPoint may suggest a Project Meeting. FairPoint will attempt to establish a project meeting within 15 business days. This meeting will enable the customer to meet face to face with FairPoint Engineers. FairPoint will invite the Power Company to have a representative in attendance. The meeting will help to determine the scope of the project and to prioritize the work to meet your requirements.

Please be advised there is a charge for time & travel associated with Project Meetings. This charge is based on the time each FairPoint employee that is in attendance.

Also, it is your responsibility to submit a complete application package to your power company in addition to the one you submit to FairPoint for all Joint Owned/Used poles.

Part II – Survey/Make-Ready Work

- A. Customer, FairPoint and Power Company complete a three party Pre-Construction Pole Survey(s) to determine adequacy of poles to accommodate proposed attachments.
- B. Using the unit costs for make-ready work located in Appendix I of your Pole Attachment Agreement, FairPoint will calculate the costs associated with FairPoint make-ready work necessary to make the pole ready for proposed attachments.
- C. Licensor(s) and other attachees will complete the work necessary to make the Pole ready for the placement of your attachments.

Part III – Agreement Preparation/Licensing

- A. **Prior to any make-ready work being scheduled or performed a Pole Attachment Agreement must be fully executed.**
- B. You must obtain necessary permissions (i.e. licenses, city permits, etc.)
You must receive a new license to attach to a pole **from both FairPoint AND the Power Company**
- D. Place your attachment(s) in accordance with Article VI of the Pole Attachment Agreement.



Part I – Adequacy

If you have questions concerning your Pole Attachment Agreement or the Pole Attachment Licensing process, please call the FairPoint Aerial Specialist identified below:

For Maine, New Hampshire

Stephen Polyot
Tel 207-990-5280

Fax # 207-941-1952
Email: spolyot@fairpoint.com

Hotline – 866-774-5228

To assist the Specialist in facilitating your request please submit a complete set of application forms – Customer Profile Form - Forms 1-4, (5-8, and 10 as applicable) and Letter of Agency if necessary and mail to:

FairPoint Communications - NNE
License Administration Group
615 Odlin Road
Bangor, ME 04401

-or-

Fax to: 207-941-1952

Note: Be sure to mail a copy of the license application to the appropriate power company. Failure to do so, may result in delays to your application.

Part II – Survey Make-ready

Within 45 days of receipt of written notification in the **form of a properly completed license application** and the **correct Survey Fee payment**, FairPoint will jointly conduct a Pre-Construction Pole Survey(s) with the Joint Owner and/or Joint User and the Licensee unless otherwise agreed to by all parties. The survey is performed to determine the adequacy of poles to accommodate your proposed attachments. You will be notified of the results of the Pre-Construction Pole Survey(s) in writing.

Pre-Construction Survey - FairPoint utilizes unit pricing – **no estimate will be provided. The Licensee shall calculate and pay the applicable pre-construction survey charge** and submit it along with their completed license application. The Pre-construction Survey Charge shall be calculated based on the rates and formulas established in Appendix I of the Pole Attachment Agreement. (See Appendix III to determine which rate calculation chart you should use.

If you have **incorrectly calculated** the survey amount your check will be returned and you will need to resubmit your application with the correct amount. If you need assistance with the unit pricing you may call the **HOTLINE on (866) 774-5228**



If no make-ready work is required, and a Pole Attachment Agreement has been fully executed, a license shall be issued for the attachment(s).

If FairPoint determines that the pole or anchor to which you intend to make attachments is inadequate or otherwise needs rearrangement of the existing facilities, you will be provided with an itemized invoice for the make-ready work FairPoint needs to perform. For work that is performed based on unit cost, that charge will apply. When work performed is not covered by unit cost, the charge will be based on an estimate. The licensee will be credited for any amount paid in excess or billed for any amount that exceeds the *estimated* charges. The make-ready work will be scheduled following receipt of a check made payable to FairPoint for the amount required. The power company and any other affected party already attached to the pole will provide you with their make-ready costs as applicable. Within 30 days of receipt of your check FairPoint will provide you with an Estimated Construction Start Date and an Estimated Construction Completion Date for their work. This date is established based on coordination of FairPoint make-ready work with that of the power company and any affected party already attached to the pole.

Your check should be mailed **within 30 days of the date of the letter** accompanying the make-ready costs. If we have not received the *check* **within 45 days**, we will consider **your request canceled**.

FairPoint will make every effort to complete the *Make-ready* work **within 180 days of receipt of your check**. If, due to the size and scope of your request, more time is needed, you will be advised in writing of the estimated make-ready completion date.

Within 10 days of placing your attachment(s) **you must provide** FairPoint **with written notice of the actual dates of attachment** so that we may schedule a Post-construction inspection. **Please utilize the enclosed Form 8 “Licensee to RCE Notification”**. Once the inspection has been completed you will be notified in writing of the findings.

Please be advised that your Company must have a fully executed Pole Attachment Agreement before the License to make pole attachments is granted. You must obtain a license from FairPoint and a license from the Power Company before placing your attachments on the poles.

Part III – Agreement Preparation/Licensing

The following items must be provided before a final license will be issued.

1.) PROCESSING FEE

FairPoint requires a processing fee to prepare a new Pole Attachment Agreement.

A separate check for this processing fee should be made payable to FairPoint in the following amount:

\$425 - if you **do not** have an existing Pole Attachment Agreement with FairPoint (formerly Verizon New England Inc.) applicable to your proposed attachments.

-Or-

\$300 - to amend an existing Pole Attachment Agreement to include a change in your corporate title, if you sell your company or if you assign your rights.



2.) PERMISSION TO OCCUPY

PUBLIC/PRIVATE WAY PERMISSION

Prior to placement of your attachment(s), you must obtain permission from the appropriate Municipality, State or Federal Entity responsible for authorizing you to occupy space in the public way. If the pole is located on private property, a letter of permission from a private property owner must be obtained.

In planning your project, please consider that the process for obtaining permissions can be lengthy. Some municipalities have numerous requirements, including but not limited to:

- Required public hearings
- Issuance of public notice
- Municipal licensing documents

Please be aware that each Municipality has its own rules and regulations and time frames concerning the granting of permission to occupy the public right of way. It is the Applicant's responsibility to work with and understand what each Municipality requires.

3.) INSURANCE REQUIREMENT

Submit a current Certificate of Insurance Form. **The insured's name must be the facility owner's name, as it will appear on the Pole Attachment License Agreement.** (If the owner of the facilities will not own/operate vehicles as outlined in paragraph four below, the facilities owner is still responsible for providing FairPoint with satisfactory evidence that its subcontractor has appropriate Commercial Automobile Liability Insurance showing FairPoint and the appropriate Power Company named as additional insured.) This insurance provides protection against damage and liability. FairPoint and the appropriate Power Company (if applicable) must be shown as additional insured with no deductibles under the description section.

Licensee and its subcontractors (if any) agree to purchase and maintain during the term of the license agreement all insurance and/or bonds required by law or this Agreement including without limitation:

Commercial General Liability Insurance (including, but not limited to, premises-operations, explosion and collapse, underground hazard, broad form property damage, products/completed operations, contractual liability, independent contractors, personal injury) with limits of at least \$2,000,000 combined single limit for each occurrence. (Limits may be satisfied with primary and excess coverage.)

Commercial Automobile Liability with limits of at least \$2,000,000 combined single limit for each occurrence. If the Licensee does not own or operate any vehicles/automobiles associated with the Licensee's business, and will not be operating any vehicles/automobiles to place, maintain or remove cables, equipment or facilities on poles covered by this Agreement, but instead, uses now and/or in the future a contractor to place, maintain or remove cables, equipment or facilities on poles covered by this Agreement, then the Licensee must provide satisfactory evidence that its subcontractor has purchased and maintained during the term hereof Commercial Automobile Liability Insurance of at least \$2,000,000 combined single limit for each occurrence.



Workers' Compensation insurance as required by Statute, and Employer's Liability insurance with limits of not less than \$1,000,000 per occurrence.

All insurance must be in effect before Licensor will authorize Licensee to make attachment to Licensor's pole(s) and shall remain in force until such Attachments have been removed from all such poles.

Licensee shall annually submit to Licensor satisfactory evidence of such insurance by an ACORD Form or other satisfactory form in general use by the insurance industry for each company insuring Licensee to the effect that it has insured Licensee for all liabilities of Licensee covered by this Agreement; and that such certificates will provide evidence of waiver of subrogation, name the Licensor as an additional insured under the General Liability policies and that it will not cancel or change any such policy of insurance issued to Licensee except after giving not less than thirty (30) days written notice to Licensor. In the case of a self-insured Licensee, Licensor may elect to accept satisfactory evidence of such self-insurance in lieu of the ACORD Form.

The above limits of insurance may be satisfied by a combination of primary and excess insurance policies.

The description portion of the form must state that the insurance is for aerial/underground operations in the State of _____. (See insurance requirements attached)

SURETY BOND REQUIREMENTS

Licensee shall furnish a Surety Bond or irrevocable Letter of Credit satisfactory to the Licensor according to the following criteria:

Poles	Security
1 – 50	\$10,000
51 – 500	\$75,000
501 – 2000	\$300,000
2001 – 3000	\$450,000
3,000 +	\$500,000

The maximum security limit required is \$500,000.

If the financial security is in the form of a bond, irrevocable Letter of Credit, or other security as deemed acceptable by Licensor, such instrument shall be issued by a surety company or bank satisfactory to the Licensor and shall guarantee Licensee's obligations under the agreement. The Licensee is obligated to maintain the security in the full amount for the terms of the agreement.

OBTAIN LICENSE TO ATTACH TO POLE

Attachment prior to the issuance of the Pole Attachment License is considered unauthorized and illegal.

Upon satisfying all requirements, you will be issued a formal license (Form 1 signed and dated by FairPoint authorizing you to make attachments to specific Pole(s)).



BILLING

Billing for the attachments authorized in each license will commence on the first day of the month following the date the license is issued.

EXPLANATION OF LICENSE APPLICATION PROCESS

Pole Attachment Agreement

Once "ALL" of the information on the Pole Attachment Agreement Checklist is received, the agreement will be prepared. The agreement will then be routed for all parties to sign. Upon signature of all parties, you will receive a fully executed original license agreement back from FairPoint. The agreement contains the general terms and conditions by which the parties agree to operate.

While the agreement is being prepared and routed for signature, you may apply for a license. A license is necessary to authorize your attachments to specific poles. This process is detailed in the Pole Attachment Agreement.

Listed below is an outline of that process. Please note that you may submit your application for pole attachment(s) prior to final execution of the pole attachment agreement, **However: The make-ready stage will not begin until all required items listed in this procedure are met, all advance payments are received, and a signed agreement/amendment/ is complete:**



Customer Profile - Please complete all of the contact information, **corporate and local. Corporate Title** is the name of the Company that the License will be issued to. **Person Negotiating Agreement** is the name of the person we may contact if we have questions about this agreement. **Also Completed Contact information, Corporate and local contacts for Legal Notices, Insurance Notices, Automatic License Requests, Poles/Conduit Rental bills, Transfer Notices and a local emergency contact are all required.**

Letter of Agency - This letter provides authority to an agent or other representative to act on your behalf. It must be specific and should include the dates the authorization is valid and should also outline the duties and responsibilities being authorized.

Pole Attachment License/Agreement Checklist. – This is a checklist of all items that are required to be completed for a Pole Attachment License Application (page 1) and/or new Pole Attachment Agreement (pages 2 and 3).

Pole Attachment License

Submit a complete set of application forms - Appendix IV forms 1-4, (5-8, 10 as applicable) to the Power Company listed in Appendix II of the license agreement and to the FairPoint License Administration Group as detailed below:

FairPoint Communications - NNE
License Administration Group
615 Odlin Road
Bangor, Maine 04401

Form -1 Application and Pole Attachment License - complete the customer portion of the form filling in the number of attachments for each pole you wish to attach to, as detailed below. Also indicate the number of power supplies, if applicable.

License application number, example: **abc93-1 - company name, year** in which applied for, number of application

The bottom portion of this form will be completed and signed by an authorized representative of FairPoint. You will also need a signed License from the power company.

This form will not be signed by FairPoint until all survey and make ready work is complete and payment has been received. Your receipt of a signed Form 1 is your approval to make attachments.

Remember: no attachments can be made until all parties have completed their work sufficiently so as not to impede the placement of your facilities and you have received a signed and dated license from the licensor(s) authorizing the attachment(s).

Form - 2 Authorization for Field Survey Work - this form will be completed by licensee and submitted along with an advance payment for the survey work. If you wish the work to be done, fill in



the areas and enclose advance payment in the amount calculated, sign the bottom of the form and send to FairPoint License Administration Group.

Once the check for the survey is received, along with the signed Form 2, a FairPoint representative will contact you with the dates when he/she is available to perform the survey.

FairPoint will coordinate the field survey date with the participating Power Company and the licensee.

FairPoint will notify the License Administration Group of the results of the survey within five (5) business days of completion.

Form – 3 Itemized Pole Make-Ready Work Charges – Complete the bold and italicized areas of this form. FairPoint will complete the remainder of the form during or subsequent to the field survey, identifying any make-ready work necessary. This document is an itemized estimate/invoice of work charges.

Form - 4 Authorization for Pole Make-Ready Work - the top of this form will be completed by FairPoint with an estimate/invoice for the make ready work. The make-ready charges (Form 3 and Form 4) will be forwarded to you within ten (10) business days from the completion of the survey.

If you wish FairPoint to complete the make-ready work, please sign the customer information on the bottom of (Form 4) and send a check for the amount specified to the License Administration Group. Once the make-ready work has been completed, the License to attach (Form 1) will be signed by an authorized representative of FairPoint and returned to you. The signed Form 1 is your license to attach to the poles (refer to Article IV "Application for and Issuance of Licenses"). **You must also obtain a license from the Power Company.**

Attachment prior to receiving the signed Form 1 is considered unauthorized and illegal.

Form – 5 Licensee Self Survey Form - Itemized Charges For Pole Make-Ready Work and for Overlash /Rebuild/Power Supplies - This form will be completed by the Licensee for Overlash/Power Supply/ Rebuild work only. This document is an itemized invoice of work charges developed utilizing unit pricing in APPENDIX I of your Pole Attachment Agreement.

Form - 6 Notification of Discontinuance of Poles - must be submitted by licensee to licensor(s) when any attachments have been removed from poles. When you receive the signed Form 6 back from Licensor(s), billing will be discontinued. Please contact the License Administration Group to send you the procedure to initiate the process.

Form - 7 Request for Project Management - Complete the customer information on the form Listing the municipality the pole is located in, number of attachments being requested, start and end locations, and a description of the project.

Form - 8 Licensee Notification to RCE - This form is to be used to notify FairPoint that your facilities have been placed, an overlash project has been started/completed, rebuild project has been started/completed, or a pre-construction survey is necessary. When this form is used to notify FairPoint that a Licensee has finished placing their facilities, FairPoint has 90 days to perform a post-construction inspection. Within (10) days of the completion of a Post-construction Inspection, FairPoint shall notify the Licensee in writing of the date of completion of the Post Construction inspection and its findings.

Form – 10 Power Supply Schematic – The Licensee must provide FairPoint one Form 10 for each pole location on its License Application requiring a power supply. This form will identify your proposed Power Supply location to be approved by a FairPoint Engineer.