



Procedure (#9) to Determine Conduit/Manhole Availability for Licensing

Thank you for your inquiry regarding the process to obtain a license to occupy Northern New England Telephone Operations LLC, d/b/a FairPoint Communications – NNE (FairPoint) conduit system.

This document will assist you in determining which options you would like to pursue. It will also provide you with the forms necessary to apply for a conduit license. It is FairPoint's intent to make this process as efficient as possible for you.

Note: *If the person negotiating this license is someone other than the owner of the cable, a letter must be submitted to FairPoint's 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:

Form 1	Conduit/Manhole Route Availability/Development- used to request a project meeting and/or assistance in developing your conduit route or designing alternatives for your conduit route.
Form 2	Manhole Breakout – Establishes Customer requested Manhole Breakouts
Form 3	Customer Profile – Establishes Customer contact information
Form 4	Checklist – Acts as a reminder to insure all information required by FairPoint is submitted.
Exhibit A	Application for Conduit License – When received initiates Licensing Process
Sample 1	Letter of Agency – Provides authority to act on the cable owner's behalf
Sample 2	Conduit Schematic – Sample drawing of a Conduit System
Insurance	Requirements for an ACORD Form
Bond	Requirements for Surety Bond

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

FairPoint Communications - NNE
Underground Conduit Licensing
615 Odlin Rd.
Bangor, ME 04401

Underground Conduit Licensing
207-941-1952



The conduit application process consists of three parts:

Part I – Planning

- A. Determine the route including estimated linear footage.
 - 1. Submit the “Request for Conduit Route Availability/Development”-Form 1 and a detailed Schematic of your required or desired route. **Include manhole numbers if known or street intersection or address if manhole number is unknown.** Include Manhole Breakouts on Form 2. Include Customer Profile Form 3. Based on our experience, providing an 8.5” x 11” simple stick diagram of your conduit route is the most efficient vehicle to convey your route information. Do this for options 1, 2 & 3

Part II – Availability

- A. Initiate a Conduit Record Search and Manhole Survey(s) to determine availability.
- B. If available, estimate the costs associated with the work necessary to make the conduit ready for placement of your cable or manhole ready for breakout as determined by the manhole survey.
- C. Complete the work necessary to make the conduit ready for the placement of your cable.

Part III – Licensing

- A. Apply for Conduit License/ Manhole Breakout License
 - 1. Submit all remaining forms and requirements as outlined on the Conduit Licensing Application Checklist.
- B. Insure a License Agreement has been fully executed.
- C. Obtain necessary permissions (i.e. city permits, etc.)
- D. Obtain a new license to occupy FairPoint’s owned conduit
- E. Schedule a Conduit Work Inspector (CWI) prior to placing your cable. Forms and instructions for obtaining a CWI will be sent to you along with your license.



Part I – Planning

This process will assist you in gathering the information necessary to submit an application to occupy FairPoint conduit, ducts and manholes.

Under certain circumstances it becomes necessary to have a preliminary meeting with your firm to discuss the scope of the project. Generally, a project meeting can be called for one or several of the following reasons:

- The project consists of a mix of underground and aerial requirements
- The project is greater than 500 linear feet
- Your firm requests a meeting due to complexity issues.
- You have a collocation/CATT Application and this conduit request involves Manhole Zero.

If you wish to call a project meeting in the beginning phase of your project, please call 1-866-774-5228 and ask to speak with the appropriate FairPoint's Specialist who handles the state in which you wish to rent conduit space.

These Specialists can coordinate a meeting with the FairPoint departments necessary to ensure your project's success.

To assist the Specialist in determining the best departmental representation for the meeting, please complete, to the extent possible, the **Request for Conduit Route Availability/Development Form, which has been included in this package**, and mail to:

FairPoint Communications - NNE
Conduit Licensing Staff
615 Odlin Rd.
Bangor, Maine 04401
-or-
Fax to: 207-941-1952

You may also contact the specialist to assist you in gaining access to FairPoint's Engineering records. They can provide you with a contact to coordinate access with you and the Engineering Department. These records are for preliminary design purposes only, and do not preclude the need for a field survey and measurement by FairPoint's Engineering for verification.

Another item to consider during the planning phase is the use of FairPoint **maintenance duct**. FairPoint's maintenance duct is made available **for all authorized occupants'** use on an emergency basis only **and for a limited amount of time**. The use of maintenance duct is temporary and plans must be made for its use and replacement between the Conduit Specialist and the Licensee.

Designating your option on Form 1 will assist FairPoint in determining whether or not the conduit you wish to occupy is available. You will need to select from the following options:

- **Option 1** – Your firm has developed its required route; if no conduit or manhole breakout is available, you do not wish to explore alternatives.
- **Option 2** – Your firm has developed its required route; if no conduit or manhole breakout is available, then you wish alternate routes to be considered.
- **Option 3** – Your firm requests assistance in developing a conduit route or manhole breakout.

Determine the option you would like to pursue.

Whether you choose **Option 1, 2 or 3**, please complete forms 1,2,3,4 and Exhibit A and mail/fax to the address outlined on page 1 of this document. Your ability to complete these forms may vary depending upon the option you choose.



- ✓ Form 1 Request for Conduit Route Availability/Development used to request a project meeting and/or assistance in developing your conduit route or designing alternatives for your conduit route.
- ✓ Form 2 Manhole Breakout – Establishes customer requested Manhole Breakouts
- ✓ Form 3 Customer Profile – Establishes customer contact information
- ✓ Form 4 Self-Checklist to insure all required information has been provided.
- ✓ Exhibit A Application for conduit license.

Choosing one of these options will provide us with the information necessary to initiate the process to determine the availability of the conduit/manhole(s) you have requested. If you have questions or need guidance in completing the forms, please call the Conduit Specialist as outlined on Page 2 of this document.



Part II - Availability

By completing and mailing the attached forms, you are requesting that FairPoint determine the Conduit/Manhole availability for your project. This is a three-phased process allowing you to make choices as to whether or not you wish to advance in the process. The process can end at any point within or between a phase and you can request, through your Conduit Specialist, a project management meeting at any time to explore your options. This allows for a more customized approach to exploring your alternatives.

Each phase will require FairPoint to provide you with a written estimate of costs associated with the necessary work to be performed.

Within 45 days of receipt of written notification in the form of a properly completed license application, FairPoint will conduct a *Conduit Record Search and perform Manhole Survey(s)* for requests involving 50 or fewer manholes within the same Planning Manager Area. You will be notified of the results of the *Conduit Record Search and Manhole Survey(s)* in writing. If, due to the size and scope of your **Phase I - Conduit Record Search and Manhole Survey(s)** – **Within 7 days of receipt of your completed application package** you will be sent a written statement from FairPoint for the estimated costs to perform a *Conduit Record Search and Manhole Survey(s)*. If you wish to proceed after receiving the estimate, sign the *Authorization for Conduit Records Search/Manhole Survey* (Exhibit A-1) and return it with a check made payable to FairPoint for the amount required, to the address outlined on page 1. Your check should be received by FairPoint **within 30 days of the date of the letter** accompanying the survey estimate. This check is non-refundable. Once all work is completed, you will receive a refund or bill for the difference between the actual and estimated costs of performing this work. If we have not received the signed and completed, *Authorization for Conduit Records Search/Manhole Survey (Exhibit A-1)*, and check **within 30 days**, the FairPoint Conduit Licensing Staff will consider **your request canceled**.

- request, more time is required for the manhole survey(s), you will be advised of this in writing.

If conduit is **not** available, you will be notified in writing **within 45 days of receipt of your request**. If you have chosen Option 2 or 3, you may exercise your option to have FairPoint explore the availability of an alternative route.

If conduit is available you will have the option of progressing to Phase II. Phase II (Make-ready Work) cannot commence until you have a fully executed License Agreement that is not expired and a current certificate of insurance have been received by FairPoint.

- **Phase II** is the first part of the make-ready work referred to as *Rod, Rope and Slug* - After completion of Phase I, if it appears that conduit is available, you will be provided with a *Conduit Response Form* which outlines the section(s) of conduit available for licensing. It will also specify whether a full or partial duct is available. Full or partial duct assignment will be made based upon the size of the cable being placed. During Phase II you will be provided with an estimate to continue with the Rod, Rope and Slug.

If you wish to proceed after receiving the estimate of conduit make-ready work, complete columns E and F and the signature section on the Conduit Response Form, sign the *Authorization for Conduit make-ready* (Exhibit A-2) and return them with a check made payable to FairPoint for the amount required to the address outlined on page 1. Your check should be received by FairPoint **within 30 days** of the date of the letter accompanying the make-ready Estimate. This check is non-refundable. Once all work is completed, you will receive a refund or bill for the difference between the actual and estimated costs of performing this work. If we have not received the signed and completed *Conduit Response Form, Authorization for Conduit Make-Ready (Exhibit A-2)*, and check **within 30 days**, the FairPoint Conduit Licensing Staff will consider **your request canceled**.

- **Phase III** is the second part of make-ready work referred to as *Innerduct Placement/Manhole Breakout(s)*. After completion of Phase II, FairPoint will provide you with the estimate of costs to install innerduct where applicable, provide an estimate for manhole breakouts and any other work required.



If you wish to proceed after receiving the estimate of conduit make-ready work, sign the *Authorization for Conduit Make-Ready* (Exhibit A-2) and return it with a check made payable to FairPoint for the amount required to the address outlined on page 1. Your check should be received by FairPoint **within 30 days of the date of the letter** accompanying the Make-Ready Estimate. This check is non-refundable. Once all work is completed, you will receive a refund or bill for the difference between the actual and estimated costs of performing this work. If we have not received the signed and completed *Conduit Response Form, Authorization for Conduit Make-Ready (Exhibit A-2) and check within 30 days*, the FairPoint Conduit Licensing Staff will consider **your request canceled**.

FairPoint will make every effort to complete the *make-ready* work **within 90 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 make-ready Estimated Construction Start Date and Estimated Construction Completion Date.

Prior to FairPoint issuing a license, **a copy of your fully engineered plan** must be submitted to the Conduit Specialist indicating your proposed cable route, and splice locations. FairPoint will review the plan and initial all splice locations. **Please be aware that all proposed splice locations must be reviewed, field checked and approved in advance of a license being issued.** If, due to manhole conditions, alternate locations must be identified, the Conduit Specialist will work with you and attempt to accommodate your needs. **Please be advised that splices are not allowed in Manhole Zero.**

Manhole Breakout requests should be submitted to the FairPoint Conduit Specialist along with the original conduit application. Manhole Breakout requests will be reviewed and approved during the conduit licensing process at Phase III. However, no work associated with the Manhole Breakout can commence until after the License has been issued by FairPoint. Manhole Breakouts from FairPoint Conduit Systems are performed by FairPoint and its designated contractors working under FairPoint supervision. FairPoint requires 10 business days advance written notice prior to performing a manhole breakout to connect to the customer's private conduit system. This notice entitled: FairPoint "*Request for CWI – Manhole Breakout*" must be submitted 10 business days prior to the work being performed. The request form contains the name and fax number of the appropriate Conduit Work Administrator you need to submit your request to. Upon receipt of the request, the local Conduit Work Administrator will contact you to coordinate and schedule the work.

You will have **90 days** after you have been licensed **to place your cable**. If the cable has not been placed within 90 days **your License MAY be terminated**.

Part III - 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 License 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 underground License Agreement in the State the request is originated.

-Or-

\$300 - to amend an existing License 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 cable, you must obtain permission from the appropriate Municipality, State or Federal Entity responsible for authorizing your cable to occupy space in the public way. If the conduit is located on private property, a letter of permission from a private property owner must be obtained.

If you are requesting FairPoint to perform a manhole breakout on a FairPoint manhole to enable you to connect from a privately owned conduit system, you must provide FairPoint with a letter of permission from the owner of that conduit system. Also, you must be licensed to be in the manhole you wish FairPoint to perform the manhole breakout in.

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
- fully engineered plans
- 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 cable owner's name, as it will appear on the Conduit License Agreement.** FairPoint must be shown as additional insured with no deductibles under the description section. (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.

Licensee and its subcontractors (if any) agree to purchase and maintain during the term hereof 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 in conduit covered by this Agreement, but instead, uses now and/or in the future, a contractor to place, maintain or remove cables, equipment or facilities in conduit 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 occupy Licensor's conduit system and shall remain in force until Licensee's Facilities have been removed from all such conduit.

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 sixty (60) 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:

Conduit Footage	Security
1-2500	\$10,000
2501-25,000	\$80,000
25,001-75,000	\$250,000
75,001-150,000	\$475,000
150,000 +	\$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.

See Surety Bond Requirements attached.



OBTAIN LICENSE TO OCCUPY CONDUIT

Occupancy prior to the issuance of the License Agreement is considered unauthorized and illegal.

Upon satisfying all requirements, you will be issued a formal license authorizing you to occupy the duct. Failure to place your facilities in conduit/manholes **within 90 days** from the date FairPoint has issued you a License, may result in termination of the License.

BILLING

Billing for conduit occupancy will commence on the first day of the month following the date the license is issued.

PERMISSION TO ENTER CONDUIT

Three business days prior to entering FairPoint conduit system and manholes, you must contact, in writing, the local FairPoint Engineering contact. You will be provided a contact name and number at the time the License is issued. For daytime Emergency access to Licensor's Conduit System, you must call 1-603-645-3500 and for evening (3:30pm to 7:00am) and weekend access call 1-888-269-5957 prior to entering.