ATTACHMENT B

CITY OF

GAINESVILLE
28 December, 2016

City Hall
City of Gainesville
200 E. University Ave
Gainesville, Florida 32601

RE: MOBITILITIE, LLC’S PERMIT APPLICATION SUBMISSION FOR ITS PROPOSED DEPLOYMENT IN THE PUBLIC RIGHTS-OF-WAY IN GAINESVILLE CITY, FLORIDA

Dear Sir/Madam:

Mobilitie is a wireless infrastructure company that develops intelligent infrastructure solutions to densify and optimize wireless carriers’ services and geographic reach. In order to provide such telecommunications services in the State of Florida, Mobilitie possesses a Certificate to provide Alternative Access Vendor services from the Florida Public Service Commission. A copy of Mobilitie’s Certificate to provide Alternative Access Vendor services is enclosed.

At this time, Mobilitie is submitting an application for its Small Cell facilities, which will provide high-speed, high-capacity bandwidth and mobile connectivity to service the residents, businesses and visitors of the City.

SMALL CELL FACILITIES

Mobilitie’s Small Cell facilities involves the installation of small, low-powered wireless equipment, consisting of a transmit-receive antenna that communicates with wireless devices, a wireless backhaul antenna that connects the facility to the carrier’s core network, and a compact radio, all of which are mounted on either new or existing utility or light poles. These Small Cell facilities add coverage and capacity to the existing wireless networks, and are designed to blend with existing infrastructure. Enclosed are photos of our existing Small Cell facility installations in other cities around the country.

REQUEST FOR APPROVAL

At this time, Mobilitie is proposing one Small Cell facility in Gainesville City as reflected in the enclosed application.

Mobilitie respectfully requests that the City review and approve the attached applications supplemented with the enclosed information. Mobilitie values the City’s input on our proposal, and will work closely with the City to address any concerns with our proposal, such as location and height, pursuant to the City’s regulations regarding the use and management of its rights-of-way.

Mobilitie looks forward to working with Gainesville City and values its partnership in order to provide your constituents with high-speed connectivity. We will be following up shortly to confirm receipt of the application. Please do not hesitate to contact me at 904-420-9391 or chad.caudill@mobilitie.com.

Thank you for your attention to this matter.

Respectfully submitted,

Chad Caudill

Permitting Manager

Mobilitie, LLC Candidate ID on Application: JA90XS014F
Schedule of Enclosures

Application
Candidate Table
Construction Drawings
<table>
<thead>
<tr>
<th>Site ID</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Address</th>
<th>Pole Height (ft)</th>
<th>Installation</th>
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</thead>
<tbody>
<tr>
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<td>29.649705</td>
<td>-82.322946</td>
<td>200-298 SE 2nd Pl, Gainesville, Florida 32601</td>
<td>72 7/12</td>
<td>Small Cell, New Wood Utility Pole</td>
</tr>
</tbody>
</table>
Right of Way Permit Application

Checklist for Applicants:
- Read and complete this form in full.
- Include necessary attachments listed below (Certificate of Insurance, Plans, etc.).
- Ensure Certificate of Insurance is current and lists City of Gainesville as additional insured.
- Submit to dg_pwr_permits@cityofgainesville.org.
- If work dates unknown, notify Public Works 5 working days prior to start. Review can start without dates known, but permit will not be issued until provided.*
- After work completed, notify Public Works at email above to close out permit.

For City Use Only

| Permit #: |
| Date Received: |
| Date Approved: |
| Date Expires: |

Please Allow Five (5) Business Days* for Review

Applicant Information

| Applicant: Sommer Bilavsky | Company: Mobilitie, LLC | Date Submitted: 12/28/16 |
| Daytime Phone: (404) 992-2871 | Email Address: sbilavsky@mobilitie.com |

Project Address: SE 2 PI & SE 2nd St.

Primary Contractor Name: TBD

Primary Contractor Phone:

Project Description:

Applicant's Signature: (Applicant attests to having read and understood the permit conditions and to comply with all requirements of the permit)

REQUESTED PERMIT TYPE: (CHECK ALL THAT APPLY)

<table>
<thead>
<tr>
<th>Type of Facility to be Added/Modified or Impacted (check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Roadway</td>
</tr>
<tr>
<td>□ Sidewalk and/or Trail</td>
</tr>
<tr>
<td>□ Parking Bay and/or Meters</td>
</tr>
<tr>
<td>□ Bus Stop</td>
</tr>
<tr>
<td>□ Event Only (e.g. Parade, Festival, etc.)</td>
</tr>
<tr>
<td>□ Other (explain): Utility Pole</td>
</tr>
</tbody>
</table>

Traffic Control Plan (check and attach all that apply)

- □ FDOT 600 Series Design Standard
- □ Project Specific Traffic Control Plan (Signed & Sealed)

Work Dates: 1/28/17 To: 4/28/17

(*as described in the checklist at top of permit)

Work Times: Day Work Only

FDOT AMOT Individual

Name: TBD

Cert # ____________________________

24 HR Phone # ____________________________

(Florida Department of Transportation Advanced Maintenance of Traffic Certification of Individual responsible for Implementation of Traffic Control Plan)

Submit in addition to this application:
1. Description of work to be performed (if not sufficiently described above).
2. Plans that show the location and dimensions of the proposed facility or utilization of ROW.
3. Traffic control site plan that meets FDOT standards -OR- Design Standard Index from FDOT 600 Series if applicable.
4. Appropriate surety bond and proof of insurance that names the City of Gainesville as additional insured. The City of Gainesville shall determine the amount of the surety bond. See Insurance Notes included in Page Two.
5. Construction cost estimate of the work to be performed within the Right of Way.

Construction Parking

Parking is for placarded company vehicles and construction equipment (i.e. loading & unloading) that need to access the construction site – this is NOT for construction employee parking. This excludes ADA parking.

Effective Dates: _______ To: _______

Submit in addition to this application:
1. Exact description of existing parking spaces affected immediately adjacent to the construction site (attach drawing if needed).

Surety Bond Information:

Dollar Value of Work: $4,500

Surety Bond Posted: □ YES □ NO

Surety Bond Amount: ____________________________

Other Permits Associated with this project (if applicable):

| BLDG Permit | Applied For | Approved | BLDG Permit # |
ROW PERMIT REQUIREMENTS

1. Right of Way Permitting is subject to City of Gainesville Code of Ordinances, Chapter 23, Article III. The permit application must include a detailed description, location, planned dates, the engineering details of the work, pavement restoration details (if applicable), a traffic control plan, a Certificate of Insurance, and a cost estimate of work to be performed in the right-of-way. All permitted work shall be done in accordance with the standards established by the City of Gainesville and under the supervision of the Public Works Director or designee.

3. A Certificate of Insurance (COI) must be submitted with the permit application. Commercial general liability insurance in the amount of at least $500,000 per occurrence for bodily injury and property damage for construction activities on city property is required. The policy must name the City of Gainesville as additional insured, and an endorsement must be issued as part of the policy reflecting this requirement (Section 23-98(10)(a), Gainesville Code of Ordinances).

4. Per the City Code of Ordinances, the Public Works Director or designee shall determine the Surety Bond, based upon the nature and extent of the work to be performed within the right-of-way or affects public infrastructure. The City of Gainesville shall utilize the construction cost estimate to determine this value of the Surety Bond.


6. Traffic control plans shall comply with the MUTCD Chapter 6 and consist of FCOT 600 Series Indexes OR a project specific signed and sealed plan by a Florida Licensed Professional Engineer.

7. Traffic control must meet FCOT standards. Traffic control plans shall be prepared and implemented by someone with the Florida Department of Transportation Advanced Maintenance of Traffic Certification. The certification number or a copy of the certification card must be attached to the permit application.

8. The permit application must clearly identify an Advanced Certified Worksite Traffic Supervisor for the work site with their 24/7 emergency contact information. Upon completion of the work, the permittee shall notify Public Works at 352-334-5070 to schedule a final inspection. The Surety Bond shall not be released or returned until the work is accepted by the City.

10. All property, both private and public, shall be restored to its original condition or better, as determined by the Public Works Director or designee.

12. All materials and equipment shall be subject to inspection and approval by the Public Works Director or designee.

13. All overhead installations shall conform to clearance standards of the Florida Department of Transportation, and all underground crossing installations shall be laid at a minimum depth of thirty (30) inches below the pavement and at least twelve (12) inches below ditch grade. Exceptions may be made in special cases in writing by authority from the Public Works Director or designee.

14. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not create or vest any property rights in said holder.

15. Whenever necessary for the purpose of construction, repair, improvement, alteration, or relocation of any of the City's facilities located on said right-of-way or easement, as determined by the Public Works Director or designee, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed, reset, or relocated from or on said right-of-way or easement as required by the Public Works Director or designee, and at the expense of the permittee.

16. The permittee will be responsible for the cost to correct or repair any damages to public infrastructure caused directly or indirectly by the permittee's facilities.

17. Unless the permittee is a member of Sunshine One Call locating services or their successors as prescribed by the State of Florida, the permittee will hold harmless the City or any other public utility for any damages to the permittee's utility facilities due to construction work being done within the right-of-way.

18. The permittee shall commence actual construction in good faith as described within the permit. If needed, the contractor can request a modification of the construction dates. Contact the permit coordinator at (352) 334-5070 or email at dw_pw_permits@cityofgainesville.org.

19. The City of Gainesville discourages full road closures. Full road closures will not be granted without justification and written permission from the Public Works Director or designee. The permit holder is responsible for all traffic control and traffic disruption work and expense.

20. Permittee shall declare that prior to filing this application it has determined the presence of all existing utilities at the permit location, both aerial and underground. Permittee also declares that due notice of work under application was furnished to each utility involved. Permittee further declares that the utility locations will be made in accordance with FS Chapter 556 prior to any excavation or probing activities. Permittee shall immediately notify emergency services agencies via calling 911 in the event of an incident with buried facilities such as gas pipelines.

21. Permittee shall indemnify, defend, save and hold harmless the City, its elected and appointed officials, from all claims, demands, suits, liabilities, damages, losses, and expenses for bodily injury or death to persons or damage to property, including reasonable attorney's fees and costs, resulting from or arising out of the above permitted activity by the Permittee, its contractors, subcontractors, agents, employees or representatives.

22. This permit does not in any way supersede present ordinances adopted by the City of Gainesville.

23. If a parking meter(s) is being blocked, the appropriate fees must be paid to compensate for the loss of those revenues for the duration of the closure.

24. Permit review committee includes Gainesville Fire Rescue; Gainesville Police Department; Regional Transit System (RTS); City of Gainesville Risk Management; and Public Works Engineering.

Construction Parking

1. Construction Parking Permits are subject to (includes up to 5 spaces) Permitted uses include loading, unloading, dumpsters, port-a-pots, etc.

2. Parking is for placarded company vehicles and equipment with Construction Parking permits (i.e. loading & unloading) that need to access the construction site – this is NOT for construction employee parking. This excludes ADA parking.

3. If approved, this parking request is granted ONLY for the dates and times indicated above with appropriate fee payment to the City of Gainesville. Signage will be removed from the site on the end date/times specified above, unless a request for extension has been received 5 business days prior to the end date/time originally approved.

4. Approval of this parking request is granted ONLY for the dates and times indicated on the request.

5. Any City equipment/materials indicating construction parking will be removed from the site on the end date/time specified, unless a request for extension has been received in writing 5 business days prior to the end date/time originally approved.

6. Construction parking can only be designated in existing parking spaces immediately adjacent to the construction site.

7. *Allow 10 business days for application processing.
Temporary Raised Rumble Strips

Option 1 - Removable Polymer Stripping Tape Rumble Strip Set

Option 2 - Molded Polyurethane Rumble Strip Set

Temporary Raised Rumble Strips

Layout for Railroad Crossing Buffer Space Extension

Layout for Temporary Lane Shift to Shoulder When Work Area Encroaches on the Centerline

Special Conditions

Automated Flagger Assistance Devices (AFADs)

Automated Flagger Assistance Devices Notes

1. Mark the flagger station where the AFAD is used at nighttime.

2. When the AFAD is not in use, remove or cover signs and move AFAD devices outside the clear zone (Figure 5 with a barrier or fence enclosure.

3. The flaggers who have been trained in the operation of the AFAD may operate the AFAD. When in use, work AFAD must be in clear view and audible at all times for the flagger operating the device. Use two flaggers and one of the following procedures:
   - Manual: Flaggers on AFAD at one end of the temporary traffic control zone and a flagger at the opposite end.
   - Automatic: Two flaggers on AFAD at one end of the temporary traffic control zone and one flagger at the opposite end and a flagger at the opposite end.

4. A single flagger may simultaneously operate one AFAD (Method 1) or may operate two AFADs in one end of the temporary traffic control zone while one flagger operates the other end of the temporary traffic control zone (Method 2). If all of the following conditions are met:
   - The flagger has an unobstructed view of the AFADs;
   - The flagger has an unobstructed view of approaching traffic in both directions;
   - For Method 1, the AFADs are less than 800 ft apart. For Method 2, the AFADs and the flagger less than 800 ft apart.
   - Two flaggers are available on-site to provide normal flagging operations should an AFAD malfunction.
GENERAL

THE CONSTRUCTION DOCUMENT DRAWINGS ARE INTEGRATED. WHEN PERFORMING THE WORK EACH CONTRACTOR MUST REFER TO ALL DRAWINGS. CONFIRMATION IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.

GENERAL REQUIREMENTS

PART 1 - GENERAL

1. OBTAIN AND SUBMIT RELEASES ENABLING THE OWNER UNRESTRICTED USE OF THE WORK AND ACCESS TO SERVICED AND UTILITIES. INCLUDE COOPERTIVITY PERMITS, OPERATING CERTIFICATES AND RELATED REGULATIONS.

2. SUBMIT SCHEDULES, DRAWINGS, QUALITY ASSURANCE SURVEY, PROPERTY SURVEYS, AND EpS AND FINAL RECORD INFORMATION.

3. COMPLETE FINAL CLEAN UP REQUIREMENTS INCLUDING TOUCH UP PAINT, TOUCH UP AND OTHERWISE REPAIR AND RESTORE MARRIED EXPOSED FINISHES.

PART 2 - CLASSIFIED

1. COMPLETE THE FOLLOWING CLEANING OPERATIONS BEFORE REQUESTING INSPECTION FOR CERTIFICATION ON COMPLETION.

A. CLEAR THE PROJECT SITE, FARM AND AREAS IN GROUPS EXPOSED BY OR NATURAL DEVELOPMENT AREA, OF RUBBLE, WASTE MATERIAL, GUTTER AND FOREIGN SUBSTANCES, DRAINAGE, FADED AREAS, BROKEN BARK, MISC. DRAINAGE, AND OTHER FOREIGN SUBSTANCES THAT ARE NOT PART OF THE PROJECT.

B. REMOVE TOOLS, CONSTRUCTION EQUIPMENT, MACHINERY AND SURPLUS MATERIAL FROM THE SITE.

C. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

D. CLEAN EXPOSED EXTERIOR HARD SURFACED FINISHES TO A DRY-FREE CONDITION, FREE OF STAINS, LEAKS AND OTHER FOREIGN SUBSTANCES, AVOID DISRUPTING NATURAL WEATHERING OF EXTERIOR SURFACES.

E. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

F. REMOVE LABELS THAT ARE NOT PERMANENT LABELS.

G. TOUCH UP AND OTHERWISE REPAIR AND RESTORE MARRIED EXPOSED AREAS, FINISHES AND SURFACES, REPLACE FADED AREAS AND SURFACES THAT CANNOT BE SATISFACIALLY REPAIRED OR RESTORED, OR THAT SHOW SIGNS OF MAJOR REPAIR OR RESTORATION DO NOT PAINT OVER "FILL" AND STANDARD LABELS.

H. LEAVE THE PROJECT CLEAN AND READY FOR OCCUPANCY.

I. INSPECT ALL EQUIPMENT AND CLEAR WORK AT CONSTRUCTION ENCOURAGE.

2. REMOVAL OF PROTECTION: REMOVE TEMPORARY PROTECTION AND FACILITIES INSTALLED DURING CONSTRUCTION TO PROTECT PREVIOUSLY INSTALLED MATERIALS DURING THE REMAINING OF THE CONSTRUCTION PERIOD.

SITE WORK

PART 1 - GENERAL

1. WORK INCLUDED: SEE SITE PLAN.

2. DESCRIPTIONS, IF APPLICABLE, FARM, AREA AND UNDERGROUND UTILITY ERECTIONS ACCORDING TO PERFORMANCE OF PROJECT._

A. APPLY SOIL STERILIZER IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.

B. APPLY AND MAINTAIN GRASS SEED AS RECOMMENDED BY THE SEED MANUFACTURER.

C. PLACE AND MAINTAIN VEGETATION LANDSCAPING, IF INCLUDED IN THE CONTRACT.

3. INSTALLATION.

A. A. CELAR BRUSH, FILL DRAINS, AND REMOVE UNDERGROUND UTILITY ERECTIONS AS REQUIRED FOR CONSTRUCTION.

B. UNLESS OTHERWISE INSTRUCTED BY LEASE, TRANSPORT ALL REMOVED MATERIAL, BRUSH AND DEBRIS FROM THE PROPERTY TO AN AUTHORIZED LANDFILL.

C. PRIOR TO PLACEMENT OF FILL OR BASE MATERIALS, MILL THE SOIL.

D. WHERE UNSTABLE SOIL CONDITIONS ARE ENCOUNTERED. LIKE THE AREAS WITH STABILIZER, AVOID TO PLACE MATERIALS THAT ARE NOT ALLOWED.

E. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

4. SECURITY.

A. COMPLETE SURVEY STAKES AND SET ELEVATION STAKES PRIOR TO ANY WORK.

B. COMPLETE TEMPORARY CONSTRUCTION AREA, DESIGNATED AREA TO BE EXPOSED FOR HOME BUILDING, AS REQUIRED BY LOCAL AUTHORITY.

C. MAINTAIN AREAS, GUTTER AND FOREIGN SUBSTANCES, DRAINAGE, AND OTHER FOREIGN SUBSTANCES THAT ARE NOT PART OF THE PROJECT.

D. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

E. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

F. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

G. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

H. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

I. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

J. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

K. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

L. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

M. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

N. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

O. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

P. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

Q. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

R. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

S. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

T. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

U. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

V. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

W. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

X. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

Y. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.

Z. COMPLETE CLEAN UP TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCOURAGE.
### ELECTRICAL

1. **CONTRACTOR** shall review the contract documents prior to ordering the electrical equipment and starting the actual construction. The contractor shall be responsible for the installation of the equipment, including any necessary modifications or additions to the architect/engineer drawings. Any discrepancies or conflicting information shall be brought to the attention of the architect/engineer.

2. **ELECTRICAL PLANS AND SPECIFICATIONS** are to be reviewed by the architect/engineer before the start of construction. Any changes or modifications shall be documented in writing.

3. **GROUNDING AND LIGHTNING PROTECTION** shall be in accordance with the National Electrical Code (NEC) and applicable local codes.

4. **ELECTRICAL MASTS** shall be installed in accordance with the manufacturer's instructions and local codes.

5. **ELECTRICAL PANELS** shall be installed in accordance with the manufacturer's instructions and local codes.

6. **ELECTRICAL CABLES** shall be installed in accordance with the manufacturer's instructions and local codes.

7. **ELECTRICAL CONDUIT** shall be installed in accordance with the manufacturer's instructions and local codes.

### SERVICE AND DISTRIBUTION

1. **CABLE CONDUCTORS** shall be copper, 6/0, Type THHN or THWN, with a min. size of 2/0 and color codes.

2. **METER-ROOM AMPLIFIERS, VOLTS, AMPS, AND PHASES** shall be noted on the drawings, manufactured by Milspec or equivalent, and shall be utility company approved.

3. **EQUIPMENT INSTALLATION** shall be in accordance with the manufacturer's instructions and local codes.

4. **ELECTRICAL PIPES** shall be installed in accordance with the manufacturer's instructions and local codes.

5. **ELECTRICAL FLEXIBLE CORDS** shall be installed in accordance with the manufacturer's instructions and local codes.

### MINIMUM SIZING

<table>
<thead>
<tr>
<th>MINIMUM SIZING</th>
<th>MINIMUM SIZE</th>
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<tbody>
<tr>
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<td>12 INCHES</td>
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<tr>
<td>NO. 2 AWG TO NO. 8 AWG</td>
<td>18 INCHES</td>
</tr>
<tr>
<td>250 KCMIL TO 750 KCMIL</td>
<td>24 INCHES</td>
</tr>
</tbody>
</table>

### LIGHTING AND EXTENSION CORDS

1. **LIGHTING ROD AND EXTENSION CORDS** shall be installed in accordance with the manufacturer's instructions and local codes.

2. **GROUNDING METAL PieCes** shall be installed in accordance with the manufacturer's instructions and local codes.

### ELECTRICAL MASTS AND BARE COPPER CONDUCTORS

1. **ELECTRICAL MASTS** shall be installed in accordance with the manufacturer's instructions and local codes.

2. **ELECTRICAL CONDUIT** shall be installed in accordance with the manufacturer's instructions and local codes.

### PRELIMINARY NOT FOR CONSTRUCTION

#### GENERAL NOTES

- **PL LICENSE**: 66820
- **PL ADDRESS**: 1181 S WIRQUIN RD
- **PL PHONE**: 561-362-8314
- **PL EMAIL**: JL@KMBDESIGN.COM
- **PL DATE**: 3/1/2021

#### GENERAL NOTES

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- **PL ADDRESS**: 1181 S WIRQUIN RD
- **PL PHONE**: 561-362-8314
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For City Use Only
Permit #:______________________
Date Received:_________________
Date Approved:_________________
Date Expires:_________________

Please Allow Five (5) Business Days* for Review

Applicant Information
Applicant: Megan Sikes
Company: Mobilitie, LLC
Date Submitted: 8/22/16
Daytime Phone: (404) 989-8380
Email Address: megan.sikes@mobilitie.com
Project Address: NE 2nd AVE & NE 1st St, Gainesville, FL 32601
Primary Contractor Name: Adrian Hunt
Primary Contractor Phone: (704) 860-5763
Project Description: Installation of a utility pole within the right-of-way.

Applicant's Signature: [Signature]
(Applicant attests to having read and understood the permit conditions and to comply with all requirements of the permit)

REQUESTED PERMIT TYPE: (CHECK ALL THAT APPLY)

Type of Facility to be Added/Modified or Impacted (check all that apply):
- Roadway
- Sidewalk and/or Trail
- Parking Bay and/or Meters
- Bus Stop
- Event Only (e.g. Parade, Festival, etc.)
- Other (explain): Utility Pole

Traffic Control Plan (check and attach all that apply)
- FDOT 600 Series Design Standard
- Project Specific Traffic Control Plan (Signed & Sealed)

(*as described in the checklist at top of permit)
Work Times: Day Work Only

FDOT AMOT Individual
Name: ____________________________
Cert #: ____________________________
24 HR Phone #: _______________________
(Florida Department of Transportation Advanced Maintenance of Traffic Certification of individual responsible for implementation of Traffic Control Plan)

Submit in addition to this application:
1. Description of work to be performed (if not sufficiently described above).
2. Plans that show the location and dimensions of the proposed facility or utilization of ROW.
3. Traffic control site plan that meets FDOT standards -OR- Design Standard Index from FDOT 600 Series if applicable.
4. Appropriate surety bond and proof of insurance that names the City of Gainesville as additional insured. The City of Gainesville shall determine the amount of the surety bond. See Insurance Notes included in Page Two.
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Effective Dates: ____________ To: ____________

Surety Bond Information:
Dollar Value of Work: $4,500
Surety Bond Posted: □ YES □ NO
Surety Bond Amount: ____________________

Other Permits Associated with this project (if applicable):
BLDG Permit □ Applied For □ Approved BLDG Permit #: ____________________
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10. All property, both private and public, shall be restored to its original condition or better, as determined by the Public Works Director or designee.
11. The construction and maintenance of such utility shall not interfere with the property and rights of a prior occupant.
12. All materials and equipment shall be subject to inspection and approval by the Public Works Director or designee.
13. All overhead installations shall conform to clearance standards of the Florida Department of Transportation, and all underground crossing installations shall be laid at a minimum depth of thirty (30) inches below the pavement and at least twelve (12) inches below ditch grade. Exceptions may be made only in cases of a public utility authorized to do work as required by the Public Works Director or designee.
14. It is expressly stipulated that this permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not create or vest any property rights in said holder.
15. Whenever necessary for the purpose of construction, repair, improvement, alteration, or relocation of all, or any portion of the City's facilities located or said right-of-way or easement, as determined by the Public Works Director or designee, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed, reset, or relocated from or on said right-of-way or easement as required by the Public Works Director or designee, and at the expense of the permittee.
16. The permittee will be responsible for the cost to correct or repair any damages to public infrastructure caused directly or indirectly by the permittee's facilities.
17. Unless the permittee is a member of Sunshine One Call locating services or their successors as prescribed by the State of Florida, the permittee will hold harmless the City or any other public utility for any damages to the permittee's utility facilities due to construction work being done within the right of way.
18. The permittee shall commence actual construction in good faith as described within the permit. If needed, the contractor can request a modification of the construction dates. Contact the permit coordinator at 352-334-5070 or email at dg_pw_permits@gainesville.org.
19. The City of Gainesville discourages full road closures. Full road closures will not be granted without justification and written permission from the Public Works Director or designee. The permit holder is responsible for all traffic control and traffic detour work and expense.
20. Permittee declares that prior to filing this application it has determined the presence of all existing utilities at the permit location, both aerial and underground. Permittee also declares that due notice of work under application was furnished to each utility involved. Permittee further declares the field utility locations will be made in accordance with F5 Chapter 556 prior to any excavation or probing activities. Permittee shall immediately notify emergency services agencies via calling 911 in the event of an incident with buried facilities such as gas pipelines.
21. Permittee shall indemnify, defend, save and hold harmless the City, its elected and appointed officials, from all claims, demands, suits, liabilities, damages, losses and expenses, for bodily injury or death to persons or damage to property, including reasonable attorney's fees and costs, resulting from or arising out of the permitted activity by the Permittee, its contractors, subcontractors, agents, employees or representatives.
22. This permit does not in any way supersede present ordinances adopted by the City of Gainesville.
23. If a parking meter(s) is being blocked, the appropriate fees must be paid to compensate for the loss of those revenues for the duration of the closure.
24. Permit review committee includes Gainesville Fire Rescue; Gainesville Police Department; Regional Transit System (RTS); City of Gainesville Risk Management; and Public Works Engineering.

Construction Parking

1. Construction Parking Permits are subject to: (Includes up to 5 spaces) permitted uses include loading, unloading, dumpster, portalet, etc.
2. Parking is for cacarded company vehicles and equipment with Construction Parking permits (i.e. loading & unloading) that need to access the construction site — this is NOT for construction employee parking. This excludes ADA parking.
3. If approved, this parking request is granted ONLY for the dates and times indicated above with appropriate fee payment to the City of Gainesville. Signage will be removed from the site on the end date/time specified above, unless a request for extension has been received 5 business days prior to the end date/time originally approved.
4. Approval of this parking request is granted ONLY for the dates and times indicated on the request.
5. Any City equipment/materials indicating construction parking will be removed from the site on the end date/time specified, unless a request for extension has been received in writing 5 business days prior to the end date/time originally approved.
6. Construction parking can only be designated in existing parking spaces immediately adjacent to the construction site.
7. *Allow 10 business days for application processing.

City of Gainesville Right of Way Permit Application
Last Updated: 10/08/2015
EQUIPMENT CHART

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>DESCRIPTION</th>
<th>DIMENSIONS (INCHES)</th>
<th>WEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>DMS ANTENNA</td>
<td>32.4&quot; x 4.7&quot; x 4.7&quot;</td>
<td>11.6 lbs</td>
</tr>
<tr>
<td>1</td>
<td>UE RELAY</td>
<td>11.0&quot; x 7.0&quot; x 7.0&quot;</td>
<td>9.8 lbs</td>
</tr>
<tr>
<td>1</td>
<td>LOW POWER RADIO HEAD</td>
<td>20.1&quot; x 8.1&quot; x 8.1&quot;</td>
<td>55.1 lbs</td>
</tr>
<tr>
<td>1</td>
<td>RF FILTER</td>
<td>8.0&quot; x 4.1&quot; x 4.1&quot;</td>
<td>7.7 lbs</td>
</tr>
<tr>
<td>1</td>
<td>SPS ANTENNA</td>
<td>0.8&quot; x 2.5&quot; x 2.5&quot;</td>
<td>0.3 lbs</td>
</tr>
<tr>
<td>1</td>
<td>AC POWER PANEL</td>
<td>13.1&quot; x 11.4&quot; x 4.4&quot;</td>
<td>TBD</td>
</tr>
<tr>
<td>1</td>
<td>SURGE PROTECTOR</td>
<td>2.3&quot; x 4.0&quot; x 6.9&quot;</td>
<td>N/A</td>
</tr>
<tr>
<td>1</td>
<td>METER BOX / AC DISCONNECT BOX</td>
<td>18&quot; x 6&quot; x 6&quot;</td>
<td>TBD</td>
</tr>
</tbody>
</table>

PROPOSED GROUNDING ROD

PROPOSED DMS ANTENNA TO BE INSTALLED ON PROPOSED WOOD UTILITY POLE

PROPOSED RF FILTER MOUNTED ON A PROPOSED WOOD UTILITY POLE WITH THROUGH BOLT ATTACHMENT

PROPOSED UE RELAY MOUNTED ON A PROPOSED WOOD UTILITY POLE WITH THROUGH BOLT ATTACHMENT

PROPOSED SPS ANTENNA

PROPOSED LOW POWER RADIO HEAD MOUNTED ON A PROPOSED WOOD UTILITY POLE WITH THROUGH BOLT ATTACHMENT

PROPOSED AC POWER PANEL MOUNTED ON PROPOSED WOOD UTILITY POLE WITH THROUGH BOLT ATTACHMENT

PROPOSED METER BOX OR AC DISCONNECT BOX

PROPONENT UNAVAILING POWER SERVICE (INSTALLED BY OTHERS)

GRADE
GENERAL

THE CONSTRUCTION DOCUMENT DRAWINGS ARE INTENDED TO INDICATE THE WORK TO BE PERFORMED. IF THERE IS A CONFLICT BETWEEN THE DRAWINGS AND THE SPECIFICATIONS, THE SPECIFICATIONS WILL Control.

GENERAL REQUIREMENTS

PART 1 - GENERAL

1. OBTAIN AND SUBMIT RELEASES ENABLING THE OWNER UNRESTRICTED USE OF THE WORK AND ACCESS TO SERVICES AND UTILITIES, INCLUDING OCCUPANCY PERMITS, OPERATING CERTIFICATES AND SIMILAR RELEASES.

2. SUBMIT RECORD DRAWINGS, SURVEY, OR SETTLEMENT SURVEYS, PROPERTY SURVEYS, AND OTHER DATA REQUIRING SUBMISSION TO THE OWNER, AS REQUIRED.

3. COMPLETE FINAL CLEAN UP REQUIREMENT, INCLUDING TOUCH-UP PAINTING, TOUCH UP AND OTHERWISE REPAIR AND RESTORE EXPOSED FINISHES.

PART 2 - FINAL CLEANING

1. COMPLETE THE FOLLOWING CLEANING OPERATIONS BEFORE REQUESTING INSPECTION FOR CERTIFICATION ON COMPLETION:
   a. CLEAN THE PROJECT SITE, YARD AND GROUNDS IN AREAS DISTURBED BY CONSTRUCTION ACTIVITIES, INCLUDING LANDSCAPE DEVELOPMENT AREA, AREA OF RUBBLE, MATERIALS, LITTER AND FOREIGN SUBSTANCES, SWEEP PAVEMENT AREAS BROOM CLEAN, REMOVE PETRO-CHEMICAL SPILLS, STAINS AND OTHER FOREIGN DEPOSITS. Bpoke AREAS THAT ARE NEITHER PLANTED NOR PAVED, TO A SMOOTH, EVEN-TEXTURED SURFACE.
   b. CLEAN AND STORE CONSTRUCTION EQUIPMENT, MACHINERY AND SUPPLIES MATERIAL FROM THE SITE.
   c. REMOVE DRAIN AND SEE TO PROVIDE SAFE ACCESS TO THE SITE AND EQUIPMENT ENCLOSURE.
   d. CLEAN EXPOSED EXTERIOR HARD SURFACES, SUCH AS WALKS, PATIO CONCRETE, RUBBLE BRICK AND SIMILAR MATERIALS. AVOID DISTURBING THE NATURAL WEATHERING OF EXCEEDING SURFACES.
   e. REMOVE DEBRIS FROM LIMITED ACCESS AREAS, INCLUDING MAINTENANCE, MAINTENANCE AND SIMILAR SPACES.
   f. REMOVE ALL LABELS THAT ARE NOT PERMANENT.
   g. Touch UP AND OTHERWISE REPAIR AND RESTORE EXPOSED EXPOSED FINISHES AND SURFACES, REPLACE鎮ES AND SURFACES THAT CANNOT BE REPAIRED OR RESTORED. STORAGE OF REPAIR OR RESTORATION, DO NOT PAINT OVER TAL AND SIMILAR LABELS, INCLUDING ELECTRICAL PANEL PLATES.
   h. LEAVE THE PROJECT CLEAN AND READY FOR OCCUPANCY.

2. REMOVE OF PROTECTIONS: REMOVE TEMPORARY PROTECTION AND FACILITIES INSTALLED DURING CONSTRUCTION TO PROTECT PREVIOUSLY COMPLETED INSTALLATIONS DURING THE REMAINDER OF THE CONSTRUCTION PERIOD.

SITE WORK

PART 1 - GENERAL

1. WORK INCLINED IN SITE PLAN.

2. DESCRIPTIONS, IF APPLICABLE, IN AREA OF LARGE AREAS AND UNDERGROUND UTILITY EASEMENTS ARE TO BE CONSIDERED TO BE PROVIDED TO A WELL DRAINED, EASILY MAINTAINED ENSURE, ENSURE SURFACE USE OF LARGE AREAS.

3. QUALITY ASSURANCE
   a. APPLY DIRT STERILIZER IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.
   b. APPLY MATERIALS TO ALL SOIL DIRT STERILIZER TO BE USED ACCORDING TO MANUFACTURER'S INSTRUCTIONS.
   c. PLACE AND MAINTAIN VEGETATION LANDSCAPING AS INSTRUCTED WITHIN THE CONTRACT.

4. SEQUENCING
   a. CONFORM SURVEY MARKS AND EROSION CONTROL TO EROSION CONTROL.
   b. CONSTRUCT SITE DEVELOPMENT AREA TO BE APPROVED BY INSPECTION OF CONTRACTOR.
   c. APPLY DIRT STERILIZER PRIOR TO PLACING LARGE AREAS.
   d. APPLY MATERIALS TO ALL AREAS DISTURBED BY CONSTRUCTION (INCLUDING UNDERGROUND UTILITY EASEMENTS) READILY AFTER KEEPING\ AREA OF COLLECTIVE CLOTHING WATER TO AVOID EXCESS.
   e. APPLY REMEDIALS TO FINAL SURFACES, APPLY DIRT STERILIZER TO STONE SURFACES.

5. SUBMITTALS
   a. BEFORE CONSTRUCTION OF LANDSCAPING IS APPLICABLE TO THE CONTRACT, SUBMIT TWO COPIES OF THE LANDSCAPE PLAN ON TRANSPORTATION LETTERHEAD. IF A LANDSCAPE ALLOWANCE WAS INCLUDED IN THE CONTRACT, PROVIDE A DESCRIPTION LISTING OF PROPOSED COSTS ON TRANSPORTATION LETTERHEAD.
   b. AFTER COMPLETION OF THE LANDSCAPE PLAN:
      1. MANUFACTURER'S DESCRIPTION OF PRODUCT AND WARRANTY STATEMENT ON SOIL STERILIZATION.
      2. MANUFACTURER'S DESCRIPTION OF PRODUCT ON DIRT SEED AND FERTILIZER.
   c. LANDSCAPING WARRANTY STATEMENT
      A. IN ADDITION TO THE WARRANTY ON ALL CONSTRUCTION COVERED IN THE CONTRACT DOCUMENTS, THE CONTRACTOR SHALL REPAIR ALL DAMAGE AND BRICKING EROSION TO ITS FULL SATISFACTORY CONDITION AS NEAR AS POSSIBLE TO THE ORIGINAL CONDITION AS POSSIBLE AT SITE AND SURROUNDINGS.
      B. SUBMIT STERILIZATION PLAN TO PROVIDE VEGETATION LANDSCAPING FOR ONE YEAR FROM DATE OF FINAL INSPECTION.
      C. STERILIZATION AREA WILL BE GROWN OF NEW GRASS COVER PRIOR TO FINAL INSPECTION.
      D. LANDSCAPING, IF INCLUDED WITHIN THE SCOPE OF THE CONTRACT, WILL BE WARRANTED ONE YEAR FROM DATE OF FINAL INSPECTION.

PART 2 - PRODUCTS

1. MATERIALS
   a. DIRT STERILIZER SHALL BE EPA-REGISTERED, PRE-EMERGENCE LIQUID.
   b. GROUND SEEDS.
   c. DIRT STERILIZER SHALL BE IN ACCORDANCE WITH STATE DEPARTMENT OF HIGHWAY AND TRANSPORTATION SPECIFICATIONS.
   d. DIRT STERILIZER FABRIC SHALL BE FABRIC SHEET.
1. CONTRACTOR SHALL REVIEW THE CONSTRUCTION CONTRACT PRIOR TO ORDERING THE ELECTRICAL EQUIPMENT AND INSTALLING THE ACTUAL CONSTRUCTION. CONTRACTOR SHALL ISSUE A WRITTEN APPLICATION TO THE ARCHITECT/ENGINEER LISTING ANY DISCREPANCIES OR CONFLICTING INFORMATION.

2. ELECTRICAL PLANT MATERIALS AND EQUIPMENT OUTSIDE MODEL ROOMS SHALL BE MARKED WITH LEGIBLE FABRICATOR NAME, MANUFACTURER, AND LOCATION AND MOUNTING HEIGHTS OR ELECTRICAL EQUIPMENT OTHER THAN ORDERED PRIOR TO INSTALLATION.

3. EACH CONDUCTOR OF EVERY SYSTEM SHALL BE PERMANENTLY MAID IN EACH PANELBOARD, FULLY MOTOR PANEL, SWITCH GEAR, ETC., THE TYPE OF TAKING OFF CONDUCTORS DEPENDING ON OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA).


5. ALL WIRING SHALL HAVE A FULL COVER.

6. FINEGAS PROJECT MANAGER WITH ONE SET OF COMPLETE ELECTRICAL "AS INSTALLED" DRAWINGS AT THE COMPLETION OF THE JOB, SHOWING ACTUAL DIMENSIONS, ROUTINGS, AND CIRCUITS.

7. ALL ARC SWITCHES, FUSES, AND ELECTRICAL EQUIPMENT SHALL HAVE AN INTERRUPTING SHORT CIRCUIT CURRENT TO WHICH THEY MAY BE SUBMITTED, AND A MINIMUM OF 15,000.

8. THE ENTIRE ELECTRICAL INSTALLATION SHALL BE GROUNDED AS REQUIRED BY BC, NEC AND ALL APPROPRIATE CODES.

9. PATCH, SPOIL, AND PASTE ANY AREA THAT HAS BEEN DAMAGED IN THE COURSE OF THE ELECTRICAL WORK.

10. PLASTIC PLATED FOR ALL SWITCHES, RECEPTACLES, TELEPHONE AND PLANNED OUTLETS SHALL HAVE ENGRAVED LETTERING WHERE INDICATED ON THE DRAWING. WIRE-GROUNDED RECEPTACLES SHALL HAVE SIGNS [NO LIFT COVERS.]

SERVICE AND DISTRIBUTION

1. WIRE AND CABLE CONDUCTORS SHALL BE COPPER, 600V, TYPE THHN OR THWN, WITH A MINIMUM SIZE OF #12 AWG, COLOR CODE RED.

2. METER SOCKET AMMETERS, VOLTAGE, NUMBER OF PHASES SHALL BE NOTED ON THE DRAWING. METERED INSTALLATIONS BY METER MANUFACTURER APPROVED EQUIPMENT, AND SHALL BE ONE IN THREE CHARGE.

3. GROUNDED CONDUCTORS SHALL BE U.L. LISTED, GROUNDED AND CONNECTED TO GROUNDING SYSTEM.

4. EACH PANELBOARD, FULLY MOTOR PANEL, SWITCH GEAR, ETC., THE TYPE OF TAKING OFF CONDUCTORS DEPENDING ON OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA).

5. ALL MATERIALS TO BE INCLUDED SHALL BE NEW AND IN GOOD WORKING CONDITION WHEN INSTALLED AND SHALL BE OF THE BEST MAKE AND OF THE BEST MANUFACTURE THROUGHOUT THE INSTALLATION. GROUPS OF EQUIPMENT MATERIALS SHALL BE LISTED "U.L." WHERE APPLICABLE. MATERIALS SHALL MEET THE REQUIREMENTS OF ALL GOVERNING BODIES HAVING JURISDICTION. MATERIALS SHALL BE MANUFACTURED IN ACCORDANCE WITH THE CODE OF THE AREA.

6. ALL WIRING SHALL HAVE A FULL COVER.

7. FINEGAS PROJECT MANAGER WITH ONE SET OF COMPLETE ELECTRICAL "AS INSTALLED" DRAWINGS AT THE COMPLETION OF THE JOB, SHOWING ACTUAL DIMENSIONS, ROUTINGS, AND CIRCUITS.

8. ALL ARC SWITCHES, FUSES, AND ELECTRICAL EQUIPMENT SHALL HAVE AN INTERRUPTING SHORT CIRCUIT CURRENT TO WHICH THEY MAY BE SUBMITTED, AND A MINIMUM OF 15,000.

9. THE ENTIRE ELECTRICAL INSTALLATION SHALL BE GROUNDED AS REQUIRED BY BC, NEC AND ALL APPROPRIATE CODES.

10. PATCH, SPOIL, AND PASTE ANY AREA THAT HAS BEEN DAMAGED IN THE COURSE OF THE ELECTRICAL WORK.

11. PLASTIC PLATED FOR ALL SWITCHES, RECEPTACLES, TELEPHONE AND PLANNED OUTLETS SHALL HAVE ENGRAVED LETTERING WHERE INDICATED ON THE DRAWING. WIRE-GROUNDED RECEPTACLES SHALL HAVE SIGNS [NO LIFT COVERS.]

GROUNDING RESISTANCE TEST REPORT: UPON COMPLETION OF THE TESTING FOR EACH SITE, A TEST REPORT SHOWN RESISTANCE IN OHMS MUST BE SUBMITTED, TWO (2) SETS OF TEST DOCUMENTS FROM THE INDEPENDENT TESTING SERVICE ARE TO BE SIGNED AND SUBMITTED WITHIN ONE (1) WEEK OF WORK COMPLETION.

POLES, POLES, AND STANDARDS

SERVICE HOOKS AND SUPPLEMENTARY SUPPORTS

1. GENERAL

2. GROUNDED CONDUCTORS SHALL BE COMPLIANCE WITH THE CODE OF THE AREA.

3. ALL ARC SWITCHES, FUSES, AND ELECTRICAL EQUIPMENT SHALL HAVE AN INTERRUPTING SHORT CIRCUIT CURRENT TO WHICH THEY MAY BE SUBMITTED, AND A MINIMUM OF 15,000.

4. THE ENTIRE ELECTRICAL INSTALLATION SHALL BE GROUNDED AS REQUIRED BY BC, NEC AND ALL APPROPRIATE CODES.

5. PATCH, SPOIL, AND PASTE ANY AREA THAT HAS BEEN DAMAGED IN THE COURSE OF THE ELECTRICAL WORK.

6. PLASTIC PLATED FOR ALL SWITCHES, RECEPTACLES, TELEPHONE AND PLANNED OUTLETS SHALL HAVE ENGRAVED LETTERING WHERE INDICATED ON THE DRAWING. WIRE-GROUNDED RECEPTACLES SHALL HAVE SIGNS [NO LIFT COVERS.]

TELECOMMUNICATION BRANCHING WIRING COMPONENTS

1. GENERAL

2. ALL MATERIALS AND PRODUCTS INGORITHM CALCULATIONS ARE ALREADY LISTED TO ES AND ARC-ER-3000-20000.

3. ALL MATERIALS AND PRODUCTS SPECIFIED IN THE CONTRACT DOCUMENTS SHALL BE SUPPLIED BY THE CONTRACTOR UNLESS NOTED OTHERWISE.

4. MATERIALS:

5. COAXIAL CABLE:

6. CABLES AND CONNECTORS SHALL BE GROUNDED. SEAL BOTH ENDS OF CONDUIT WITH COPPER GROUNDS.

7. ALL WIRING SHALL BE PROCEDURES DEPENDING ON OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA).

8. EACH PANELBOARD, FULLY MOTOR PANEL, SWITCH GEAR, ETC., THE TYPE OF TAKING OFF CONDUCTORS DEPENDING ON OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA).


10. ALL WIRING SHALL HAVE A FULL COVER.

11. FINEGAS PROJECT MANAGER WITH ONE SET OF COMPLETE ELECTRICAL "AS INSTALLED" DRAWINGS AT THE COMPLETION OF THE JOB, SHOWING ACTUAL DIMENSIONS, ROUTINGS, AND CIRCUITS.

12. ALL ARC SWITCHES, FUSES, AND ELECTRICAL EQUIPMENT SHALL HAVE AN INTERRUPTING SHORT CIRCUIT CURRENT TO WHICH THEY MAY BE SUBMITTED, AND A MINIMUM OF 15,000.

13. THE ENTIRE ELECTRICAL INSTALLATION SHALL BE GROUNDED AS REQUIRED BY BC, NEC AND ALL APPROPRIATE CODES.

14. PATCH, SPOIL, AND PASTE ANY AREA THAT HAS BEEN DAMAGED IN THE COURSE OF THE ELECTRICAL WORK.

15. PLASTIC PLATED FOR ALL SWITCHES, RECEPTACLES, TELEPHONE AND PLANNED OUTLETS SHALL HAVE ENGRAVED LETTERING WHERE INDICATED ON THE DRAWING. WIRE-GROUNDED RECEPTACLES SHALL HAVE SIGNS [NO LIFT COVERS.]

ELECTRICAL REQUIREMENTS OF ELECTRICAL PROTECTION TECHNOLOGY

1. GENERAL

2. THE ELECTRICAL 30-A CIRCUIT BREAKER PANEL SHALL BE USED ON EACH CIRCUIT AS SO AS NOT TO PROTECT FROM TRANSPARENT VOLTAGE, SURGE CURRENTS, LIGHTNING AND OTHER ELECTRICAL PHENOMENON.

3. SPDS SHALL BE SUITABLE FOR SAFETY IN 120 VAC POWER APPLICATOR.

4. SPDS SHALL BE SUITABLE FOR USE ON 120 VAC POWER APPLICATOR.

5. TO PROVIDE THE ELECTRICAL PROTECTION, EACH CIRCUIT MUST BE PROTECTED FROM ALL POSSIBLE VOLTAGE, CURRENT, AND LIGHTNING CURRENTS.

6. SPDS SHALL BE SUITABLE FOR USE ON 120 VAC POWER APPLICATOR.

7. TO PROVIDE THE ELECTRICAL PROTECTION, EACH CIRCUIT MUST BE PROTECTED FROM ALL POSSIBLE VOLTAGE, CURRENT, AND LIGHTNING CURRENTS.

8. SPDS SHALL BE SUITABLE FOR USE ON 120 VAC POWER APPLICATOR.

9. TO PROVIDE THE ELECTRICAL PROTECTION, EACH CIRCUIT MUST BE PROTECTED FROM ALL POSSIBLE VOLTAGE, CURRENT, AND LIGHTNING CURRENTS.

10. SPDS SHALL BE SUITABLE FOR USE ON 120 VAC POWER APPLICATOR.

11. TO PROVIDE THE ELECTRICAL PROTECTION, EACH CIRCUIT MUST BE PROTECTED FROM ALL POSSIBLE VOLTAGE, CURRENT, AND LIGHTNING CURRENTS.
This street view of the location for the 75' pole from last application Mobilitie submitted. The pole, if permitted, would be located behind the palm trees but would be much taller than the trees, streetlight, or apartments across the street. Note that the utilities are underground in this area.

This is in the downtown Gainesville area.
This is one of the two June 2016 applications by Mobilitie. This is on SW2nd Ave, just down the street from the law school. This is a residential area on this side of the street.
This is an aerial view of the proposed location on SW 2nd Avenue. The proposed pole location is on the North of SW 2nd Ave between SW 23rd Drive and SW 23rd Way. On the south side of SW 2nd Ave is UF's law school and tennis complex.
Proposed location of a 75’ pole
The other application that the City received in June 2016 would have placed the pole in the little patch of grass next to the police car. The building in the background is the back of City Hall.
Another view of the spot of grass behind City Hall that Mobilitie proposed to put a pole on.
January 12, 2017

Mr. Chad Caudill
Permitting Manager
Mobilitie, LLC
3475 Piedmont Road, NE, Suite 1000
Atlanta, GA 30305

Re: Mobilitie Application for Proposed Deployment in the Public Rights-of-Way in Gainesville, Florida

Dear Mr. Caudill:

Your letter was forwarded to me from the Public Works Department to respond. According to the Public Works Department, the City is unable to process Mobilitie’s current application for right-of-way use at this time because the application is incomplete. It did not include the following information:

- Mobilitie has not included its PSC certificate
- Mobilitie has not included a certificate of insurance naming the City of Gainesville as an additional insured
- Mobilitie did not provide the name of the Contractor who would work on the project
- Mobilitie indicated in its application that it will connect to an existing electric transformer. Mobilitie must obtain approval from Gainesville Regional Utility for that connection before Public Works can approve the application.
- Depending upon Gainesville Regional Utility’s requirements for connection to the transformer, Mobilitie may need an electrical permit from the building department.

Additionally, the City Manager’s office has confirmed that Mobilitie has not registered with the City to access the City’s rights-of-way as required by Article VI, Chapter 23, Code of Ordinances of City of Gainesville.

It also appears from an initial review of your application by the City’s Planning and Development Services Department that the proposed structure would not meet the City’s current zoning and land use codes. The City is in the process of reviewing and revising its ordinances relating to wireless telecommunication facilities both within the City’s rights-of-way and on
private property throughout the City. The City has enacted a moratorium prohibiting approval of applications to construct wireless telecommunication facilities within the City's rights-of-way while the City reviews and revises its ordinances. The City will be inviting interested participants to provide input into its ordinance revisions at a staff workshop. I have included your name and contact information in the list of interested parties to be invited to participate in this workshop. If you know of additional individuals who would like to participate in this workshop, please contact my Administrative Assistant, Becky Scalese at 352-393-8331 or by email at scaleser@cityofgainesville.org.

Please note that the moratorium does not prohibit applications for small cell and DAS or other wireless telecommunication structures on private property within the Gainesville city limits. If you have questions regarding zoning review and approval of wireless communication facilities on private property, please contact Andrew Persons in the City's Planning and Development Services Department at 352-393-8610 or by email at person saw@cityofgainesville.org.

Sincerely,

Lisa C. Bennett
Senior Assistant City Attorney

cc: Rebecca McKenzy – Public Works Department
    Helen Harris – City Manager’s office
    Andrew Persons, Principal Planner
January 16, 2016

Anthony Lyons
Gainesville City Manager
200 East University Avenue
Gainesville, FL 32601
352-334-5000

RE: Proposed Mobilitie Communication Services Provider Poles located in Public Right-of-Way

Dear Mr. Lyons:

Thank you for the time you and your department have spent reviewing Mobilitie’s proposed utility poles in Gainesville, Florida (the “City”). Pursuant to communication between you and Chad Caudill, Permitting Manager, it appears Gainesville needs clarification on how Mobilitie is authorized and licensed to provide communications services pursuant to Florida Statutes. Mobilitie requests that it be treated like any other communications service provider. Pursuant to federal and state law it seeks to locate its infrastructure equipment in the public right-of-way.

Mobilitie is an authorized competitive local exchange services provider (“CLEC”) regulated by the Florida Public Service Commission (“FPSC”).1 In particular, Mobilitie operates as a “carrier’s carrier” using a hybrid transport network, utilizing wireless signals and a small amount of fiber, used for the backhaul of phone calls and “mini macro” cellular site service. In order for its network to operate, Mobilitie must install and maintain certain poles and equipment at specific locations at minimum heights.

As a FPSC regulated CLEC, Mobilitie is authorized under United States and Florida state law to install its proposed poles in the City’s right-of-way. Applicable law authorizes “providers of communications services” to utilize the public rights-of-way for the “placement and maintenance of communications facilities.”2 Mobilitie’s authority derives directly from the Federal Telecommunications Act of 1996 (“1996 Act”) and the various enactments by the Florida Legislature to implement the 1996 Act. The purpose of these laws was to remove barriers to entry and provide the rapid development of telecommunications competition so as to make advanced telecommunications universally available at affordable prices for consumers.

The various federal and Florida legislative enactments use varying terms for these providers, services and facilities, including telephone, telecommunications, communications or utility.3 Irrespective of the terminology used, the City’s actions must be consistent with the fundamental policy goal set forth in the 1996 Act, “[n]o State or local statute or regulation, or other State and local legal requirement, may prohibit or have the effect of prohibiting the ability of the entity to provide any interstate or intrastate telecommunications service.”4

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1 FPSC originally granted Mobilitie a certificate for as an “Alternative Access Vendor,” Order No. PSC-06-953-PAA-TA (November 15, 2006). All AAV certificates were converted to CLEC certificates by operation of law when Chapter 364 was amended in 2011 to eliminate the AAV designation. Fla. Stat. §354.02, Chapter 2011-36, Laws of Florida, Sections 30 and 33.

2 Fla. Stat. § 337.401(3)(a).

3 Fla. Stat. § 337.401(1)(a).

Mobilitie acknowledges that Florida state law authorizes the City to regulate the placement and maintenance of utility facilities in its rights-of-way pursuant to its police power. Specifically, the City may “prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road ... any electric transmission, telephone, telegraph, or other communications services” lines; poles lines; poles ... or other structures referred to in this section as the ‘utility,” subject to the limitations imposed by federal law. Concurrently, the Florida Legislature recognizes “the unique circumstances applicable to providers of communications services, including ... the circumstances described in paragraph (e)” and explicitly expressed that “it is the intent of the Legislature that ... counties treat providers of communications services in a nondiscriminatory and competitively neutral manner when imposing rules or regulations governing the placement or maintenance of communications facilities in the public roads or rights-of-way.” The Florida Legislature even went so far as to acknowledge “that providers of communication services may provide similar services in a manner that requires the placement of facilities in municipal or county roads or rights-of-way.” The 1996 Act defines “telecommunications carriers” broadly to include “any provider of telecommunications services,” allowing no basis for discriminating among providers of functionally equivalent communications services, and terms such as telephone, telecommunications, or communication should be read interchangeably.

To the extent the City’s ordinances prohibit the placement of wireless communication monopoles of any type in the public right-of-way while allowing traditional landline telephone poles, the 1996 Act preempts such ordinances as not competitively neutral and as discriminatory among providers of functionally equivalent services. Under federal law, Mobilitie’s communication services poles cannot be prohibited as the City has done.

While the 1996 Act provides the broad public policy framework for open and fair telecommunications competition, state and local governments are tasked with the implementation of this mandate. Florida’s compliance with the 1996 Act is reflected in part under Fla. Stat. Section 337.401. In fact, nowhere in Section 337.401 did the Florida Legislature authorize the City to deny a “communication services provider” access to its rights-of-way. Mobilitie’s facilities provide “communication services,” the essence of its hybrid transport network. Indeed, earlier this year, the Florida Legislature further expanded the scope of access by adding the broad reference to “communication service lines” while clarifying who should bear the costs of utility relocation when it becomes necessary.

The phrase “communications service lines” is a more technologically neutral term reflective of the different types of facilities – copper wire, coax cable, fiber optic cable and microwave radio – that can be used as a communications pathway between two points. This is borne out by the language in Section 337.401 that requires a local government’s rules to be “generally applicable to all providers of communications services.” This is based upon the Legislature’s recognition of the “unique circumstances applicable to the

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1 See Fla. Stat. § 337.401(1)(a) (ascribing Chapter 202’s meaning for “communication services” to § 337.401); See Fla. Stat. § 202.11(1) (defining “communication services” as “the transmission, conveyance, or routing of voice, data, audio, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereinafter devised, regardless of protocol used for such transmission or conveyance.”).
2 Fla. Stat. § 337.401(1)(a).
3 Fla. Stat. § 337.401(3)(a).
4 Fla. Stat. § 337.401(3)(e).
6 BellSouth Telecommunications, Inc. v. Town of Palm Beach, 252 F. 3d 1169, 1177 (2001)
7 §2, Chapter 2016-44, Laws of Florida.
providers of communication services,” including the federal limitation on the scope of a local government’s rules for the “placement and maintenance” of communications facilities in public rights-of-way and the requirement for nondiscriminatory treatment.”

Consistent with the 1996 Act, Section 337.401 requires local government rules that govern communication equipment in roads or rights-of-way meet certain criteria. The rules must relate to the “placement or maintenance” of the equipment, the rules must be reasonable and nondiscriminatory, and the rules may “include only those matters necessary to manage the roads or rights-of-way.” This concept is further advanced by the legislative recognition that “[a]lthough similar communications services may be provided by different means, the state desires to treat providers of communications services in a nondiscriminatory manner.”

The present version of Section 337.401 represents the most recent enactment of the Florida Legislature’s understanding the state’s obligations under the 1996 Act. Section 337.401 has been amended multiple times since the passage of the 1996 Act to keep up with the evolution in terminology and technology and to ensure the full and fair compliance with the intent of the 1996 act. For example, the 1997 version of Section 337.40 used the term “telephone company,” which in 1998 became “Telecommunications Company” to more closely reflect the language of the 1996 Act as well as 1995 changes to the FPSC’s statute to introduce local telecommunications services competition. In 2000, the Legislature substantially overhauled Section 337.401 to bring it explicitly into compliance with the 1996 Act:

Because federal and state law require the nondiscriminatory treatment of providers of telecommunication services and because of the desire to promote completion among providers of telecommunications services, it is the intent of the Legislature that municipalities and counties treat telecommunications companies in a nondiscriminatory and competitively neutral manner when imposing rules, or regulations governing the placement or maintenance of telecommunications facilities in the public roads or rights-of-way.

In 2001, the Legislature made further refinements in the statute to reflect the “unique circumstances applicable to providers of communications services.” Reading the evolution of language in context with the present version of Section 337.401, it is clear that the communications services provided by Mobilitie fall well within the scope of the 1996 Act and Section 337.40 and that Mobilitie is lawfully entitled to place its facilities in the City’s rights-of-way. The transport monopolies involve microwave point to point facilities that carry telephone calls over spectrum authorized by the Federal Communications Commission (“FCC”). Failing to include Mobilitie’s communications services is anti-competitive and unlawfully discriminates against federally authorized and state mandated public rights-of-way usage.

To ensure competitively neutral treatment, the City cannot base its denial on the type of communications service facilities installed, nor can the City establish criteria that only one type of service provider’s equipment can meet. The City’s sole placement requirements need to be reasonable and tied directly to

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13 Id.
14 Fla. Stat. § 337.401(3)(b), (emphasis added).
15 Fla. Stat. § 337.401(3)(c).
management of the right-of-way. With the broad re-write of Section 337.401 in 2000, the Legislature began to provide some definition as to exactly what such local use regulations may encompass:

(3)(a) Because federal and state law require the nondiscriminatory treatment of providers of telecommunications services and because of the desire to promote competition among providers of telecommunications services, it is the intent of the Legislature that municipalities and counties treat telecommunications companies in a nondiscriminatory and competitively neutral manner when imposing rules or regulations governing the placement or maintenance of telecommunications facilities in the public roads or rights-of-way. Rules or regulations imposed by a municipality or county relating to telecommunications companies placing or maintaining telecommunications facilities in its roads or rights-of-way must be generally applicable to all telecommunications companies and, notwithstanding any other law, may not require a telecommunications company to apply for or enter into an individual license, franchise, or other agreement with the municipality or county as a condition of placing or maintaining telecommunications facilities in its roads or rights-of-way. In addition to other reasonable rules or regulations that a municipality or county may adopt relating to the placement or maintenance of telecommunications facilities in its roads or rights-of-way under this subsection, a municipality or county may require a telecommunications company that places or seeks to place facilities in its roads or rights-of-way to register with the municipality or county and to provide the name of the registrant; the name, address, and telephone number of a contact person for the registrant; the number of the registrant’s current certificate of authorization issued by the FPSC or the FCC, and proof of insurance or self-insuring status adequate to defend and cover claims.

(b) Each municipality and county retains the authority to regulate and manage municipal and county roads or rights-of-way in exercising its police power. Any rules or regulations adopted by a municipality or county which govern the occupation of its roads or rights-of-way by telecommunications companies must be related to placement or maintenance of facilities in such roads or rights-of-way, must be reasonable and nondiscriminatory, and may include only those matters necessary to manage the roads or rights-of-way of the municipality or county.20

The fact that a county or municipality “may” require an FPSC or FCC certificate or authorization recognizes that not all authorized telecommunications services providers who can use the public rights-of-way may possess a state or federal license. The recognition of such non-traditional communication services providers permitted to use rights-of-way was further expanded in 2007 to include “the number of the registrant’s current certificate of authorization issue by the FPSC, the FCC or the Department of State.”21 The amendment to add the Department of State was made because of another statutory amendment that authorized cable television companies to obtain a statewide franchise by registering with the Department of State.22 Many of these cable television companies were also providing voice communications services utilizing unregulated voice over internet protocol (“VOIP”), and since the law must be technology neutral, VOIP providers also needed to be brought within the scope of the statute.

20 Fla. Stat. § 337.401(3)(a)-(b). These provisions are reference herein as the three prong test.
Since 2000, the Legislature has tweaked the terminology, but the three-part test for how municipalities and counties may exercise their police powers to regulate and manage their roads and rights-of-way has remained. The current pertinent language on reasonable use regulations reads as follows:

Any rules or regulations adopted by a municipality or county which govern the occupation of its roads or rights-of-way by providers of communications services must be related to the placement or maintenance of facilities in such roads or rights-of-way, must be reasonable and nondiscriminatory, and may include only those matters necessary to manage the roads or rights-of-way of the municipality or county.23

The local governments that have authorized the use of their rights-of-way for all communications services providers pursuant to the 1996 Act have generally done so consistent with the three-part test. Thus, for example, the cities of Jacksonville and Sanford both have rules regulating the “placement and maintenance” of communication facilities within a public right-of-way and confirm each city’s intent to be consistent with both the 1996 Act and Section 337.401.24 Similarly, the cities of Orlando, Cape Coral, West Palm Beach, and Daytona Beach and have rules authorizing communications providers to install communications facilities, including poles or towers, within their public rights-of-way subject to permitting and registration requirements.25

Section 337.401 is a complete and comprehensive authorization for Mobilitie’s proposed communications services monopoles in the City’s rights-of-way pursuant to federal law. While Section 337.401 is an important statute for Mobilitie’s authority to use the City’s rights-of-way, other statutory pronouncement further authorize or support Mobilitie’s placement of its communications services poles in the City’s rights-of-way.

Section 362, Florida Statutes, grants individuals and “telephone companies”26 the authority to erect poles, posts and other fixtures for “telephone purposes” on or beside any public road in Florida, falling within the statutory definition of a public right-of-way.27 The only caveat to this authority is that the equipment may not obstruct or interfere with the common use of the roadway.28 The term “telephone purposes” as used in this section is broad and encompasses not only equipment used to provide traditional landline-based telecommunications service but also equipment used to provide wireless communications services.

While traditional landline telephone service dominated two-way communications for almost a century, wireless telephone service grew exponentially starting in the 1990s and wireless handsets now significantly
now significantly outnumber landline access lines.\textsuperscript{29} Recognizing that communication services are critically important to individuals and organizations alike, and that expansion of new and innovative services and infrastructure are necessary and in the public’s best interests, the Legislature continues to support and encourage deployment of these new technologies consistent with principles of the 1996 Act.\textsuperscript{30}

As an example, the Legislature has for many decades defined “telephone lines” quite broadly, and not in a literal sense, to include:

Conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentality and all devices, real estate, easements, apparatus, property and routes...to facilitate...telephonic communication.\textsuperscript{31}

Toward the end of the twentieth century,\textsuperscript{32} the popular nomenclature for two-way communications services became more expansive, evolving from “telephones” and “telephonic communication” to more generic, all-encompassing terms “telecommunications”\textsuperscript{33} or simply “communications.”\textsuperscript{34} Legislative and regulatory references also began to change. The title to Chapter 364 had for many years referred to “telephone” companies, but in 1990, the Legislature changed it to “telecommunications” companies.\textsuperscript{35} As was discussed above, similar changes were made to Section 337.401 several years later. At the same time the Legislature changed the statutory reference to telecommunications companies, the Legislature further clarified that for purposes of the Florida Constitution, the term “telephone” includes “telecommunication.”\textsuperscript{36} As another example, the Legislature earlier this year revised Section 125.42, which complements Sections 337.401 and 362.01, by authorizing cities and counties to grant licenses to individuals and to private companies to install and operate telephone lines and “other communication services,” including communication towers, within any city or county right-of-way.\textsuperscript{37}

In amending Section 125.42, to include “other communications services,” the Legislature defined this term by reference to Section 202.11(1). Section 202.11(1), defines “Communications Services,” as;

...the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term includes such transmission, conveyance or routing

\textsuperscript{29} The Florida PSC now reports that there are approximately 3.3 million total wireline access lines in Florida as of the end of 2015 whereas there are an estimated 19.9 million wireless handsets in Florida with an additional 3.7 million cable Voice over Internet Protocol subscribers. Florida Public Service Commission, Report on the Status of Competition in the Telecommunications Industry as of December 31, 2015, at 1-2, 16-18, 21-25 (July 29, 2016).
\textsuperscript{31} Fla. Stat. § 364.02 (1913); § 364.02 (1984).
\textsuperscript{32} In 1989, the Legislature required the Public Service Commission to evaluate the state’s regulation of “telephone companies” and provide a detailed comprehensive report on the competitive change taking place within the “telecommunications industry,” (Chapter 89-163, Laws of Florida).
\textsuperscript{33} Given the broad scope of the PSC’s jurisdiction which includes traditional landline telephone service as well as wireless communication service, the Legislature eventually changed the title of Chapter 364 from “Telegraph and Telephone Companies” to Telecommunications Carriers,” and changed “telephonic communications” to “telecommunications.”
\textsuperscript{34} The Florida Public Service Commission clarifies in its rules that the terms “telecommunications company” and “telephone company” have the same meaning. Rule 26-4.003(6), Fla. Admin. Code (2016).
\textsuperscript{35} Ch. 1990, Laws of Florida.
in which computer processing applications are used to act on the form, code or protocol of
the content for purposes of transmission, conveyance, or routing without regard to whether
such service is referred to as voice-over-Internet-protocol services or is classified by the
Federal Communications Commission as enhanced or value-added. The term does not
include:
(a) Information Services, (b) Installation or maintenance of wiring or equipment on a
customer’s premises. (c) The sale or rental of tangible personal property. (d) The sale of
advertising, including, but not limited to, directory advertising. (e) Bad check charges. (f)
Late payment charges. (g) Billing and collection services. (h) Internet access service,
electronic mail service, electronic bulletin board service or similar online computer
services.

This is a very broad definition that includes voice and other forms of information transmitted by any
technology now available, including specifically radio and microwave, or hereafter devised.

Consistent with the statutory mandate for a broad interpretation of these statutes to track advances in
technology, a Florida appellate court found that a telecommunications company was permitted to use a
right-of-way in order to install buried fiber optic cable. The court found this was permitted use even though
the fiber optic cable was not of the same type of overhead “wire” historically used by traditional telephone
companies.38

The provisions of Section 362.01 must be read in conjunction with Section 125.42. The authority granted
to companies and individuals39 by Section 362.01 to place communications equipment in public rights-of-
way explicitly recognizes that municipal and county governments may appropriately use their police power
to ensure such equipment does not create a danger or make the roadway unsafe to use. Similarly, Section
125.42, grants municipalities the authority to issue licenses approving the use of their rights-of-way and
allows municipalities to impose conditions ensuring the equipment does not create obstructions or
conditions which could be dangerous to the traveling public. Reading these sections together, the
Legislature has established that a local government’s authority to reject a request to locate communication
equipment in a right-of-way is limited only to those situations where one would expect the proposed
placement to create some type of danger for roadway users. The local government must rely on facts when
it decides whether proposed equipment might pose a danger, and it must do so in a reasonable, non-arbitrary
manner.40

Given the history and the continuing evolution of two-way communications services, the language in
Section 362.01 (1) authorizing “poles, wires, and other fixtures” for “telephone purposes” includes not only

38 Davis v. MCI Telecommunications Corp., 606 So. 2d 734 (Fla. 1st DCA 1992).
39 In Gulf Properties of Alabama, Inc. v. Southern Bell Tel. & Tel. Co., 346 So 2d 1085 (Fla. 1st DCA 1977), the
court found in favor of a telephone company proposing to install its equipment over a subdivision developer which
had reserved an exception when it filed the subdivision plans – because the subdivision developer was not presently
operating or desirous of operating telephone company. The court made no mention of whether the Florida Public
Service Commission regulated either entity. In addition, while Section 362.01, Florida Statutes, allows individuals
to place equipment in public rights-of-way, Section 362.02, Florida Statutes, grants the power of eminent domain for
communication equipment within railroad rights-of-way only to telegraph and telephone companies – not to
individuals.
40 General Tel. Co. v. City of Bradenton, 192 So. 2d 534 (2d DCA 1966). Fla. Stat. Ch. 352.01... gave plaintiff the
right to install [equipment] subject to the qualification that the [equipment] did not obstruct or interfere with the
common uses of the streets. Defendant [government] had introduced no evidence that plaintiff’s [equipment] had
obstructed or interfered with the use of the streets, that they constituted a hazard, or were unreasonable in nature or
number.
traditional landline telephone service but also wireless communications services, including Mobilitie’s infrastructure.\textsuperscript{41} A more narrow interpretation is not supported by, and is inconsistent with, the Legislature’s intent to promote new communication technology and related infrastructure.

Mobilitie kindly requests the City to review our applications as it would review a communications services provider and promptly process our applications for new poles in the City right-of-way. Please note that any heights and locations previously submitted by Mobilitie can be adjusted based on Gainesville’s feedback. Currently, Mobilitie has four (4) current, active small cell sites, previously applied for, that we will continue to pursue. There are also four (4) additional sites going through the process of becoming active and ready to go through the permit process in Gainesville.

Mobilitie understands that in order to access the public right-of-way it is required to compensate the local jurisdiction in the form of permitting fees and is prepared to pay any and all permitting fees required by Gainesville. Mobilitie looks forward to working with the City and placing its utility infrastructure within its rights-of-way. We welcome a chance to work with the City in finding a solution that fits both of our needs in terms of infrastructure and a process to achieving permits. Chad Caudill, Permitting Manager, would like to request a meeting with you and any other interested parties to discuss, in person, a site-by-site review of our proposed network. Chad can be reached at 904-420-9391, or via email at Chad.Caudill@mobilitie.com. Should you have any questions, please do not hesitate to contact me via my mobile phone (678) 630-9823 or by e-mail at cbrown@mobilitie.com.

Sincerely,

Chris Brown
Government Relations Associate

cc: Lauren Poe, Mayor
    Paul Folkers, Assistant City manager
    Fred Murry, Assistant City Manager
    Helen Harris

\textsuperscript{41} See also Nerbonne, N.V. v. Florida Power Corp., 692 So. 2d 928 (Fla 5th DCA 1997) where the court found that a right of easement given for “public road purposes” including authority to install power lines because historically roads had been used for not only transportation but also the delivery of communications and power. The court stated that this interpretation covering “adaptions of traditional highway uses” was appropriate “because of changing technology” (quoting Fisher v. Golden Valley Elec. Assn., 658 P. 2d 127 (Alaska 1983). Explained by City of Orlando v. MSD-Mattie, LLC., (Fla. 5th DCA 2005).