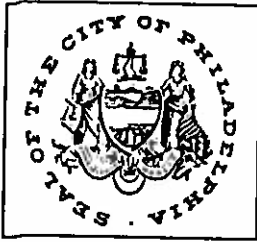


**APPENDIX A**

**FORM OF APPLICATION  
FOR  
RIGHT-OF-WAY USE LICENSE**

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**CITY OF PHILADELPHIA**  
**DEPARTMENT OF STREETS**  
**APPLICATION FOR RIGHT-OF-WAY USE LICENSE**  
**INSTRUCTIONS**

**1. Who Must Apply**

A Right-of-Way Use License is required by persons and businesses planning to install new Facilities in the Right-of-Way, and by persons and businesses that already have Facilities in the Right-of-Way, including those previously authorized by special ordinances of the Philadelphia City Council and/or agreements with the City. Specifically, Section 11-702 of The Philadelphia Code, effective April 20, 2005, requires that any person or business that operates, owns or intends to own cables, conduits, utilities or other "Facilities," as defined below, located in, under or over the public streets, sidewalks, or other public rights-of-way of the City of Philadelphia is required to obtain a Right-of-Way Use License. Exceptions to the License requirement are provided for water and sewer pipes in "Plumber's Ditches," for public pay telephones and similar "End User Devices," and for operators of cable television or open video systems that have a franchise from the City. Newsstand operators are governed by a separate section (Section 9-212) of The Philadelphia Code.

**2. Definitions**

Section 11-701 of The Philadelphia Code defines "Facilities," "Plumber's Ditch" and "End User Device" as follows:

Facilities: "Conduit, pipes, cables, wires, lines, towers, optic fiber, antennae, poles, associated equipment and appurtenances, and any other facilities (exclusive of water and sewer pipes in Plumber's Ditches and End User Devices) located in the Right-of-Way and designed, constructed, and/or used, by Telecommunications Providers, Cable Service and OVS Service providers, Information Service Providers, Public Utilities, or other Persons for transmitting, transporting, or distributing communications, telecommunications, electricity, natural gas or manufactured gas, oil, gasoline, steam, water, waste water, or any other form of energy, signal or substance." Section 11-701(1)(p) of The Philadelphia Code.

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**End User Device:** "Any device erected in and affixed permanently to the Right-of-Way, including, but not limited to, public pay telephones that allow end-users to originate or terminate transmissions of voice or data." Section 11-701(1)(o) of The Philadelphia Code.

**Plumber's Ditch:** "A trench or other excavation made in the Right-of-Way for the purpose of maintaining, repairing, or replacing a water or sewer pipe used to connect a building or other structure with a water or sewer pipe located in the Right-of-Way in order to provide water or sewer service to the building or structure." Section 11-701(1)(bb) of The Philadelphia Code.

### **3. Where to Obtain Applications**

Applications are available from the Streets Department Right-of-Way Unit, Municipal Services Building, Room 940, 15<sup>th</sup> and John F. Kennedy Blvd., Philadelphia PA 19102; tel. 215-686-5621.

All information requested in the Application for Right-of-Way Use License ("Application") must be provided. Applicants should attach additional sheets as necessary. Incomplete responses may result in requests for clarification or additional detail before the Application is considered.

### **4. Time and Place to File**

Owners of Facilities currently occupying the Right-of-Way must file an Application for a Right-of-Way Use License by a date determined by the Streets Commissioner. New users of the Right-of-Way must submit an Application and obtain a Right-of-Way Use License before beginning construction for any Facilities in the Right-of-Way. Applications must be filed with the Streets Department Right-of-Way Unit, Municipal Services Building, Room 940, 15<sup>th</sup> and J.F. Kennedy Blvd., Philadelphia, PA 19102; tel. 215-686-5621.

Applications are reviewed by the Streets Department and Right-of-Way Use Licenses are granted by the Commissioner. The term of the License is ten (10) years, and must be renewed, by filing an Application for renewal prior to the expiration of the term.

### **5. Application Fee**

No fee shall be charged for filing an Application.

### **6. Obligation to Pay Permit and Other Fees**

Recipients of a Right-of-Way Use License are obligated to pay all permit fees required under Section 11-700 of The Philadelphia Code and Section 3, *Right-of-Way User Fees*, of the Regulations of the Streets Department entitled "Right-of-Way Management," as well as, other fees related to Licensee's use of the public Rights-of-Way.

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**APPLICATION FOR RIGHT-OF-WAY USE**

1. Name of Applicant (full legal name): \_\_\_\_\_  
\_\_\_\_\_

2. Applicant's business is organized as:
- Corporation
  - Limited Liability Corporation (LLC)
  - Partnership
  - Limited Liability Partnership (LLP)
  - Individual Proprietor
  - Other: \_\_\_\_\_

If organized as a Partnership or Limited Liability Partnership, state the legal names and business addresses of the partners and identify the general partner: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. State of organization: \_\_\_\_\_

4. Principal Business Address: \_\_\_\_\_

5. Philadelphia Business Address (if different): \_\_\_\_\_  
\_\_\_\_\_

6. Contact Person: \_\_\_\_\_

- Telephone: \_\_\_\_\_
- Fax: \_\_\_\_\_
- Email address: \_\_\_\_\_

7. Federal Tax Identification Number: \_\_\_\_\_

8. City of Philadelphia Business Privilege License Number: \_\_\_\_\_

9. City of Philadelphia Tax Account Number: \_\_\_\_\_

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10. Applicant's Business (check all that apply):

- electric power
- natural gas
- telecommunications
- water
- steam
- transportation
- educational institution
- hospital
- office, commercial or residential building owner
- other: \_\_\_\_\_

11. Facilities for which ROW Use License is sought (check all that apply):

- conduit
- wires or cable
  - underground
  - aerial
- manholes
- handholes
- poles
- equipment cabinets
- pipes
  - natural gas
  - steam
  - water
  - sewer
  - oil
  - gasoline
- towers/antennas/appurtenances
- infrared, RF or optical transmission equipment
- wireless communication antenna facilities: \_\_\_\_\_
- other: \_\_\_\_\_

12. Linear feet of Applicant's Underground Facilities installed in the Right-of-Way as of Application date: \_\_\_\_\_

Describe briefly how the above answer was determined, including the records that are available to document and confirm the accuracy of the answer(s). Attach a separate sheet if necessary.

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13. If Applicant has no current Facilities in the Philadelphia Right-of-Way, state the linear feet of Applicant's planned Facilities in the Philadelphia Right-of-Way:

- Planned Aerial Facilities: \_\_\_\_\_
- Planned Underground Facilities: \_\_\_\_\_

14. If Applicant owns or plans to install Facilities that will, in total, occupy less than 2000 linear feet of the Philadelphia Right-of-Way, please attach a route map.

15. If Applicant has owned Facilities in the Philadelphia Right-of-Way for less than five (5) years, list the ten (10) largest population cities or counties in which Applicant owns Facilities.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

16. Has Applicant received, within the last five (5) years, a notice of violation of any law, regulation or agreement relating to Applicant's Facilities in a public Rights-of-Way, in Philadelphia or in any other jurisdiction, that resulted in a fine, penalty, or other enforcement action?  Yes  No

If yes, please attach a separate sheet providing the following information for each alleged violation: the nature of the violation alleged, the jurisdiction and/or agency that issued the notice, the date of the notice and the dates on which the violation(s) allegedly occurred, and the resolution. If the notice was followed by litigation concerning the alleged violation, state the outcome of the litigation and identify the case by caption, court, and docket number.

17. State whether Applicant currently owns and/or operates Facilities in the Right-of-Way that are authorized by special ordinance(s) of City Council and/or Right-of-Way Use Agreement with the City,

Ordinance of City Council:  Yes  No  
Right-of-Way Use Agreement:  Yes  No

If yes, list each ordinance and Agreement below, including the Bill No. or Agreement number and date. Attach a separate sheet of paper if necessary.

- Ordinances:
  - Bill No. \_\_\_\_\_; date signed by the Mayor \_\_\_\_\_
  - Bill No. \_\_\_\_\_; date signed by the Mayor \_\_\_\_\_
  - Bill No. \_\_\_\_\_; date signed by the Mayor \_\_\_\_\_

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Agreements:

Number \_\_\_\_\_; dated \_\_\_\_\_

Number \_\_\_\_\_; dated \_\_\_\_\_

Number \_\_\_\_\_; dated \_\_\_\_\_

18. Has the Applicant been granted a Certificate of Public Convenience by the Pennsylvania Public Utility Commission?     Yes     No

If yes, in what category or categories is Applicant certified?

- electric power
- telecommunications
  - interexchange resellers
  - competitive local exchange carrier – facilities based
  - competitive local exchange carrier – reseller
  - incumbent local exchange carrier
  - access charge provider
  - competitive access provider
  - other: \_\_\_\_\_
- transportation/safety
- natural gas
- water
- other: \_\_\_\_\_

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19. Is the Applicant regulated by federal or state regulatory bodies other than the Pennsylvania Public Utility Commission?     Yes     No

20. If yes, which ones, and with respect to what activities?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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