

RESOLUTION NO. 3-2000

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF MILWAUKIE
ESTABLISHING PERMIT, REGISTRATION AND FRANCHISE FEES FOR
TELECOMMUNICATIONS CARRIERS OCCUPYING CITY RIGHTS OF WAY**

WHEREAS, the City has by Ordinance No. 1866 adopted a master telecommunications infrastructure ordinance to regulate telecommunications carriers who desire to occupy city rights of way; and

WHEREAS, that Ordinance grants to the City Council the authority to establish fees by resolution to recover the City's administrative cost of issuing and administering permits, and for the use of City rights of way; and

WHEREAS, the City Council recognizes that the City's ownership and management of rights of way constitutes a public trust and that those rights of way are valuable real property, use of which should be subject to fair and reasonable compensation; and

WHEREAS, the City Council is desirous of adopting a fee structure which treats similarly situated telecommunications service providers in a consistent manner; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE:

Section 1. The fees to be charged to telecommunications carriers occupying the City's rights of way shall be as follows:

a. Carriers receiving a franchise to operate throughout the geographic limits of the City shall be subject to a fee of five percent (5 percent) of their gross revenues for the provision of telecommunications services within the City. This section shall not apply to Telecommunications Utilities as defined in ORS 759.005.

b. Telecommunications Utilities, as defined in ORS 759.005, are subject to a fee of seven percent (7 percent) of the utility's gross revenues derived from the provision of services within the boundaries of the City.

c. A carrier receiving a franchise to operate on limited, designated City rights of way within the City, and not providing service to City residents, shall be subject to a fee of \$2.50 per linear foot per year of the carrier's facilities located within City rights of way. This fee, for example, generally applies to long distance carriers and private networks occupying the right of way.

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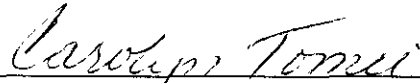
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Section 2. The administrative fees to be charged for issuances of permits and franchises pursuant to Chapter 3.13 of the Milwaukie Municipal Code, adopted by Ordinance No. 1866, are as follows:

The Registration fee established by Section 3.13.020(C) of the Code is hereby set at \$35.00. The Franchise Review fee established by Section 3.13.060(C) of the Code is hereby set at \$2,000 as a deposit against the City's costs, to be administered as provided for in the Code.

INTRODUCED AND ADOPTED by the City Council this 4th day of January, 2000 ~~xx1999~~



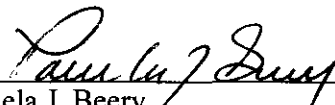
Carolyn Tomei, Mayor

ATTEST:



Pat DuVal, City Recorder

APPROVED AS TO FORM:



Pamela J. Beery
Telecommunications Counsel