

GENERAL RULES AND REGULATIONS

DEPARTMENT OF PUBLIC SERVICE

CITY OF COLUMBUS, OHIO

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SUBJECT: RIGHT-OF-WAY PERMITS
(GENERAL, SPECIAL AND
SPECIAL FOR RESIDENTIAL PURPOSES)

EFFECTIVE DATE: AUGUST 15, 1998

RULE:

Unless exempted pursuant to Title 41, Chapter 910 of Columbus City Code, or these Rules and Regulations, no person shall use, occupy, construct, own, or operate structures or facilities in, on, under, or over any Rights-of-Way within the City of Columbus, or public property owned by the City, unless such person first obtains a "Right-of-Way Permit" and conforms to the requirements set forth within said permit, Chapter 910 of Columbus City Code, and these Rules and Regulations.

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REGULATIONS:

1 General Provisions:

1.1 Authority: Chapter 910, Columbus City Code.

1.2 Definitions: In addition to the definitions provided within Section 910.01 of Columbus City Code, the Director may occasionally find it necessary to define terms for the purpose of clarification. Additional definitions, as they apply to these Rules and Regulations, include the following:

"Department" shall refer to the Department of Public Service.

"Division" shall refer to the Transportation Division.

"Days" shall refer to calendar days. In the event that a due date falls upon a weekend or City holiday, then such date shall be extended to the next day of business.

1.3 When Required: Unless permitted pursuant to the Columbus City Codes, no Person shall use, occupy, construct, own or operate structures or facilities, in under or over any Rights-of-Way or any Public Property within the City unless such Person first obtains a Right-of-Way Permit and conforms to the requirements set forth therein, in Chapter 910 of Columbus City Codes and these Regulations.

1.4 Type of Permits: Section 910.03 of the City's Comprehensive Right-of-Way Ordinance defines the types of Right-of-Way Permits available. They are as follows:

1.4.1 General Right-of-Way Permit: granted to persons who desire and are granted authority to utilize the Right-of-Way generally for business purposes including the provision of utility, cable television, communications or other services to the City, its residents and taxpayers;

1.4.2 Special Right-of-Way Permit: Granted to persons for a specific, limited use of the Right-of-Way or a specific portion thereof as further delineated in such Permit. Furthermore, "Special Right-of-Way Permits" shall be available in the following two categories:

1.4.2.1 Special Right-of-Way Permit for Non-residential Purposes: A Special Right-of-Way Permit granted to an individual or business seeking to place facilities, structures and/or enhancements within public Rights-of-Way for public or private business purposes. Said use shall be limited to less than one linear mile of public Right-of-Way. Also, this type permit shall be issued for all qualifying governmental Purposes regardless of length of Right-of-Way used.

1.4.2.2 Special Right-of-Way Permit for residential Purposes: A Special Right-of-Way Permit granted to an individual seeking to place enhancements within public Rights-of-Way immediately adjacent to their personal residence and/or residential properties. Said enhancements shall not serve business purposes.

1.5 Length of Permit Terms: The following permit terms shall apply to all Right-of-Way permits granted (initial, renewal, and/or transfer):

(A) "General Right-of-Way Permits", without an existing Service permit as per Chapter 595 of Columbus City Code, are issued for a 10-year period unless a lesser amount is requested within the application for Right-of-Way Permit, wherein, if the Permit is granted, it shall be for said lesser period as requested.

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(B) "General Right-of-Way Permits", with an existing Service permit as per Chapter 595 of Columbus City code, are issued for the lesser of (i) a 10 year period; (ii) the length of time remaining on a existing Service Permit; or (iii) the amount requested within the application for Right-of-Way Permit.

(C) "Special Right-of-Way Permits for Non-Residential Purposes" are issued for a three-year period unless a lesser term is requested within the application for Right-of-Way Permit, wherein, if the Permit is granted, it shall be for said lesser period as requested.

(D) "Special Right-of-Way Permits for residential Purposes" are issued for an indefinite period unless a lesser term is requested within the application for Right-of-Way Permit, wherein, if the Permit is granted, it shall be for said lesser period as requested.

1.6 Right-of-Way Board: The Right-of-Way Board consists of the Director and the Directors of the Department of Development and Trade, and the Utilities Department. The Right-of-Way Board shall act by majority vote. Each of its members may designate an alternate, in writing, to perform such member's duties and obligations in their absence. The Director shall act as chair of the Right-of-Way Board. The Right-of-Way Board shall meet when necessary, to review and act upon all pending Right-of-Way Permit applications.

2 Conditions of Permit:

2.1 Permit Application Procedure:

2.1.1 Request for Permit: Persons desiring to apply for a Right-of-Way may obtain copies of the "Permit Application Form" from Right-of-Way Services, Transportation Division, 109 North Front Street, Columbus, Ohio 43215. Said request may be made in person or by mail.

2.1.2 Form of Application: Right-of-Way Permit applications (initial, renewal or transfer) shall be filed with Right-of-Way Services, Transportation Division, 109 North Front Street, Columbus, Ohio 43215. Each application shall include the following information in order to be considered complete:

(A) Completed "Right-of-Way Permit Application Form"; *Said application requires the following information to be provided thereon:*

1. The name, address, telephone and fax number of the Applicant;
2. The name, address, telephone and fax number of a designated single point of business contact;
3. Applicable Ohio Utilities Protection Service Registration Number;
4. Twenty-four hour emergency contact telephone number(s) as further specified in Section 2.2 of these Rules and Regulations;
5. Type of Permit requested;
6. Length of Permit term requested;

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2.1.2 Form of Application: (continued)

7. A check list of all required attachments (as detailed below, see B for certain exemptions);
8. Certification by a responsible Officer or Representative of the Applicant that all permit application information is complete and correct;
9. Witnessed by a Notary Public.

(B) A copy of any applicable valid certification from the Public Utilities Commission of Ohio including certification pursuant to R.C. 4933.81 et seq. (Labeled Exhibit "B"). **Note:** If an Applicant possesses said certification, the Applicant shall be presumed to possess the required financial, technical, and managerial resources and will provide Exhibit b in lieu of Exhibits C,D, E, and H.

(C) A detailed statement of the Applicant's corporate, or other business entity or organization, including, but not limited to, the following: (Labeled Exhibit "C") The names, titles, and business addresses of all Officers, and/or Directors of the Applicant;

(D) A detailed description of the applicant's previous experience in providing related and/or similar services as those proposed in conjunction with said applicant; (labeled Exhibit "D")

(E) A detailed and complete financial statement of the applicant, prepared by a Certified Public Accountant, for the fiscal year next preceding the date of said application, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the City, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the Applicant to construct and operate the proposed system in the City, or a statement from a Certified Public Accountant, certifying the Applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed system and/or facility in the City; (Labeled Exhibit "E")

(F) A statement certifying the Applicant is not delinquent on any taxes or other obligations to the City or Franklin County; (Labeled Exhibit "F")

(G) A statement identifying any service Permits awarded to the applicant, its parent or subsidiary, from the City of Columbus, in accordance with Chapter 595 of Columbus City Code. A copy of said ordinance granting such Service Permits shall also be attached and provided herewith; (Labeled Exhibit "G")

(H) A detailed description of the proposed plan of operation of the Applicant; (Labeled Exhibit "H")

(I) A detailed map of facilities in or proposed to be in the Right-of-Way, prepared in accordance with the requirements of Chapter 910, and as further defined within the "Mapping Requirements" section (see 3.5) of these Rules and Regulations; (Labeled Exhibit "I")

(J) A non-refundable application fee (initial, renewal, and/or transfer) in the form of a check, money order or wire transfer made payable to Treasurer – City of Columbus in the appropriate sum for the type of Right-of Way Permit requested; (Labeled Exhibit "J")

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2.1.2 Form of Application: (continued)

(K) A copy of any agreement, as described in Section 910.06 (A9); (Labeled Exhibit "K")

(L) For all "General Right-of-Way Permits" and "Special Right-of-Way Permits for Non-residential Purposes", Applicants shall provide a copy of an insurance policy as per Section 2.6 of these Rules and regulations. **Please Note**, those Applicants maintaining a net book value in excess of ten million dollars (\$10,000,000) may submit a statement requesting to self-insure, thereby seeking exemption from the insurance requirements required herein; (Labeled Exhibit "L")

(M) The City reserves the right to request any additional information as necessary to ensure accordance with Section 910.05. (Labeled Exhibit "M")

Any Applicant that has submitted a completed application within thirty (30) days of the initial effective date of Chapter 910 of Columbus City Codes shall not be deemed to be in violation of said Chapter by reason of not holding a valid Right-of-Way Permit until said Permit is finally issued or denied by the City.

2.2 Single Point of Business Contact: Each Right-of-Way Permit application shall include a single point of business contact to coordinate all business issues relative to the Permittee's proposed and existing facilities located within Rights-of-Way. Said designation shall include the name, title, business address, telephone and fax numbers. Each Permittee shall keep the division advised in writing as to any changes in this information. The responsibilities associated with this position shall include, when and as appropriate:

- (A) Participation in joint planning, construction, and/or advance notification of Right-of-Way work;
- (B) Internal distribution of plans and specifications from the City, its Contractors, and Consultants;
- (C) Attendance at City meetings to discuss project coordination;
- (D) Notification by the City to remove or relocate facilities;
- (E) Temporary movement of facilities;

Participation may not be limited to the above circumstance. The single point of contact may choose a designee to attend planning session/meetings as needed.

2.3 Registration With Underground Reporting Service: At the time of application for a General Right-of-Way Permit, all Applicants registered as a voting member of the Ohio Utilities Protection Service (OUPS) shall provide a registration number. If not a registered voting member, a letter certifying the Permittee's facilities are or will be registered, and by whom, with registration number, shall be filed with the division within thirty (30) days after the Permit is issued.

At the time of application for a Special Right-of-Way Permit for Non-residential Purposes, all Applicants registered as a limited basis participant or greater of OUPS shall provide a registration number. If not a least a limited basis participant, a letter certifying limited basis participation or pending membership with registration number indicating how the Permittees facilities are registered and by whom shall be filed with the Division within thirty (30) days after Permit is issued.

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2.4 Twenty-Four Emergency Contact: As required within the application, each Right-of-Way Permit Applicant shall provide the division with an emergency business telephone number (s), which is manned by live operators and maintained twenty-four hours per day, 365 days per year. Should no such number exist, the applicant shall provide the names, titles, business telephone number, resident phone numbers, pager numbers, and/or mobile phone numbers of a minimum of three individuals responsible for twenty-four hour per day, 365 day per year emergency contact. Said list of individuals shall be prioritized as to first, second, and third recommended contact. Any changes to the 24-hour emergency contact number(s) shall be brought to the attention of the Division immediately, in writing.

2.5 Right-of-Way Permit Fees:

2.5.1 Application Fee: Each Right-of-Way Permit application (initial, renewal, and/or transfer) shall include a non-refundable application fee in the appropriate sum for the type of Right-of-Way Permit requested.

The following application fee structure shall apply;

(A) There is no application fee for a "General Right-of-Way Permit" for an Applicant with an existing Service Permit, as per Chapter 595 of Columbus City Code, so long as said "Right-of-Way Permit" applicant is not requesting to provide services above and beyond those covered by their Service Permit;

(B) The application fee for a "General Right-of-Way permit" for an applicant without an existing Service Permit, as per Chapter 595 of Columbus City code, or for an Applicant with an existing Service Permit that is proposing to provide services above and beyond those covered by said service permit is \$1,000.00;

(C) The application fee for a "Special Right-of-Way Permit for Non-residential Purposes" is \$500.00;

(D) The application fee for a "Special Right-of-Way Permit for Residential Purposes" not exempted as a part of these Rules and Regulations is \$50.00.

2.5.2 Permit Fee Structure, Payment and Auditing: Upon notice of an approved Right-of-Way Permit application, the Applicant/Permittee shall forward all appropriate fees in accordance with the requirements outlined within Section 910.7 of Columbus City Codes. Said payment(s) shall be in the form of a check, money order or wire transfer made payable to Treasurer – City of Columbus, and shall be delivered to the Administrator, Transportation Division, 109 North Front Street, Columbus, Ohio 43215.

2.5.2.1 Pro-Rating of Fees: Once an Applicant is granted a:

(A) "General Right-of-Way Permit", fees are paid on a quarterly basis, one quarter in arrears. As per Section 910.07 of Columbus City Codes, the payments shall be made on or before March 31, June 30, September 30 and December 31 of the calendar year. Fees for the initial quarter are based on the date the permit is approved by the Right-of-Way Board in relation to the due date of the next quarterly payment. This pro-rated fee is due on that quarterly payment date.

(B) "Special Right-of-Way Permit for Non-Residential Purposes", fees shall be paid in advance for each calendar year prior to January 31 of each year. Fees are based on the date the Permit is approved by Right-of-Way board in relation to January 1 of the year the Permit is granted, and due within thirty (30) days of the approval. The fees are waived for "Special Right-of-Way Permits for Residential Purposes".

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2.6 Insurance

2.6.1 Insurance: All "General Right-of-Way Permittees" and "Special Right-of-Way Permittees for Non-Residential Purposes" shall be required to, at their own cost and expense, obtain, and maintain during the term of any Permit, a liability insurance policy or policies naming the City as an additional insured. A Certificate of insurance regarding such policies shall be furnished to the Director at or before the granting of a Permit. The insurance company issuing such policy shall carry a financial rating of not less than "A" in the latest edition of "Bests Key Rating Guide", published by A.M. Best Guide, and shall be duly licensed to do business in the State of Ohio. Such policy or policies shall also be maintained for such other period of time during which the operator operates or is engaged in the removal of the system. Each such liability insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the City, by registered mail, of a written notice of such intent to cancel or not to renew".

Within thirty (30) days after receipt by the City of Said notice, and in no event later than five (5) days prior to said cancellation, the operator shall obtain and furnish to the Director a Certificate of Insurance evidencing replacement insurance policies.

2.6.1.1 Comprehensive General Liability Insurance: Comprehensive general liability insurance to cover liability, bodily injury and property damage must be maintained. Coverage must be written on an occurrence basis, with the following limits of liability and provisions, or their equivalent:

(A) Bodily Injury

Each Occurrence \$1,000,000
Annual Aggregate \$3,000,000

(B) Property Damage

Each Occurrence \$1,000,000
Annual Aggregate \$3,000,000

(C) Personal Injury

Annual Aggregate \$3,000,000

(D) Completed Operations and Products Liability shall be maintained for two years after the termination of the Franchise or License (in the case of the Permittee) or completion of the work for the Permittee (in the case of a contractor or subcontractor).

(E) Property Damage Liability Insurance shall include coverage for the following hazards: E-explosion, C-collapse, U-underground

2.6.1.2 Comprehensive Auto Liability Insurance: Comprehensive auto liability insurance to cover owned, hired, and non-owned vehicles must be maintained. Coverage must be written on an occurrence basis, with the following limits of liability and provisions, or their equivalent:

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2.6.1.2 Comprehensive Auto Liability Insurance: (continued)

(A) Bodily Injury

Each Occurrence \$1,000,000

Annual Aggregate \$3,000,000

(B) Property Damage

Each Occurrence \$1,000,000

Annual Aggregate \$3,000,000

2.6.1.3 Additional Insurance: The City reserves the right to require any other insurance coverage it deems necessary after review of any proposal submitted by Permittee.

2.6.1.4 Self-Insurance: Those Applicants maintaining a net book value in excess of ten million dollars (\$10,000,000) may submit a statement requesting to self-insure. This statement shall include:

(A) Audited financial statements for the previous year.

(B) A description of the applicant's self-insurance program.

2.7 Permit Application Review:

2.7.1 Department/Division Review: Following receipt of a Right-of-Way permit application, the Division shall review said application for conformance with the "Permit Application Procedures" outlined within Section 2.1 of these Regulations. Should said application be determined incomplete, the division shall promptly notify the Permit Applicant of all additional information required. Further processing shall then be delayed until all additional information has been received. After determination that said application is complete the Division shall review the same and forward a recommendation for approval or denial to the Director. This recommendation shall be in the form of a report in accordance with the time frame set forth in Section 910.04 of Columbus City Code.

Following the Director's receipt of the Division's permit recommendation, the Director shall review said information and in the case of a:

General Right-of-Way Permit application, conform with the requirements outlined within Section 910.04 (B) of Columbus City Code; or

Special Right-of-Way Permit application, conform with the requirements outlined within Section 910.04 (C) of Columbus City Code.

2.7.2 Right-of-Way Board Review:

2.7.2.1 General Right-of-Way Permit Application: Following the Right-of-Way Board's receipt of the Director's recommendation, the board shall act in accordance with the requirements outlined within Section 910.04 (B) of the Comprehensive Right-of-Way Ordinance.

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2.7.2.2 Special Right-of-Way permit Application: Following the Director's review of a special Right-of-Way application, as per Section 910.04 (C), the Director shall advise the Right-of-Way Board of the disposition of said review.

2.7.3 Appeal: Appeals must be filed in accordance with Section 910.04 (D) of the Comprehensive Right-of-Way Ordinance. Said appeals should be filed with the Division in the name of "Right-of-Way Board – City of Columbus.

2.8 Permit Issuance: Following the director and/or Right-of-Way Board's approval of a Special Right-of-Way permit for Non-Residential Purposes (initial, renewal, or transfer), the Division shall prepare said Permit and forward and executed copy to the Applicant's designated "Single Point of Contact". The Applicant must then conform to Section 910.04 (E) of the Comprehensive Right-of-Way Ordinance in order to validate said Permit.

3 Obligations of Permittees

3.1 Establishment of Utility Corridors: The Director may assign specific corridors within the Right-of-Way, or any particular segment thereof as may be necessary, for each type of facilities that are or, pursuant to current technology, the Director expects will someday be located within the Right-of-Way. All excavation, obstruction, or other Permits issued by the Director involving the installation or replacement of equipment may designate the proper corridor for the equipment at issue.

Any Permittee whose facilities are in the Right-of-Way in a position at variance with the corridors established by the Director shall at the time of the next reconstruction or excavation of the area, excluding normal maintenance activities, move said equipment to its assigned position within the Right-of-Way, unless this requirement is waived by the Director for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the Permittee.

To protect health and safety, the Director shall have the power to prohibit or limit the placement of new or additional facilities within the Right-of-Way if there is insufficient space to accommodate all of the requests of Permittees to occupy and use the Right-of-Way. In making such determination, the Director shall strive to the extent possible to accommodate all existing and potential users of the Right-of-Way as per City policies set forth in Section 910.02 (D) of Columbus City Code.

To the extent possible, Permittees shall cooperate to use existing poles and conduit for installing their systems.

Unless otherwise specified in a Permit, all facilities shall be constructed, installed, and located in accordance with the following terms and conditions:

Whenever all existing utilities are located underground in an area in the City, a Permittee that desires to place its facility in the same area must also locate its facilities, such as drops which cross private property, underground.

Whenever the owners of poles are required to locate or relocate underground within an area of the City, every Permittee with facilities in the same area shall concurrently relocate its facilities underground.

3.2 Cooperation With Adjacent Property owners: Unless otherwise determined by the Director pursuant to Chapter 910 of Columbus City Code, Permittees shall cooperate with owners and developers of private property adjacent to the public Rights-of-Way in the construction of required turn lanes, drive approaches, roadway widenings or other improvements which require the Permittee to relocate or remove its facilities, provided that

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3.2 Cooperation With Adjacent Property owners: (continued)

the Permittee's expenses have been reasonably secured by the owner or developer which initiated said removal or relocation.

3.3 Facility Ownership Responsibility: Owners of facilities, structures, poles, conduits or vaults located in the Right-of-Way shall have responsibility for removal or relocation of said facilities if required, and shall coordinate the removal or relocation of its facilities with other Permittees attached, secured to, or enclosed in its facilities. Permittees neglecting or refusing to cooperate in a timely fashion with the facility owner in such removal or relocation shall be deemed to be in violation of Section 910.06 (A4) of Columbus City Code.

3.4 Joint Planning and Construction: The Division will hold an annual meeting in the early fourth quarter of each year where it will distribute the CIP schedule for all City divisions planning to work in the Right-of-Way for the next five years. A representative from each Permittee must attend said meeting.

Following this meeting, each Permittee shall submit a five year projection of its intended improvements, upgrades, extensions, or planned maintenance activities in the public Right-of-Way, to the extent known. Such projection shall include the nature, limits, and schedule for the improvements and shall be submitted to the Administrator within the fourth quarter of each year. To the extent permitted by law, the City shall treat any such information designated as confidential; provided however, that nothing herein should be construed to require the City to withhold such information upon an appropriate public records request.

The projection shall include, but not be limited to the following information.

- (A) The locations and limits of the proposed improvements, upgrades, extensions and replacements.
- (B) The nature of the work proposed.
- (C) The estimated dates of all projects to be commenced during the five year period.

Permittees identified as having facilities in the area of proposed projects shall be responsible for providing a representative to attend meetings to coordinate said projects.

Upon written request from the City, its contractors or consultants, each Permittee shall submit plan, map or other details of its facilities within 14 days, unless a greater period is specified upon said request, in order to determine their location relative to the City's proposed improvements. If the Permittee has no facilities in the area of the proposed improvement the Permittee shall notify the City within 14 days of the request.

The Permittee shall review all preliminary plans submitted by the City, or its agents, to confirm or identify the vertical and horizontal location of its facilities, as shown on the plans, and identify any conflicts between its facilities and the City's proposed improvements. The Permittee shall return said plans, with the accurate location of said Permittee's facilities identified thereon, to the City within 30 days, unless a greater period is specified upon said request.

Conflicts identified during the preliminary review by the Permittee shall be reviewed by the City to consider if alternate design or redesign is appropriate and/or if additional Right-of-Way could be acquired to avoid said conflicts.

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3.4 Joint Planning and Construction: (Continued)

Upon receipt of final plans and project schedule from the City, the Permittee shall initiate the design of any relocations required to facilitate the construction of the proposed project. The horizontal and vertical locations of proposed, and/or previously relocated facilities shall be accurately shown on the plans and returned to the City within 30 days of original receipts, unless a greater period is specified upon said request, with a proposed relocation schedule attached. The relocation schedule shall require that scheduled advertising for construction bids for the proposed public improvement is not delayed due to Permittee's relocation work.

Upon written notice from the City, the Permittee shall remove or rearrange any of the permittee's facilities within the public Right-of-Way within 60 days notice at Permittees cost. Failure to comply with such request will result in the Permittee being in violation of City Ordinance 910 and shall be subject to all penalties and fines stipulated therein.

3.5 Mapping:

3.5.1 Temporary Mapping Requirements: Until the "Final Mapping Requirements" for the City's comprehensive Right-of-Way Ordinance have been defined, approved by the director, and are in effect, the following mapping requirements shall apply to all Right-of-Way Permit requests.

General Right-of-Way Permit applicants shall provide a schematic drawing of their proposed and/or existing facilities. This drawing may be general in nature. Due to the widespread construction authority a General Right-of-Way Permit Provides, this drawing need only detail the areas of the City where facilities exist and/or are proposed. As an option, if a Requestee's facility distribution within the Right-of-Way may be defined in written form to the degree required herein, said verbiage will suffice (e.g. Our facilities exist in all areas of the City; Our facilities exist and/or are proposed within the northeast quadrant of the City, as bounded by I-71 to the west and I-70 to the south, etc.). However, a detailed drawing, similar to that required of Special Right-of-Way Permit Applicants shall be required of all General Right-of-Way permit Applicants proposing to occupy public lands outside of public Rights-of-Way.

Special Right-of-Way Permit Applicants, both Residential and Non-Residential, shall provide a semi-detailed schematic drawing of their existing and/or proposed facilities. This drawing shall include: The location(s) of said facilities relative to existing City Rights-of-Way and/or public lands; the size, type and construction methodology proposed and/or in existence (e.g., aerial cable, direct buried cable, underground conduit, structure, etc.); and annotation as to all facilities existence and/or proposed construction.

3.6 Field Identification of Facilities: Permittees shall field identify their facilities and structures in the Right-of-Way when notified by the City that it intends to commence planning for the construction, paving, maintenance, repairing, relocating or altering of any street or area in the Right-of-Way. The City shall provide said notice a least sixty (60) days prior to the commencement of planning and shall specify the date the City intends to begin the process. Permittee's field identification shall be completed on or before that date. All cabinets, structures, poles, and visible conduits within the affected Right-of-Way shall be marked in such a manner as to identify the Permittee responsible for said facilities. Wires and cables shall be marked once per City block or every 1,000 feet, whichever is the lesser. Where said markings would interfere with a facility's function, create a safety problem, or violate a national or regional safety code, marking by alternative means will be allowed with Division approval. All markings shall be clearly readable from the ground, sunlight and weather resistant, and be nor more than 16 square inches in size. Markings shall include the Permittee's name or logo only. No advertising will be permitted.

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REGULATIONS: (continued)

3.6 Field Identification of Facilities: (continued)

The City has established a joint Permittee/City task force to explore the viability and appropriateness of marking both new and existing facilities constructed in the Right-of-Way. Membership in this task force shall be open to all Permittees. Additional regulations may be adopted as a result of the findings of this task force.

3.7 Emergency Repairs: Each Permittee shall immediately notify the Division of any emergency situation that involves its facilities and will require excavation and/or occupancy of the Right-of-Way. The Permittee may proceed to take whatever actions are necessary to respond to the emergency. Upon securing the site from imminent danger, all other provisions of Columbus City Code and these Rules and Regulations shall apply.

To the extent reasonable under a given circumstance, if the City becomes aware of an emergency regarding a Permittee's facilities in the Right-of-Way, the City shall attempt to contact the local representatives of each Permittee known by the City to be affected, by way of the 24 hour emergency contact number(s) provided by each Permittee.

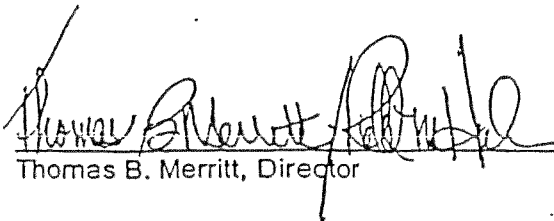
However, the City can not and does not insure that such contact will be made in all instances.

Where a Permittee's facilities create or contribute to an imminent danger to health, safety, or property, the City may take such temporary steps as are required to protect public safety.

3.8 Removal of Graffiti: Within 14 days after notice from the City, a Permittee shall remove any graffiti on any of its facilities. If the Operator fails to do so, the City may remove the graffiti and bill the Operator for the cost thereof.

3.9 Foreclosure and Receivership: As per Section 910.16 of the City's Comprehensive Right-of-Way Ordinance. Said notice shall be in writing and be filed with the Engineering and Construction Division within 14 days of said action.

Reviewed and approved by the Director of Public Service:


Thomas B. Merritt, Director

7/16/98
Signature Date

8/15/98
Effective Date