

March 22, 2024

Commissioner James Leonard, Esq.  
Department of Records  
City Hall Room 156  
Philadelphia, PA 19107

RE: Amended Regulations for Right of Way Management

Dear Commissioner Leonard,

Please find attached the Streets Department amended regulations for Right of Way Management, authorized pursuant to Section 11-700 et.seq. of the Philadelphia Code and Bill Nos. 230454, 230570.

Sincerely,

*Kristin Del Rossi*

Kristin Del Rossi  
Commissioner  
Department of Streets  
1401 John F. Kennedy Blvd.  
Philadelphia, PA 19102

**City of Philadelphia**

**Law Department**

**MEMORANDUM**

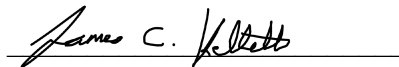
TO: Kristin Del Rossi, Commissioner, Department of Streets

FROM: James Kellett, Divisional Deputy City Solicitor

DATE: March 22, 2024

RE: Amended Regulations for Right of Way Management

I have reviewed the attached Amended Regulations for Right of Way Management and find it to be legal and in proper form. In accordance with Section 8-407(a) of the Philadelphia Home Rule Charter, you may now forward the amended regulation to the Department of Records where it will be made available for public inspection.

A handwritten signature in black ink, reading "James C. Kellett", is written over a horizontal line.

James C. Kellett  
Divisional Deputy City Solicitor

**CITY OF PHILADELPHIA**  
**AMENDED REGULATIONS OF THE DEPARTMENT OF STREETS FOR RIGHT-OF-**  
**WAY MANAGEMENT**

**Section 1. Authority**

These Amended Regulations for Right-of Way Management (“Regulations”) are promulgated pursuant to Section 5-500 et seq. and 8-407 of the Philadelphia Home Rule Charter, Title 11 of the Philadelphia Code, and Bill Nos 230454 and 230570.

**Section 2. Definitions**

2.1 Capitalized terms that are not otherwise defined in these Regulations shall have the meanings provided in Section 11-701(1) of The Philadelphia Code.

(1) “Committee of Highway Supervisors” means the advisory committee to the Commissioner provided in Section 11-705(5) of The Philadelphia Code.

(2) “Fiscal Year” or “FY” means the fiscal year of the City, i.e. the annual period commencing on July 1 and ending on June 30.

(3) “Permitting Costs” means the City’s costs in connection with allowable permitting, inspection, enforcement, management, and oversight activities (including management of and access to GPIS) relating to Registered User’s new construction in the ROW.

(4) “Registered User Fee” means the fee charged pursuant to Section 11-706(1) of The Philadelphia Code to Registered Users that construct, install, operate, or maintain Facilities in the ROW, for the purpose of recovering eligible City costs for managing the Right-of-Way, including but not limited to the City’s Permitting Costs.

**Section 2. Application for ROW Registration**

In accordance with Section 11-701 of the Philadelphia Code:

2.1 Application for a ROW Registration shall be made on the form provided by the Department.

2.2 Within a reasonable period of time after receiving a complete application, the Department shall make a determination approving or denying the application in whole

or in part. If the application is wholly or partly denied, the determination shall include the reasons for denial.

- 2.3 The Application fee, in accordance with Section 6.1 of these Regulations, shall be submitted with the application.
- 2.4 Any owner of Facilities occupying the Right-of-Way at or after the effective date of these Regulations must file an application for a Right-of-Way Registration. New users of the Right-of-Way must submit an application for, and obtain, a Right-of-Way Registration before beginning construction for any Facilities in a Right-of-Way.
- 2.5 Applications can be filed with the Department in person at Municipal Services Building, Room 940, 1401 J.F. Kennedy Blvd., Philadelphia PA 19102, or via the City's eCclipse system.

### **Section 3. Insurance**

In accordance with Section 11-701(2)(d) of the Philadelphia Code,

#### **3.1 General Requirements**

##### **3.1.1 Coverages**

- (a) Each Registered User shall, at its sole cost and expense, procure and maintain in full force and effect, covering risks associated with the construction, installation, placement, operation, maintenance, use, renewal, replacement, relocation, repair or removal of its Facilities, the types and minimum limits of insurance specified below. All insurance shall be procured from insurers with an A.M. Best rating of A-VIII which are authorized to do business on a direct basis in the Commonwealth of Pennsylvania or are otherwise acceptable to the City. All insurance required herein shall be written on an "occurrence" basis, or if any policy is written on a claims made basis, the retroactive date may not be advanced beyond the Effective Date of the Right-of-Way Registration Approval and coverage shall be maintained in full force and effect for two (2) years after termination of such Registration, which coverage may be in the form of tail coverage or extended reporting period coverage if agreed by the City and Registered User. The certificate of insurance shall provide for at least thirty (30) days prior written notice to be given to the City in the event coverage is materially changed, cancelled or non-renewed.
- (b) The City of Philadelphia, its officers, and employees shall be named as additional insureds on the General Liability Insurance policy procured by Registered User and on any insurance the Registered User requires of any Person, agent, or employee engaged or employed in, about or upon the work by, at the instance of, or with the approval or consent of the Registered User. The coverage of the City as an additional insured shall be limited to the acts or omissions of the Registered User or such Person, agent, servant, or employee.

- (c) A certificate of insurance shall evidence the coverage afforded the City and its officers and employees, as additional insureds. The certificate of insurance shall state that such coverage will be primary to any coverage available to them and will be noncontributory.

### 3.1.2 Types and Minimum Limits of Insurance

- (1) Each Registered User shall furnish the following types and minimum limits of insurance:
  - (a) Workers' Compensation- per Pennsylvania statutory requirements
  - (b) Employers' Liability: \$100,000 each Accident - Bodily Injury by Accident; \$100,000 Each Employee - Bodily Injury by Disease; and \$500,000 Policy Limit Bodily Injury by Disease
  - (c) Commercial General Liability Insurance
    - (i) Limit of liability: The Commercial General Liability Insurance Policy shall have \$2,000,000 limits for Registered Users whose Facilities occupy no more than 10,000 linear feet of ROW; \$4,000,000 limits for Registered Users whose Facilities occupy no more than 100,000 linear feet of ROW; \$8,000,000 limits for Registered Users whose Facilities occupy no more than 1,000,000 linear feet of ROW, and \$10,000,000 limits for Registered Users whose Facilities occupy more than 1,000,000 linear feet of ROW.
    - (ii) Types of insurance: Applicable dollar limit, as set forth in (i), per occurrence combined single limit for bodily injury (including death) and property damage liability; applicable dollar limit, as set forth in (i), for personal and advertising injury; applicable dollar limit, as set forth in (i), general aggregate; and \$1,000,000 aggregate for products and completed operations
    - (iii) Coverage: Premises operations; blanket contractual liability; personal injury liability (employee exclusion deleted); products and completed operations; independent contractors; employees and volunteers as additional insureds; cross liability; broad form property damage (including completed operations); and explosion, collapse, underground hazards (XCU)
  - (d) Commercial Automobile Liability Insurance
    - (i) Limit of liability: \$1,000,000 per occurrence combined single limit for bodily injury (including death) and property damage liability

- (ii) Coverage: Owned, non-owned and hired vehicles

### 3.3 Evidence of Insurance Coverage

Certificates of insurance evidencing the required coverages and additional insureds must specifically reference in the description sections of the certificates by number or date the Right-of-Way Registration entered into by Registered User and the City. The original certificate of insurance must be submitted to the City's Risk Manager at the following address:

City of Philadelphia  
Finance Department  
Division of Risk Management  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102-1579  
(Fax No.: 215-686-1705).

The City reserves the right to inspect, on Registered User's site, copies of policies of all insurance required under the Right-of-Way Registration Agreement, or alternatively at the City's option, to require Registered User to demand that its authorized insurance representatives furnish written responses to all inquiries made by the City pertaining to the insurance required under the Agreement at any time upon ten (10) days written notice by the City to such insurance representatives.

### 3.4 Self-Insurance

The Commissioner may accept a plan of self-insurance as a substitute for such insurance, if the Commissioner determines that such self-insurance adequately protects the City and the public. In the event that Registered User desires to self-insure any of the coverages listed above, it shall submit to the Commissioner a certified copy of Registered User's most recent audited financial statement, and such other evidence of its qualifications to act as a self-insurer (e.g., state approval of self-insurance for workers compensation and automobile liability or, for self-insurance of general liability, a confirming letter from a corporate Risk Manager or other corporate officer) as may be requested by the Commissioner. In the event such approval is granted, it is understood and agreed that the City, its officers, and employees shall be entitled to receive the same coverages and benefits under Registered User's self-insurance program that they would have received had the insurance requirements been satisfied by an insurance carrier with an A.M. Best rating of A-VIII which is authorized to do business on a direct basis in the Commonwealth of Pennsylvania or which is otherwise acceptable to the City. If Registered User self-insures its Workers' Compensation and Employers' Liability coverage, Registered User may, in lieu of the foregoing, furnish to the Commissioner a current copy of the state certification form for self-insurance or a current copy of the State Insurance Commissioner's letter of approval, whichever is appropriate. The insurance (including self-insurance) requirements set forth herein are not intended and shall not be construed to modify, limit, or reduce the

indemnifications made by Registered User to the City pursuant to Section 11-701(2)(d)(.2) of the Philadelphia Code or the Right-of-Way Registration Agreement entered into by Registered User and the City, or to limit Registered User's liability under such indemnification to the limits of the policies of insurance (or self-insurance) required to be maintained by Registered User hereunder.

### 3.5 Contractors

A Registered User shall require its contractors to procure and maintain, or cause to be procured and maintained, throughout the entire period of construction of the Registered User Underground Facilities, the types of insurance, limits of insurance, and designation of additional insureds which are required of the Registered User by the City of Philadelphia; provided that, with respect to Commercial General Liability Insurance policies, contractors' limits of liability shall be \$1,000,000 for Registered Users whose Underground Facilities occupy no more than 10,000 linear feet of ROW; \$2,000,000 for Registered Users whose Underground Facilities occupy no more than 100,000 linear feet of ROW; and \$4,000,000 for Registered Users whose Underground Facilities occupy more than 100,000 linear feet of ROW. Alternatively, in the absence of contractor adding the City as an additional insured, Registered User will provide excess coverage under its Commercial General Liability program in the minimum amount specified in this Section 5.1.5 for contractors' limits of liability, and the City of Philadelphia, its officers, and employees shall be named as additional insureds on such policy.

## **Section 4. Right-of-Way Registration Requirements, Agreement, and Renewal**

4.1 Registration Required. In accordance with Section 11-701(2) and 11-702 of the Philadelphia Code:

4.1.1 No Person, other than a Franchisee, may own, construct, operate and/or maintain Facilities in a Right-of-Way unless a Right-of-Way Registration is first issued to the owner of such Facilities; provided, however, that a ROW Registration shall not be required for the installation of water and sewer pipes in Plumber's Ditches, or for the installation or operation of End User Devices. Newsstand operators are governed by Section 9-212 of The Philadelphia Code and are not required to obtain a ROW Registration.

4.1.2 No ROW Registration shall be effective, nor shall the applicant receive any rights, benefits, or privileges pursuant to the Registration or be authorized whatsoever to install, operate, or maintain Facilities in the ROW, unless and until (1) the Department issues an approval of the ROW Registration application; (2) the applicant has executed a Right-of-Way Registration Agreement, in a form satisfactory to the City of Philadelphia Law Department; and (3) the Applicant has submitted the application fee and the Registered User Fee.

4.1.3 Any Right-of-Way Registration shall be authorized and issued by the Department. In considering such an authorization, the Department shall consider whether the applicant has demonstrated:

- (1) that it has, at the sole discretion of Streets, no substantial history of non-compliance with applicable law and regulation relating to the management of, and the construction and maintenance of Facilities in Streets and rights-of-way, wherever located; and
- (2) that it possesses all licenses, permits, and authorizations required by the Federal Communications Commission, the PUC, the Commonwealth, and the City as a condition of its using the Right-of-Way and furnishing the Services and operating the Facilities proposed by the applicant.

4.1.4 A Right-of-Way Registration shall be for a term of three (3) years. A Right-of-Way Registration and the rights, benefits, and permissions conferred thereby shall apply to the entire geographic area of the City excepting lands specified in Section 11-701(1)(dd) of the Philadelphia Code.

4.1.5 Specific Requirements for Poles.

- (1) Any application for ROW Registration, Renewal of ROW Registration, or application for Permit shall include a report of the number, type, and location of poles with overhead wires to be included as a part of the Registration. Such report may be in list form, or any other such form provided on the ROW Registration application, renewal, or permit application. Such reporting shall be substantially of a form that describes the location of each pole either by coordinates or in a manner that describes the beginning and end point of each wire segment.
- (2) Where a ROW Registration includes Poles, the Registered ROW User shall submit an accurate report of Pole number, type, and location annually, regardless of the expiration date of the ROW Registration.

4.1.6 Renewal. A Registered User shall file a renewal application with the Department, in a form furnished by the Department at its physical location at

Right-of-Way Unit  
Municipal Services Building, Room 940  
1401 John F. Kennedy Blvd,  
Philadelphia PA 19102

or via the City's eCclipse system. Such application shall be submitted in full no later than ninety (90) days prior to the expiration of the Registered User's existing ROW registration. Renewal shall



be granted contingent upon fulfillment of all requirements for a new Registered User under the Code and these regulations, payment of the application fee and Registered User fee for the ensuing registration term, and a renewal, if applicable, of the Registered User's ROW Registration Agreement.

- 4.2 Appeals. Decisions of the Commissioner with respect to any application for a Right of Way Use Registration shall be appealable, within thirty (30) days, to the Board of License and Inspection Review.

## **Section 5. Construction**

5.1 Permits. Pursuant to Section 11-705(1) of the Philadelphia Code,

- (1) No Person shall construct, install, operate, repair or maintain any Facilities or End-User Device in the Right-of-Way without first obtaining a Permit or Permits; provided, however, that, in the event of an Emergency Condition, a Person shall notify the City of Philadelphia Municipal Radio at (215) 686-4514 upon arrival of work crew at the site of the Emergency Condition; and shall apply for a Permit within seven (7) calendar days following the day on which the work to correct the Emergency Condition commenced.
- (2) Permit applicants shall be required to adhere to the standards set forth in these Regulations and elsewhere, whether at law, regulation, policy, procedure or other standard, that the Department sets for each respective permit.
- (3) All Permits obtained under Section 11-705 of the Code shall adhere to the notice requirements set forth in that Section, and shall certify the same to the Department on its application, acknowledging the penalties for unsworn falsification to authorities under 18 Pa C.S. §4904.

## **Section 6. Fees**

6.1 Registered User Fee. Pursuant to Section 11-706(1) of the Philadelphia Code:

- (1) A fee of Five Hundred Dollars (\$500) shall be assessed in connection with an application for a ROW Registration, which Streets may adjust from time to time in order to recover costs incurred in processing ROW Registration applications.
- (2) Each Registered User shall pay a fee to the City a Registered User Fee for the cost of administering and maintaining the GPIS system. The Registered User Fee shall be Five Hundred Dollars (\$500) for each Registered User.

6.2 Permit Fees

(1) The Permit Fee recovers the costs incurred in connection with issuing, administering, and enforcing Street Opening Permits and Street Closure Permits for Facilities, and inspecting and supervising the use and occupancy of the ROW to construct, install, operate, maintain, relocate, remove, repair, or replace Facilities in the ROW. The Permit fee shall be \$14.49 / linear foot based on that permit for Fiscal Year 2024 and shall increase by one (1) percent for Fiscal Year 2025 to a total of \$14.63 / linear foot based on that permit, and shall again increase by one (1) percent for Fiscal Year 2026 to a total of \$14.78 / linear foot based on that permit.

(2) The Permit Fee shall be assessed for each Permit, and must be paid to obtain the Permit.

## 6.2 Review and Recalculation of ROW User Fees

Pursuant to Section 11-706(1)(d) and 11-706(2) of The Philadelphia Code, no more frequently than every three (3) years and after consultation with the Committee of Highway Supervisors, the Commissioner shall review and, if necessary, recalculate the foregoing Right-of-Way Permit Fees to reflect the City's actual costs in connection with the activities described in Section 11-706(1)(a) of The Philadelphia Code .

## 6.3 Petitions for Reconsideration

6.3.1 A Registered User that believes its calculated Permit Fee is incorrect may petition the Commissioner for reconsideration.

6.3.2 Petitions for reconsideration of a Permit Fee must be submitted within fifteen (15) days following the date of the City's invoice.

6.3.3 Petitions must include documentation sufficient to demonstrate that the calculation is incorrect, including information that challenges the linear feet of installed or permitted Facilities that City attributes to Registered User; as-built plans; Facilities audit findings, and/or other information sufficient to demonstrate the number of linear feet claimed by the Registered User.

6.3.4 The Commissioner or his or her designee shall determine the merit of any petition at his or her discretion. Such decision is appealable to the Tax Review Board of the City of Philadelphia.

## Section 7. Full Force and Effect

This Regulation is not intended to repeal or modify any portion of the Regulations of the Department of Streets for ROW Management except as provided herein. All remaining Regulations under Chapter 11-700 remain in full force and effect.



**APPENDIX A**

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



## **CITY OF PHILADELPHIA**

### **DEPARTMENT OF STREETS**

#### **APPLICATION FOR RIGHT-OF-WAY REGISTRATION**

#### **INSTRUCTIONS**

##### **1. Who Must Apply**

A Right-of-Way Registration 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, which requires either a new ROW Registration or a ROW Registration Renewal, as applicable. 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 Registration. Exceptions to the Registration 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.

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 or via the City’s eClipse system.

All information requested in the Application for Right-of-Way Registration (“Application”) or ROW Registration Renewal (“Renewal 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 Registration 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 Registration before beginning construction for any Facilities in the Right-of-Way. Renewal applications must be filed no later than ninety (90) days prior to the expiration of a current, valid, ROW Registration. Applications must be filed with the Streets Department Right-of-Way Unit, Municipal Services Building, Room 940, 1401 J.F. Kennedy Blvd., Philadelphia, PA 19102; tel. 215-686-5621, or via the City’s eClipse system.

Applications are reviewed by the Streets Department and Right-of-Way Use Licenses are granted by the Commissioner. The term of the Registration is three (3) years, and must be renewed.

### **5. Application Fee**

A fee of Five Hundred Dollars (\$500) shall be charged for filing an Application.

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

Recipients of a Right-of-Way Registration are obligated to pay all permit fees required under Section 11-700 of The Philadelphia Code and of the Regulations of the Streets Department entitled “Right-of-Way Management,” as well as, other fees related to Registered User’s use of the public Rights-of-Way.

## **APPLICATION FOR RIGHT-OF-WAY REGISTRATION**

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 Registration Number: \_\_\_\_\_

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

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 Registration 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 \_\_\_\_\_

☐ 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: \_\_\_\_\_

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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