

# **MASTER LICENSE AGREEMENT SMALL WIRELESS FACILITIES**

**Work Study Session**

**May 9, 2019**

# Key Question?

Q. Prior to the May 23 meeting, does the Town Council seek any changes to the draft Master License Agreement for Small Wireless Facilities in the Right-of-Way?

# SWF's in ROW

- A.R.S. § 9-592 (E) requires Town to make available its rates, fees, and terms within three months of an application for a SWF
- Town Code Requires:
  - Master License Agreement for use of ROW (= PV's "terms") and
  - Permit for each SWF
    - Administrative approval process, if meets requirements
    - Otherwise, SUP process

# Current Status of SWF Applications?

- One - AT&T
  - Currently in pre-app
  - Formal application expected
  - Location: 5401 N. Scottsdale Road
    - North of Chaparral Road in front of DoubleTree Resort

# AT&T Proposed Site

Location/Current  
Condition

Proposal

- Replace light pole

- Add antennas and  
ground equipment



# MLA - Considerations

- “Terms” – Statute requires “competitively neutral” and “non-discriminatory”
- 2 Reference Points:
  - Existing ROW License with NewPath/Crown Castle
  - Terms common in other Maricopa County cities

# Key Terms in MLA?

- Term -10 years with one 10-year extension
- Use Fee - \$50 per SWF per year
- Construction
  - 180-day completion of each site
  - No major road closings during rush hour
  - Contract administrator available 24/7

# Key Terms in MLA? (cont'd)

- Operation Requirements
  - Use of ROW limited to construct/operate SWF in Use Area
  - Required to operate 24/7, except for maintenance or repair
  - Non-exclusive right to Use Area
    - Rights reserved to Town and Competing Users for Competing Activities
    - Licensee must relocate at Town's request
  - Keep in good condition and repair



# Key Terms in MLA? (cont'd)

- LOC on sliding scale
  - 1-10 SWF - \$30K
  - 11-20 SWF - \$60K
  - 21-35 SWF - \$105K
  - 36-60 SWF - \$180. . . . .
- LOC as assurance for damages from construction, maintenance, unperformed relocation or removal
- No performance bond

# Key Terms in MLA? (cont'd)

- Assignability
  - Certain pre-approved assignments with notice to Town and assumption of MLA by assignee
    - Complete assignment of MLA to Qualified Operator
    - Complete assignment to affiliated entity
    - Merger or consolidation with Qualified Operator
    - Sale of publicly traded stock, regardless of quantity
  - Other assignments require consent Town

# Key Terms in MLA? (cont'd)

- Other
  - Insurance - \$10M commercial general liability; \$2M/4M auto
  - Noise – comply with Town Code requirements during construction and operation; allow burglar alarm and safety devices
  - Lighting – comply with Town Code requirements
  - Other standard T&C: condemnation, record-keeping, audits, indemnity, compliance with laws

# Next Steps

- Council action to approve the MLA and authorize TM to execute the “standard” MLA in the future as requested by wireless providers
- Negotiation allowed – Statute specifically allows provider to request “different or additional terms”
  - Parties must “negotiate in good faith”
  - Council action required on any negotiated License

# Questions