



## Legislation Text

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Granting permission to Sunesys Inc., its successors and assigns to construct, maintain and operate, replace, and remove a telecommunications system along, over, in and under the public rights-of-way and City streets, or on facilities of other entities holding a grant pursuant to other City ordinances, subject to such owner's consent; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Permission is hereby granted to Sunesys Inc., P.O. Box 1776, Horsham, PA 19044, and its successors, assigns, and agents (collectively "Sunesys"), to construct, maintain, operate, replace, and remove a telecommunications system and appurtenances along, in and under the public rights-of-way of the City of Philadelphia and on the existing utility poles of any other entities holding a grant pursuant to other City ordinances, subject to such owner's consent, or on new Sunesys poles; Sunesys is further granted permission to construct, lay, operate, maintain, replace and remove new telecommunications cables, conduits, access manholes and associated appurtenances (collectively, the "Telecommunications System") to create a system used to transmit, receive and distribute telecommunications. Sunesys is not authorized by this Ordinance to provide to subscribers within the City "cable service," as defined at 47 U.S.C. § 522(5).

(a) Sunesys is authorized to install aerial facilities attached to existing utility poles subject to the utility pole owner's permission and to install new Sunesys poles in and along the following public rights-of-way and within the Frankford Creek Channel:

Beginning in the Frankford Creek Channel at its intersection with the Delaware River, then along the east bank of the Frankford Creek Channel, approximately two feet (2') west of the east right-of-way line of the Frankford Creek Channel as defined on City Plan No. 305 to a point approximately twenty feet (20') north of the north right-of-way line of Bath street; then perpendicular across the Frankford Creek Channel to a point approximately twenty feet (20') north of the north house line of Bath street and approximately fifty feet (50') east of the west right-of-way line of the Frankford Creek Channel, then north to a point approximately two feet (2') east of the west right-of-way line of the Frankford Creek Channel and continues parallel to the Frankford Creek Channel west right-of-way line to a point where the channel meets the south right-of-way line of Richmond street; and then into the Richmond street right-of-way in a westerly direction to the intersection of Richmond street and Caster avenue.

(b) Sunesys is authorized to install new conduit, manholes and/or appurtenances within the public rights-of-way at the following locations:

Somerset street:	From Salmon street to Richmond street
Richmond street:	From Somerset street to Lehigh avenue

(c) Sunesys is authorized to attach aerial facilities to authorized existing Verizon-Pa Inc., Exelon Company or new Sunesys utility poles in and along the following public rights-of-way subject to the utility pole owner's permission:

Richmond street:	From Caster street to Westmoreland street
Westmoreland street:	From Richmond street to Salmon street

Salmon street:	From Westmoreland street to Somerset street
Somerset street:	From Salmon street to Richmond street
Richmond street:	From Somerset street to Lehigh avenue
Richmond street:	From Lehigh avenue to Beach street
Beach street:	From Richmond street to Columbia avenue
Columbia avenue:	From Beach street to Allen street
Allen street:	From Columbia avenue to Crease street
Crease street:	From Allen street to Frankford avenue
Frankford avenue:	From Crease street to Palmer street
Palmer street:	From Frankford street to Hope street
Hope street:	From Palmer street to Montgomery avenue
Montgomery avenue:	From Hope street to Second street
Second street:	From Montgomery avenue to Fairmount avenue
Fairmount avenue:	From Second street to Thirteenth street
Thirteenth street:	From Fairmount avenue to Noble street
Noble street:	From Thirteenth street to the building 401 North Broad street

(d) All telecommunication facilities that include an alteration to a rail/highway crossing, as such alterations are defined under state law, must have, in addition to the approvals set forth in this Ordinance, the appropriate approval of the Pennsylvania Public Utility Commission. Obtaining approval from the Pennsylvania Public Utility Commission is the sole responsibility of Sunesys.

(e) Sunesys must submit proof of authorization from the governmental body responsible for maintaining any highway bridge crossing over a railroad right-of-way if the Telecommunications System listed in this Section is constructed on or attached to any such bridges.

(f) The said Telecommunications System shall be constructed in accordance with the requirements and under the supervision of the Department of Streets, without interference with any existing surface or subsurface structures, and shall be used by Sunesys and/or its successors and assigns exclusively for the purposes set forth in this Section and in accordance with all ordinances of the City of Philadelphia and regulations of the Committee of Highway Supervisors governing the construction, maintenance, and operation of underground structures and the equipment, facilities and or appurtenances placed therein and the construction, maintenance and operation of aerial facilities.

(g) The permission granted by this Ordinance is conditioned upon the approval of the Department of Streets as to the construction and installation of Sunesys facilities at any location along the specified route and is not a guaranty that Sunesys facilities can be placed at any particular location along that route. No City department, agency, board, or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that Sunesys must by law obtain prior to construction or attachment to existing utility poles in the public right-of-way.

(h) Before Sunesys attaches any aerial facilities to existing utility poles along a public right-of-way, Sunesys must identify the specific legislation authorizing the utility pole to be constructed along the public right-of-way, the specific identification number of the utility pole and the specific agreement between the City of Philadelphia and the owner of the utility pole which gives the utility pole owner the right to be constructed within the public right-of-way.

SECTION 2. In the event that any portion of said Telecommunications System must be relocated to accommodate a public improvement or public facility, whether such improvement or facility is constructed by the City or by another governmental entity, or by contract with the City or with any governmental entity, the Department of Streets shall provide Sunesys with written notice at least one hundred eighty (180) days prior to the date any action would be required by Sunesys to relocate said portion of the Telecommunications System. Within one hundred eighty (18|10