

EXETER TOWNSHIP

**PERMIT APPLICATION FOR
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY
TELECOMMUNICATIONS PROVIDERS**

This is an application to provide for the installation, construction, maintenance, repair and/or operation of a Telecommunications System within Public Ways, or to use Public Ways to provide Telecommunications Services in Exeter Township. Three (3) copies of this application with all attachments and exhibits can be submitted to Exeter Township to the attention of the Township Supervisor.. The Applicant is responsible for reimbursing the Township's costs of reviewing this Application, whether or not a permit is approved and issued. Such reimbursement is not in lieu of the Township receiving compensation for use of the Public Ways.

 **SECTION 1: GENERAL INFORMATION**

Answer the following or attach a narrative explanation:

1. Date: _____

2. a) Applicant's legal name: _____
Mailing Address: _____

Telephone Number: _____
Fax Number: _____

- b) Name and title of individual completing application:

Mailing Address: _____

Telephone Number: _____
Fax Number: _____

3. Type of Entity: *(Check one of the following)*

- Corporation
- General Partnership
- Limited Partnership
- Limited Liability Company
- Individual
- Other, please describe: _____

4. Assumed name for doing business, if any: _____

5. If Applicant is not a natural person, please list each of its officers, directors, and stockholders with more than a 5% interest, or its managers and general partners, limited partners, and/or members with more than a 5% equitable interest. For each individual identified, provide their name, residence, occupation or principal business, and principal place of business, citizenship, relationship to entity, number of shares or nature of partnership or membership interest, number of votes, and percentage of votes.

6. Description of Entity: Jurisdiction of incorporation/formation; date of incorporation/formation; for profit or not for profit; name of resident agent in Michigan; address of registered office in Michigan; and employer I.D. number.

7. Is Applicant an entity formed under the laws of, or duly qualified to transact business in the State of Michigan? *Circle: Yes No*

If "no," please explain.

8. Has Applicant had any interest in or connection with an application to provide telecommunications services which has been dismissed or denied by Exeter Township or any other municipality? *Circle: Yes No*

If "yes," please describe circumstances.

9. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to Applicant in a civil, criminal, or administrative proceeding, brought under the provisions of any law or regulation related to the following: any felony; revocation, suspension, or

involuntary transfer of any authorization (including cable franchising) to provide telecommunications or video programming services; mass media-related anti-trust or unfair competition; fraudulent statements to a governmental unit; or employment discrimination? *Circle: Yes No*

If "yes," please attach a full description of the parties and matters involved, including an identification of any court or administrative body in any proceedings (by dates and file numbers, if applicable), and the disposition of such proceedings.

10. Are there any documents, instruments, contracts, or understandings relating to ownership or future ownership rights with respect to any attributable interest as described in the description of the legal entity making application?
Circle: Yes No. If "yes," please provide particulars.
11. Provide a copy of Applicant's certified Articles of Incorporation and Bylaws (or Partnership Agreement or certified Articles of Organization and Operating Agreement) and, if applicable, a certificate of good standing from the State of Michigan.
12. Provide Applicant's financial statements for the past three years either signed by an officer or prepared by a certified public accountant.

✂ **SECTION 2: DESCRIPTION OF PROJECT:**

Please provide in narrative form:

1. A full description of the Telecommunications Services to be provided by Applicant.
2. A full description of the type of facilities, including wire and other facilities, to be used or located in the public ways (including technical and engineering aspects of the Telecommunications System).
3. A statement whether such facilities are owned by Applicant or if not by Applicant, a copy of all agreements or legal instruments granting Applicant the right to use such facilities.
4. Attach maps and route plans and a separate narrative listing of all public ways where facilities will be used or will be located (identify the location of above

and below ground facilities).

5. Attach specific engineering drawings showing the location and depths of all telecommunications facilities within public ways.
6. Please list all organizations and entities which will have any ownership (or leasehold) or other interest of any kind in the system.
7. Please submit all contracts, agreements, or other documents relating to the financing, ownership, use, construction, management, and operation of the proposed Telecommunications System.
8. Please provide a construction schedule for the Telecommunications System.
9. Attach copies of all shared or joint-use agreements and/or maintenance agreements with other entities, utilities, etc. where facilities are to be located.
10. Attach proposed easements or other forms of legal instruments to document the use of the public ways or private property.



SECTION 3: TELECOMMUNICATION PROVIDER'S ADMINISTRATIVE MATTERS:

Please provide a narrative to the following or attach an appropriate exhibit.

1. Location of Applicant's local office (in or near the Exeter Township):
2. Location of all records and engineering drawings, if not at local office:
3. Names, titles, addresses, telephone numbers, and contact person(s) of Applicant's engineer or engineers and their responsibilities for the Telecommunications System:
4. Names, addresses, telephone numbers, and contact person(s) of accountants or auditors for Applicant:
5. Names, addresses, telephone numbers, and contact person(s) of insurance

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carriers. Identify, by type of insurance, the carrier and limits of liability for the following:

- a) Workers compensation;
 - b) Comprehensive general liability, including at least:
 - 1) Combined overall limits;
 - 2) Combined single limit for each occurrence of bodily injury;
 - 3) Personal injury;
 - 4) Property damage;
 - 5) Blanket contractual liability for written contracts, products, and completed operations;
 - 6) Independent contractor liability; and
 - 7) Coverage for property damage from perils of explosives, collapse, or damage to underground utilities (known as XCU coverage).
 - (c) Automobile liability covering all owned, hired, and non-owned vehicles used by Applicant, its employee, or agents.
6. Identification of other named insureds:
7. Listing of all anticipated contractors and subcontractors involved in construction and operation of the Telecommunications System:
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✂ **SECTION 4: CERTIFICATION:**

All the statements made in the application and attached exhibits are considered

material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

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NAME OF ENTITY

Date

By: _____
Type or Print Name

Title

✂ **SECTION 5: FOR TOWNSHIP USE ONLY:**

1. Date of receipt of application: _____
2. Date of administrative acceptance by Supervisor : _____
3. Date of notice of public hearing:
4. Date of mailing of notice:
5. Date of public hearing by Township Board:
6. Date of receipt of follow-up communications from Applicant:
7. Date of approval by Township Board:
8. Expiration date (December 31, _____).

DISCUSSION ITEMS FOR OTHER APPLICATIONS

Telecommunications Permit Application

II. Renewal Application

Essentially the same application as the original; however, with the addition of:

- date application originally filed;
- date of expiration of Permit;
- specify any changes from the original application.

III. Application for a Modification and Expansion

1. Name, address, etc.
2. Original application/permit number.

✂ Nature of modification.

1. Detailed description of modification.
2. Period of modification.
3. If an expansion, provide a detailed description, map, and engineering drawings of new areas served.
4. If an expansion, describe or demonstrate why an expansion is required, identifying both (1) the exceptional or extraordinary circumstances why the expansion will not be detrimental to the public health, safety, and welfare; and (2) why the expansion will not impair the intent and purpose of the Permit and local ordinances.

✂ Identify if the modification or expansion is for administrative approval (by Township Supervisor) or Township Board approval.

VI. Application for Change in Ownership

1. General Information:

A. Date:

B. Application for:

_____ Transfer of Control or

_____ Assignment of Franchise/Use Permit

2. Identification of Transferor/Assignor.

A. Date system was acquired or (for systems constructed by the Transferor/Assignor) the date on which service was provided to the first subscriber in the franchise area:

B. Proposed effective date of closing of the transaction assigning or transferring ownership of the system to Transferee/Assignee:

C. Attach as an Exhibit a schedule of any and all additional information or material filed with this application that is identified in the franchise, permit or ordinance as required to be provided to the Township when requesting its approval of the type of transaction that is the subject of this application:

3. Transferor/Assignor:

Indicate the name, mailing address, and telephone number of the Transferor/Assignor. Legal name of Transferor/Assignor (if an individual, list last name first):

A. Attach as an Exhibit a copy of the contract or agreement that provides for the assignment or transfer of control (including any exhibits or schedules thereto necessary in order to understand the terms thereof). If there is only an oral agreement, reduce the terms to writing and attach. (Confidential trade, business, pricing or marketing information, or other information not otherwise publicly available, may be redacted).

B. Does the contract submitted in response to (a) above embody the full and

complete agreement between the Transferor/Assignor and the Transferee/Assignee? If no, explain in an Exhibit.

4. Transferee/Assignee:

- A. (1) Indicate the name, mailing address, and telephone number of the Transferee/Assignee or legal name, residential address, and telephone number of Transferee/Assignee if an individual; list last name first).
- (2) Indicate the name, mailing address, and telephone number of person to contact, if other than Transferee/Assignee.
- (3) Attach as an Exhibit the name, mailing address, and telephone number of each additional person who would be contacted, if any.
- (4) Indicate the address where the system's records will be maintained. (Except where public inspection of files must be maintained as a matter of law).
- B. Indicate on an attached exhibit any plans to change the current terms and conditions of service and operations of the system as a consequence of the transaction for which approval is sought.

5. Transferee's/Assignee's Legal Qualifications:

- A. Transferee/Assignee is (type of legal entity):
 - (1) Jurisdiction of incorporation/formation:
 - (2) Date of incorporation/formation:
 - (3) For profit or not-for-profit:
 - (4) Name and address of resident agent and registered office in Michigan:

B. List the following items for the Transferee/Assignee, and, if the Transferee/Assignee is not a natural person, each of its officers, directors, and stockholders beneficially holding more than 5% of the outstanding voting shares, or managers and general partners, limited partners, and/or members holding an equity interest of more than 5%:

- (1) Name, residence, occupation or principal business, and principal place of business. (If other than an individual, also show name, address and citizenship of natural person authorized to vote the voting securities of Applicant that it holds.) List Applicant first, officers or managers next, then directors and, thereafter, remaining stockholders and/or members or partners.
- (2) Citizenship.
- (3) Relationship to the Transferee/Assignee (e.g., officer, director, etc.).
- (4) Number of shares or nature of partnership interest.
- (5) Number of votes.
- (6) Percentage of votes.

C. If Applicant is a corporation, a limited liability company, or a partnership, is the Transferee/Assignee formed under the laws of, or duly qualified to transact business in, the State of Michigan or all other jurisdictions in which the system operates?

If the answer is No, explain in an Exhibit.

D. Has the Transferee/Assignee had any interest in or in connection with an application which has been dismissed or denied by any franchise authority?

E. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the Transferee/Assignee in a civil, criminal or administrative proceeding, brought under the provisions of any law or regulation related to the following: any felony; revocation, suspension or involuntary transfer of any authorization (including cable franchises) to provide telecommunications or video programming services; mass media-related antitrust or unfair competition; fraudulent statements to a

governmental unit; or employment discrimination?

- F. Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights with respect to any attributable interest as described in Question 5(B) (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)?
 - G. Do documents, instruments, agreements or understandings for the pledge of stock of the Transferee/Assignee, as security for loans or contractual performance, provide that: (a) voting rights will remain with Applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of any ownership rights by a purchaser at a sale described in (b), any prior consent of the FCC and/or of the franchising authority, if required pursuant to federal, state, or local law or pursuant to the terms of the franchise, permit, or ordinance will be obtained?
7. Transferee~~s~~/Assignee~~s~~ Financial Qualifications:
- A. The Transferee/Assignee certifies that it has sufficient net liquid assets on hand or available from the committed resources to consummate the transaction and operate the facilities for three months.
 - B. Attach as an Exhibit the most recent financial statements, prepared in accordance with generally accepted accounting principles, including a balance sheet and income statement for at least one full year, for the Transferee/Assignee or parent entity that has been prepared in the ordinary course of business, if any such financial statements are routinely prepared. Such statements, if not otherwise publicly available, may be marked CONFIDENTIAL and will be maintained as confidential by the franchise authority and its agents to the extent permissible under local law.
8. Transferee~~s~~/Assignee~~s~~ Technical Qualifications:
- Set forth in an Exhibit a narrative account of the Transferee~~s~~/Assignee~~s~~ technical qualifications, experience and expertise regarding cable television systems, including, but not limited to, summary information about appropriate management personnel that will be involved in the system~~s~~ management and operations. The Transferee/Assignee may, but need not, list a representative sample of telecommunications systems currently or formerly owned or operated.

