

AN ORDINANCE
BY



01-0-0317

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN INTERIM FRANCHISE AGREEMENT WITH TIME WARNER TELECOM OF GEORGIA, L. P., A DELAWARE LIMITED PARTNERSHIP, FOR THE PROVISION OF TELECOMMUNICATIONS SERVICES USING PUBLIC RIGHT-OF-WAY; AND FOR OTHER PURPOSES

WHEREAS, Time Warner Telecom of Georgia, L. P., has applied for a franchise to provide telecommunications services on, under, over and through the public right-of-way of the City; and

WHEREAS, the City intends to enact a comprehensive ordinance governing such use of its right-of-way, pursuant to the federal 1996 Telecommunications act, but wishes to provide access to its right-of-way, on an interim and nondiscriminatory basis; and

WHEREAS, Time Warner Telecom of Georgia, L. P., has negotiated an interim franchise agreement with the City which provides such access and preserves the rights of the City until such time as a comprehensive ordinance is enacted;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA HEREBY ORDAINS:

SECTION 1: That the Mayor be and is hereby authorized to execute an interim franchise agreement in substantially similar form as attached, with Time Warner Telecom of Georgia, L. P., for use of the public right-of-way for telecommunications purposes.

SECTION 2: That such interim franchise agreement shall expire and terminate on March 31, 2001.

SECTION 3: That Time Warner Telecom of Georgia, L. P., shall pay a franchise fee of three percent (3%) of gross revenues.

SECTION 4: That the City Attorney shall prepare a franchise agreement document, which shall be approved by the city Attorney as to form.

SECTION 5: That said franchise agreement shall not be binding on the City until approved by the Mayor and delivered to Time Warner Telecom of Georgia, L. P.