

CITY OF LOWELL

PETITION

CITY COUNCIL

Pole Location

Estelbet Systems One

Grant of Location for
Telecommunications Pole
at the intersection of St. Francis
St. In City Council

November 7, 2017

Read and hearing ordered for 7PM on

November 1, 2017

**Read, Hearing Held,
Referred to Wire In-
spector, Development
Services**

City Clerk

Nicolas Bosonetto, P.E.
City Engineer

Review of Utility Company Request for New Conduit/Pole Location

Applicant Information

Utility Gas Electric Telephone
(circle one) **(Other)**

Project Address

Bridge St at French St
Lowell, MA

Reason

Date Submitted 10/20/2017

Review done by Joseph Assenza

Sidewalk Material

(Concrete) Asphalt Other

Note: material to be replaced in kind (Concrete in full panels)

Sidewalk Vaults present	(Y)	N
Work on Street under a Paving Moratorium	Y	(N)
Is this location within the Flood Plain?	Y	(N)
Are ADA requirements being met?	(Y)	N

Comments

Engineer to be responsible for relocating Equipment on Traffic Mast ARM when signal is replaced. Engineer to provide connectivity to communications system from traffic control cabinet for traffic telemetry & video.

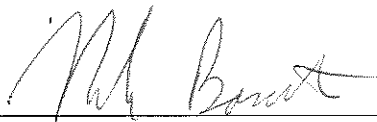
Outcome of Review

Approved

Approved With
Comments

Denied

Nicolas Bosonetto, P.E. City
Engineer

 10/25/17

October 20, 2017

Via Hand Delivery

City Council
City of Lowell
City Hall
375 Merrimac St.
Lowell, MA 01852

RE: Petition of ExteNet Systems, Inc. for a Grant of Location for
Telecommunications Wires and Appurtenances at Bridge Street and
French Street.

Dear Members of the City Council:

This office represents ExteNet Systems, Inc. ("ExteNet") in connection with their application for a grant of location for a wireless DAS node at the intersection of Bridge Street and French Street. Pursuant to Massachusetts General Laws Chapter 166 section 22, please find enclosed the petition for grants of location for telecommunications wires and appurtenances to be attached to existing utility poles within the city of Lowell. Included with the petition are detailed plans that identify the locations where Extenet's proposed pole attachments will be placed.

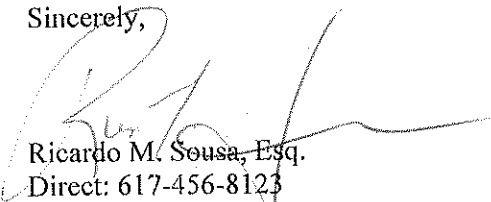
Extenet previously deployed same or similar equipment at over 40 locations within the City of Lowell in 2008. At that time Extenet entered into an agreement with the City of Lowell and was provided a grant of location for said equipment. Presently Extenet proposes to add one (1) additional location on an existing utility pole and expand the fiber network.

Extenet requests that the City schedule a public hearing on this petition, subject to the requirements of Massachusetts General Laws, Section 22. Those requirements prescribe that the city provide written notice to all owners of real estate, abutting that part of each street upon or across which, wires appurtenances are proposed to be located. It is my understanding that the City will be able to produce this list, and I will work with the City Clerk to ensure the letters are sent per the requirements of the City.

For the convenience of the City Council, Extenet has provided a proposed form of order.

Should you have any questions, or would like any additional information prior to the Public hearing please do not hesitate to contact me at (617) 456-8123. I will be present at the public hearing to answer any questions you may have as well.

Sincerely,


Ricardo M. Sousa, Esq.
Direct: 617-456-8123
Email: rsousa@princelobel.com

Prince Lobel Tye LLP
One International Place
Suite 3700
Boston, MA 02110
TEL: 617 456 8000
FAX: 617 456 8100

www.princelobel.com

APPLICATION for GRANT OF LOCATION

**EXTENET SYSTEMS
3030 Warrenville Road
Suite 340
Lisle, IL 60532**

Property Locations:

**Bridge Street and French Street
Lowell, Massachusetts**

**Prepared by: Ricardo M. Sousa, Esq.
Prince Lobel Tye LLP
One International Place, Suite 3700
Boston, MA 02110
Telephone: (617) 456-8123
Facsimile: (617) 456-8100**

October 20, 2017

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PETITION FOR LOCATIONS FOR TELECOMUNICATIONS WIRES AND APPURTENANCES

To the CITY COUNCIL OF THE CITY OF LOWELL, MASSACHUSETTS

Pursuant to Massachusetts General Laws, Chapter 166 and the City Ordinance of the City of Lowell, Massachusetts, EXTENET SYSTEMS, INC., requests that it be granted locations for and permission to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas; to be attached to existing utility poles, located upon and along the following public ways within the City of Lowell, as indicated on the attached plans. In addition, the petitioner seeks permission to install conduit or direct bury cable as indicated in the attached plans.

Wherefore, Petitioner requests that, after due notice and hearing as provided by law, that it be granted locations for and permission to construct the telecommunications wires and appurtenances upon and along the public ways within the City of Lowell, shown on the plan, filed herewith. Extenet Systems, Inc. also submitted additional information in support of this petition.

Respectfully submitted,

Extenet Systems, Inc.

By: Ricardo M. Sousa, Esq.
Prince Lobel Tye LLP

ORDER FOR LOCATION FOR TELECOMMUNICATIONS WIRES AND APPURTENANCES

By the City Council

Of the City of Lowell, Massachusetts, _____, 2017

ORDERED:

That EXTENET SYSTEMS, INC. is hereby granted locations for and permission to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to existing utility poles, located upon and along the public ways within the City of Lowell, as substantially shown on the plan filed with said petition. In addition, the petitioner is hereby granted permission to install conduit or direct bury fiber cable as indicated in the plans.

The forgoing permission is subject to the following conditions:

1. The telecommunications wires and appurtenances shall be of such material and construction and all work done in such manner as to be satisfactory to the City Council or to such municipal officers as may be appointed to the supervision of the work.
2. Said company shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.
3. In addition, said Company shall, before commencement of construction, execute its bond in a penal sum of Five Thousand Dollars (\$5,000) conditioned for the faithful performance of its duties under this grant.
4. Said Company shall comply with the requirements of existing City ordinances, as may be applicable and such as may hereafter be adopted governing the construction and maintenance of said telecommunications wires and appurtenances, so far as the same are not inconsistent with the laws of the Commonwealth of Massachusetts.

I hereby certify that the foregoing was adopted at a meeting of the City Council of the City of Lowell, Massachusetts, held on the _____ day of _____, 2017.

City Clerk

APPROVED

We hereby certify that on _____, 2017, at _____, o'clock at _____, a public hearing was held on the Petition of EXTENET SYSTEMS, INC. for permission to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to existing utility poles, located upon and along the public ways within the City of Lowell; and to install conduit or direct bury fiber cable as indicated in the plans described in the order herewith recorded, that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the telecommunications wires and appurtenances of said Company under said order, and that thereupon said order was duly adopted.

City Council of the City of Lowell

CERTIFICATE

I hereby certify that the forgoing is a true copy of a grant of location order and certificate of hearing with notice adopted by the City Council of the City of Lowell, Massachusetts, on the _____ day of _____, 2017, and recorded with records of location orders of said City, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of the Massachusetts General Laws, as amended.

Attest:

City Clerk

REGULATORY STATUS OF EXTENET SYSTEMS, INC.

Description of ExteNet Services and Facilities

ExteNet's primary telecommunications service offering is point-to-point transport of Radio Frequency ("RF") signals for Wireless Service Provider (WSP) customers via ExteNet's Distributed Antenna System (DAS) networks which are generally constructed with a number of remote communications nodes that are located to meet the specified needs of one or more WSP customers and connected by fiber optic cabling to a network hub facility containing communications head-end equipment that, in turn, provides bi-directional RF- optical signal conversion and interconnectivity between the DAS network and the WSP customers' base transceiver station or other equipment. These services can be deployed to address long-standing service coverage problems such as "dead spots" in WSPs' cellular and/or PCS networks, and to enhance the WSPs' call-handling capacity in the same service areas. ExteNet's DAS network services can also improve wireless access to emergency services.

ExteNet's DAS network telecommunications facilities consist of three primary components:

1. remote communications nodes comprising low elevation, low power equipment (signal converters, transceivers and antennas), to transmit, receive and convert optical signals to RF signals and RF signals to optical signals bi-directionally, typically mounted on existing utility poles;
2. fiber optic cables also typically attached to existing utility poles, but sometimes placed underground in existing or new conduits; and
3. the DAS network head-end equipment, which is typically housed in a hub facility located within or on premises leased from private parties or municipalities.

These primary network elements are supported by various items of ancillary equipment, e.g., primary and back-up power supplies, connectors, enclosures, mounting hardware, etc. Each of these components is integral to any given ExteNet network.

The DAS network equipment employed by ExteNet is not dissimilar in size, weight or overall appearance to items routinely installed on utility poles by Verizon and other telecommunications and electric service providers. For example, ExteNet's communications nodes and battery back-up facilities attached to poles are not unlike power supply boxes attached to poles by cable providers and other providers of telecommunications services. Pole top appurtenances, such as pole top antennas and extenders, also have been installed from time to time by utilities. As discussed below, the combination of wired and wireless technology to transport and deliver telecommunications services has been employed by Verizon and other regulated telecommunications service providers to offer regulated intrastate telecommunications services.

ExteNet's Regulatory Status as a Telecommunications Service Provider

ExteNet is a Regulated Provider of Intrastate Telecommunications Services Subject to the Requirements of the Massachusetts Department of Telecommunications and Cable and not an Unregulated Provider of Wireless services.

ExteNet is registered with the Massachusetts Department of Telecommunications and Cable ("DTC"), formerly the Department of Telecommunications and Energy ("DTE") as a provider of intrastate telecommunications services. ExteNet has a tariff on file with the DTC. ExteNet is listed on the DTC website as a regulated provider of telecommunications services.

The DTC recognizes ExteNet and similar entities as regulated providers of telecommunications services, subject to its regulation under General Laws Chapters 159 and 166, and related rules and orders. For example, ExteNet is required to adhere to DTC requirements relating to the filing of tariffs. Enclosed is a letter from Michael Isenberg, Director of the DTC, which confirms that ExteNet is and remains subject to DTC jurisdiction as a provider of intrastate telecommunications services.

ExteNet also has been recognized as a regulated provider of intrastate telecommunications services in a number of other states. To date, ExteNet has been authorized to provide intrastate telecommunications services in neighboring states such as Connecticut and Rhode Island, as well as in New York, California and numerous states in all regions of the country.

As a regulated provider of intrastate telecommunications services, ExteNet is authorized under G.L.C.166, §21 to place its wires and related equipment in public ways.

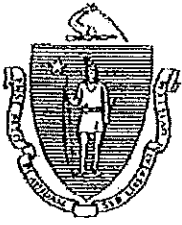
Applicable State Law

Municipal Approval of the Construction and Placement of ExteNet's Wires and Related Pole Attachments is governed by Massachusetts General Laws Chapter 166, Sections 21-22.

As a regulated provider of intrastate telecommunications services, ExteNet is authorized under Chapter 166, Section 21 to construct lines and other facilities upon, along, under and across the public ways. Such construction must not incommode the public use of public ways.

In order to obtain municipal permission to construct its telecommunications facilities in public ways, ExteNet must file a written petition with the selectmen of a town or the board of alderman or like body of a city, such as the Lowell City Council, pursuant to Chapter 166, Section 22. This same process has been employed routinely by the City of Lowell in the case of Verizon and Massachusetts Electric Company, in the case of poles, wires, conduits and related appurtenances. In carrying out the permit-granting authority conferred by the General Court, municipalities act as public officers under a delegation of power from the General Court and not as agents of the municipality. Municipalities may adopt reasonable regulations for the erection of facilities by telecommunications carriers having authority to place their facilities in or under public ways.

ExteNet stands ready, willing and able to comply with the reasonable requirements of the City under General Laws Chapter 166, Sections 21-22 and related requirements imposed by the City applicable to grants of location by the City Council.



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

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ECONOMIC DEVELOPMENT

DANIEL C. CRANE
DIRECTOR OF CONSUMER AFFAIRS
AND BUSINESS REGULATION

SHARON E. GILLET
COMMISSIONER

December 19, 2007

Alan D. Mandl, Esq.
Smith & Duggan LLP
Lincoln North
55 Old Bedford Road
Lincoln, MA 01773

Re: ExteNet Systems, Inc. Regulatory Status

Dear Mr. Mandl:

This letter verifies that ExteNet Systems, Inc. ("ExteNet") is an authorized provider of intrastate telecommunications services in Massachusetts, subject to state entry and tariffing requirements. ExteNet is duly registered with the Massachusetts Department of Telecommunications and Cable ("Department"). As required by M.G.L. c.159, §19 and the Department's entry policies, ExteNet has a valid registration statement and tariff on file with the Department, which permits it to conduct business in the Commonwealth.

Sincerely,

A handwritten signature in cursive script that reads "Michael Isenberg".

Michael Isenberg
Director
Competition Division