MINUTE ITEM
This Calendar Item No. C57 was approved as Minute Item No. 57 by the California State Lands Commission by a vote of 3 to Ø at its 9/19/00 meeting.

CALENDAR ITEM
C57

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09/19/00
PRC 8170.9 WP 8170.9
N. Smith

AMENDMENT OF PERMIT

LESSEE:

Williams Communications, Inc.
Attn: Mr. Stephen Lee
P.O. Box 22064
Tulsa, Oklahoma 74121

AREA, LAND TYPE, AND LOCATION:

Sovereign lands across the Colorado River, near the city of Yuma, Arizona, Imperial County.

AUTHORIZED USE:

Permittee is presently authorized to construct a directional boring for installation, operation and maintenance of an 8-inch diameter steel conduit containing six 1.5-inch innerducts. One of the innerducts will house a single fiber optic cable, having 96 hair-thin fibers.

LEASE TERM:

Continuous use plus one year, commencing April 20, 2000.

CONSIDERATION:

No monetary consideration shall be charged for the placement, use and maintenance of fiber optic cables or other similar transmission devices placed by those qualifying under the scope of Section 7901 of the Public Utilities Code.

PROPOSED AMENDMENT:

Authorize installation of one fiber optic cable into each of the six innerducts. Provide for lapse of authorization for fiber optic cable not placed in service within ten (10) years after authorization. All other terms and conditions of the permit shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the permit premises.

2. Williams Communications Inc., has acquired a variance from the Public Utilities Commission to install a fiber optic cable into each of the innerducts for a total of six cables; originally only one cable was to be placed in the conduit.

3. Pursuant to California Public Utilities Code section 7901 (PUC §7901), telephone corporations may construct and operate lines and equipment along and upon any public road, highway or the navigable waters of the State, without payment of compensation, provided the lines and facilities do not interfere with the public use. Applicant has provided staff with a Certificate of Public Convenience and Necessity (CPCN) issued by the California Public Utilities Commission (CPUC) authorizing Applicant to offer resold and facilities-based intrastate, interexchange telephone services to the public in California.

4. A Mitigated Negative Declaration was prepared and adopted for that portion of the network within California by the CPUC. The California State Lands Commission (CSLC) staff has reviewed the document.

   A Mitigation Monitoring Program was adopted by the CPUC. The CSLC adopted the Mitigation Monitoring Program at its meeting of December 3, 1999, upon approval of the Williams Communications, Inc., fiber optic cable route from Riverside California to the Arizona Border at Yuma.

   The Mitigated Negative Declaration and Mitigation Monitoring Program are on file in the Sacramento office of the CSLC.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Department of Fish and Game, California Public Utilities Commission, Regional Water Quality Control Board, Reclamation Board and U.S. Army Corps of Engineers.

EXHIBIT:

A. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN AND HAS PREVIOUSLY ADOPTED BY ITS ACTION OF DECEMBER 3, 1999, THE APPROPRIATE MITIGATION MONITORING PROGRAM.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

FINDING OF NON-INTERFERENCE WITH PUBLIC USE PURSUANT TO PUBLIC UTILITIES CODE SECTION 7901:

FIND THAT THE AUTHORIZED IMPROVEMENTS WILL NOT UNREASONABLY INTERFERE WITH THE PUBLIC USE OF THE PREMISES OR INTERRUPT THE NAVIGATION OF THE UNDERLYING WATERS IF CARRIED OUT IN ACCORDANCE WITH THE TERMS, CONDITIONS AND COVENANTS OF THE PERMIT.

AUTHORIZATION:

AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 8170.9, A PERMIT FOR TELEPHONE LINE RIGHT OF WAY OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE SEPTEMBER 19, 2000, TO: 1) ALLOW INSTALLATION, OPERATION AND MAINTENANCE OF A FIBER OPTIC CABLE INTO EACH OF THE INNERDUCTS FOR A TOTAL OF SIX CABLES IN THE PREVIOUSLY AUTHORIZED CONDUIT; AND; 2) PROVIDE FOR LAPSE OF THE AUTHORIZATION TO INSTALL AND OPERATE FIBER OPTIC CABLE AS TO ANY SUCH CABLE NOT INSTALLED AND PLACED IN SERVICE WITHIN A PERIOD OF TEN YEARS AFTER THE DATE SUCH AUTHORIZATION WAS GRANTED BY PERMITTOR; ALL OTHER TERMS AND CONDITIONS OF THE PERMIT WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

AUTHORIZE THE EXECUTIVE OFFICER OR HIS DELEGATE TO EXECUTE ANY DOCUMENTS NECESSARY OR CONVIENENT TO IMPLEMENT THE COMMISSION'S ACTION.

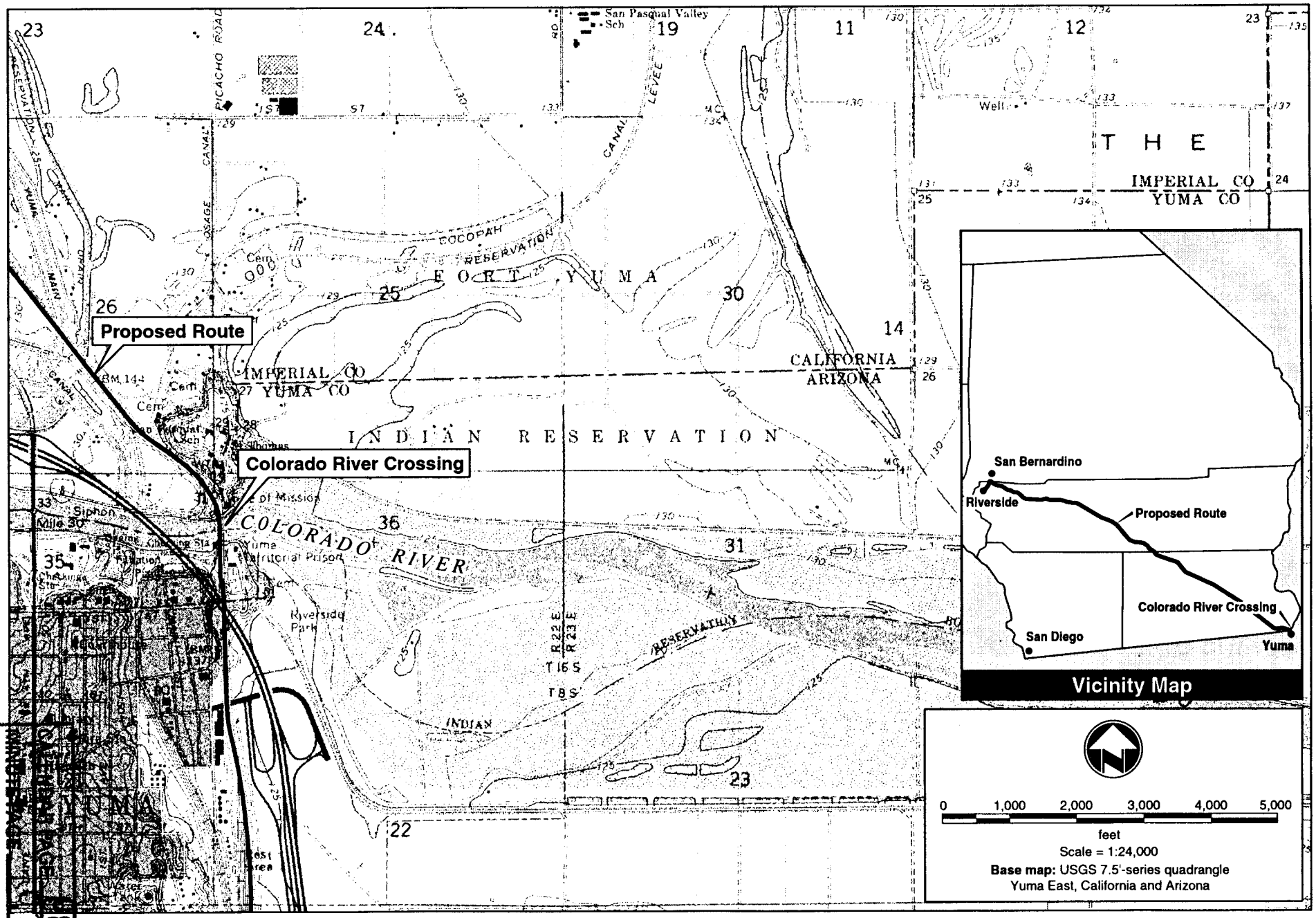

EXHIBIT A

WP8170

Jones & Stokes Associates, Inc.

Location of Colorado River Crossing