

**CALENDAR ITEM
C39**

A 8, 12
S 5, 8

08/15/14
PRC 8044.1
V. Caldwell

REVISION OF RENT

LESSEE:

Time Warner Telecom of California, L.P.

AREA, LAND TYPE, AND LOCATION:

0.39 acre, more or less, of sovereign land in the Stanislaus River, Mokelumne River, and Cosumnes River, near the cities of Riverbank and Lodi, and the town of Wilton, Stanislaus County, San Joaquin County, and Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing 10-inch-diameter by one-quarter-inch-thick steel casing containing six 2-inch-diameter high density polyethylene (HDPE) conduit ducts with fiber optic cable within one of the six ducts.

LEASE TERM:

25 years, beginning November 1, 1998.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends that rent be revised from \$728 per year to \$1,350 per year, effective November 1, 2014.

OTHER PERTINENT INFORMATION:

1. On December 16, 1998, the Commission authorized a General Lease – Right-of-Way Use to GST Telecom California, Inc. (GST), for the directional boring, placement and maintenance of a 10-inch-diameter by one-quarter-inch-thick steel casing containing six 2-inch-diameter HDPE conduit ducts and the placement, use and maintenance of a fiber optic cable within one of the six 2-inch-diameter HDPE conduit ducts.

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2. On September 19, 2000, the Commission approved an Amendment of and Consent to Co-location of this lease, which authorized 360networks (USA), Inc. to utilize a fiber optic cable within the right-of-way. The Commission also authorized the installation of one additional fiber optic cable into the existing conduit, for a total of two fiber optic cables with one fiber optic cable to be used by GST and one by 360networks.
3. On September 19, 2000, the Commission also approved an Amendment and Consent to Co-location of this lease which authorized Williams Communication, Inc. to utilize a fiber optic cable within the right-of-way; and authorized the installation of two additional fiber optic cables into the existing conduit.
4. On January 10, 2001, GST filed bankruptcy and Time Warner Telecom of California, L.P. purchased all assets and assumed the lease.
5. The total number of fiber optic cables authorized in the six authorized conduits is four: two used by Williams, one used by Time Warner, and one used by 360networks.
6. The staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBIT:

- A. Site and Location Map

CALENDAR ITEM NO. **C39** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

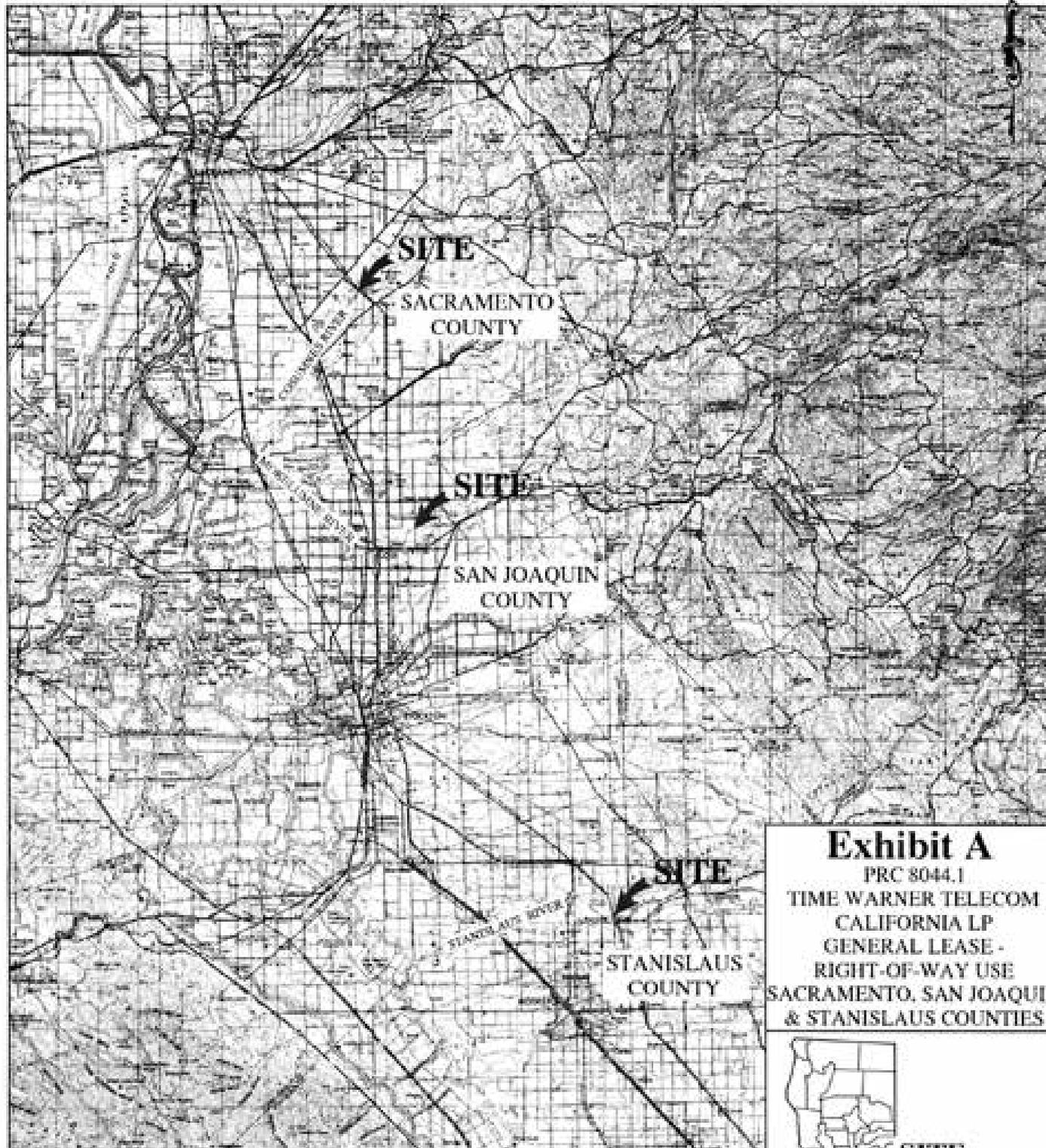
Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 8044.1 from \$728 per year to \$1,350 per year, effective November 1, 2014.

NO SCALE

SITE



FIBER OPTIC CABLE CROSSINGS OVER CONSUMNES, STANISLAUS & MOKELUMNE RIVERS

MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A
 PRC 8044.1
 TIME WARNER TELECOM
 CALIFORNIA LP
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 SACRAMENTO, SAN JOAQUIN
 & STANISLAUS COUNTIES

