

Sec. 16-333b-1. Waiver of time requirement for underground installation

(a) Definitions:

“Low Density Area,” as used in this section, means any single, contiguous area where construction without contribution in aid of construction would not be required by tariffs, other regulations or orders of the Department, or by franchise agreements.

(b) Waiver Requirement:

A franchise holder may apply to the Department for a waiver of the requirement to install underground CATV cable at the same time and place as electric and telephone utilities, within its franchise territory, if:

- (1) The proposed construction is in a “low density area,” and;
- (2) The owner(s) or developer of the property for which such CATV lines are to be installed has refused to prepay for said construction pursuant to applicable contribution in aid of construction requirements.

(c) Procedures:

(1) A franchise holder shall file such request for waiver with the Department and the appropriate electric and telephone utilities within fourteen (14) days from receipt of formal written notice from the lead utility coordinating the construction project.

(2) The request for waiver shall be deemed granted if notice to the contrary has not been issued by the Department within thirty (30) days following receipt of said request.

(3) All affected utilities shall desist from activities which would preclude contemporaneous underground installation of facilities by all parties concerned, until the Department has ruled on the request for waiver, or the thirty (30) days for Department action has elapsed.

(d) Standard for Granting Waiver:

Based on the items contained in subsection (e) of section 16-333b-1, the Authority will exercise sound engineering and economic judgment in determining whether a waiver shall issue.

(e) Components of Request for Waiver:

A request for waiver, filed pursuant to subsection (b) of section 16-333b-1, shall include the following:

- (1) A statement of the location of the construction and a detailed description of the project, including maps.
- (2) Names, affiliation, and addresses of contact persons from the telephone and/or electric utility companies involved in the joint construction.
- (3) The number of dwelling units, existing and planned, to be passed by the joint construction.
- (4) The number of dwelling units that would be passed by any additional plant that would have to be built in order to energize the joint construction proposed.
- (5) The CATV Company’s estimated share of the cost of joint construction.
- (6) If the request for waiver is for the purpose of deferring contemporaneous installation, a statement accompanied by data to indicate the estimated cost of deferred or alternate installation.
- (7) All other data upon which the CATV Company wishes the Department to rely when considering request for waiver.

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(8) Any other additional information that the Department deems necessary to make an informed decision.

(Effective March 18, 1988)