

## **SUBCHAPTER 06F – TELECOMMUNICATIONS FACILITIES FOR BROADBAND PROVIDERS**

### **01 NCAC 06F .0101 DEFINITIONS**

For the purposes of this Chapter, the following definitions apply:

- (1) "Agency" means the body to which State owned or leased property is allocated.
- (2) "DIT" means the NC Department of Information Technology.
- (3) "WISP" means Wireless Internet Service Provider.

*History Note:* Authority G.S. 146-29.1; 146-29.2; 146-30; S.L. 2018-5, s. 37.1(a)-(i);  
Temporary Adoption Eff. January 28, 2019;  
Eff. August 1, 2019.

### **01 NCAC 06F .0102 APPLICATION**

Upon referral from the DIT, an Agency requesting the construction and placement of broadband equipment on state property shall submit to the Division of State Property a completed PO-2, Disposition of Real Property form, as set forth in 01 NCAC 06B .0300, and BB-2, WISP Application form, that shall include the following information:

- (1) description of the state property;
- (2) information pertaining to the lessee; and
- (3) equipment to be used and scope of work.

*History Note:* Authority G.S. 146-29.1; 146-29.2; 146-30; S.L. 2018-5, s. 37.1(a)-(i);  
Temporary Adoption Eff. January 28, 2019;  
Eff. August 1, 2019.

### **01 NCAC 06F .0103 PROCEDURES**

- (a) The Division of State Property shall evaluate the information provided on the application and determine fair market value of the lease pursuant to G.S. 146-29.1.
- (b) The Division of State Property shall generate the lease, license, or easement and provide it to the Agency for review and distribution to the broadband provider.
- (c) Prior to the construction or placement of broadband equipment, the broadband provider and the Division of State Property shall execute duplicate original agreements.
- (d) The Agency shall ensure all equipment is installed in accordance with the terms set out in the lease, license or easement.

*History Note:* Authority G.S. 146-29.1; 146-29.2; 146-30; S.L. 2018-5, s. 37.1(a)-(i);  
Eff. August 1, 2019.

### **01 NCAC 06F .0104 TERMS AND CONDITIONS**

The following terms and conditions shall apply to the location and installation of equipment by a broadband provider on state owned or leased property:

- (1) All lease and license agreements shall be a five year term with two optional five year renewal periods.
- (2) All lease and license agreements shall include an access agreement and a non-exclusive utility easement.
- (3) The fair market value of the state-owned or leased property is subject to an annual rate adjustment as set forth in the lease.
- (4) Rent shall be paid annually on the anniversary of the executed lease.
- (5) An Agency may require an escrow fund as part of the broadband provider's lease or license agreement.
- (6) Site specific protocols as set out in the lease and license agreement for construction and maintenance procedures shall be adhered to by the Applicant during installation and during any maintenance.
- (7) Upgrades or changes to equipment shall be reviewed by the Division of State Property for compliance with the existing lease prior to any changes to equipment.
- (8) The Agency shall not supply space in any existing equipment buildings, nor electricity.

*History Note:* Authority G.S. 146-29.1; 146-29.2; 146-30; S.L. 2018-5, s. 37.1(a)-(i);  
Eff. August 1, 2019.

**01 NCAC 06F .0105 TERMINATION**

Upon termination of the agreement, at the Agency's request, the broadband provider shall remove equipment and cabling from the tower, ice-bridge, and within fenced property. The Agency shall then inspect the property to ensure compliance with this Paragraph. Upon a finding by the Agency that all equipment and cabling is removed, and the property has been returned to pre-leased conditions, the escrow funds shall be returned to the broadband provider within 60 days.

*History Note:* Authority G.S. 146-29.1; 146-29.2; 146-30; S.L. 2018-5, s. 37.1(a)-(i);  
Eff. August 1, 2019.