

**CALENDAR ITEM
C05**

A 4, 5, 12, 21

12/18/15
W 26508
PRC 1929.9
PRC 2057.9
PRC 7056.9
PRC 4175.9
PRC 4981.9
M. Hays

S 4, 5, 12, 14

GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

CVIN, LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, Feather River, Stanislaus River, Tuolumne River, and Merced River, in Colusa, Sutter, Yuba, San Joaquin, Stanislaus and Merced counties.

AUTHORIZED USE:

Use and maintenance of four existing 4-inch galvanized steel casing conduit, not previously authorized by the Commission, each carrying two 1.25-inch diameter high density polyethylene (HDPE) fiber optic cable conduit, all attached to previously authorized existing bridges; and one existing 8-inch HDPE casing conduit carrying two 1.25-inch diameter HDPE fiber optic cable conduits, horizontally directionally drilled (HDD) beneath the riverbed, not previously authorized by the Commission.

LEASE TERM:

20 years, beginning December 18, 2015.

CONSIDERATION:

Public benefit derived from Applicant's acceptance of franchise obligations pursuant to California Public Utilities Code section 7901.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance in an amount no less than \$1,000,000 per occurrence.

Bond: \$25,000.

CALENDAR ITEM NO. **C05** (CONT'D)

OTHER PERTINENT INFORMATION:

1. CVIN, LLC, under the American Recovery and Reinvestment Act, received grant funds through the Broadband Technology Opportunities Program and other grants to expand intrastate access to broadband services in unserved and underserved areas of Central California. Of the total 817 miles of fiber-based infrastructure, approximately 723 miles of the route required new construction. Five river crossings under the leasing jurisdiction of the Commission were within the project route and consist of four bridge attachments and an underground bored crossing beneath the bed of the Sacramento River. The project construction was completed in 2013.
2. The Commission has previously authorized four separate leases for each of the bridges to which the fiber optic conduits are attached and include the Twin Cities Memorial Bridge crossing the Feather River from Yuba City to Marysville (PRC 1929.9); the McHenry Avenue Bridge crossing the Stanislaus River in Escalon (PRC 2057.9); the Mitchell Road Bridge crossing the Tuolumne River in Modesto (PRC 7056.9); and the North Santa Fe Drive Bridge crossing the Merced River in Merced County (PRC 4175.9). A 4-inch diameter steel pipe/casing has been attached to the bridge structures with two 1.25-inch diameter HDPE plastic conduits inside the 4-inch steel casing installed to carry the fiber optic cables.
3. The underground bored crossing occurred beneath the bed of the Sacramento River intersecting Highway 20 at the Meridian Bridge crossing between Colusa and Sutter counties (Lease No. PRC 4981.9/Caltrans). The construction involved installation of an 8-inch diameter HDPE plastic casing beneath the riverbed using HDD methodology. Two 1.25-inch diameter HDPE plastic conduits inside the 8-inch HDPE casing were installed to carry the fiber optic cables.
4. The Applicant is a consortium of rural local exchanges serving various areas of the State and was granted a Certificate of Public Convenience and Necessity (CPCN) by the California Public Utilities Commission (CPUC) on July 14, 2011, through its subsidiary, Central Valley Telecom, LLC. The CPCN authorizes the Applicant to provide facilities-based competitive local exchange telecommunications services in California.
5. Pursuant to Public Utilities Code section 7901, telephone corporations may construct and operate lines and equipment along and upon any public road, highway, or the navigable water of the State, without payment of compensation, provided the lines and facilities do not interfere with the public use. Based on the information provided to Commission staff, it

CALENDAR ITEM NO. **C05** (CONT'D)

does not appear that there is any interference with the public use of the public road, highway, or navigable water of the State.

6. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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 section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease - Right-of-Way Use to CVIN, LLC, beginning December 18, 2015, for a term of 20 years, for the use and maintenance of four existing 4-inch galvanized steel casing conduit, not previously authorized by the Commission, each carrying two 1.25-inch

CALENDAR ITEM NO. **C05** (CONT'D)

diameter HDPE fiber optic cable conduit, all attached to previously authorized existing bridges, and one existing 8-inch HDPE casing conduit carrying two 1.25-inch diameter HDPE fiber optic cable conduits, installed using HDD beneath the riverbed, not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration to be the public benefit derived from Applicant's acceptance of franchise obligations pursuant to California Public Utilities Code section 7901; liability insurance in an amount no less than \$1,000,000 per occurrence; and surety bond in the amount of no less than \$25,000.

EXHIBIT A

W 26508

LAND DESCRIPTION

Five Parcels of State Owned Lands lying in the State of California, more particularly described as follows:

PARCEL 1

A 4 foot wide strip of submerged land lying in the bed of the Sacramento River, adjacent to Lot 5 of fractional Section 13, Township 15 North, Range 1 West, M.D.B. & M., according to Official Government Township Plat approved January 18, 1868, Counties of Colusa, and Sutter, State of California, the centerline of which is described as follows:

COMMENCING at the Southeast corner of said Section 13; thence N 62°27'52" W 1626 feet to the POINT OF BEGINNING; thence N 89°09'36" W 293 feet to the terminus of said strip.

EXCEPTING THEREFROM any portion lying landward of the Low Water Mark of the right and left banks of the Sacramento River.

The BASIS OF BEARINGS of this strip is California Coordinate System of 1983, Zone 2. All distances are grid distances.

PARCEL 2

A 4 foot wide strip of submerged land lying in the bed of the Feather River, adjacent to Lots 37 and 38 of New Helvetia Rancho, Counties of Yuba and Sutter, State of California, the centerline of which lies 15 feet northerly of, as measured at right angles, the following described line:

COMMENCING at the southeast corner of Teagarden Addition to Yuba City; which point is coincident with the westerly line of Sutter Street and the northerly line of Bridge Street in said Yuba City; thence N 51°56' E a distance of 318.06 feet to a point on the centerline of the survey for the 5th Street Bridge between Yuba City and Marysville at Station 15+00 of said survey; thence following the centerline of said survey N 75°31'46" E a distance of 235.00 feet to the West Bank of the Feather River, and the POINT OF BEGINNING; thence along the centerline of said survey, N 75°31'46" E a distance of 265.00 feet to the easterly bank of said Feather River, and the terminus of said line.

EXCEPTING THEREFROM any portion lying landward of the Low Water Mark of the right and left banks of the Feather River.

PARCEL 3

A 4 foot wide strip of submerged land lying in the bed of the Stanislaus River, adjacent to fractional Sections 16 and 17, Township 2 South, Range 9 East, M.D.B. & M., according to official government township plat approved December 30, 1854, Counties of San Joaquin and Stanislaus, State of California, the centerline of which lies 15 feet westerly of, as measured at right angles, the following described line:

COMMENCING at the southwest corner of said Section 16; thence along the west line of said Section N 0°35'00" E 985.65 feet to a U.S. Meander Corner; thence continuing along said west line N 0°16'25" E 950 feet more or less to the south bank of said Stanislaus River and the POINT OF BEGINNING; thence continuing along said west line N 0°16'25" E 230 feet more or less the north bank of said Stanislaus River, and the terminus of said line.

EXCEPTING THEREFROM any portion lying landward of the Low Water Mark of the right and left banks of the Stanislaus River.

PARCEL 4

A 4 foot wide strip of submerged land lying in the bed of the Tuolumne River, adjacent to Swamp and Overflow surveys 37, 99, and 103, Township 4 South, Range 9 East, M.D.B. & M., according to official government township plat approved December 30, 1854, County of Stanislaus, State of California, the centerline of which lies 40 feet easterly of, as measured at right angles, the following described line:

BEGINNING at a point at the intersection of the west line of said Section 1, and the south bank of said Tuolumne River, bearing North 2484.80 feet from the southwest corner of said Section 1; thence North along said west line 656.00 feet to the north bank of said River, and the terminus of said line.

EXCEPTING THEREFROM any portion lying landward of the Low Water Mark of the right and left banks of the Tuolumne River.

PARCEL 5

A 4 foot wide strip of submerged land lying in the bed of the Merced River, adjacent to Swamp and Overflow surveys 52 and 96, Township 6 South, Range 12 East, M.D.B. & M., according to official government township plat approved January 31, 1853, County of Merced, State of California, the centerline of which lies 12 feet easterly of, as measured at right angles, the following described line:

COMMENCING at the North ¼ Corner of said Section 8; thence along the north line of said Section N 89°27' 00" E 104.17 feet; thence leaving said north line

S 15°39'00" E 2372.98 feet, more or less, to the north bank of said Merced River, and the POINT OF BEGINNING; thence S 15°39'00" E 436 feet to the south bank of said River, and the terminus of said line.

EXCEPTING THEREFROM any portion lying landward of the Low Water Mark of the right and left banks of the Merced River.

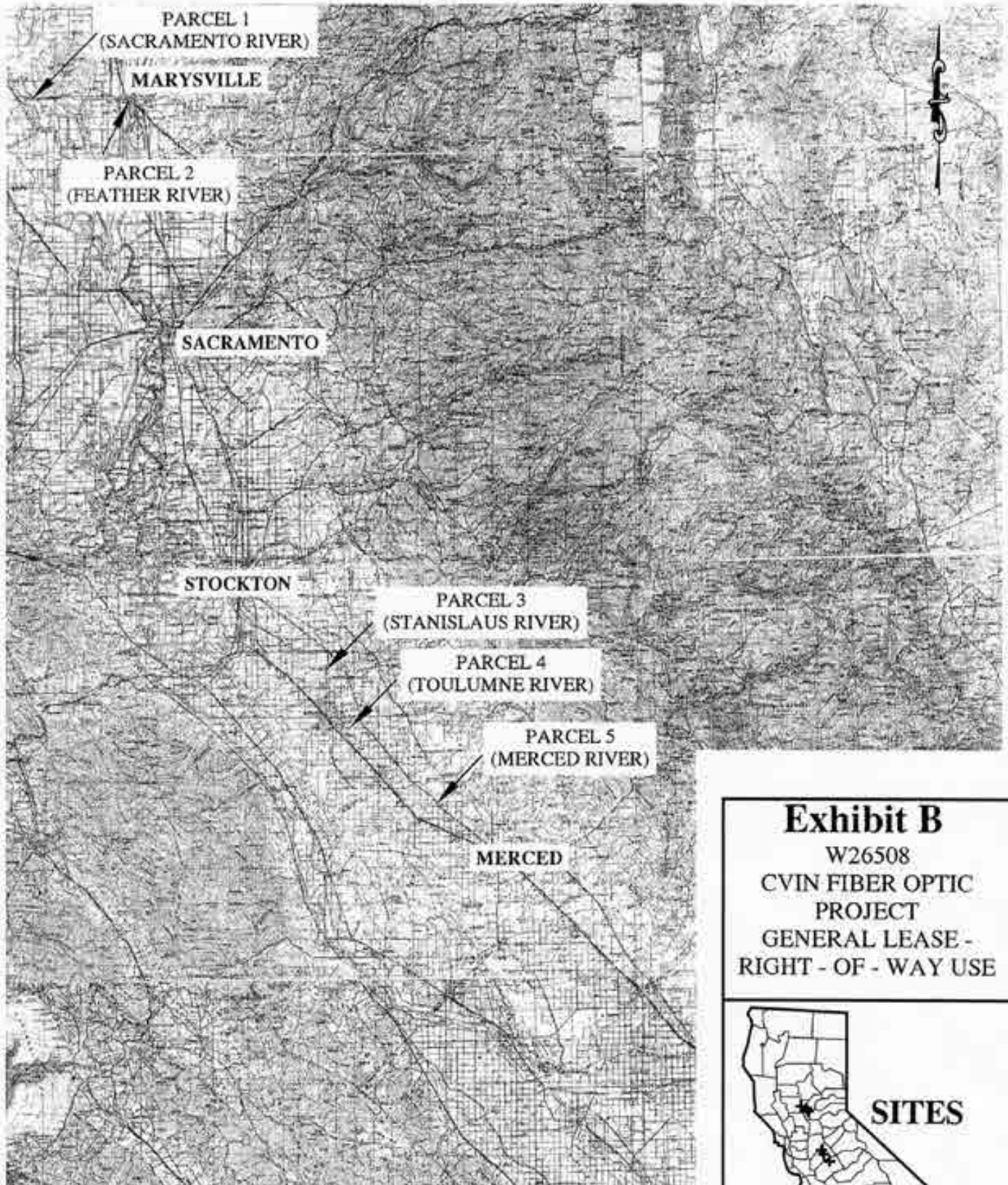
END OF DESCRIPTION

Revised by the California State Lands Commission Boundary Unit 11/9/2015. Original description prepared by Steve Lehman on 11/17/2011 as found in W26508 file.



NO SCALE

SITE



MAP SOURCE: USGS QUAD

Exhibit B
W26508
CVIN FIBER OPTIC
PROJECT
GENERAL LEASE -
RIGHT - OF - WAY USE



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.