

LICENSE AGREEMENT

for

RIGHTS OF WAY (ROW), CONDUITS, AND POLE ATTACHMENTS

Dated: March 28 , 2000

Between

BELLSOUTH TELECOMMUNICATIONS, INC.
(Licensor)

And

FPL Fibernet, LLC

(Licensee)

Licensee desires to conduct business in the following area(s):

☐ AL ☐ KY ☐ LA ☐ MS ☐ TN ☐ FL ☐ GA ☐ NC ☐ SC

or

☒ BellSouth Region

BELLSOUTH Agreement Number -

BSIC001013

Previously FLIC001001

utility poles or anchors with respect to which BellSouth has no legal authority to permit attachments by other persons or entities.

- 1.23 Pole Attachment Act. The terms "Pole Attachment Act" and "Pole Attachment Act of 1978" refer to those provisions of the Communications Act of 1934, as amended, now codified as 47 U.S.C. § 224.
- 1.24 Prelicense survey. The term "prelicense survey" refers to all work and activities performed or to be performed to determine whether there is adequate capacity on a pole or in a conduit or conduit system (including manholes and handholes) to accommodate Licensee's facilities and to determine what make-ready work, if any, is required to prepare the pole, conduit or conduit system to accommodate Licensee's facilities.
- 1.25 Right of Way (ROW). The term "right of way" refers to the right to use the land or other property of another party to place poles, conduits, cables, other structures and equipment, or to provide passage to access such structures and equipment. A Right of Way may run under, on, or above public or private property (including air space above public or private property) and may include the right to use discrete space in buildings, building complexes, or other locations.
- 1.26 Sheath. The term "sheath" refers to a single outer covering containing communications wires, fibers, or other communications media.
- 1.27 Spare Capacity. The term "spare capacity" refers to any pole attachment space, conduit, duct or inner-duct not currently assigned or subject to a pending application for attachment/occupancy. Spare capacity does not include an inner-duct (not to exceed one inner-duct per party) reserved by BellSouth, Licensee, or a third party for maintenance, repair, or emergency restoration.
- 1.28 State. ~~When capitalized, the term "State" (as used in terms such as "this State") refers to the State of Georgia.~~ When capitalized, the term "State" (as used in terms such as "this State") refers to the State, for which this Agreement applies (change made for BSIC001013).
- 1.29 Third Party. The terms "third party" and "third parties" refer to persons and entities other than Licensee and BellSouth. Use of the term "third party" does not signify that any such person or entity is a party to this Agreement or has any contractual rights hereunder.

APPENDIX I
2001 INTERIM FCC Formula Supported Fees
for attachments and/or occupancy effective 1/1/2001
(Re-calculated annually)

These interim rates, except as noted, shall be “trued-up” (up or down) based on final rates if further determined by an effective order.

Licensee shall pay to Licensor the following fees:

State	Poles (ea. / yr.)	Anchors (ea. / yr.)	Conduit (\$/ft. / yr.)	
Alabama	\$ 4.02	\$ 4.89		\$ 0.30
Kentucky ①				0.70
2-user	9.45	\$ 12.90		
3-user	5.35	8.60		
Louisiana	7.45			0.61
Mississippi	5.14			2.50 ③
Tennessee ④	6.19			0.30
Florida	4.87			0.56
		Miami River crossing		17.13
Georgia ⑤	5.50			0.49
North Carolina	4.09			0.46
South Carolina	3.43			0.40

- ① All rates in Kentucky are by tariff; not interim
- ② March 12, 1999 order placed a freeze on existing, approved rate until December 31, 2002. Therefore, \$6.90 rate remains in effect.
- ③ Tariff rate in Mississippi
- ④ Tennessee rates are negotiated with CATV Association; conduit rates were established in 1998 and fixed indefinitely
- ⑤ FCC formula calculated rates; differs from Docket 7061-U

Conduit rates have been developed using the one-half (1/2) duct convention for 2000. This rate will apply to each passageway (innerduct).

- i) For the purpose of determining the Duct feet chargeable, the Duct considered occupied shall be measured from the center to center of adjacent Manhole(s), or from the center of a Manhole to the end of a Duct not terminated in a Manhole.
- ii) The above rates are not applicable for crossings of any navigable waterway. Rates for navigable waterway crossings will be calculated on an individual case basis.

Pole Attachment Transfer Rate

Per pole (throughout BellSouth region)

\$41.00