



CITY OF SANTA FE

Memorandum

Date: September 17, 2024

To: Governing Body, Finance Committee, and Quality of Life Committee

From: Sean Moody, Capital Projects Manager

Via: Regina Wheeler, Public Works Department
Johanna Nelson, Office of Economic Development Director

RE: Allowing Ezee Fiber Texas LLC to operate a telecommunications network within the city of Santa Fe.

EXECUTIVE SUMMARY:

This Bill would allow Ezee Fiber Texas LLC (the “Applicant”) to operate a telecommunications network and to provide telecommunications services to schools, governments (federal, state, City of Santa Fe (“City”), and tribal), commercial and retail customers within the city of Santa Fe limits (“city”).

BACKGROUND:

SFCC 1987, Section 27-2, the Telecommunications Facilities in the Public Rights-of-Way Ordinance, states that telecommunications networks located within the public rights-of-way shall be authorized by franchise with the City of Santa Fe (“City”). The purpose of the ordinance is to permit competitively neutral and nondiscriminatory access to the public rights-of-way; to manage the public rights-of-way in order to minimize the impact and cost to the citizens of the placement of telecommunications facilities within the public rights-of-way; to promote competition and encourage universal availability of services; to obtain fair and reasonable compensation for use of the rights-of-way; to minimize the congestion, inconvenience, visual impact, and other adverse effects on the City’s public right-of-way; to protect public health, safety, and welfare, and to ensure continued quality of services; and to safeguard the rights of customers.

The Applicant has satisfied all City requirements outlined in SFCC 1987, Section 27-2.2, for obtaining a telecommunications franchise.

As compensation for use of the public’s rights-of-way, the Applicant is required to pay the City an infrastructure maintenance franchise fee of two percent (2%) of all gross revenue charged by the



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Applicant to service addresses in the city. The term of the franchise is ten (10) years, renewed annually thereafter, unless notification is provided by the Applicant.

ACTION:

This Bill requests approval of an ordinance granting Ezee Fiber Texas, LLC, a non-exclusive franchise to operate a telecommunications network within the city; the right to use City public rights-of-way to provide telecommunications services within the city; and fixing the terms and conditions thereof.

FUNDING SOURCE:

Fund Name/Number: Franchise Fee Fund / 211

Munis Org Name/Number: City Manager / 2110041

Munis Object Name/Number: Telephone Franchise Tax / 400400

ATTACHMENTS:

Bill

Fiscal Impact Report

Memo Attachment – Ezee Fiber Texas LLC Application to Operate