

This Calendar Item No. C34 was approved as Minute Item No. 34 by the California State Lands Commission by a vote of 3 to 0 at its 4-26-05 meeting.

**CALENDAR ITEM
C34**

A 10, 17, 25

04/26/05

PRC 8044

WP 8044.1

S 5, 6, 12

V. Massey

REVISION OF RENT

LESSEE:

Time Warner Telecom
20 SW Sixth Ave. Suite 300
Portland, OR 97204

AREA, LAND TYPE, AND LOCATION:

0.39 acres, more or less, of sovereign lands in the Stanislaus River, Stanislaus and San Joaquin counties near the city of Riverbank; the Mokelumne River, San Joaquin County near the city of Lodi; and the Cosumnes River, Sacramento County, near the town of Wilton.

AUTHORIZED USE:

Continued use and maintenance of a 10 inch diameter steel casing containing six 2-inch high density polyethylene conduit ducts, four of which are used for fiber optic cables.

LEASE TERM:

25 years, beginning November 1, 1998.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends that the rent be revised from \$336 per year to \$728 per year, effective November 1, 2005.

OTHER PERTINENT INFORMATION:

1. On December 16, 1998, the Commission approved a General Lease – Right of Way Use to GST Telecom California, Inc., for the directional boring, placement and maintenance of a 10-inch diameter x 0.25 inch thick steel casing containing six 2-inch diameter high density polyethylene conduit ducts and the placement, use and maintenance of a fiber optic cable within one of the six 2-inch diameter high density polyethylene conduit ducts.

CALENDAR ITEM NO. C34 (CONT'D)

2. On September 19, 2000, the Commission approved an Amendment of and Consent to Co-location of this lease, which authorized 360networks (USA), Inc. to utilize a fiber optic cable within the right of way. The Commission also authorized the installation of one additional fiber optic cable into the existing conduit, for a total of two fiber optic cables. One fiber optic cable to be used by GST and one by 360networks.
3. On September 19, 2000, the Commission also approved an Amendment and Consent to Co-location of this lease which authorized Williams Communication, Inc. to utilize a fiber optic cable within the right of way; and authorized the installation of two additional fiber optic cables into the existing conduit.
4. Subsequently, GST Telecom California filed bankruptcy and Time Warner purchased all assets and assumed the lease.
5. The total number of fiber optic cables authorized in the six authorized conduits is four: Two used by Williams, one used by Time Warner (GST), and one used by 360networks.

EXHIBIT:

- A. Location Map

RECOMMENDED ACTION:

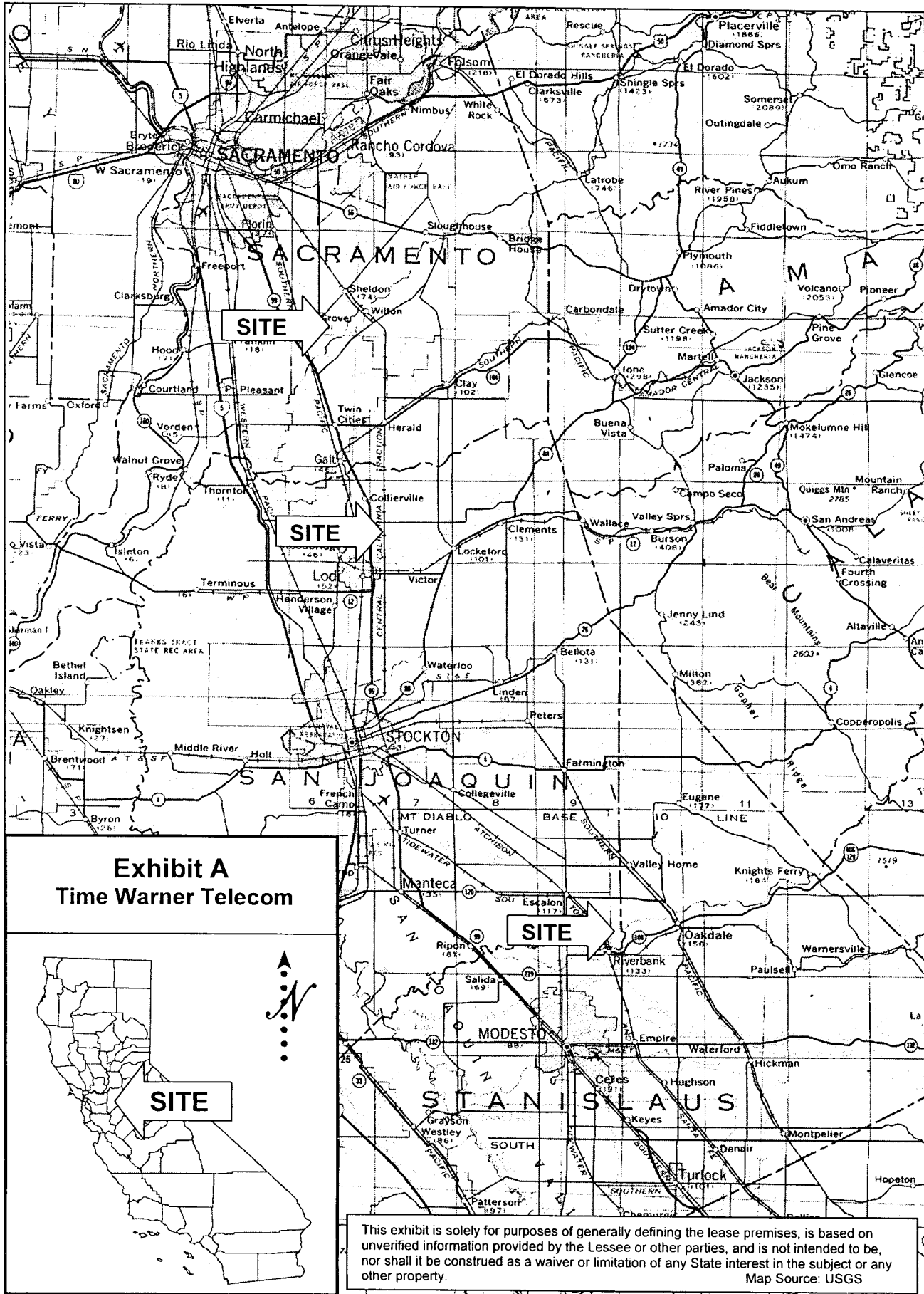
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

APPROVE THE REVISION OF RENT FOR LEASE NO. PRC 8044.1 FROM \$336 PER YEAR TO \$728 PER YEAR, EFFECTIVE NOVEMBER 1, 2005.



**Exhibit A
Time Warner Telecom**



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.
Map Source: USGS

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VM 2/2005

CALENDAR PAGE

MINUTE PAGE

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