

**CALENDAR ITEM  
C41**

A 5, 21, 23

12/17/14  
PRC 8014.1  
N. Lavoie

S 12, 14

**REVISION OF RENT**

**LESSEE:**

Time Warner Telecom of California, L.P.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the San Joaquin River, Laird Slough, Tuolumne River, and Merced River, near Grayson, Herndon, Atwater, and the city of Modesto, Stanislaus, Madera, Merced, and Fresno Counties.

**AUTHORIZED USE:**

Continued use and maintenance of an existing 8-inch diameter steel black iron pipe casing containing six 2-inch diameter high density polyethylene conduit ducts with fiber-optic cable within four of the six ducts.

**LEASE TERM:**

25 years, beginning February 1, 1998.

**CONSIDERATION:**

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease, and recommends that rent be revised from \$767 per year to \$2,700 per year, effective February 1, 2015.

**OTHER PERTINENT INFORMATION:**

1. On February 27, 1998, the Commission authorized a General Lease – Right-of-Way Use to GST Telecom California, Inc. (GST), for the directional boring, placement and maintenance of an 8-inch diameter steel black iron pipe casing containing six 2-inch diameter high density polyethylene conduits, one of which is used for a fiber optic cable.

CALENDAR ITEM NO. **C41** (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 (2) fiber optic cables with one (1) fiber optic cable to be used by GST and one (1) fiber optic cable 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 (2) additional fiber optic cables into the existing conduit.
4. On January 10, 2001, GST filed bankruptcy and Time Warner Telecom of California, L.P. purchased all assets and assumed the lease.
5. Six (6) conduit ducts are authorized under the subject lease, which contain a total number of four (4) fiber optic cables as follows: two (2) fiber optic cables are used by Williams, one (1) fiber optic cable is used by Time Warner, and one (1) fiber optic cable is used by 360 networks.
6. The staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

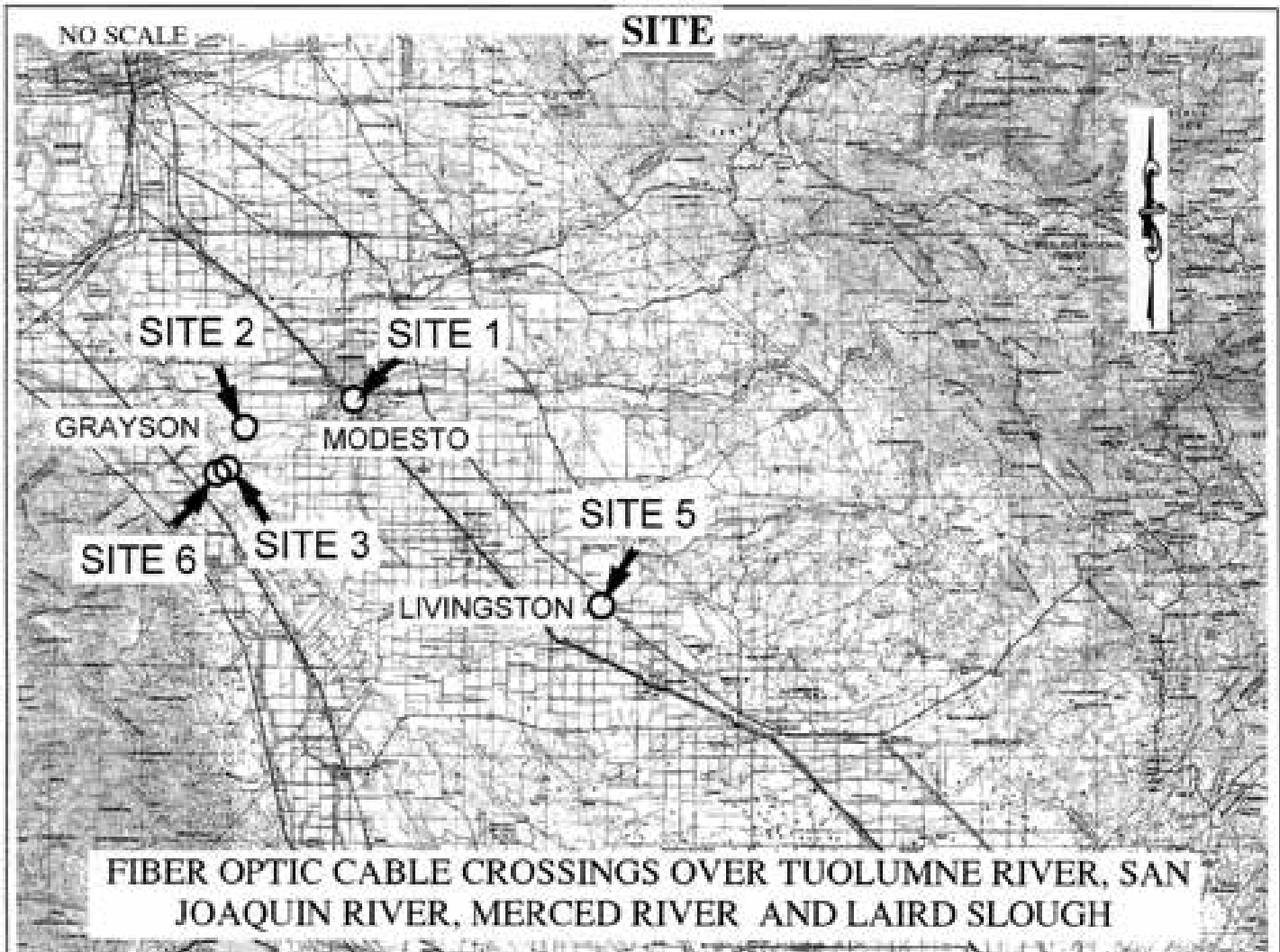
Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined

CALENDAR ITEM NO. **C41** (CONT'D)

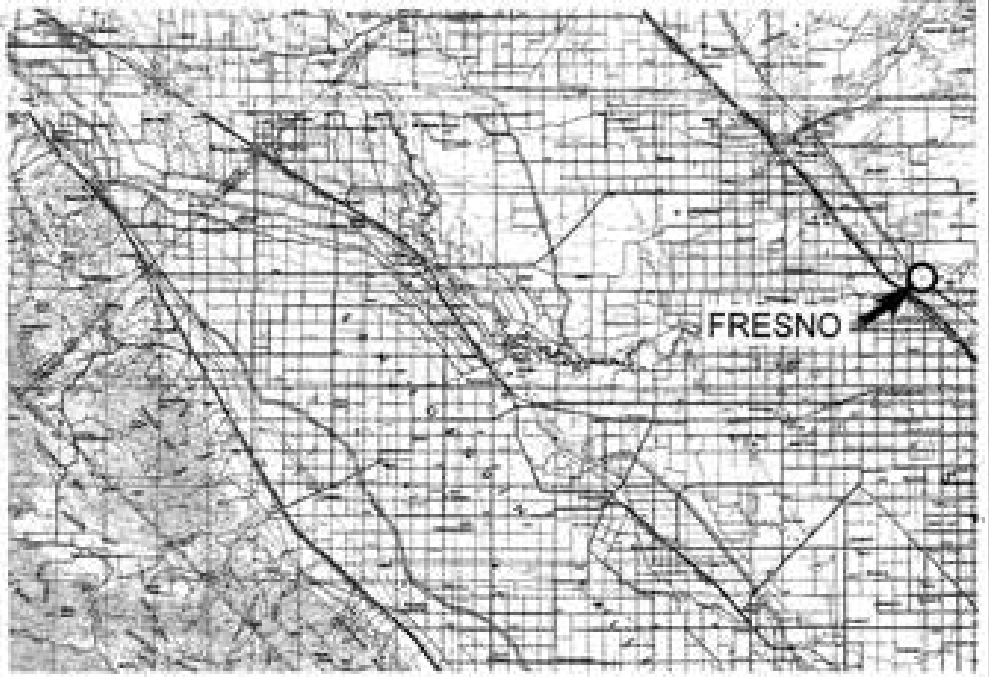
by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**AUTHORIZATION:**

Approve the revision of rent for Lease No. PRC 8014.1 from \$767 per year to \$2,700 per year, effective February 1, 2015.



**Exhibit A**  
 PRC 8014.1  
 TIME WARNER TELECOM  
 OF CALIFORNIA, L.P.  
 GENERAL LEASE -  
 RIGHT-OF-WAY USE  
 STANISLAUS, MERCED,  
 MADERA, FRESNO  
 COUNTIES



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 QUAD