

1 01 NCAC 06F .0101 is adopted as published in 33:19 NCR 1922 as follows:

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3 **SUBCHAPTER 6F – TELECOMMUNICATIONS FACILITIES FOR BROADBAND PROVIDERS**

4 **01 NCAC 06F .0101 DEFINITIONS**

5 For the purposes of this Chapter, the following definitions apply:

6 (1) “Agency” means the body to which State owned or leased property is allocated.

7 (2) “DIT” means the NC Department of Information Technology.

8 (3) “WISP” means Wireless Internet Service Provider.

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10 History Note: Authority G.S.146-29.1; 146-29.2; 146-30; S.L. 2018-5, s. 37.1(a)-(i);

11 Eff. August 1, 2019

12

1 01 NCAC 06F .0102 is adopted as published in 33:19 NCR 1922 as follows:

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3 **01 NCAC 06F .0102 APPLICATION**

4 Upon referral from the DIT, an Agency requesting the construction and placement of broadband equipment on state
5 property shall submit to the Division of State Property a completed PO-2, Disposition of Real Property form, as set
6 forth in 01 NCAC 06B .0300 of these Rules, and BB-2, WISP Application form, that shall include the following
7 information:

8 (1) description of the state property;

9 (2) information pertaining to the lessee; and

10 (3) equipment to be used and scope of work.

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12 *History Note: Authority G.S.146-29.1; 146-29.2; 146-30; S.L. 2018-5, s. 37.1(a)-(i);*

13 *Eff. August 1, 2019;*

1 01 NCAC 06F .0103 is adopted as published in 33:19 NCR 1922 as follows:

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3 **01 NCAC 06F .0103 PROCEDURES**

4 (a) The Division of State Property shall evaluate the information provided on the application and determine fair
5 market value of the lease pursuant to G.S. 146-29.1.

6 (b) The Division of State Property shall generate the lease, license, or easement and provide it to the Agency for
7 review and distribution to the broadband provider.

8 (c) Prior to the construction or placement of broadband equipment, the broadband provider and the Division of State
9 Property shall execute duplicate original agreements.

10 (d) The Agency shall ensure all equipment is installed in accordance with the terms set out in the lease, license or
11 easement.

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13 History Note: Authority G.S.146-29.1; 146-29.2; 146-30; S.L. 2018-5, s. 37.1(a)-(i);

14 Eff. August 1, 2019

1 01 NCAC 06F .0104 is adopted as published in 33:19 NCR 1923 as follows:

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3 **01 NCAC 06F .0104 TERMS AND CONDITIONS**

4 The following terms and conditions shall apply to the location and installation of equipment by a broadband provider
5 on state owned or leased property:

6 (1) All lease and license agreements shall be a five year term with two optional five year renewal
7 periods.

8 (2) All lease and license agreements shall include an access agreement and a non-exclusive utility
9 easement.

10 (3) The fair market value of the state-owned or leased property is subject to an annual rate adjustment
11 as set forth in the lease.

12 (4) Rent shall be paid annually on the anniversary of the executed lease.

13 (5) An Agency may require an escrow fund as part of the broadband provider's lease or license
14 agreement.

15 (6) Site specific protocols as set out in the lease and license agreement for construction and maintenance
16 procedures shall be adhered to by the Applicant during installation and during any maintenance.

17 (7) Upgrades or changes to equipment shall be reviewed by the Division of State Property for
18 compliance with the existing lease prior to any changes to equipment.

19 (8) The Agency shall not supply space in any existing equipment buildings, nor electricity.

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21 History Note: Authority G.S.146-29.1; 146-29.2; 146-30; S.L. 2018-5, s. 37.1(a)-(i);

22 Eff. August 1, 2019

1 01 NCAC 06F .0105 is adopted as published in 33:19 NCR 1923 as follows:

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3 **01 NCAC 06F .0105 TERMINATION**

4 Upon termination of the agreement, at the Agency's request, the broadband provider shall remove equipment and
5 cabling from the tower, ice-bridge, and within fenced property. The Agency shall then inspect the property to ensure
6 compliance with this Paragraph. Upon a finding by the Agency that all equipment and cabling is removed, and the
7 property has been returned to pre-leased conditions, the escrow funds shall be returned to the broadband provider
8 within 60 days.

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10 History Note: Authority G.S.146-29.1; 146-29.2; 146-30; S.L. 2018-5, s. 37.1(a)-(i);

11 Eff. August 1, 2019;

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1 01 NCAC 09 .0501 - .0502 are repealed as published in 33:20 NCR 2032 as follows:

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SECTION .0500 - STATE CLEARINGHOUSE

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5 **01 NCAC 09 .0501** **FUNCTION**

6 **01 NCAC 09 .0502** **APPLICANT REVIEW**

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8 *History Note: Authority G.S. 113A; 143-341; Federal Executive Order 12372;*

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Eff. December 1, 1983.

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Repealed Eff. August 1, 2019.

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