

LEGISLATIVE DIGEST

[Agreements - Access to Fiber-Optic Facilities - Bay Bridge Consortium and Pacific Bell]

Ordinance approving two agreements to enable the City to obtain access to fiber-optic facilities owned by Pacific Bell located on the San Francisco-Oakland Bay Bridge: an agreement between the City and the Bay Bridge Consortium for a term potentially in excess of ten years, and an agreement between the City and Pacific Bell for a term potentially in excess of ten years; and, with respect to both agreements, waiving the requirements of Administrative Code, Section 21.9, prohibiting automatic renewal provision in contracts.

Existing Law

Not applicable.

Amendments to Current Law

The ordinance approves the City and County of San Francisco (“City”) entering into an agreement with the Bay Bridge Consortium (“Consortium”) and a separate but related agreement with Pacific Bell. The purpose of both agreements is to enable the City to obtain access to certain fiber-optic facilities that Pacific Bell owns on the San Francisco Bay Bridge at a low cost.

Background Information

The State of California Department of Transportation (“Caltrans”) authorized Pacific Bell to install fiber-optic facilities on the San Francisco Bay Bridge. As a condition of this authorization, Caltrans required Pacific Bell to offer access to those fiber-optic facilities to other telecommunications carriers.

The Consortium was formed by certain telecommunications providers (known as “Joint Users”) for the purpose of entering into an agreement with Pacific Bell so that the Joint Users may access Pacific Bell’s fiber-optic facilities.

The Joint Users also entered into a Bay Bridge Consortium Agreement (the “Consortium Agreement”), which describes the terms and conditions of the Joint Users participation in the Consortium and under which Joint Users would share the Consortium’s responsibilities and obligations under the Pacific Bell Agreement.

The Consortium recently offered the City the opportunity to access these fiber-optic facilities. As a Joint User, the City will be permitted to access Pacific Bell’s fiber-optic facilities crossing the Bay Bridge at a minimal cost. In order to access the fiber-optic facilities, the City must execute both of these agreements.

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The Department of Technology has determined that access to these fiber-optic facilities would benefit City departments by providing low cost access to fiber-optic resources. The Department paid the \$5000 cost to join the Consortium in 2013. Ongoing costs will be based on the facilities actually used by the City; these costs will be paid out of the Department's annual budget, but are estimated to be no greater than \$50,000 per year.