



# **STRUCTURE ACCESS GUIDELINES**

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This document is referenced by the AT&T Stand-Alone 21-State Structure Access Agreement and the AT&T Interconnection Agreement Attachment 03 – Structure Access (“Agreements”) and augments those Agreements with respect to poles, ducts, conduit, and rights-of-way (“Structure”) which are owned or controlled by AT&T Inc. owned Incumbent Local Exchange Carrier (ILEC) Operating Companies hereafter referred to as AT&T.

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## 1. APPLICABILITY OF GUIDELINES

### 1.1 General

These guidelines apply to all parties, including AT&T affiliates, who attach to AT&T-owned Structure.

### 1.2 Limitation

In the event of any conflict between the provisions of these guidelines and any applicable federal or state rules, regulations, and tariffs or provisions of any legally executed interconnection, license or other agreement between AT&T and any party, the provisions of the applicable rules, regulations, tariffs, or agreement shall apply.

## 2. DEFINITIONS

2.1 **Attaching Party** - party authorized by AT&T to attach facilities to Structure

2.2 **Conduit** - tubes or structures, usually underground or on bridges, which contain one or more Ducts and/or innerducts used to enclose cables, wires, and associated transmission equipment

2.3 **Duct** - a single enclosed tube, pipe, or channel for enclosing and carrying cables, wires, and other equipment; includes "innerducts" created by subdividing a Duct into smaller channels but does not include cables and other telecommunications equipment located within such Ducts

2.4 **Make-Ready Survey** - an engineering review of a submitted application including, but not limited to, field review, records review, and validation against the standards identified in the applicable agreement to access Structure

2.5 **Make-Ready Work** - all work performed, or to be performed, to prepare Structure and any existing related facilities for the requested occupancy or attachment of Attaching Party's facilities

2.6 **Poles** - refers only to poles and does not include cables and other telecommunications equipment attached to a pole

2.7 **Rights-of-Way** - the right to use the land or other property of another party to place poles, conduits, cables, other structures and equipment, or to provide passage to access such structures and equipment; rights-of-way may run under, on, or above public or private property (including air space above public or private property) and may include the right to use defined space in buildings, building complexes or other locations

2.8 **Structure** - refers collectively to the Poles, Ducts, Conduit, and Rights-of-Way that are owned or controlled by an AT&T ILEC

## 3. REGIONAL STRUCTURE ACCESS MANAGERS

AT&T has established primary points of contact, Regional Structure Access Managers, based on geographic areas where an Attaching Party intends to or has made attachments to Structure. The Regional Structure Access offices, as well as contact information, are identified on the AT&T CLEC Online web site at <https://clec.att.com/clec/hb/shell.cfm?section=2921&hb=185>. A Regional Structure Access Manager will administer access to Structure by:

3.1 Answering Attaching Party questions

3.2 Processing and coordinating information access requests

3.3 Processing Structure Access applications, including coordination of the Make-Ready Survey and any applicable Make-Ready Work

3.4 Issuing occupancy permits

3.5 Coordinating post-construction inspections

3.6 Contacting Attaching Party regarding upcoming attachment inventories

#### **4. GENERAL POLICIES**

##### **4.1 Priority Queue**

4.1.1 The priority for parties with competing applications for access to existing capacity in or on the same Structure will be determined by the actual time that a complete Structure Access application was received by the AT&T Regional Structure Access Managers. The requirements for a complete Structure Access application are outlined in Section 6.2 of these guidelines.

4.1.2 Changes to Structure Access applications may be deemed a new request and result in a new date being established for the priority queue.

##### **4.2 No Available Capacity**

4.2.1. If, after taking reasonable steps, AT&T cannot accommodate the Attaching Party's request, the AT&T Regional Structure Access office will provide a detailed, written response. The response will outline the reasons why the request cannot be accommodated.

4.2.2. If additional information is discovered while performing Make-Ready Work that prohibits AT&T from accommodating the Attaching Party's request, the AT&T Regional Structure Access office will provide a detailed, written response, within five (5) business days of discovery, outlining the reasons why the request can no longer be accommodated.

4.2.3. If an Attaching Party's request cannot be accommodated for any reason, AT&T will meet with the Attaching Party, at Attaching Party's request and expense, to explore reasonable alternatives to accommodate the proposed attachment.

##### **4.3 Capacity Reservation**

No party, including AT&T, will be allowed to reserve space in or on Structure for future needs. However, existing space shall be assigned as the result of projects initiated by AT&T and complete applications received by Regional Structure Access Managers. In such instances, the requester shall occupy assigned space within twelve (12) months of an approved project (AT&T) or issued occupancy permit (Attaching Party) in every ILEC state except California, where the requirement is nine (9) months.

##### **4.4 Location of Attachments**

AT&T will select or approve the location for all attachments on Poles, in Ducts and Conduit, and in Rights-of-Way. The selection will be based on the then-current versions of the standards referenced in the applicable Structure Access agreement.

##### **4.5 Franchises, Permits and Consents**

Attaching Party shall secure any necessary franchises, permits or consents from federal, state, county or municipal authorities and from the owners of private property, to construct and operate its attachments at the location of the Structure it uses.

#### **5. REQUIRED DOCUMENTATION FOR GAINING ACCESS TO STRUCTURE**

Prior to requesting access to Structure, the following documentation must be on file with AT&T:

- Active Structure Access agreement
- Active Certificate of Insurance (COI) meeting the minimum requirements as set forth in the agreement
- Billing account for Structure Access
- Letter of Authorization (LOA)

## 6. PROCESS FOR GAINING ACCESS TO STRUCTURE

Following are the major process steps that an Attaching Party should follow in order to gain access to Structure. However, following this process does not guarantee that AT&T will be able to accommodate the Attaching Party's request.

- Information Access
- Structure Access Request (“Application”)
- Make-Ready Survey
- Occupancy Permit
- Make-Ready Work
- Construction of Attaching Party facilities

### 6.1 Information Access

In order to determine where Structure exists and what might be available for use, an Attaching Party may request access to AT&T’s redacted Structure records.

#### 6.1.1 Limitations:

- 6.1.1.1 In all instances the information made available will be that which is currently on the records. AT&T will not create additional information or gather information not currently on the records.
- 6.1.1.2 In the event the records do not exist, Attaching Party may request that AT&T perform a field visit, at Attaching Party’s expense, to obtain and provide field information to Attaching Party. Alternatively, Attaching Party may perform the field research itself but is required to observe all applicable requirements, including those identified in its Structure Access agreement with AT&T.
- 6.1.1.3 Proprietary information will not be made available for review by Attaching Party.
- 6.1.1.4 The apparent availability of Structure on records does not guarantee the actual availability or structural integrity of any Structure. Upon request by, and at the expense of, Attaching Party, AT&T will meet with Attaching Party to clarify matters relating to maps, records or other record information.
- 6.1.1.5 A signed non-disclosure agreement must be on file if the applicable Structure Access agreement does not include an adequate confidentiality provision, as determined by AT&T Legal, before AT&T will make any Structure records available to Attaching Party.

#### 6.1.2 Information Access Process

An Attaching Party may request access to Structure records in one of two ways. Contact AT&T Regional Structure Access office to:

##### 6.1.2.1 Request to view Structure records

- Attaching Party must give at least forty-eight (48) hours advance notice.
- Record inspections require supervision and are restricted to specific work areas.
- Inspections are restricted to Monday through Friday, 9am to 4pm local time.
- For security reasons, not all areas can accommodate this type of request.

##### 6.1.2.2 Request to have AT&T perform a records check

- AT&T may perform the records check and inform Attaching Party of the results at Attaching Party’s expense.
- Attaching Party will clearly identify the route including beginning and ending points.
- AT&T cannot accommodate request where the proposed path is not clearly identified.

## 6.2 Structure Access Request

- 6.2.1 To officially request access to Structure, Attaching Party will submit an Application to the AT&T Regional Structure Access office. Current and acceptable forms shall be available on the AT&T CLEC Online web site at <https://clec.att.com/clec/hb/shell.cfm?section=2900&hb=185>.
- 6.2.2 Applications must be complete, as outlined in the Structure Access Application Process available on the AT&T CLEC Online web site at <https://clec.att.com/clec/hb/shell.cfm?section=2900&hb=185>.
- 6.2.3 A sketch identifying the entire area involved must be submitted with the Structure Access request. The sketch must clearly identify:
  - 6.2.3.1 State, municipality and street names
  - 6.2.3.2 Attaching Party's proposed placement path
  - 6.2.3.3 Identify type of structure being requested (poles, conduit or right-of-way)
  - 6.2.3.4 Identify type, size and quantities of equipment proposed
  - 6.2.3.5 Identify locations of splices, cable loops & coils, and ancillary equipment
  - 6.2.3.6 Identify manhole locations, manhole numbers, and/or pole tag identification (if pole tag number is not available the closest physical address will be required. i.e. Rear 1314 Elm Street)
  - 6.2.3.7 Attaching Party point of contact information

## 6.3 Make-Ready Survey

A Make-Ready Survey detailing the work that will be necessary to accommodate Attaching Party's facilities must be conducted before AT&T can respond to the request for access. The Make-Ready Survey may be performed by AT&T at Attaching Party's expense, or Attaching Party may, subject to AT&T approval, the applicable Agreement and any applicable labor agreements, independently hire and pay a contractor on AT&T's Authorized Contractor list, available at the AT&T CLEC Online web site at <https://clec.att.com/clec/hb/shell.cfm?section=2900&hb=185> to perform the survey.

- 6.3.1 Make-Ready Survey Performed by AT&T
  - 6.3.1.1 Attaching Party is encouraged to accompany AT&T during the Make- Ready Survey in order to help clarify the results.
  - 6.3.1.2 If Attaching Party requests to accompany AT&T during the Make-Ready Survey, AT&T will notify Attaching Party within 48 hours of the survey.
- 6.3.2 Make-Ready Survey Performed by Authorized Contractor on Attaching Party's Behalf
  - 6.3.2.1 Attaching Party must notify AT&T of its desire to hire an Authorized Contractor to perform Make-Ready Survey.
  - 6.3.2.2 Attaching Party shall notify AT&T within 48 hours prior to the start of the survey (regardless of AT&T participation or not).
  - 6.3.2.3 All applicable standards and conditions, including those specified in the Structure Access Agreement executed with AT&T must be followed.
  - 6.3.2.4 AT&T may verify the results of the Make-Ready Survey and, if necessary, make changes and/or additions to the survey.
  - 6.3.2.5 AT&T will require Attaching Party to provide pole loading information as part of the Make-Ready Survey in order to ensure the timelines are met. Failure to do so may result in rendering the request incomplete, thereby losing position in the queue.
- 6.3.3 Make-Ready Estimate

The Estimate shall be provided in accordance with the applicable Agreement and must be accepted, in writing, by Attaching Party prior to the commencement of any Make- Ready Work.

## 6.4 Occupancy Permit

- 6.4.1 After receiving the accepted Make-Ready Estimate and associated payment , the AT&T Regional Structure Access office will issue an Occupancy Permit to the requesting Attaching Party.
- 6.4.2 Structure rental rates will apply from the date the Occupancy Permit is issued and until written notice of termination of use.

6.5 Make-Ready Work

- 6.5.1 For ducts and conduits, includes but is not limited to: verifying the integrity of the AT&T conduit/inner duct (rodding), making inner duct assignments, tagging inner duct, core boring manhole walls, placing inner duct couplers, repairing or clearing broken or blocked conduit, placing inner duct, constructing additional conduit, rebuilding or replacing manholes
- 6.5.2 For poles, includes but is not limited to: raise or lower attachments, place brackets, place anchors and guys, replace poles
- 6.5.3 Completion of Make-Ready Work
  - 6.5.3.1 If performed by AT&T, Make-Ready Work to accommodate Attaching Party's facilities shall be included in the normal work load schedule of AT&T with construction responsibilities in the geographic areas where the relevant poles or conduit systems are located and shall not be entitled to priority, advancement, or preference over other work to be performed by AT&T in the ordinary course of AT&T's business.
  - 6.5.3.2 Make-Ready Work shall be performed in accordance with the terms and conditions specified in the applicable Agreement.
  - 6.5.3.3 AT&T will not be responsible for Make-Ready Work delays caused by the Attaching Party, other owners, and/or occupants, or any other circumstance beyond the control of AT&T.

6.6 Construction of Attaching Party's Attachment

Attaching Party, upon receiving an Occupancy Permit and the completion of all make-ready construction work identified by AT&T, or the pole owner, if not AT&T, shall construct its facilities in accordance with the terms and conditions of the applicable Agreement.

**7. CHANGES TO GUIDELINES**

AT&T reserves the right to change and update these Guidelines for Access to AT&T Structure.

**8. NOTICES**

- 8.1 Any notice to be given to either party under the Agreement shall be sent by
  - 8.1.1 certified mail, return receipt requested
  - 8.1.2 overnight mail
  - 8.1.3 facsimile with a confirmation, followed by an original sent by regular U.S. mail or overnight mail
  - 8.1.4 or other methods mutually agreed upon
- 8.2 Notices to AT&T shall be sent to the appropriate AT&T Regional Structure Access office.
- 8.3 Any change of address, either by AT&T or the Attaching Party, shall be handled in the above-prescribed manner.