

## Chapter 38. UTILITIES\*

### ARTICLE V. TELECOMMUNICATIONS SERVICE

#### **Sec. 38-231. Dark Fiber Leases; Schedule 1.**

(a) *Availability.* Service under this rate schedule is available only at the delivery point of the qualifying retail customer served by the city, and not available for resale service to any other customer.

(b) *Applicability.* Service under this rate schedule requires a signed retail service contract between the retail customer and the city as the sole provider of dark fiber optic cable service to the customer for the term of the contract. Service under this rate schedule may be terminated and transferred to the applicable rate schedule if the character of service does not meet the criteria herein or for other purposes as delineated by written contract.

(c) *Type of Service.* Point to point dark fiber optic cable.

(d) *Installation Fees.* The rate schedule applicable to this service is a one-time installation fee for the access line that may vary from customer to customer depending upon service location (i.e. mileage, materials, labor).

(e) *Monthly Rate.* A monthly rate shall be set from time to time by the City Manager, with concurrence of the Audit and Finance Committee of the city.

(f) *Term of Contract.* The term of contract shall be a minimum of ten years and will automatically renew on a year to year basis, thereafter until terminated by at least a 30-day notice by either party as permitted by law.

(g) *Written Agreement.* The customer shall be required to enter into a written agreement with the city to subscribe to the dark fiber lease rate.

(Ord. No. 2047, §1, 7-12-99; Ord. No. 2117, §2, 7-7-03)

**Note** – Formerly §38-160.

#### **Sec. 38-232. Broadband (CATV and High-Speed Internet) Service, Schedule 1.**

(a) *Availability.* Service is available only at the delivery point of the qualifying retail customer served by the city, and not available for resale service to any other customer.

(b) *Applicability.* Service is available to all customers that currently live in the fiber optic broadband service area.

(c) *Delinquency.* The broadband service of any customer not paying his bill within 20 days from the billing date shall be subject to be discontinued. After service has been discontinued, it shall remain so until the entire account has been paid in full, together with a service charge to be set from time to time by the City Manager.

(d) *Type of Service.* Point to point hybrid fiber optic coaxial cable system.

(e) *Installation Fees.* The rate schedule applicable to this service is a one time installation fee for the access line that may vary from customer to customer depending upon service location (i.e. mileage, materials, labor).

(f) *Monthly Rate.* A monthly rate shall be set from time to time by the City Manager with concurrence of the Audit and Finance Committee of the city.

(g) *Billing.* Service will be billed on a monthly basis. It may be added to the customers existing utility billing or on a separate billing (at the request of the customer).

(h) *Payment.* Payment may be made by cash, check, credit card, or automatic draft. (Ord. No. 2095, §1, 11-5-01; Ord. No. 2117, §2, 7-7-03)

**Note** – Formerly §38-161.

**Sec. 38-233. Dial-up Internet Service, Schedule 2.**

(a) *Availability.* Service is available only at the delivery point of the qualifying retail customer served by the city and not available for resale service to any other customers.

(b) *Applicability.* Service is available to all customers located in the local calling area.

(c) *Delinquency.* Any customer not paying his bill within 20 days from the billing date shall be subject to be discontinued. After service has been discontinued, it shall remain so until the entire account has been paid in full together with a service charge to be set from time to time by the City Manager.

(d) *Type of Service.* Through the telephone lines.

(e) *Installation Fees.* The rate schedule applicable to this service is a one time installation fee for the access line that may vary from customer to customer depending upon service location (i.e. mileage, materials, labor).

(f) *Monthly Rate.* A monthly rate shall be set from time to time by the City Manager with concurrence of the Audit and Finance Committee of the city.

(g) *Billing.* Service will be billed on a monthly basis. It may be added to the customer's existing utility billing or on a separate billing (at the request of the customer).

(h) *Payment.* Payment may be made by cash, check, credit card or automatic draft. (Ord. No. 2095, §1, 11-5-01; Ord. No. 2117, §2, 7-7-03)

**Note** – Formerly §38-162.