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CITY CLERK'S OFFICE  
SOMERVILLE, MA

CITY OF SOMERVILLE, MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

JOSEPH A. CURTATONE  
MAYOR

STAN KOTY  
*Commissioner*

RICK WILLETTE  
*Director of Operations*

October 10, 2013

The Honorable Board of Alderman  
City Hall  
93 Highland Avenue  
Somerville, MA 02143

RE: Grant of Location  
BayRing Communications  
Various Locations  
(Overhead Wires)

Dear Board Members:

Preliminary approval is recommended for the petition and plan of BayRing Communications for access to the right of way along utility poles on Curtis Street, Ware Street, Russell Road, Hamilton Road and Barton Street for the purpose of attaching telecommunications cable.

This recommendation is made with reference to BayRing Communications request dated September 24<sup>th</sup>, 2013 upon stipulation that the Grant of Location is subject to: a reservation of rescission by the Board of Aldermen; indemnification of the City for all liability arising from said Grant; all permit procedures, conditions and approvals of municipal utilities; protection of existing infrastructure; and complete surface repair, restoration and maintenance.

Listed below are conditions outlined in a letter from Kerbey Harrington LLP (also attached and included as part of this request):

1. Subject to approval of Grants-of-Locations by the Somerville Board of Aldermen BayRing will have the approval to place fiber optic cable in the City of Somerville only as shown on the attached route map.
2. BayRing will not require the creation of any double pole situations along the proposed aerial route.
3. Bay Ring will donate 10 LED lights on street lights along the proposed aerial route and will install the LED lights at its sole cost and expense.
4. BayRing will not alter the existing location of street lights along the proposed route. If field conditions require some adjustment of street light heights, BayRing will first seek approval from the appropriate Somerville DPW staff for such a relocation/adjustment.

1 Franey Road Somerville, Massachusetts 02145

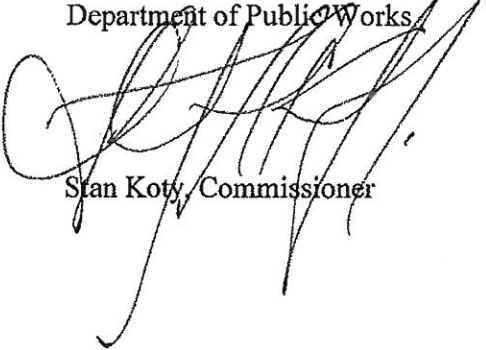
(617) 625-6600 Ext 5100 TTY (866) 808-4851 Fax (617) 623-7649

[www.somervillema.gov](http://www.somervillema.gov)

5. Within 14 days of installing fiber cable along the proposed route BayRing will commence a conduit study with Verizon to confirm there is existing Verizon underground conduit that can be used to move the proposed aerial fiber optic cable underground in whole or in part. Upon obtaining the results of the conduit study BayRing will report the results to the Somerville DPW. If conduit is available along the proposed route BayRing will remove the aerial facilities and place the fiber optic cable in the underground conduit system in whole or in part. If BayRing moves the fiber optic cable to underground conduit it will file all required time, place and manner permits with the City of Somerville DPW.
6. If BayRing violates any part of this agreement, BayRing agrees that it shall remove the aerial facilities covered by this Agreement.

This work is necessary to connect BayRing Communications fiber network to a customer on InnerBelt Road.

Respectfully requested,  
Department of Public Works



Stan Koty, Commissioner



## Kerbey Harrington LLP

October 9, 2013

Commissioner Stanley Koty  
Department of Public Works  
1 Franey Road  
Somerville, Ma 02145

Dear Commissioner Koty,

As indicated in our meeting with you and your staff on September 23, 2013 our firm represents Freedom Ring Communications LLC dba BayRing Communications ("BayRing").

In follow up to our meeting, I have met with our client contact Mr. Ben Thayer to review the proposed aerial build in Somerville. Please note that the purpose of the placement of fiber optic cable in the Somerville Right-of-Way is to provide service to the Core Site Data Center located on Innerbelt Road in Somerville. BayRing and its customers chose the Somerville Core Site data center over competing data centers in Boston and Cambridge. Part of the decision to locate at Core Site was the existence of existing underground telecommunications facilities in Somerville. These existing facilities minimized the impact on the Public Right-of-Way in Somerville. The proposed approximately ½ mile aerial placement will be interconnected to those 3.2 miles of existing underground conduit in Somerville. The proposed route will not require any street construction. Based on our meeting and my follow up conversation with Mr. Thayer, BayRing and the City of Somerville have agreed to the following terms relative to the placement of a fiber optic cable in the City of Somerville:

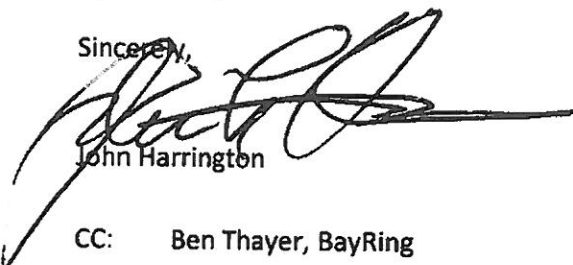
- Subject to approval of Grants-of-Locations by the Somerville Board of Aldermen BayRing will have the approval to place fiber optic cable in the City of Somerville only as shown on the attached route map.
- BayRing will not require the creation of any double pole situations along the proposed aerial route.
- Bay Ring will donate 10 LED lights on street lights along the proposed aerial route and will install the LED lights at its sole cost and expense.
- BayRing will not alter the existing location of street lights along the proposed route. If field conditions require some adjustment of street light heights, BayRing will first seek approval from the appropriate Somerville DPW staff for such a relocation/adjustment.
- Within 14 days of installing fiber cable along the proposed route BayRing will commence a conduit study with Verizon to confirm there is existing Verizon underground conduit that can be

used to move the proposed aerial fiber optic cable underground in whole or in part. Upon obtaining the results of the conduit study BayRing will report the results to the Somerville DPW. If conduit is available along the proposed route BayRing will remove the aerial facilities and place the fiber optic cable in the underground conduit system in whole or in part. If BayRing moves the fiber optic cable to underground conduit it will file all required time, place and manner permits with the City of Somerville DPW.

- If BayRing violates any part of this agreement, BayRing agrees that it shall remove the aerial facilities covered by this Agreement.

Please accept this correspondence as an agreement between the City of Somerville Department of Public Works and BayRing as to the work noted above. BayRing will perform all work in a professional manner and coordinate directly with Somerville DPW staff to ensure minimal disruptions to the public-right-of-way.

Sincerely,



John Harrington

CC: Ben Thayer, BayRing

# BayRing

COMMUNICATIONS

2013 SEP 25 12:03

CITY CLERK'S OFFICE  
SOMERVILLE, MA

To: City Clerk  
City of Somerville  
93 Highland Avenue  
Somerville, MA 02143.

From: Freedom Ring Communications LLC  
d/b/a BayRing Communications  
359 Corporate Drive  
Portsmouth, NH 03801

Re: Petition for Grant of Location.

BayRing Communications hereby petitions the City of Somerville to provide a Grant of Location to BayRing for access to the right of way along utility poles on Curtis Street, Ware St., Russell St., Holland St., and Barton St. for the purpose of attaching telecommunication cable. The proposed path in Somerville is designed to minimize placement of aerial cable by connecting to the existing conduit system at the nearest entry point available on Broadway at Barton Street which allows connection (via underground conduit) to a colocation facility on Inner Belt Road in Somerville owned by Coresite.

Sincerely,



Donny Pelletier  
Outside Plant Manager  
BayRing Communications

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359 Corporate Drive, Portsmouth, NH 03801-6808

(603) 766-1000 - Fax (603) 766-1050

STEVE

1016

**PETITION FOR TEMPORARY GRANT OF LOCATION (MGL C166 S22G) FOR  
WIRES, CABLES, POLES, PIERS, ABUTMENTS, CONDUITS OR FIXTURES**

**City of Somerville, Massachusetts**  
**In Board of Aldermen**

**Date: October 2, 2013**

RESPECTFULLY REPRESENTS Freedom Ring Communications LLC, d/b/a BayRing Communications (hereinafter known as the PETITIONER), that it desires to construct upon, along, under or across the public way(s) of the City of Somerville, wires, cables, poles, piers, abutments, conduits or fixtures.

WHEREFORE, the PETITIONER pursuant to M.G.L. c. 166 §22G, prays that, the Board of Aldermen may by Order grant to the PETITIONER permission to construct, in accordance with plan(s) dated October 2, 2013, the following (describe work):

*INSERT DESCRIPTION OF WORK HERE*

*BayRing Communications seeks permission to attach fiber optic cable to poles on Curtis St., Ware St., Russell Rd., Hamilton Rd., and Barton St. to connect to existing fiber optic cable underground on Broadway at Barton St.*

*INSERT EMERGENCY OR UNUSUAL CIRCUMSTANCES NECESSITATING TEMPORARY GRANT OF LOCATION:*

*After several months of consultation with the DPW the Petitioner has agreed to work with the City in their effort to minimize aerial blight and place the needed facilities on a temporary and emergency basis for a period not to exceed six months. During that temporary placement period the Petitioner will seek an alternative existing underground route (in whole or in part). This unusual circumstance along with the time constraints now upon the Petitioner to bring important fiber optic to a Somerville based business warrants the use of MGL Chapter 166 22(g). In addition, the placement of the facilities on a temporary basis provides the City with the protection to ensure the petitioner meets the obligations outlined in the correspondence between the City and the Petitioner attached hereto.*

The PETITIONER understands and agrees that:

1. PETITIONER shall locate and complete all work as specified and approved by the City.
2. PETITIONER shall comply with the requirements of existing ordinances and such as may hereafter be adopted governing the construction.
3. PETITIONER shall perform all work to the requirements and satisfaction of the Department of Public Works or other such officer(s) as may be hereafter appointed by the City.

For the PETITIONER:

Signature:

Name: Stephen Bond

Title: Director of Operations, BayRing Communications

Mailing Address: 359 Corporate Drive, Portsmouth NH 03801

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Telephone: (603) 766-1000

Date: October 2, 2013

**ORDER FOR TEMPORARY GRANT OF LOCATION (MGL C166 S22G) FOR WIRES, CABLES, POLES, PIERS, ABUTMENTS, CONDUITS OR FIXTURES**

**City of Somerville, Massachusetts**  
**In Board of Aldermen**

WHEREAS, Freedom Ring Communications LLC, dba BayRing Communications, (hereinafter known as the PETITIONER) has petitioned for permission to construct upon, along, under or across the public way(s) of the City of Somerville, the following (describe work):

BayRing Communications seeks permission to attach fiber optic cable to poles on Curtis St., Ware St., Russell Rd., Hamilton Rd., and Barton St., to connect to existing fiber optic cable underground on Broadway at Barton St.

AND WHEREAS, THERE IS AN EMERGENCY OR UNUSUAL CIRCUMSTANCE NECESSITATING A TEMPORARY GRANT OF LOCATION; NOW THEREFORE BE IT

ORDERED that the PETITIONER be and hereby is granted permission by the Board of Aldermen to complete the construction described above, all in accordance with the following conditions:

1. PETITIONER shall locate and complete all work as shown by plan(s) dated October 2, 2013, and as may have been amended by the City.
2. PETITIONER shall comply with the requirements of existing ordinances and such as may hereafter be adopted governing the construction.
3. PETITIONER shall perform all work to the requirements and satisfaction of the Department of Public Works or other such officer(s) as may be hereafter appointed by the City.

OTHER CONDITIONS:

4. BayRing will have approval to place fiber optic cable only as shown on the attached route map.
5. BayRing will not require the creation of any double pole situations along the proposed aerial route.
6. Bay Ring will donate 10 LED lights on street lights along the proposed aerial route and will install the LED lights at its sole cost and expense.
7. BayRing will not alter the existing location of street lights along the proposed route. If field conditions require some adjustment of street light heights, BayRing will first seek approval from the appropriate DPW staff for such a relocation/adjustment.
8. Within 14 days of installing fiber cable along the proposed route, BayRing will commence a conduit study with Verizon to confirm there is existing Verizon underground conduit that can be used to move the proposed aerial fiber optic cable underground in whole or in part. Upon obtaining the results of the conduit study BayRing will report the results to the DPW. If conduit is available along the proposed route BayRing will remove the aerial facilities and place the fiber optic cable in the underground conduit system in whole or in part. If BayRing moves the fiber optic cable to underground conduit it will file all required time, place and manner permits with the DPW.
9. If BayRing violates any part of this Agreement, BayRing agrees that it shall remove the aerial facilities covered by this Agreement.



Approved by the Board of Aldermen on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

A True Record. Attest: \_\_\_\_\_ Date: \_\_\_\_\_  
City Clerk

**Certificate**

I hereby certify that the foregoing Order was adopted by the Board of Aldermen on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, as prescribed by Section 22G of Chapter 166 of the General Laws and any additions or amendments thereto, and recorded with the records of Temporary Grant of Location Orders of said City, as Docket # \_\_\_\_\_ in Book \_\_\_\_\_, Page \_\_\_\_\_.

Certified. Attest: \_\_\_\_\_ Date: \_\_\_\_\_  
City Clerk

**BayRing Communications**

Proposed Aerial Fiber Path in Somerville, MA. to connect to conduit path to 70 Inner Belt Road.

Date: October 2, 2013



10

West Somerville

Google Earth

Eye alt 2

42°24'26.95" N 71°07'38.43" W elev 55 ft

Date 6/18/2010 1995