



## Legislation Text

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**File #:** 30891, **Version:** 1

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### **Fiscal Note**

In exchange for the provision of additional City conduit space, the City will receive additional fiber/digital communication capacity. In addition, City General Fund revenues may increase as the agreement provides for the payment by WINmetro, LLC to the City of 5% of gross commercial receipts, but the magnitude of such revenues is unknown. WIN is estimating a potential gross revenue stream of \$2.4 million per year. Cost to connect schools and neighborhood centers and complete a proof of concept fiber to the home project are estimated at \$750,000 to \$1,200,000. These are projects that the City would like to do in the future and this contract will eliminate these future costs for the City. The 12 existing neighborhood centers will also be provided with free Internet service for the life of the contract, at an estimated value of \$200 per month, for a total of \$576,000. The 6 projected neighborhood centers would also receive free Internet service at an estimated value of \$200 per month.

### **Title**

Authorizing an Amendment to the Facilities Use and License Agreement between the City and Wisconsin Independent Network (WIN), d/b/a WINmetro, LLC and consenting to the modification of receipts derived from the agreement.

### **Body**

WHEREAS, the City and WIN entered into a Facilities Use and License Agreement on August 15, 2012 (RES-12-00505) under which WIN may install its own fiber in city conduit and in exchange, will install fiber for the city and pay a fee of five (5%) of its gross revenue from commercial services that use WIN fiber installed in City conduit (in addition to other consideration not affected by this Amendment); and

WHEREAS, WIN is one of two commercial members of the MUFN-C consortium, an unincorporated association formed for the purpose of utilizing the Metropolitan Unified Fiber Network funded by a federal grant and now owned by the City, and the terms of the grant require a private/commercial partner who can sell broadband access to the public; and

WHEREAS, the City has a Facilities Use and License Agreement with the MUFN-C consortium which, among other things, establishes a fee for the City's maintenance of the MUFN fiber network; and

WHEREAS, under that agreement, the two commercial members of MUFN-C (WIN and SupraNet) are to pay the City directly for their share of these costs; and

WHEREAS, IT and Traffic Engineering staff negotiated with WIN to increase its payments to five percent (5%) of WIN's gross revenue of commercial services from any fiber in City conduit (both the WIN fibers and city-owned fibers, including MUFN); and

WHEREAS, the City may also amend the WIN agreement to allow WIN access to City Water Towers and Radio Tower for purposes of its operations,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Clerk are authorized to execute an Amendment to the Facilities Use and License Agreement with Wisconsin Independent Network (WIN), d/b/a WINmetro, LLC, for the purposes described above.