

AGENDA # _____

CITY OF MADISON, WISCONSIN

A RESOLUTION authorizing the Mayor and City Clerk to sign Addendum IV to the Franchise Agreement with KMC Telecom to consent to the assignment of the Agreement to Century Tel Acquisitions, LLC

PRESENTED May 3, 2005
REFERRED Board of Estimates

REREFERRED _____

REPORTED BACK May 17, 2005

ADOPTED _____ POF _____

RULES SUSPENDED _____

PUBLIC HEARING _____

Drafted by: Katherine C. Noonan
Date: April 27, 2005
Fiscal Note: None anticipated.

APPROVAL OF FISCAL NOTE IS NEEDED
BY THE COMPTROLLER'S OFFICE
Approved By

Comptroller's Office

RESOLUTION NUMBER _____
ID NUMBER _____

SPONSORS: Mayor Cieslewicz

WHEREAS, in August, 1996, the City of Madison and KMC Telecom, Inc. (now known as KMC Telecom III, LLC) signed a Franchise Agreement for the construction, operation, and maintenance of a telecommunications network; and

WHEREAS, Article VIII of said Agreement requires that in order to transfer or assign ownership or control of KMC Telecom, Inc., the transfer or assignment shall be approved only if the transferee or assignee acknowledges the Ordinance (Chapter 36A, MGO), becomes a signatory to the Agreement, and assumes all obligations and rights under the Agreement; and

WHEREAS, KMC Telecom III, LLC. has requested approval of transfer and assignment of the Agreement to CenturyTel Acquisitions, LLC ("CenturyTel").

WHEREAS, CenturyTel has agreed to the requirements of Article VII of the Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison hereby authorizes the Mayor and City Clerk to sign Addendum IV to the Agreement with KMC Telecom, Inc.