

REGISTRATION INFORMATION & INSTRUCTIONS FOR UTILITIES USE OF THE RIGHTS OF WAY

Any person that owns, operates, or maintains a utility under, on, over, across, or within a public rights-of-way, or that must submit an application for a permit to place, install, locate, relocate, construct, maintain, repair, operate, or remove any utilities under, on, over, across, or within the public rights-of-way shall register with the City under Chapter 23 of the Code of Ordinances. A copy of the City code section may be obtained from the City Clerk's Office or via the City's website, www.cityofgainesville.org.

Registration is only required **once** for each Utility wishing to occupy the rights of way. Once registered, a utility may obtain permits for all subsequent work without repeating the registration process.

NEW APPLICANTS REQUESTING ACCESS TO THE RIGHTS OF WAY

Review the following:

- State Statute Section 337.401
- City Code Chapter 23, Article VI
- Chapter 23-113 Registration

Note: Permits for utilities are issued by the Engineering Department Construction Services Division. No permits will be issued until the registration process is complete.

This registration packet is for both providers who currently have telecommunications facilities or private networks that are in or over the City's rights of way, and for new users wishing to place facilities in a City right of way. Questions regarding the application or the application process should be forwarded to: City of Gainesville Department of Public Works
(352) 334-5070
dg_pw_permits@cityofgainesville.org

Completed applications should be addressed to: City of Gainesville
Department of Public Works
P.O. Box 490, St. 58
Gainesville, FL 32609
dg_pw_permits@cityofgainesville.org

**PROPRIETARY INFORMATION
THE FLORIDA PUBLIC RECORDS LAW**

The requirements of the City of Gainesville with respect to “proprietary” confidential information that you file with the City are governed by Florida Statutes Section 202.195 Proprietary confidential business information; public records exemption.

Florida Statutes

(1) Any proprietary confidential business information obtained...by a local governmental entity... relating to regulating the public rights-of-way is confidential and exempt from the [public records law]..., may be used only for the purposes of imposing such fees or assessing such tax or regulating such rights-of-way, and may not be used for any other purposes, including, but not limited to, commercial or competitive purposes.

(2) For the purposes of this exemption, “proprietary confidential business information” includes any proprietary or otherwise confidential information or documentation, including maps, plans, billing and payment records, trade secrets, or other information relating to the provision of or facilities for communications service that is intended to be and is treated by the company as confidential and is not otherwise publicly available to the same extent and in the same format as requested by the local governmental entity. Proprietary confidential business information does not include schematics indicating the location of facilities for a specific site that are provided in the normal course of the local governmental entity’s permitting process.

(3) Nothing in this exemption expands the information or documentation that a local governmental entity may properly request under applicable law...

(4) Any information in the possession of a local government entity which consists of maps, plans, schematics, diagrams, or other engineering data relating to the exact location and capacity of facilities for the provision of communications services by the local government entity shall be exempt from the [public records law]... Such information shall remain exempt only for a period of 60 days after completion of the construction of the communications services facilities.

Instructions and Recommendations

Consistent with the foregoing and with the requirements of the City otherwise applicable to applications for Certificates of Registration:

1. You will need to file a complete and acceptable application, but you do not need to file more information than is necessary.
2. The information that you consider “proprietary” and confidential should be clearly marked as such when you file it with the City.

Registration Information & Instructions for Utilities Use of the Rights of Way

3. Not all the information you provide will be “proprietary” and confidential. Some information will be open to public inspection. An example is the general information you provide identifying your business (such as your name, contact person, and address).
4. If you identify information as “proprietary” and confidential, the City will exercise reasonable efforts to honor that designation. If anyone who is not authorized to inspect it demands to do so under the Public Records Law of Florida, and if that person sues the City to gain access, we will notify you of the lawsuit and you will be required to appear, defend, and indemnify the City. This kind of litigation always runs the risk that, if the person who sues is successful, attorney’s fees are usually awarded to that person. The City will also incur attorney’s fees and costs in such cases. Taking that risk into consideration, we recommend that you avoid designating information as “proprietary” and confidential unless you are prepared and willing to take an active role in any lawsuits that might arise and pay the costs and fees if you are not successful.

City of Gainesville
Public Works
P.O. Box 490, St. 58
Gainesville, FL 32609



Gainesville.

Citizen centered

People empowered

City of Gainesville
Public Works Department

UTILITIES PROVIDER REGISTRATION FORM

Date Submitted _____

A. GENERAL INFORMATION:

Name of Provider _____

Address of Business Office _____

City _____ State _____ Zip _____

Telephone Number _____ Fax Number _____

E-mail Address _____

Contact Person _____

Telephone Number _____ Fax Number _____

B. Plans and Maps

Plans and maps describing all utilities and associated structures or facilities that are owned or used by the registrant and that are existing in the public rights-of-way at the time of registration, not including any information that has previously been provided to the city. Information shall include the location of such utilities, facilities, or structures with maps and geographical information systems or Global Positioning System (GPS) coordinates, and shall be provided in digitized format showing the two-dimensional location of the facilities based on the city's geographical database data or other format acceptable to the city.

Attach as Exhibit A

C. Certificate

A copy of the registrant's current certificate of authorization, public convenience and necessity, or other applicable certifications or licenses issued by the Florida Public Service Commission, the Florida Department of State, the Federal Communications Commission, or other federal authority.

Attach as Exhibit B

D. INDEMNIFICATION, HOLD-HARMLESS AND INSURANCE REQUIREMENTS

Evidence that the registrant complies with all applicable conditions, including but not limited to the insurance coverage required under this article and all conditions provided in Section 23-114.

Attach as Exhibit C

