SUMMARY STATEMENT

ITEM NO.    SUBJECT: New Cingular Wireless PCS, LLC Long Term License to Use DRPA Property for the Purpose of Installing and Operating Telecommunication Antennas on the WWB

COMMITTEE: Operations & Maintenance

COMMITTEE MEETING DATE: March 17, 2010

BOARD ACTION DATE: April 21, 2010

PROPOSAL: That the Board authorize staff to negotiate a license and other necessary agreements that would permit New Cingular Wireless PCS, LLC (“New Cingular”) to install, operate, and maintain four (4) telecommunication antennas on the Philadelphia side of the Walt Whitman Bridge (“WWB”), and to locate radio equipment on property adjacent to the Philadelphia approach to the WWB.

PURPOSE: The purpose of the proposed license is to permit New Cingular to install, operate, and maintain four (4) telecommunication antennas that would serve the residents of New Jersey and Pennsylvania.

BACKGROUND: On or about July 20, 2009, New Cingular requested access to the WWB for the purpose of installing, operating, and maintaining telecommunication antennas on the WWB and radio equipment adjacent to the Philadelphia approach of the WWB. The installation and operation of the telecommunication antennas will enable New Cingular to enhance its telecommunication services to customers in New Jersey and Pennsylvania. Specifically, New Cingular has requested that the DRPA grant New Cingular a fee based telecommunications license to enter upon the WWB and its properties in Philadelphia to install, operate, and maintain the four (4) telecommunication antennas on the WWB and the radio equipment on property adjacent to the WWB facility. The license will not be exclusive, and, therefore, will not preclude the DRPA from entering into license agreements with other public entities or telecommunication service providers to allow access to the WWB.

New Cingular seeks access to those areas of the WWB premises identified in the plans entitled “Construction Drawings Walt Whitman Bridge Site Number: 10066933 Packer Ave & Christopher Columbus Blvd., Philadelphia, PA (prepared by Velocitel), attached hereto and made a part of this Resolution as Exhibit “A” (referred to hereafter as “Work Plan”).

New Cingular proposes to install, operate and maintain the telecommunication antennas and corresponding radio equipment at its
New Cingular Wireless PCS, LLC Long Term License to Use DRPA Property for the Purpose of Installing and Operating Telecommunication Antennas on the WWB

own cost and expense, and by utilizing its own labor and materials.

As consideration for DRPA's grant of a license to install, operate, and maintain the telecommunication antennas and corresponding radio equipment, New Cingular proposes the following license terms:

1. **License Term:** initial term of 5 years with four (4) five year options and one (1) four year option. The license can be terminated by either party at the end of the initial term and/or the subsequent option periods upon the delivery of 30 days notice prior to the end of that term or option period;

2. **License Fee:** Annual license fee of $27,466.72 to be paid in equal monthly installments of $2,288.89. The annual license fee will be increased by 3% per year starting in year two (2) of the lease.

Engineering and Bridge Operations staff have reviewed the proposal and determined that granting New Cingular access to the areas identified on the Work Plans will not be detrimental to the interests of the DRPA and will not adversely impact the operations of the DRPA. Staff has also evaluated the proposed license fee and the license fee is consistent with the license fee currently charged by local and state governmental entities in both New Jersey and Pennsylvania. The proposed license fee therefore appears to be market rate. Based upon the prevailing market rates, Staff believes the license fee to be reasonable consideration to grant the license to New Cingular.

**SUMMARY:**

<table>
<thead>
<tr>
<th>Amount:</th>
<th>Annual fee of $27,466.72</th>
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<tbody>
<tr>
<td>Source of Funds:</td>
<td>N/A</td>
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<tr>
<td>Capital Project #:</td>
<td>N/A</td>
</tr>
<tr>
<td>Operating Budget:</td>
<td>N/A</td>
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<tr>
<td>Master Plan Status:</td>
<td>N/A</td>
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<td>Other Fund Sources:</td>
<td>N/A</td>
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<tr>
<td>Duration of Contract:</td>
<td>5 years, 4 five year mutual options and 1 four year mutual option</td>
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<tr>
<td>Other Parties Involved:</td>
<td>New Cingular</td>
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RESOLUTION

RESOLVED: That the Board of Commissioners of the Delaware River Port Authority hereby accepts the proposal of New Cingular Wireless PCS, LLC set forth in this summary statement and resolution and approves a long term telecommunications license in favor of New Cingular Wireless PCS, LLC to use the areas of the Walt Whitman Bridge facility as identified on the Work Plan attached hereto as Exhibit “A” in connection with the installation, operation and maintenance of telecommunication antennas and radio equipment; and be it further

RESOLVED: That the Board of Commissioners authorizes the proper officer of the Authority to negotiate a long term license agreement and any other documents required to complete the project and consistent with the intent of this resolution; and be it further

RESOLVED: That the Chairman, Vice Chairman and the Chief Executive Officer must approve and are hereby authorized to approve and execute all necessary agreements, contracts, or other documents on behalf of the DRPA. If such agreements, contracts, or other documents have been approved by the Chairman, Vice Chairman and Chief Executive Officer and if thereafter either the Chairman or Vice Chairman is absent or unavailable, the remaining Officer may execute the said document(s) on behalf of DRPA along with the Chief Executive Officer. If both the Chairman and Vice Chairman are absent or unavailable, and if it is necessary to execute the said document(s) while they are absent or unavailable, then the Chief Executive Officer shall execute such documents on behalf of DRPA.

SUMMARY:
Amount: License Fee to be paid by New Cingular
Source of Funds: N/A
Capital Project #: N/A
Operating Budget: N/A
Master Plan Status: N/A
Other Fund Sources: N/A
Duration of Contract: 5 years, 4 five year mutual options and 1 four year mutual option
Other Parties Involved: New Cingular