

MEMORANDUM OF UNDERSTANDING
as to Communications Facilities with
Dominion Energy Virginia's Franchise Agreement

THIS MEMORANDUM OF UNDERTANDING (this "Memorandum"), made and entered into this ____ day of _____, 20__, by and between the **Town of Warrenton**, a political subdivision of the Commonwealth of Virginia (the "Town") and **Virginia Electric and Power Company**, a Virginia public service corporation doing business in Virginia as Dominion Energy Virginia ("DEV"), hereby recites and provides as follows:

RECITALS:

- A. On July 6, 1982, by Ordinance, the Town granted a franchise to DEV (the "Franchise") to allow DEV to ". . . acquire, construct, install, operate, maintain and use . . . poles, towers, structures, attachments, wires, cables, conduits, ductways, manholes, handholes, meters, appliances and other equipment necessary or useful in the distribution or sale of electricity" in the streets, alleys, and public places of the Town, all as more particularly described in the Franchise.
- B. Through a series of initiatives, the Commonwealth of Virginia (the "Commonwealth") has prioritized extending high-quality broadband communications networks throughout Virginia to achieve universal access to high-speed internet within Virginia.
- C. In 2019, the Commonwealth established a pilot program to promote collaboration between localities, electric utilities, and internet service providers to connect unserved areas to high-speed internet.
- D. DEV participated in the pilot program, has been cooperating with the Commonwealth's initiative by obtaining rights to add broadband lines within its existing rights-of-way to help expand broadband facilities using DEV's existing infrastructure for the distribution of electricity.

- E. The initial pilot program has been expanded, and DEV is continuing to expand the installation of broadband facilities within its rights-of-way to help the Commonwealth meet its goal of universal access to high-speed internet within the Commonwealth.
- F. Consistent with this objective, DEV desires to install broadband facilities within a portion of the Franchise that it has with the Town, and the Town desires to permit DEV to do this.

AGREEMENT:

Therefore, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and DEV enter into this Memorandum and agree as follows:

1. The foregoing recitals are hereby incorporated by reference.
2. The rights granted to DEV in the Franchise to “. . . acquire, construct, install, operate, maintain and use . . . poles, towers, structures, attachments, wires, cables, conduits, ductways, manholes, handholes, meters, appliances and other equipment necessary or useful in the distribution or sale of electricity” shall be understood by DEV and the Town to include, within the Broadband Areas of the Franchise, the rights to:
 - 2.1 Attach, operate, and maintain, additional cables, including but not limited to fiber optic cables, wires, attachments, and other transmission facilities as DEV may from time to time deem advisable, and all equipment, accessories and appurtenances desirable in connection therewith (the “Broadband Facilities”), including the right to increase or decrease the number of wires, all for the purpose of transmitting voice, text, data, internet services, and other communications services, including the wires and attachments of third parties (the “Communication Rights”);
 - 2.2 Lease or license the right to transmit signals, data, or other communications through such Broadband Facilities, in whole or in part to third parties as may be useful or practical, including the rights to transmit third party data and the right to lease or license surplus communications capacity to third parties through such Broadband Facilities; and

2.3 Install such additional pole, guys, and anchors on said property as may be necessary for purposes of the safety and stability of the communication facilities.

3. All other terms and conditions of the Franchise are hereby ratified and affirmed.
4. This MOU will terminate once the Town and DEV enter and sign a new Franchise Agreement that includes broadband language as noted in this document.

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IN WITNESS WHEREOF, each of the parties to this Memorandum has caused the same to be executed in the day and year first above written.

Town:

TOWN OF WARRENTON, a political
subdivision of the Commonwealth of
Virginia

By: _____

Its: _____

APPROVED AS TO FORM:

Town Attorney

DEV:

**VIRGINIA ELECTRIC AND POWER
COMPANY**, a Virginia public service
corporation doing business in Virginia as
Dominion Energy Virginia

By: _____
Shaun Reilly
Manager-Electric Distribution Design