



September 13, 2021

VIA EMAIL

Micah Heckman
City of Shakopee, Project Engineer
485 Gorman St.
Shakopee, MN 55379

RE: Request for Exception pursuant to Municipal Ordinance 90.51C.2(a)

Dear Micah,

Thank you again for the discussion regarding Comcast's construction project at 1275 Ramsey St, in Shakopee, where Comcast is planning to proactively, at the request of local businesses, expand its fiber network to ensure its ability to provide its high-speed broadband, voice and cable service.

As you know, on July 28th, 2021 Comcast submitted a permit for this project. As part of the build, Comcast proposed to place the fiber where Comcast already has existing aerial plant on poles that are already located along Marschall Road/ County Road 17, which is a common practice called "overlapping." We were disappointed to learn that our permit was denied because the construction practice of overlapping existing aerial plant per Municipal Ordinance 90.51. This caused our permit for the expansion of additional fiber to these businesses to be denied. As we have discussed in the past, we think there are many good policy reasons for the City to allow overlapping under these specific circumstances.

Upon the permit denial, our construction team performed an analysis of changing the overlapping portion of the project to underground and found that if we had to place the fiber underground instead of overlapping the facilities on existing aerial plant, the project is no longer financially viable. For the local businesses that have requested this project, the cost is double the amount, and possibly more. The construction cost to overlap the fiber is \$43,165; but if forced to go underground, the construction cost rises to \$89,303. Facing these numbers and uncertainty, our construction team cannot move forward with the project to serve these Shakopee businesses if they cannot make use of our existing aerial infrastructure.

Municipal Ordinance 90.51 allows the City Council, upon the recommendation of the Planning Committee, to make exceptions to undergrounding requirements if "underground

placement would place an undue financial burden on the landowners, ratepayer, or right-of-way user....” Municipal Code 90.51 C.2(a). Comcast respectfully requests that the demonstration that undergrounding would increase costs by more than double and cause the project to be abandoned creates an undue financial burden for this project under Code 90.51 C.2(a), particularly when there are existing poles with aerial facilities currently being used by utilities.

The plan for this expansion of service to local businesses includes adding an aerial line along County Road 17/ Marschall Road where there is already substantial infrastructure approved by the City and County. Comcast is requesting the use of that existing infrastructure; however, undergrounding will be utilized as the project moves into less industrialized with more business and residential areas. Of course, if and when the City determines to require all the utilities along that route to go underground, Comcast will do so at the same time as the utilities. Municipal Code 90.51(E) recognizes that, while new developments will go underground, there will remain aerial facilities in the City that require the consideration of many factors before these existing facilities can be required to remove their aerial plant underground. 90.51(E) of the Municipal Code states that:

Retirement of overhead facilities. The City Council may determine whether it is in the public interest that all facilities within the city, or facilities within certain districts designated by the city, be permanently placed and maintained underground by a date certain or target date, independently of undergrounding required pursuant to division (B) above (new facilities) and division (D) above (replacement facilities). The decision to underground must be preceded by a public hearing, after published notice and written notice to the utilities affected (two weeks published: 30 days written). At the hearing, the Council must consider items in division (G) below and make findings.

The ability to deliver our product to the business in Shakopee in a manner that is affordable, in a timely manner, and cares for the City’s ROW, is vitally important. We respectfully argue that the build plan that we submitted does both, and that an exception pursuant to Municipal Code 90.51 is warranted in this case.

We recognize that our company plays an important role in helping our customers stay connected – to their families, their workplaces, their schools, and the latest information– through the Internet. Connectivity matters right now more than ever, so we’re doing all we can to deliver the most accessible and reliable internet experience possible. Should you need any further details on the project, please do not hesitate to reach out with any questions.

Sincerely,

/s/ Karly Baraga Werner

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