

From: (b) (6)
Date: Tue, Sep 20, 2016 at 2:30 PM
Subject: Yosemite Village # 300655 // Pole onwership
To: "gary_wuchner@nps.gov" <gary_wuchner@nps.gov>,
"joseph_llewellyn@nps.gov" <joseph_llewellyn@nps.gov>
Cc: (b) (6)

Hello, Gary and Joe,

I am pleased to see the progress that we have made with the cell site at Yosemite Village. Because of the significant process that has been made, we have come to the next steps of the process and would like to have a discussion in regards to the ownership of the newly built monopole. Verizon Wireless would like a better understanding of who will own, maintain and be liable for the new monopole. Additionally, the design was created to allow for co-location opportunities but without this question answered, VZW is not sure who would grant approvals and process applications for the carriers to start the process to install their equipment on this pole.

Please advise who will retain ownership of the pole or if you'd like me to set up a call for all of us to have a discussion.

Let me know if you have any questions.

Thanks,

(b) (6)
Verizon Wireless Contractor- Network Real Estate/Regulatory
Office: (b) (6)

"Llewellyn, Joseph" <joseph_llewellyn@nps.gov>

From: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Sent: Tue Sep 20 2016 15:45:49 GMT-0600 (MDT)
To: Peter Dederich <peter_dederich@nps.gov>
Subject: Fwd: Yosemite Village # 300655 // Pole onwership

Peter

Your thoughts on this? In the private sector the pole/tower owner has all the say in collocation and receives all the revenues from the other carriers, for the most part. I'm sure there are revenue sharing exceptions. Of course we want to retain the collocation approval and receive the appraised FMV for the sites. Concerning ownership of the pole and maintenance that should go to Verizon with the collocation rights and revenues reserved. I don't know if the appraisal took into account they will pay us lease fees as well as Verizon's collo rent.

Joe Llewellyn
Land and Realty Officer
Land Resources Program
Yosemite National Park
9039 Village Drive
PO Box 577
Yosemite, CA 95389
209-372-0459 phone
209-216-6693 mobile

"Llewellyn, Joseph" <joseph_llewellyn@nps.gov>

From: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Sent: Tue Sep 20 2016 15:45:49 GMT-0600 (MDT)
To: Peter Dederich <peter_dederich@nps.gov>
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209-372-0459 phone
209-216-6693 mobile

----- Forwarded message -----

From: (b) (6)

Date: Tue, Sep 20, 2016 at 2:30 PM

Subject: Yosemite Village # 300655 // Pole ownership

To: "gary_wuchner@nps.gov" <gary_wuchner@nps.gov>, "joseph_llewellyn@nps.gov" <joseph_llewellyn@nps.gov>

Cc: (b) (6)

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Please advise who will retain ownership of the pole or if you'd like me to set up a call for all of us to have a discussion.

Let me know if you have any questions.

Thanks,

(b) (6)

Verizon Wireless Contractor- Network Real Estate/Regulatory
Office, (b) (6)

"Dederich, Peter" <peter_dederich@nps.gov>

From: "Dederich, Peter" <peter_dederich@nps.gov>
Sent: Tue Sep 20 2016 16:51:22 GMT-0600 (MDT)
To: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Subject: Re: Yosemite Village # 300655 // Pole onwership

You have six sites. At four of them, NPS is the tower owner. At the fifth (Tuolumne Meadows), there's no record of who built the tower, so neither carrier has a legal basis for charging the other co-location rent. There are some distinct advantages to this situation. There is no confusion about rent; none of the carriers pays rent to any other carrier, and they don't have to sign a separate agreement with the tower owner. The only permit or contract is with us. So we are clearly in control.

Also, there is no tower to be "transferred" to a tower company (which we don't allow, but has been happening anyway, notably with Verizon Wireless transferring sites to American Tower), and there's no profit motivation to a tower owner for encouraging co-location (which we are also seeing at some telecom sites, with a trend toward more and more equipment, heavier power and backup generator demand, and additional site impacts). Co-ownership of towers can help keep the focus on providing cell service (versus one company making profits from co-location either directly or by farming out the site to a tower manager for a huge fee).

We do have a number of telecom sites in PWR where one of the carriers owns the tower and charges the others co-location rent. That can affect the appraisal, so we inform the appraiser of that situation in advance. I asked that question before ordering the Yosemite appraisal. Sean McCabe indicated to me that the cell companies **were told** that co-location rent **could not** be charged at the Valley site. That's the basis under which the appraisal was ordered.

It's important to note that all carriers at the Valley site were required to be on the same pole. AT&T requested, but was not allowed, to build its own tower a short distance away.

As far as I know, Sean did not work through the issue of pole ownership. However, I believe there is a way to stay consistent with what Sean indicated, and with what was assumed for the appraisal. The carriers could share the cost of the pole and own and maintain it jointly. Any new co-locator (if any applied later on) could pay essentially an impact or development fee to buy into ownership. This is a communal approach where all carriers would be equal rather than one being dominant.

When Sean told the companies that co-location rent would not be allowed at the Valley site, he set up a situation similar to all your other sites, allowing a consistent approach that benefits the park and allows greater control. You could go back on that and allow Verizon to be dominant, but based on the collective NPS experience with Verizon, my advice would be to take advantage of Sean's ground work.

I don't know of a specific co-ownership model that could be borrowed for this situation. It would take some creativity to work that out.

Please let me know your thoughts. I'm open to a phone conversation if that's useful.

Peter Dederich
PWR Right-of-Way Coordinator
National Park Service
Columbia Cascades Land Resource Program Center
168 S. Jackson
Seattle, WA 98104
206-220-4264 (office)
415-205-3562 (mobile)

From: Jeff Ruch jruch@peer.org
 Subject: FW: NPS-2017-00176 (#11)
 Date: May 17, 2017 at 10:05 AM
 To: Stephen Mishkin smishkin@comcast.net



From: alan_kunz@nps.gov [mailto:alan_kunz@nps.gov] On Behalf Of YOSE FOIA, NPS
 Sent: Friday, May 12, 2017 6:08 PM
 To: Jeff Ruch; Info
 Subject: NPS-2017-00176 (#11)

FOIA Office
 Yosemite National Park
 209-372-0496

NOV 2015
DAVID ENLSTED

CELLULAR COMPANIES (NOW OR FUTURE)

| | T-MOBILE | VERIZON | ATT MODILITY |
|--|--|--------------|--------------|
| ✓ EL PORTAL | | | |
| PASSIVE) EAGLE POSE | | | |
| ✓ TURTLE BACK DOME | X | X | 'NO' |
| SENTINEL DOME | X | X | X |
| ATTITUDE SIDE PROVIDES PARK EMERGENCY BACKUP POWER | | | |
| THOLMAN MEADOWS | X | X | X |
| ✓ HENNESSY RIDE | - NONE (ATT PROVIDES PARK EMERGENCY BACKUP POWER) | | |
| ✓ YOSEMITE VALLEY | X | X | X |
| ✓ HODGSON MANION COMPLEX | | | |
| ✓ CRANE FLAT | X | X | 'NO' |
| ✓ WAWONA | | X | |
| ✓ WAWONA POINT | | X | |
| HELGA HELGHT | SAN FRANCISCO PUBLIC UTILITY | | |
| → MAYLAKE JUNCTION | 'NO GRANTS' JUST MICROWAVE FOR AT&T WAYSIDE AND PARK | | |
| EAST YOSEMITE | | | |

"Llewellyn, Joseph" <joseph_llewellyn@nps.gov>

From: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Sent: Wed Sep 21 2016 12:59:38 GMT-0600 (MDT)
To: (b) (6)
"gary_wuchner@nps.gov" <gary_wuchner@nps.gov>,
(b) (6)
CC: (b) (6) Peter
Dederich <peter_dederich@nps.gov>, David Thorpe
<david_thorpe@nps.gov>
Subject: Re: Yosemite Village # 300655 // Pole onwership

Hello (b) (6)

I will be back in touch with you concerning your questions of ownership of the improvements and co-location management. It was established by the NPS in the Letter of Authorization to Verizon dated December 15, 2015 that the monopole was to be constructed for co-location by Verizon, AT&T, and T-Mobile. All provisions concerning tower ownership, future disposition, and co-location will be contained in the Telecommunications Right of Way Agreement which Verizon will complete with the NPS in the near future. I will advise what those provisions will be in advance of your receiving the Agreement.

Thank you for Verizon's good work on the new monopole construction.

Joe Llewellyn
Land and Realty Officer
Land Resources Program
Yosemite National Park
9039 Village Drive
PO Box 577
Yosemite, CA 95389
209-372-0459 phone
209-216-6693 mobile

Let me know if you have any questions.

Thanks,

(b) (6)

Verizon Wireless Contractor- Network Real Estate/Regulatory
Office: (b) (6)

(b) (6)

From: (b) (6) >
Sent: Wed Sep 21 2016 18:21:24 GMT-0600 (MDT)
To: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Subject: FW: [E] Re: Yosemite Village # 300655 // Pole ownership
Attachments: image003.png

Thank you for the response Joe.

I understand the other carriers want to install on the tower ASAP and Vzw is working to ensure this moves along as quickly as possible. Before we can proceed with other carriers' installation of equipment onto the tower, AT&T and TMO must submit applications to Vzw detailing proposed tower installations. This will allow Vzw to run structural calcs to confirm continued structural integrity, and there are no 'surprise' installations. We will also coordinate with AT&T and TMO for reimbursement of tower, engineering and construction costs relevant to providing a co-locatable structure.

To proceed in this manner, Vzw must operate / process this as the tower owner. If tower ownership is subject to change, we can discuss the details of transferring at that time.

Please indicate if this is acceptable to NPS so we can continue working with the other carriers for their installation.

If all comes together smoothly, we anticipate AT&T being approved to start installation around mid-October.

Thanks,

(b) (6)

Sr. Manager – Real Estate / Regulatory
N California and Nevada

(b) (6)

(b) (6)

From: (b) (6) <(b) (6)>
Sent: Thu Sep 22 2016 12:47:53 GMT-0600 (MDT)
To: "gary_wuchner@nps.gov" <gary_wuchner@nps.gov>, David Thorpe <david_thorpe@nps.gov>, Peter Dederich <peter_dederich@nps.gov>
Subject: RE: [E] Re: Yosemite Village # 300655 // Pole onwership
Attachments: image001.png

Hi Joe,

"Reimbursement of tower, engineering and construction costs relevant to providing a co-locatable structure" is another way of saying that Vzw will seek 'capital contributions' from the other carriers to reimburse Vzw for the money spent to get this tower in operation, pro-rated per carrier. It is a 'cost share agreement', not a sub-lease agreement to collect rent.

However, if Vzw is to remain the owner of the tower, there are costs associated with continued maintenance, licensing, repairs, upkeep, etc., where we would seek regular payments (rent) from the other carriers to offset these costs.

Thanks,

(b) (6)

Sr. Manager – Real Estate / Regulatory
N California and Nevada

(b) (6)

From: Llewellyn, Joseph [mailto:joseph_llewellyn@nps.gov]
Sent: Monday, September 26, 2016 12:40 PM
To: (b) (6) Peter Dederich
Cc: Gary Wuchner; David Thorpe
Subject: Re: [E] Re: Yosemite Village # 300655 // Pole onwership

Hello (b) (6)

Where and to whom should we send the NPS formal response concerning your questions of tower ownership, co-location and cost recovery, and shared maintenance agreement? To (b) (6)? This letter will constitute what our requirements are, and these requirements will also be included in the Verizon ROW Agreement which is soon forthcoming. Thanks

Joe Llewellyn
Land and Realty Officer
Land Resources Program
Yosemite National Park

----- Forwarded message -----

From: (b) (6) >
Date: Mon, Oct 3, 2016 at 4:18 PM
Subject: RE: FW: [E] Re: Yosemite Village # 300655 // Pole onwership
To: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Cc: (b) (6) >, "gary_wuchner@nps.gov" <gary_wuchner@nps.gov>, Peter Dederich <peter_dederich@nps.gov>, David Thorpe <david_thorpe@nps.gov>, (b) (6) >, Mike Gauthier <mike_gauthier@nps.gov>

I've removed AT&T from the email.

Hi Joe,

Thanks for attached NPS authorization. Perhaps we can discuss this over a phone call? I think our next Vzw – NPS call isn't till end of Oct., so I am happy to set up a separate call sooner to move this along.

The only reference to tower ownership that I can find is in the 1st bullet where NPS states "Verizon will obtain a 1/3 pro-rata reimbursement of its tower, engineering and construction...". Is it accurate to state that Vzw will remain the tower owner for the duration of Vzw's operations, or does NPS anticipate owning the tower?

Thanks,

(b) (6)

Sr. Manager – Real Estate / Regulatory
N California and Nevada

(b) (6)

On Mon, Oct 3, 2016 at 5:09 PM, Llewellyn, Joseph <joseph_llewellyn@nps.gov> wrote:

Peter

I would like to tell Verizon that due to the fact that they are collecting a pro-rata net construction cost share from AT&T and T-Mobile that the ownership will be jointly. Also, that it is personal property and upon termination of the Agreement that all three parties will be responsible for the cost of removal and site restoration. This would be written into the ROW.

What do you think? It only makes sense and I don't know what's up their sleeve regarding a designated owner.

Joe Llewellyn
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Land Resources Program
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209-216-6693 mobile

"Llewellyn, Joseph" <joseph_llewellyn@nps.gov>

From: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Sent: Tue Oct 04 2016 12:11:38 GMT-0600 (MDT)
To: "Dederich, Peter" <peter_dederich@nps.gov>
Subject: Re: FW: [E] Re: Yosemite Village # 300655 // Pole ownership
Attachments: image003.png image004.png

Peter

The letter specifies that each carrier will have equal rights and responsibilities at the site. That is shared ownership.

Joe Llewellyn
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□

From: "Dederich, Peter" <peter_dederich@nps.gov>
Sent: Tue Oct 04 2016 12:29:08 GMT-0600 (MDT)
To: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Subject: Re: FW: [E] Re: Yosemite Village # 300655 // Pole ownership
Attachments: image004.png image003.png

Joe,

I'm agreeing with you. We want shared ownership.

Peter

Peter Dederich
PWR Right-of-Way Coordinator
National Park Service
Columbia Cascades Land Resource Program Center
168 S. Jackson
Seattle, WA 98104
206-220-4264 (office)
415-205-3562 (mobile)

"Llewellyn, Joseph" <joseph_llewellyn@nps.gov>

From: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Sent: Tue Oct 04 2016 12:52:45 GMT-0600 (MDT)
To: (b) (6)
(b) (6)
(b) (6) >
(b) (6)
"gary_wuchner@nps.gov" <gary_wuchner@nps.gov>, Peter Dederich <peter_dederich@nps.gov>, David Thorpe <david_thorpe@nps.gov>, (b) (6) <(b) (6)>, Mike Gauthier <mike_gauthier@nps.gov>
Subject: Re: FW: [E] Re: Yosemite Village # 300655 // Pole ownership
Attachments: image003.png image004.png

Hello (b) (6)

To clarify your question of the monopole ownership, in the third bullet it states that each carrier will share equally in the rights, conditions, and responsibilities for the monopole and the communication facilities. AT&T and T-Mobile will be assuming a pro-rata cost share in the site development and tower construction and will become shared co-owners with Verizon. Verizon will not have exclusive control of the monopole or site. All carriers will work together cooperatively and compatibly. The carriers will develop a shared Annual Operations and Maintenance Plan. Upon termination of the Telecom ROW Agreement(s), and all will be co-terminus, all carriers will also share in the requirements and costs to remove all equipment and remediate the site.

Please proceed with the co-location of AT&T.

Thank you,

Joe Llewellyn
Land and Realty Officer
Land Resources Program
Yosemite National Park
9039 Village Drive
PO Box 577
Yosemite, CA 95389

From: (b) (6) >
Sent: Fri Oct 21 2016 18:14:46 GMT-0600 (MDT)
To: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Subject: RE: FW: [E] Re: Yosemite Village # 300655 // Pole ownership
Attachments: image003.png image002.png NPS lease review1 - 10.21.16.xlsx Shasta Bally_ pdf_Redacted.pdf With Carrier Breakout Shared Yosemite Costs.xls

Hi Joe,

As a follow up to our last conversation I have three items to update you on.

First, to provide you examples of other NPS ROWs where Vzw owns the tower, we have identified (6) facilities located on NPS property where Vzw operates under a ROW issued by the NPS, where the "Communication Facility" is defined as "...Permittee's approved communication Personal Property including all equipment and related lines, radios and antennas, in the area set forth on the map attached ... as Exhibit 1...", and Exhibit 1 clearly identifies the tower as Verizon's. On each of these sites, Vzw owns and manages the tower, all tenants on the tower and we charge rent per a Colo Agreement that is reviewed and approved by the NPS (see section 4.4 of the attached Shasta Bally ROW). I have attached "NPS Lease Review" excel doc listing the sites, and a redacted copy of the Shasta Bally ROW for your review. For Yosemite Village ROW, Vzw would like to proceed in the same manner and under the same terms as set forth in the other ROWs with the NPS, where Vzw is the tower owner, and we will maintain, and manage all aspects of the tower, including tenants, FCC and FAA licensing and government compliance, etc.

Second, as an update on AT&T's construction, we've received AT&T's application for tower equipment installation which lists more cables and different installation elevations than the drawings NPS approved. We are working with AT&T to revise their app to match what was approved so we can provide them with the OK to proceed with tower work.

Third, per your request, attached is a summary of the shared costs and associated capital contributions Vzw will be seeking from AT&T and TMO. I will forward you the Colo Agreement for AT&T once we have it drafted so NPS can review and approve. We will also do this with TMO's Colo Agreement when that is ready for review.

Please let me know when is a good time to discuss any questions you may have or next steps to proceeding.

Thanks,

[Redacted Signature]

(b) (6)
Sr. Manager – Real Estate / Regulatory
N California and Nevada

(b) (6)

"Llewellyn, Joseph" <joseph_llewellyn@nps.gov>

From: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Sent: Fri Oct 21 2016 19:25:51 GMT-0600 (MDT)
To: (b) (6)
(b) (6)
(b) (6),
CC: "gary_wuchner@nps.gov" <gary_wuchner@nps.gov>,
Peter Dederich <peter_dederich@nps.gov>, David Thorpe
<david_thorpe@nps.gov>, (b) (6)
>, Mike Gauthier
<mike_gauthier@nps.gov>, (b) (6)
Subject: Re: FW: [E] Re: Yosemite Village # 300655 // Pole
ownership
Attachments: image003.png image002.png

(b)
(6)

Thank you for your input on this. As we have discussed previously VzW Telecommunication ROW Agreement originates from our Regional Interior Solicitors. What has been done at other NPS sites is not incumbent upon YOSE to follow, but it will be consistent with Dept. of Interior law, policy and regulation. I understand the Shasta Bally site was inherited from the BLM. As we have discussed, and has been communicated officially, VzW will be allowed to charge for a prorata cost share in the construction of the Village monopole to AT&T and T-Mobile, in lieu of a VzW initiated co-location lease and rental payments. As we have discussed VzW will not be permitted to assign or sub lease. All carriers will have equal term, rights, and responsibilities under the same Telecom ROW that each will enter into. We can certainly discuss who will be the designated tower owner for the purposes of the FCC, FAA, etc. and for the purposes of managing and coordinating the three carriers on the tower for construction, RF compatibility. etc.

We need to resolve this expeditiously so we can move forward with the other Verizon sites in YOSE.

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Peter Dederich <peter_dederich@nps.gov>

From: Peter Dederich <peter_dederich@nps.gov>
Sent: Fri Oct 21 2016 18:56:42 GMT-0600 (MDT)
To:
CC: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>, Mike Gauthier <mike_gauthier@nps.gov>
Subject: Re: [E] Re: Yosemite Village # 300655 // Pole onwership

We inherited the Shasta Bally site from the BLM with existing towers. The rental rates pretty much had to be based on single tower owners charging co-location rents because of the site history. The appraisal at YOSE was based on no co-location rents. Changing that would likely require a new appraisal. Verizon recently sold multiple NPS sites to American Tower, contrary to their agreements with us, leading to a continuing nationwide dispute between VZW and the NPS. One has to conclude that this mess was caused by the value of the co-location rents, which are sometimes higher than the rent we charge the primary. This is all about money. Based on recent experience with Verizon, I recommend not agreeing to co-location rents. I will let you know if the solicitor has other input. Sent from my iPhone

"Llewellyn, Joseph" <joseph_llewellyn@nps.gov>

From: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Sent: Tue Oct 25 2016 12:11:26 GMT-0600 (MDT)
To: "(b) (6)"
[REDACTED]
[REDACTED]
[REDACTED]
"gary_wuchner@nps.gov" <gary_wuchner@nps.gov>, Peter Dederich <peter_dederich@nps.gov>, David Thorpe <david_thorpe@nps.gov>, "(b) (6)" <(b) (6)>, Mike Gauthier <mike_gauthier@nps.gov>, "(b) (6)" <(b) (6)>
Subject: Re: FW: [E] Re: Yosemite Village # 300655 // Pole ownership
Attachments: image003.png image002.png

Morning (b) (6),

I wanted to let you know I am conferring with my Regional office and leadership on your question of designated tower ownership, shared cooperative use, and the operations and maintenance clarifications. We do have similar telecom site situations. They will be providing me a response for you. I anticipate it is essentially the same as what we have been discussing. Those requirements will be included in the Telecommunications Right of Way Permit. Please continue your co-location coordination with AT&T and T-Mobile.

Thank you,

Joe Llewellyn
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Land Resources Program
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9039 Village Drive
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"Llewellyn, Joseph" <joseph_llewellyn@nps.gov>

From: "Llewellyn, Joseph" <joseph_llewellyn@nps.gov>
Sent: Wed Oct 26 2016 13:56:10 GMT-0600 (MDT)
To: (b) (6)
[REDACTED]
[REDACTED]
[REDACTED],
"gary_wuchner@nps.gov" <gary_wuchner@nps.gov>, Peter Dederich <peter_dederich@nps.gov>, David Thorpe <david_thorpe@nps.gov>, (b) (6)
[REDACTED] >, Mike Gauthier <mike_gauthier@nps.gov>, (b) (6)
(b) (6) >, Suzanne Carlson <suzanne.carlson@sol.doi.gov>
Subject: Re: FW: [E] Re: Yosemite Village # 300655 // Pole ownership
Attachments: image003.png image002.png

Hello (b) (6)

I want to confirm for you the NPS direction for the co-location of the Village Monopole.

Our requirements remain unchanged as follows:

- The monopole will be occupied by Verizon, T-Mobile, AT&T Mobility
- For co-location AT&T and T-Mobile will pay Verizon an equal pro-rata cost share for the development and construction of the site.
- Carriers are not permitted to assign or sublease any rights or charge any rents for the site.
- All Carriers will have equal rights, responsibilities, liabilities under individual Telecommunication Right of Way Permits with the NPS. All Carriers will execute a

Telecom ROW Permit for this and any site within Yosemite National Park.

- All Carriers will have equal term of ROW Permit.
- Carriers will resolve between themselves the Annual Operations and Maintenance Agreement including responsibilities, technical coordination, and cost share. Carriers will copy the NPS on the Agreement and any subsequent amendments to the Agreement.
- The Carriers will agree upon which Carrier will be the tower coordinator for site management purposes.
- One Carrier will designated the tower owner of record for all compliance and licensing purposes, i.e. FAA registration, FCC licensing, and other regulatory requirements.

Thank you (b) (5). Verizon's ROW permit will be forthcoming in the near future.

Joe Llewellyn
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