

APPLICATION FOR CERTIFICATE OF REGISTRATION
(Ord. 951.106 et seq.)

Applicant Name: _____

Type of entity: Corporation Partnership S-Corporation LLC Sole Proprietorship

Street address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Date of submission: _____

Designated System Representative
(MUST be an individual who is reachable at all times):

Name and title: _____

Street address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Cellular/other: _____ Email address: _____

Emergency contact information, including any alternate contact(s):

Required attachments (SEE INSTRUCTIONS):

- \$500 application fee made payable to the City of Oakwood
- Certificate(s) of comprehensive liability insurance, automobile liability insurance, and umbrella insurance coverage; OR statement requesting to self-insure;
- Removal bond OR Blanket bond;
- Documentation verifying that Provider maintains standard BWC coverage required by law;
- Certificate of incorporation, if any;
- PUCO and/or FCC certificate of authority to operate;
- All other applicable regulatory approvals, permits, authorizations, or licenses;
- Tax release; and
- Construction and Major Maintenance Plan

FOR OFFICIAL USE ONLY

Complete application Missing item(s): _____

≥20 <20 miles ROW occupation

Tax approval

Approved by: _____ Date: ____/____/____

CERTIFICATE OF REGISTRATION APPLICATION INSTRUCTIONS

(Ord. 951.106 *et seq.*)

The following information is provided to assist you in completing an application for a Certificate of Registration. It is intended to summarize certain provisions of Oakwood Ord. Chapter 951 ("Chap. 951"), but all utility providers should familiarize themselves with the specific requirements under Chap. 951. In the event of any conflict between these instructions and Chapter 951, the ordinance will control.

Applications may be submitted in person at the Foell Public Works Building, 210 Shafor Boulevard, Oakwood OH 45419, or electronically by emailing the application and all required attachments to permits@oakwood.oh.us. Please note that payments cannot be accepted electronically and must be mailed or hand-delivered to the City Building at the foregoing address. Your registration is not complete, and no permits may be issued, until your application is approved, your fee is paid, and your Certificate of Registration is issued.

Who is required to obtain a Certificate of Registration?

A Certificate of Registration is required for all utility providers who operate systems within the city of Oakwood. The only exceptions to this requirement are:

- City and county utilities
- Cable television operators operating pursuant to a valid cable television franchise
- Resellers of services that do not own any system or facilities in city rights-of-way
- Miami Valley Regional Transit Authority (RTA) public transportation facilities

When does a Certificate of Registration need to be obtained?

Providers who had existing facilities in place prior to January 1, 2015, must obtain a Certificate of Registration on or before June 30, 2015. All other providers must obtain a Certificate of Registration prior to performing any construction, work, or operation of facilities in city rights-of-way. A violation of this requirement is a criminal misdemeanor of the second degree, punishable by a fine of up to \$750 and up to 90 days in jail.

How long does a Certificate of Registration remain valid before it must be renewed?

Upon issuance, a Certificate of Registration is valid for five (5) years.

APPLICATION INFORMATION AND ATTACHMENTS

1. **Applicant Information** Each applicant must provide the provider's correct legal name, legal status (i.e. partnership, corporation, etc.), and all requested contact information.
2. **Designated system representative** Each applicant must designate a system representative (and/or alternate) who is reachable at all times, and must provide all requested contact information. In the event of any change to this information, the city of Oakwood must be notified within 15 days.
3. **Insurance attachment(s)** An applicant must demonstrate adequate levels of insurance coverage. This may be accomplished by providing certificate(s) of insurance as described below, or in certain circumstances, an applicant may be approved for self-insurance.
 - a. **Certificates of Insurance** Certificate(s) of insurance must verify that current policy(ies) providing for comprehensive general liability, automobile liability, and excess umbrella coverage has/have been issued to the applicant by an insurance company licensed to do business in the State of Ohio. The certificate(s) must also verify that the applicant's coverage conforms to the following requirements:
 - i. The applicant must be insured on an occurrence basis against claims for personal injury (including death), as well as claims for property damage arising out of: the use and occupancy of city rights-of-way by the applicant, its officers, agents, employees and contractors; the placement and use of facilities in city rights-of-way by the applicant, its officers, agents, employees and contractors, including, but not limited to, protection against liability arising from any and all operations, damage of underground facilities, explosion, environmental release, and collapse of property.
 - ii. The applicant's insurance must name the city of Oakwood, its elected officials, officers, employees, agents and volunteers as additional insureds for whom defense will be provided as to all such coverages.
 - iii. The applicant's insurance must require that the city of Oakwood be notified thirty (30) days in advance of cancellation of, or coverage changes in, the policy(ies).
 - iv. The policy(ies) must contain the following endorsement: "It is hereby understood and agreed that this policy may not be diminished in value, be canceled, nor the intention not to renew be stated, until thirty (30) days after receipt by the City, by registered mail, return receipt requested, of a

written notice addressed to the City Manager or her/his designee of such intent to cancel, diminish, or not to renew."

- v. The applicant's insurance must provide the following minimum limits of liability:

Comprehensive general liability insurance

Bodily injury

Each occurrence: One Million Dollars (\$1,000,000)

Annual aggregate: Three Million Dollars (\$3,000,000)

Property damage

Each occurrence: One Million Dollars (\$1,000,000)

Annual aggregate: Three Million Dollars (\$3,000,000)

Personal Injury

Annual aggregate: Three Million Dollars (\$3,000,000)

Property damage

Must include E (explosion), C (collapse), and U (underground) coverage

Comprehensive auto liability insurance

Must cover owned, hired, and non-owned vehicles

Bodily injury

Each occurrence: One Million Dollars (\$1,000,000)

Annual aggregate: Three Million Dollars (\$3,000,000)

Property damage

Each occurrence: One Million Dollars (\$1,000,000)

Annual aggregate: Three Million Dollars (\$3,000,000)

- b. Self insurance Applicants who maintain, at all times, a book value in excess of Twenty Million Dollars (\$20,000,000) may submit a statement requesting to self-insure. The purpose of the statement is to assure the city that self-insurance will provide the city with no less protection than would have been afforded by a third party insurer providing the types and amounts of coverage described above. A statement requesting to self-insure should include the following:
- i. Audited financial statements for the previous year (if requested by the city);
 - ii. A description of the Applicant's self-insurance program; and
 - iii. A listing of all actions against, or claims made against, the applicant for amounts over One Million Dollars (\$1,000,000) or proof of available excess umbrella liability coverage to satisfy all total current claim amounts above Twenty Million Dollars (\$20,000,000).

Submitting a request to self-insure does not guarantee approval.

4. Bond attachment(s) An applicant must furnish either a removal bond or a blanket bond, as described in Sections 951.121.2 and/or 951.121.3 of the Oakwood Streets and Public Services Code. This may be accomplished by providing a surety bond as described below, or in certain circumstances, an applicant may be approved for self-bonding. It must be issued by a surety/insurance company licensed to do business in the State of Ohio, although the city may, in some instances, accept an unconditional and irrevocable letter of credit. Submitting a letter of credit does not guarantee that the same will be accepted; a bond may still be required.
- a. A Removal bond is a bond in the amount of Fifty Thousand Dollars (\$50,000) to secure the applicant's obligation to remove facilities that are unused, no longer needed, and/or abandoned.
 - b. As an alternative to furnishing a Removal bond, an applicant may instead furnish a Blanket bond in the amount of Five Million Dollars (\$5,000,000). A Blanket bond secures the applicant's obligations for both construction and removal of facilities. It would be furnished in lieu of a Removal bond, and also eliminates the requirement to obtain a Construction bond prior to constructing facilities in the public right-of-way.
5. Worker's Compensation coverage Each applicant must provide documentation demonstrating that they maintain standard workers' compensation insurance as required by law.
6. Incorporation documents If the applicant is a corporation, s-corporation, limited liability company, or other incorporated entity, a copy of the certificate of incorporation (or its legal equivalent) as recorded by the secretary of the state of incorporation must be provided.
7. Authority to Operate Each applicant must provide a certificate of authority or other evidence of authority to operate from the PUCO and/or the FCC, and any other regulatory approvals, permits, licenses, agreements, and other documents verifying that the applicant is authorized to provide the utility services it contemplates offering in the city of Oakwood.

8. Tax release Each applicant must provide an Authorization for Tax Account Review and Release of Good Standing Certificate. The form is provided with this packet. The purpose of the form is to authorize the Oakwood Income Tax Administrator to verify that the applicant is not delinquent in any Oakwood tax obligation and release a Certificate of Good Standing to the city's Finance Department.
9. Construction and Major Maintenance Plan At the time of your initial application (and by January 1st of each following year, if your application is approved), each applicant is required to file a Construction and Major Maintenance Plan with the city. The purpose of the plan is to inform the city of all planned construction and major maintenance you will undertake during a particular year, which will enable the city to coordinate construction in city rights-of-way. The plan may be submitted in any format, provided that the format must be acceptable to the city's Department of Public Works and must include information deemed necessary to facilitate coordination of construction in the city rights-of-way. The Construction and Major Maintenance Plan must include, but is not limited to, all currently scheduled and/or anticipated construction or major maintenance projects for the next calendar year. If no projects are scheduled or anticipated, your statement should so indicate.

For any questions concerning the Application for Certificate of Registration, please contact:

**Department of Public Works
210 Shafor Blvd.
Oakwood, OH 45419
Tel: (937) 298-0777
Email: permits@oakwood.oh.us**

Please be advised that the city may require additional documents to evaluate your application. Such documents may include, but are not limited to, a narrative describing your proposed activities in the city; a copy of any PUCO or FCC application(s) you may have filed; additional detail on planned construction and/or major maintenance projects; and credible information detailing your financial, managerial, and/or technical ability to fulfill obligations under Chapter 951 and carry on your proposed activities.