

WHEREAS, Optical Fiber Lease Agreement No. FO-782-06/2015 (Master Agreement), Short Form IRU-01 Lease Agreement No. FO-783-06/2015 (IRU-01 Agreement), Short Form IRU-02 Lease Agreement No. FO-784-06/2015 (IRU-02 Agreement), Short Form IRU-03 Lease Agreement No. FO-785-06/2015 (IRU-03 Agreement), and Short Form IRU-04 Lease Agreement No. FO-787-07/2015 (IRU-04 Agreement) between the Los Angeles Department of Water and Power (LADWP) and The Regents of the University of California on behalf of UCLA Information Technology Services (UCLA ITS), will continue to grant UCLA ITS the Indefeasible Right of Use of certain components of LADWP's fiber optic network which generate revenues that will be deposited into LADWP's Power Revenue Fund; and

WHEREAS, the Board of Water and Power Commissioners (Board) finds that the optical fibers to be leased are not presently needed for LADWP purposes and the execution of these agreements will not interfere with LADWP operations; and

WHEREAS, the proposed Master and IRU-01 to IRU-04 Agreements are to replace Agreement Nos. FO-358-04/2005, FO-359-04/2005, FO-604-10/2009, FO-624-04/2010, and FO-667-05/2011, which expired on October 18, 2015. These Master and IRU-01 to IRU-04 Agreements will commence promptly to ensure continual operations; and

WHEREAS, the term of the Master Agreement is 10 years and IRU-01 to IRU-04 Agreements is five years with option to effect one renewal term of five years, subject to any market rate adjustment set by LADWP pursuant to City Charter Section 607 (b).

NOW, THEREFORE, BE IT RESOLVED that the proposed Master and IRU-01 to IRU-04 Agreements, approved as to form and legality by the City Attorney and filed with the Secretary of the Board, between LADWP and UCLA ITS, be and the same are hereby approved and ratified.

BE IT FURTHER RESOLVED that the Board requests that the Los Angeles City Council (City Council) approve the Master Agreement and the IRU-01 to IRU-04 Agreements in accordance with The City of Los Angeles Charter Section 606.

BE IT FURTHER RESOLVED that the President or Vice President, or the General Manager, or such person as the General Manager shall designate in writing, and the Secretary, Assistant Secretary, or the Acting Secretary of the Board are hereby authorized and directed to execute said agreements for and on behalf of LADWP upon approval by the City Council.

BE IT FURTHER RESOLVED that this matter is forwarded to the City Council for approval.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of the resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held ~~MAR 16 2016~~

APPROVED AS TO FORM AND LEGALITY
MICHAEL N. FEUER, CITY ATTORNEY

Bonnie E. Anderson
Secretary

DEC 02 2015
BY *S. Driscoll*
SYNDI DRISCOLL
DEPUTY CITY ATTORNEY