



## Franchises



We advise our municipal clients regarding use of the public right-of-ways by other public, quasi-public, and private entities providing services to residential, commercial, industrial, and public customers. These entities include, but are not limited to, telecommunication providers, solid waste haulers, gas and electric utilities, public and private water agencies, and towing, taxi or other transportation services. We advise our clients on forming and operating their own energy and water enterprises, as well as new technologies such as city-sponsored wireless networks, business district observation/surveillance systems, and red light cameras at street intersections. We counsel our clients in all areas of franchise agreements and assist them with the implementation of franchise-fees and have successfully collected unpaid franchise fees through franchise fee audits.

### ATTORNEYS

JOSEPH W. PANNONE  
ERIC L. DUNN  
TIFFANY J. ISRAEL  
LONA N. LAYMON

## Expertise

- Drafting and enforcing franchise agreements and knowledge of regulations for oil and gas pipelines, natural gas, electricity, and water facilities
- Municipal services franchises such as waste disposal, sanitation, water services, local transportation, and others
- Right-of-way management; encroachment permits and regulation
- Creating, operating, reorganizing and financing municipal utilities
- Communications facility leasing
- Cable and telecommunications regulation; including wireless facilities/tower siting
- Cable franchises including renewals, transfers and enforcement of franchising requirements
- State and Federal regulatory agencies and authorities
- Energy law

## Expertise in Action



Technology - especially communications technology - is advancing at an ever-increasing pace, and the ability of local public agencies to regulate the location and appearance of communications facilities, and to regulate the use of their own public right-of-ways, is increasingly affected by new state and federal laws.

We have negotiated cable franchise agreements in all of our municipalities, and have established forms for pipeline franchise agreements. In addition, our breadth as public agency attorneys gives us familiarity with related issues such as undergrounding ordinances and public right-of-way encroachment problems.

Several projects illustrate how the merger of a deep knowledge of municipal authorities and creativity can solve unique problems for our clients:

*Palm Springs Municipalization of Power* - During the California deregulation experiment, we provided all legal services to create a bid process to find an alternative energy supplier to Edison and to negotiate a power contract with Portland General which reduced energy charges to customers by 15%.

*Mammoth Lakes Gas Franchise* - The Town wanted to create an underground delivery system to customers to replace above ground propane tanks which were difficult for winter service. A franchise agreement required the franchisee to create a rate system to allow other energy providers to deliver gas through the underground system.

*Signal Hill Antenna Consolidation* - Signal Hill was once dotted with numerous communication antennas which needed to be consolidated to allow hilltop residential development. The City determined the optimal number of antennas pursuant to Federal law, and through zoning and franchising created incentives for antenna cohabitation. Over a 6-year period we accomplished consolidation from 20 to 2 antennas without litigation over takings, federal preemption, or other issues.

*Numerous Waste Hauling Agreements* - Our firm was pivotal in updating and overhauling the solid waste franchise agreements for the cities of Signal Hill, Irwindale, Lawndale, and Hesperia in the last few years. Some of these deals included complex development agreements, project construction contracts, and environmental issues involving the development of waste transfer stations in conjunction with a service franchise. New contracts also need to comply with the terms of new waste hauling laws and regulations like Assembly Bill 341.

*Banning Towing Franchises* - The firm was instrumental in developing tow franchises for the City of Banning, including the development of fee studies and new towing franchise documents involving the City's Police Department and multiple towing companies.

We keep abreast of existing and new technologies and related developments in the law which will impact our clients. Through these efforts we are able to provide state-of-the-art advice to ensure that our clients and their communities have the benefit of modern solutions.