

MINUTE ITEM

This Calendar Item No. C12 was approved as Minute Item No. 12 by the California State Lands Commission by a vote of 3 to 0 at its 12-9-04 meeting.

**CALENDAR ITEM
C12**

A 34
S 17

12/09/04
PRC 8047.2
N. Lee

ASSIGNMENT OF LEASE

LESSEE/ASSIGNOR:

BCSI, Inc., formerly known as Broadwing Communications Services, Inc.

ASSIGNEE:

Broadwing Communications, LLC, a wholly-owned subsidiary of CIII Communications, LLC

AREA, LAND TYPE, AND LOCATION:

3.15 acres, more or less, of school lands in Sections 29 and 32, T12N, R20E, SBM; Section 36, T10N, R19E, SBM; and Section 16, T8N, R17E, SBM, near the towns of Homer, Goffs, and Essex, San Bernardino County.

AUTHORIZED USE:

Operation and maintenance of a one-inch diameter fiber optic cable encased in a high density polyethylene (HDPE) conduit.

LEASE TERM:

25 years, beginning August 1, 1998.

CONSIDERATION:

\$651 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

OTHER PERTINENT INFORMATION:

1. On December 16, 1998, the Commission authorized a General Lease – Right of Way Use to IXC Communications Services, Inc. for a term of 25 years. The right of way easement is for a one-inch diameter fiber optic cable encased in a high density polyethylene (HDPE) conduit across 3.15 acres of State school land. The lease will expire on July 31, 2023.
2. On November 12, 1999, IXC Communications Services, Inc., changed its name to Broadwing Communications Services, Inc. and became a wholly-

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owned subsidiary of Cincinnati Bell, Inc. Broadwing Communications Services, Inc. is now known as BCSI, Inc. On June 13, 2003, Cincinnati Bell, Inc. sold the assets of Broadwing Communications Services, Inc. to CIII Communications, LLC, and Broadwing Communications, LLC was created as the operating company and holder of the assets of Broadwing Communications Services, Inc.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

EXHIBIT:

- A. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

AUTHORIZE THE ASSIGNMENT OF LEASE NO. PRC 8047.2, A GENERAL LEASE – RIGHT OF WAY USE, OF SCHOOL LANDS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, FROM BCSI, INC., FORMERLY KNOWN AS BROADWING COMMUNICATIONS SERVICES, INC. TO BROADWING

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COMMUNICATIONS, LLC, A WHOLLY-OWNED SUBSIDIARY OF CIII
COMMUNICATIONS, LLC; EFFECTIVE JUNE 13, 2003.

This Exhibit is solely for purposes of generally defining the lease premises and is not intended to be, nor shall it be construed as a waiver or limitation of any State interest in the subject or any other property.

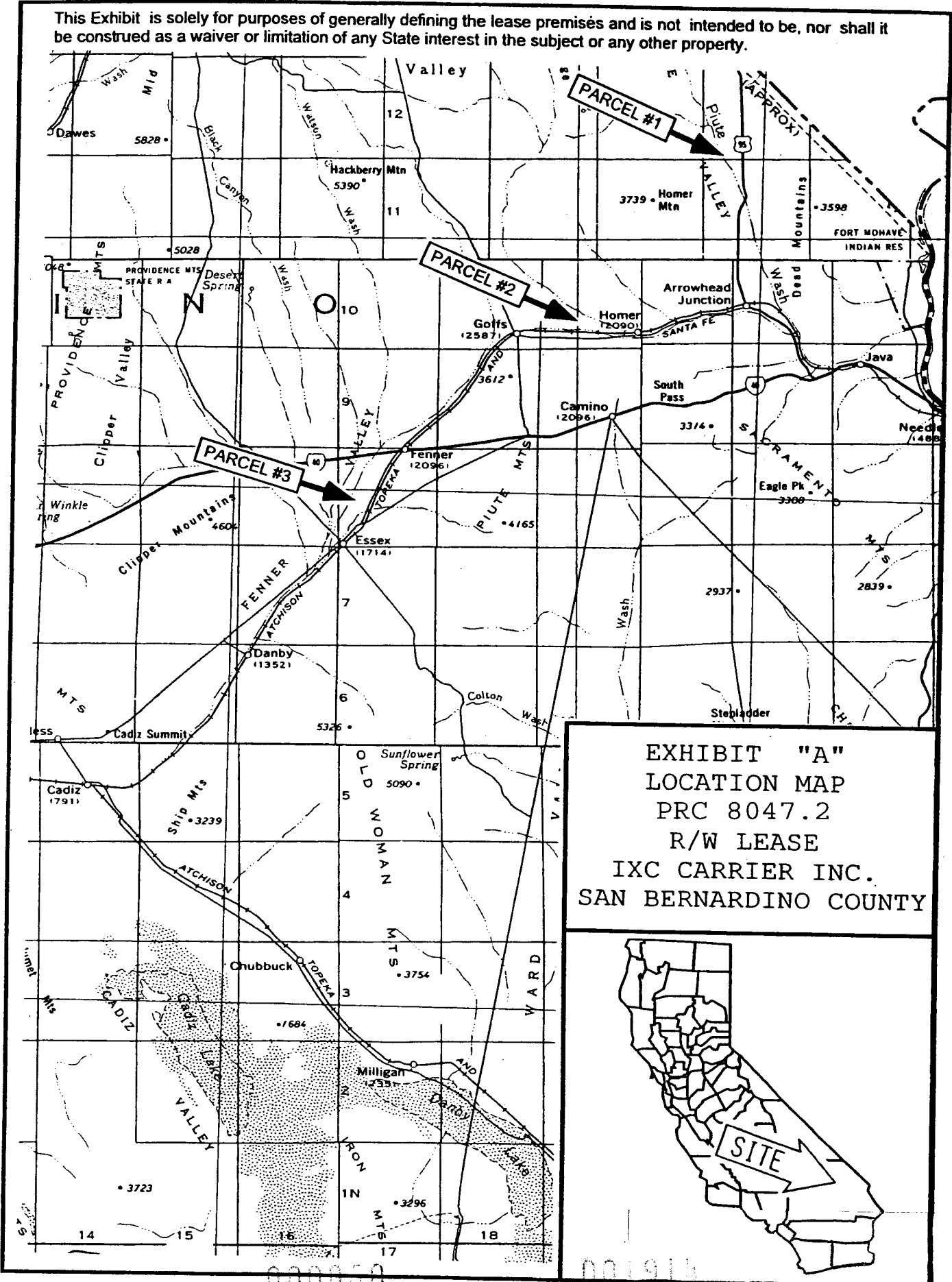


EXHIBIT "A"
 LOCATION MAP
 PRC 8047.2
 R/W LEASE
 IXC CARRIER INC.
 SAN BERNARDINO COUNTY



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