

FOR BOARD ACTION

Agenda Item # 10

Meeting Date: 9/28/04

SUBJECT: Mutual Confidentiality Agreement with Current Technologies

PREPARED BY: Walt Lorber, Director of Core Services

ITEM DESCRIPTION:

In the previous review of broadband-over-powerline (BPL) proposals, RPU and Hiawatha Broadband Communications discarded a proposal by Current Technologies because the proposal was for both the system and telecommunications services. Current Technologies has now opened the door to other approaches, including allowing another service provider to use its system. This is important to RPU for purposes of ultimately soliciting proposals from multiple service providers.

Staff now believes that Current Technologies' system should be considered and has arranged for a site visit at an operating system. Current Technologies' system appears to offer the advantages of faster speeds, lower costs, an off-the-shelf modem, and the use of a less controversial frequency band.

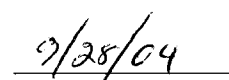
Current Technologies' system utilizes similar technology to Main.Net, so the selection of their system for deployment would not require another technical test.

Current Technologies has asked that both RPU and HBC execute a non-disclosure agreement prior to a September 30 visit. The attached, revised version of their NDA has been reviewed by the Rochester City Attorney, but has not been approved by HBC or Current Technologies.

UTILITY BOARD ACTION REQUESTED:

It is requested that the Utility Board approve a Confidentiality Agreement with Access Broadband, Current Technologies, Current Communications Services, and Hiawatha Broadband Communications, and authorize the City Clerk and Mayor to execute the agreement, contingent on the City Attorney approving the addition of appropriate language to address the applicability of Minnesota data practices law.


General Manager


Date

ROCHESTER PUBLIC UTILITIES



RESOLUTION

BE IT RESOLVED by the Public Utility Board of the City of Rochester, Minnesota, that the Board approves, contingent upon acceptance by the Rochester City Attorney of revisions required by the other signatories, a contract agreement with Access Broadband, Current Technologies, Current Communications Services, and Hiawatha Broadband Communications, and that the Mayor and the City Clerk are authorized to execute the agreement for

Confidentiality Agreement

Passed by the Public Utility Board of the City of Rochester, Minnesota, this 28th day of September 2004.

President

Secretary