

MEMORANDUM OF UNDERSTANDING

PARTIES: Greater Southern Tier BOCES, 459 Philo Road, Elmira, NY 14903-1093 (hereafter GST)
Elmira Heights Central School District, 2083 College Ave., Elmira Heights, NY 14903
(hereafter District)

RECITALS:

1. GST BOCES has entered into a Master Agreement with Southern Tier Network (STN) whereby STN will provide GST and certain component school districts with dark fiber strands to allow GST and the participating school districts to send voice, data and/or internet traffic among each other and other network users.
2. The Master Agreement includes addenda that state the specific service to be provided to the participating districts and the monthly charge for said service.
3. In addition to the monthly charges set forth in the addenda, each participant in the STN network will be required to pay the cost of any lateral build from the backbone fiber to their facility.
4. The parties wish to enter into an agreement whereby the participating district agrees to pay the monthly charge for their district as set forth in the addenda to the Master Agreement and any early termination penalty plus any unpaid lateral build costs that remain.

THE UNDERSTANDING:

The parties agree as follows:

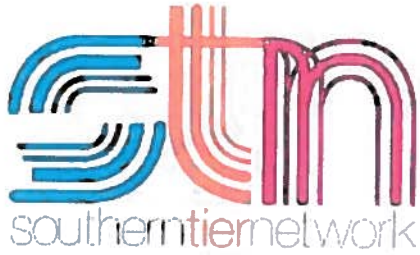
5. GST shall provide fiber optic network services to the District pursuant to the Master Agreement between STN and GST.
6. The District agrees to pay to GST the monthly network charges as set forth in the addendum attached hereto and any early termination fee as set forth in the Master Agreement.
7. The District agrees to pay GST for the up front lateral build fees pursuant to the addendum attached hereto and, in the event of early termination, agrees to pay to GST any lateral build fees that remain unpaid.

Elmira Heights Central School District Board
President

Dr. Horst Graefe, District Superintendent/CEO

Date

Date



Southern Tier Network Fiber Leasing Addendum

This Fiber Leasing Addendum (the Addendum) for the leasing of fiber optic strands and related services is made as of the date of last execution below ("the Effective Date") and entered into by and between the Southern Tier Network (STN) and GST BOCES ("Customer") and is attached to and becomes a part of a Master Agreement between the parties dated _____ and incorporated therein by this reference (Agreement).

WHEREAS, Customer desires to lease the dark fiber optic strands as described below from the STN, and the STN is willing to provide the fiber pursuant to the terms and rates set forth below and in the attached fiber proposal (Exhibit A).

NOW, THEREFORE, the STN agrees to provide and the Customer agrees to purchase leased dark fiber optic strands and service indicated below.

Span (Name)	Quantity: (Number of Fiber Strands)	Monthly Pricing: (MRC) Months 1-60	Monthly Pricing: (MRC) Months 61-120	Term: (Months)
STN-GST-ELM_HTS-20120820-A: Bush Campus, BLDG 4, 459 Philo Rd, Elmira, NY – Edison High School	2	\$452.00	\$283.00	7/1/2013 - 6/30/2023
Total		\$452.00	\$283.00	

RATES: STN shall be paid the monthly amount shown on the last day of a month for the services provided in that month. A copy of the STN current rates is attached hereto as Exhibit A, showing STN current charges for monthly recurring charges for leased use and maintenance of the proposed route of the STN Fiber Optic Network. Review of rate structures will be done periodically and if more favorable rate structures are developed Customer will be provided the option to participate in these new rate structures.

This Fiber Leasing Addendum is also subject to the following terms and conditions.

BUSINESS RELATIONSHIP: STN shall provide dark fiber to strands to Customer, allowing Customer to send voice, data and/or Internet traffic.

TERM: The initial term of this Addendum will commence on the date Customer is connected to the fiber and takes possession of said fiber and Customer has accepted the Leased Fiber. The initial term of this addendum will end on June 30, 2023.



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TERRITORY: Modification or expansion of STN infrastructure shall not affect any existing agreements between STN and Customer unless the parties independently amend such agreements in accordance with the terms thereof.

LATERAL BUILDS & BUILDING ENTRANCE FACILITIES (BEF): Customer will be required to pay, in its entirety, the cost of any lateral build from the backbone fiber or the nearest point of presence to the end-user. Any lateral builds constructed by the STN for the Customer will be owned by STN and will contain at a minimum of 24 strands of fiber. Lateral build costs are an estimate and may change once construction commences.

Customer has the right to construct and maintain its own lateral and BEF connections. Customer has the right to lease or IRU their own lateral build or BEF to other parties.

This Addendum may be executed in several counterparts and all so executed shall constitute one agreement binding on each of the parties hereto even though both of the parties are not signatories to the original or to the same counterpart.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date last written below.

Southern Tier Network

Company Name: _GST BOCES

By: _____

Name: _____

Title: _____

Date: _____

Company Name: _GST Boces

By: _____

Name: _____

Title: _____

Date: _____