

Project title: An Ordinance Granting a Five-Year Extension for Telecommunications Franchise to Astound Broadband, LLC D/B/A Wave

Council Bill # *interoffice use*

CB 2109-29

Agenda dates requested:

9.8.21, 9.15.21, 9.22.21

Briefing

Proposed action 9.8.21,
9.15.21

Consent

Action 9.22.21

Ordinance X

Public hearing

Yes x No

Budget amendment:

Yes x No

PowerPoint presentation:

Yes x No

Attachments:

Franchise Extension
Ordinance

Department(s) involved:

Public Works, Legal

Contact person:

Tim Benedict

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Initialed by:

Department head

Administration

Council President

Consideration: Five-Year Extension of Franchise Ordinance

Project: Five-Year Extension for Telecommunications Franchise to Astound Broadband, LLC D/B/A Wave

Other Parties : Astound Broadband, LLC D/B/A Wave

Location: City rights-of-ways

Preceding action: None

Fund: None

Fiscal summary statement:

None

Project summary statement:

Astound Broadband, LLC D/B/A Wave requests a five-year extension to their franchise to provide telecommunication services in Everett. Wave’s original franchise was a five-year franchise, which was granted by City Council in 2016. Federal law allows cities to negotiate the terms of franchises, but does not allow cities to refuse to authorize a franchise. Authorization of the franchise extension will continue to provide additional competitive telecommunication services in Everett. Except for the five-year extension of the term of the franchise, all other provisions of the original franchise remain the same. This franchise is substantially similar to telecommunications franchises granted to previous franchisees.

Recommendation (exact action requested of Council):

Adopt Ordinance Granting a Five-Year Extension for Telecommunications Franchise to Astound Broadband, LLC D/B/A Wave



ORDINANCE NO. _____

An Ordinance Granting a Five-Year Extension for Telecommunications Franchise to Astound Broadband, LLC D/B/A Wave

WHEREAS,

- A. The City is authorized to grant franchises for the installation, operation and maintenance of telecommunications services within the City.
- B. By Ordinance 3511-16, the City granted a Telecommunications Franchise to Astound Broadband, LLC d/b/a Wave. The franchise granted by Ordinance 3511-16 is referred to as the "Franchise." Astound Broadband, LLC d/b/a Wave is referred to as the "Grantee."
- C. The Franchise has a term of five years. Since the Franchise became effective on October 29, 2016, the franchise expires on October 29, 2021.
- D. The Grantee has represented to the City that it provides a telephone business as defined by RCW 82.16.010, and has requested that the City grant a five-year extension of the Franchise.
- E. The Grantee is willing to accept such an extension subject to the terms and conditions stated herein and to abide by these terms and conditions.
- F. The City Council finds that it would serve the public interest of the residents of the City to grant to Grantee the five-year extension of the Franchise, subject to the terms and conditions set forth below.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. The Franchise is extended for five years, so that it terminates on October 29, 2026. Section 3.3 of Ordinance 3511-16 is therefore amended as follows, with underlined text added and strike-out text deleted:

3.3 Effective Date and Term of Franchise

This Franchise and the rights, privileges and authority granted hereunder shall take effect thirty days after adoption by City Council (the "Effective Date"), and shall terminate on October 29, 2026 ~~five years later on the fifth anniversary of the Effective Date~~, unless terminated sooner as hereinafter provided.

No other provision of the Franchise is amended and all Franchise provisions remain in full force and effect.

Section 2. After the passage and approval of this Ordinance and within thirty days after such approval, this Franchise extension shall be accepted by Grantee by filing with the City Clerk an unconditional, acknowledged written acceptance of all terms and conditions of this extension of Franchise. Failure of Grantee to file such an acceptance within thirty days of approval shall be deemed a rejection by Grantee, and the rights and privileges herein granted shall cease after expiration of the thirty day period after approval, unless the thirty day period is extended by ordinance duly passed for that purpose.

Cassie Franklin, Mayor

ATTEST:

Sharon Fuller, City Clerk

PASSED: _____

VALID: _____

PUBLISHED: _____

EFFECTIVE DATE: _____