

Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Philip Morley, County Administrator

From: Frank Gifford, Public Works Director *FG*

Agenda Date: June 18, 2012

Subject: WaveDivision Cable TV & Telecommunications Temporary Franchise
Six Month Franchise Extension

Statement of Issue:

Attached for the Board's consideration is a Resolution extending WaveDivision I, LLC's six month Temporary Franchise for their cable TV and telecommunications facilities for an additional six months.

Analysis/Strategic Goals/Pro's & Con's:

On February 6, 2012 the Board adopted Resolution 10-12 granting Wave a Temporary Franchise pending the development of a long-term franchise. The Temporary Franchise was granted for six months from the date that Wave completed the transaction to purchase Broadstripe's cable television and telecommunications system. The transaction date was January 13, 2013. Temporary Franchise Section 2.4.3 provides that the Temporary Franchise may be extended at the sole discretion of the Board for an additional six month term upon the written request of Wave. A public hearing is not required to extend the Franchise term.

In a letter dated May 14, 2012 Wave requested that the Board extend the Temporary Franchise for an additional six months through January 13, 2013. Wave and Public Works have been actively engaged in developing a new long-term franchise and anticipate that a new long-term franchise will be submitted for the Board's consideration well before that date.

Fiscal Impact/Cost Benefit Analysis:

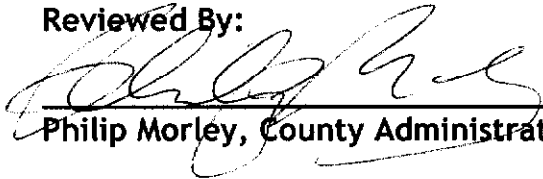
The Temporary Franchise requires Wave to reimburse Public Works for its staff time expenses.

Recommendation:

Public Works requests that the Board adopt the Resolution extending the Temporary Franchise.

Department Contact: Jim Pearson, 385-9160

Reviewed By:



Philip Morley, County Administrator

6/13/12

Date

**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

In The Matter of Extending the)	
WaveDivision I, LLC)	
Temporary Franchise)	
To Construct, Maintain, and Operate)	Resolution _____
Cable Television and Telecommunication)	Granting An Extension To The
Transmission and Distribution Lines)	WaveDivision I, LLC Temporary
Together With Poles, Wires, and Other)	Franchise
Appurtenances Upon, Over, Along, and)	
Across A Franchise Area Within)	
Unincorporated Jefferson County)	

WHEREAS, on February 6, 2012 the Jefferson County Board of Commissioners (Board) adopted Resolution 10-12 granting WaveDivision I, LLC (Wave) a Temporary Franchise to install, construct, repair, replace, maintain, relocate, extend, remove, operate, and use cable television and telecommunications transmission and distribution lines together with poles, wires and other appurtenances upon, over, along and within unincorporated Jefferson County, pending the granting of a long-term franchise to Wave; and

WHEREAS, the Temporary Franchise was granted for a period of six (6) months from the date that Wave completed the transaction to purchase Broadstripe, LLC's cable television and telecommunications transmission and distribution system in Jefferson County, which transaction date was January 13, 2013; and

WHEREAS, Temporary Franchise Section 2.4.3 provides that the Temporary Franchise term may be extended for an additional six (6) month term at the sole discretion of the Board and upon the written request of Wave; and

WHEREAS, in a letter to the Board dated May 14, 2012 Wave requested the Board to extend the Temporary Franchise for an additional six (6) month term in order to provide sufficient time for Wave and Jefferson County to enter into a new long-term franchise; and

WHEREAS, Wave and Jefferson County have been actively engaged in developing a new long-term franchise; and

WHEREAS, it is in the public interest for Wave to continue to have authority to provide cable television and telecommunications services within Jefferson County pending the granting of a new long-term franchise by Jefferson County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF JEFFERSON COUNTY that the Temporary Franchise granted to Wave by Resolution 10-12 is hereby extended for an additional six (6) month term through January 13, 2013 under the express terms and conditions contained in the Wave Temporary Franchise.

APPROVED AND ADOPTED this _____ day of _____, 2012.

**JEFFERSON COUNTY
BOARD OF COMMISSIONERS**

John Austin, Chair

Phil Johnson, Member

David W. Sullivan, Member

ATTEST:

Raina Randall
Deputy Clerk of the Board

APPROVED AS TO FORM:

David Alvarez 6/7/2012

David Alvarez
Deputy Prosecuting Attorney

Via U.S. Mail and Email

May 14, 2012

Jefferson County
Attn: Board of County Commissioners
P.O. Box 1220
Port Townsend, WA 98368

Re: Temporary Nonexclusive Franchise granted to WaveDivision I, LLC d/b/a Wave Broadband, ("Wave"), by Jefferson County ("County") Ordinance No. 10-12, dated February 6, 2012, with an effective date of January 13, 2012 (the "Franchise")

Dear Commissioners:

The County granted the temporary Franchise to Wave, which will expire on July 13, 2012. We've been in contact with County Public Works officials regarding the terms of a long-term franchise to replace the existing temporary arrangement. We understand the County will need additional time to prepare a draft agreement. Pursuant to the requirements of §2.4.3 of the Franchise granted to Wave, the term of the temporary Franchise may be extended, at the discretion of the Board of County Commissioners, for an additional period of up to six months upon the written request of Wave. Accordingly, Wave hereby requests that the term of the temporary Franchise be extended for an additional six months, through January 13, 2013, in order to provide for sufficient time for the County and Wave to enter into a new long term franchise agreement.

Please let me know if you have any questions or concerns. I can be reached by phone at (425) 896-1891 or by email at jpenney@wavebroadband.com.

Very truly yours,



James A. Penney
Executive Vice President
Business and Legal Affairs

Cc: Cyndi Wikstrom, Vice President of Operation, Wave Broadband (via email)
Jim Pearson, Jefferson County Public Works Department (via email)