

ORDINANCE NO. 971

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON EXTENDING THE FRANCHISE GRANTED BY ORDINANCE NO. 522, AND AS EXTENDED BY ORDINANCE NOS. 905 AND 938, FOR A NON-EXCLUSIVE FRANCHISE TO FRONTIER COMMUNICATIONS NORTHWEST, LLC (DBA ZIPLY FIBER) TO CONSTRUCT, MAINTAIN, OPERATE, AND REPAIR A CABLE SYSTEM IN, ON, ACROSS, OVER, ALONG, UNDER, UPON, THROUGH, AND BELOW PUBLIC RIGHTS-OF-WAY OF THE CITY OF SHORELINE, WASHINGTON TO PROVIDE CABLE SERVICES.

WHEREAS, on October 27, 2008, pursuant to RCW 35A.11.020, RCW 35A.47.040, and Chapter 12.25 SMC, the Shoreline City Council passed Ordinance No. 522 granting a twelve-year non-exclusive franchise for a cable system within the public-rights-of-way of the City to Verizon Northwest, Inc; and

WHEREAS, since then this franchise has been transferred to Frontier Communications Northwest, LLC (dba Zply Fiber); and

WHEREAS, in October 2020 and again in October 2021, the City Council extended the Franchise in one (1) year increments to allow for continued negotiations, with the Franchise now terminating on November 4, 2022 and

WHEREAS, Frontier Communications Northwest, LLC (dba Zply Fiber) has encountered a significant decline in cable subscribership, which has prompted a need for in-depth analysis of the market and an assessment of the appropriate terms and conditions for a franchise; and

WHEREAS, by providing an additional one-year extension of the Franchise granted by Ordinance No. 522, as extended, the City and Frontier Communications Northwest, LLC (dba Zply Fiber) will be able to complete negotiations that benefit the residents of the City of Shoreline; and

WHEREAS, the City Council finds that it is in the best interests of the health, safety, and welfare of the residents of the City of Shoreline to grant a one-year non-exclusive franchise to Frontier Communications Northwest, LLC (dba Zply Fiber) for a cable system within the City rights-of-way to allow for productive negotiations to occur;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE DO ORDAIN AS FOLLOWS:

Section 1. Amendment - Extension. Section 1 of Ordinance No. 522, as extended by Ordinance No. 905 and Ordinance No. 938, granting a non-exclusive franchise to Verizon Northwest, Inc. now transferred to Frontier Communications Northwest, LLC (dba Zply Fiber), is hereby amended to provide for a one (1) year extension of the franchise:

Section 1. Grant of Franchise. The second sentence of this section is amended to read:

Subject to the provisions in Ordinance No. 522, as extended by Ordinance No. 905 and Ordinance No. 938, the term of the franchise shall be extended for a period of one (1) year, beginning at 12:01 a.m. Pacific Time on November 5, 2022 and terminating at 11:59 p.m. Pacific Time on November 4, 2023, and shall grant Frontier Communications Northwest, LLC (dba Ziplly Fiber) the right, privilege, and authority to construct, maintain, operate, and repair a cable system in, on, across, over, along, under, upon, through, and below the public rights-of-way to provide cable services in the City of Shoreline, all as provided in Exhibit A.

Exhibit A – Cable Franchise Agreement. Section 2.3. Term. This subsection is amended to read:

The amended and extended term of the Franchise granted hereunder shall be from 12:01 a.m. Pacific Time on November 5, 2022, to 11:59 p.m. Pacific Time on November 4, 2023.

Section 2. Terms and Conditions of Non-Exclusive Franchise Granted by Ordinance No. 522, as extended by Ordinance No. 905 and Ordinance No. 938, Remain the Same. Except as specifically provided in this Ordinance, the terms and conditions of the non-exclusive franchise granted to Frontier Communications Northwest, LLC (dba Ziplly Fiber) by Ordinance No. 522, as extended by Ordinance No. 905 and Ordinance No. 938, including Exhibit A Cable Franchise Agreement, continue in full force and effect.

Section 3. Directions to City Clerk. The City Clerk is hereby authorized and directed to forward certified copies of this Ordinance to Frontier Communications Northwest, LLC (dba Ziplly Fiber). No later than 11:59 p.m. PST, November 4, 2022, Frontier Communications Northwest, LLC (dba Ziplly Fiber) shall accept in writing the extension authorized by this Ordinance and the continuation of the non-exclusive franchise granted by Ordinance No. 522, as extended by Ordinance No. 905 and Ordinance No. 938. If Frontier Communications Northwest, LLC (dba Ziplly Fiber) fails to provide written acceptance, this Ordinance shall become null and void and the franchise granted by Ordinance No. 522, as extended by Ordinance No. 905 and Ordinance No. 938, shall expire.


Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 5. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 6. Publication and Effective Date. In accordance with state law, a summary of this Ordinance shall be published in the official newspaper. The cost of such publication shall be borne by Frontier Communications Northwest, LLC (dba Ziplly Fiber). If accepted by Frontier Communications Northwest, LLC (dba Ziplly Fiber) as provided in Section 3 above, this Ordinance

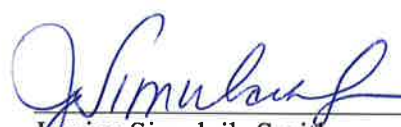
shall take effect at 12:01 am Pacific Time on November 5, 2022. Otherwise, this Ordinance and the franchise granted by Ordinance No. 522, as extended by Ordinance No. 905 and Ordinance No. 938, shall become null and void as of 11:59 pm Pacific Time on November 4, 2022.

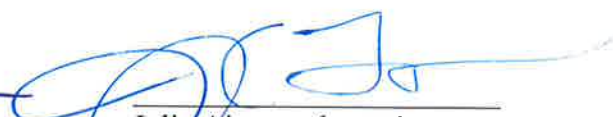
PASSED BY THE CITY COUNCIL ON OCTOBER 24, 2022.


Mayor Keith Scully

ATTEST:

APPROVED AS TO FORM:


Jessica Simulcik-Smith
City Clerk


Julie Ainsworth-Taylor
Assistant City Attorney
On behalf of
Margaret King
City Attorney

Date of Publication: October ²⁸~~27~~, 2022
Effective Date: November 5, 2022

Section 3 Acceptance Date: October 28, 2022

