

COUNTY ENGINEER’S REPORT
AMENDMENT TO FRANCHISE – TELECOMMUNICATIONS FACILITIES
INTERMOUNTAIN INFRASTRUCTURE GROUP, LLC

File #25-103066 RWE

Pursuant to chapter 36.55.010 Revised Code of Washington (RCW), Section 9.20 Snohomish County Charter, and Title 13 of the Snohomish County Code (SCC), Intermountain Infrastructure Group, LLC, a limited liability company incorporated in Delaware, has applied to Snohomish County (the “County”) for an amendment to their existing franchise to install, operate and maintain a telecommunications system, including fiber optic cables and uses incidental thereto. Chapter 36.55 RCW and Snohomish County Charter Section 9.20 authorize the County to grant nonexclusive franchises for use of County public rights-of-way. Snohomish County’s franchise procedure is contained in Chapter 13.80 SCC. The County Engineer has examined the application and submits the following report to council in accordance with SCC 13.80.040.

FINDINGS

1. Applicant

Intermountain Infrastructure Group, LLC, hereafter referred to as “IIG”, is a limited liability company incorporated in Delaware that is registered as a competitive telecommunications company with the State of Washington Utilities and Transportation Commission (UTC ID 46034) and Secretary of State (UBI 604 254 896). IIG is based in Burlingame, CA, providing dark fiber and wholesale telecommunications services in Chelan, Douglas, Grant, Lincoln, Spokane, Columbia, Adams and certain areas of Snohomish counties, as well as the cities of Ephrata, Harrington, Quincy, Rock Island, Spokane, and Odessa in Washington state. IIG is also a competitive telecommunications provider in Idaho, Montana, California, Nevada, Oregon, Illinois, North Dakota, and Minnesota.

The Snohomish County Council granted a telecommunications franchise to IIG by Ordinance No. 22-063, approved on January 11, 2023, recorded under Auditors File Number 202302150068, and expiring on February 13, 2043. The franchise granted by Ordinance No. 22-063 is limited to areas in the vicinity of Monroe. IIG wishes to install telecommunications facilities in additional areas and has requested an amendment to their franchise to include all public rights-of-way in unincorporated Snohomish County. Section 3.4 of the franchise agreement granted by Ordinance No. 22-063 provides for amendments upon the written consent of the County and the Grantee set forth in the form of a County ordinance, signed by both parties, which states that it is an amendment to the franchise and is approved and executed in accordance with the laws of the State of Washington.

2. Description of County Roads Included in the Proposed Franchise

The proposed amendment to the franchise includes all public rights-of-way located within the boundaries of unincorporated Snohomish County, as shown in Exhibit A.

3. Description of Facilities

IIG does not currently own any facilities in Snohomish County but is applying for permits to construct facilities within its current franchise area, with routes from Sultan to Monroe and south from Monroe to the boundary with King County. The proposed amendment will allow them to apply for permits to construct additional routes from Monroe to Snohomish and Snohomish to Lynnwood. The proposed system consists of 4 x 1-1/4" high density polyethylene underground conduits and polycrystalline or concrete manholes. The conduits will hold 432 count fiber optic cables. The proposed installation method is directional drilling, trenching, or plowing dependent upon type and quality of rights-of-way and as permitted by the County.

4. Insurance

IIG is required to obtain and maintain insurance for the term of the franchise granted by Ordinance No. 22-063, in accordance with SCC 13.10.100 and Section 18 of the franchise. The Risk Management Division reviewed the proposed amendment and did not recommend changes to the insurance requirements. The proposed amendment will not change the insurance requirements in the franchise granted by Ordinance No. 22-063.

5. Term of Franchise

The initial term of the franchise granted by Ordinance No. 22-063 is for a period of ten (10) years beginning on the effective date of February 14, 2023, as defined in Section 33 of the franchise, and automatically renews for an extended term of an additional ten (10) years ending on February 13, 2043. The County has the right to unilaterally open negotiations with IIG at any time after the initial term, as more fully described in franchise Section 3.3 of the franchise. The proposed amendment will not change the term of the franchise granted by Ordinance No. 22-063.

6. Provisions of Franchise

Under the franchise granted by Ordinance No. 22-063 and proposed Amendment No. 1, IIG will:

- Obtain a right-of-way use permit pursuant to Title 13 SCC prior to commencing any work within the Public Rights-of-Way, as more fully described in franchise Section 4.
- Comply with all applicable federal, state and local laws, rules and regulations (including, but not limited to, the County's comprehensive plan, zoning code, and other development regulations), as more fully described in franchise Section 6.
- Promptly, at its own expense, relocate or remove its facilities from county rights-of-way when the County Engineer determines that it is necessary due to: traffic conditions;

public safety; dedications, improvements and vacations of rights-of-way; and other reasons more fully described in franchise Section 9.

- In no event abandon in place any facilities without the express written consent of the county, as more fully described in franchise Section 14.
- Compensate the county for its expenses incurred in the examination and report of the proposed franchise, as more fully described in franchise Section 15.2.
- Indemnify, defend and hold harmless County Parties from any and all claims arising out of its use of public rights-of-way under the franchise, as more fully described in franchise Section 16.
- Provide the County with adequate insurance appropriate for a telecommunications system franchise, as more fully described in franchise Section 18.
- Post a security device sufficient to ensure performance of its obligations when required by the County Engineer, as more fully described in franchise Section 19.
- Not assign any franchise rights or obligations without prior written consent of the county, as more fully described in franchise Section 22.
- Comply with Title VI Assurances and Non-Discrimination requirements, as more fully described in franchise Section 29.

COUNTY ENGINEER’S RECOMMENDATION

Based on the foregoing findings and pursuant to SCC 13.80.040, the County Engineer recommends the County Council approve Amendment No. 1 to the right-of-way franchise granted by Ordinance No. 22-063 to Intermountain Infrastructure Group, LLC, as provided by Section 3.4 of the franchise agreement, and in accordance with the terms and conditions of County Charter, County Code, and the laws of the State of Washington.

SNOHOMISH COUNTY PUBLIC WORKS

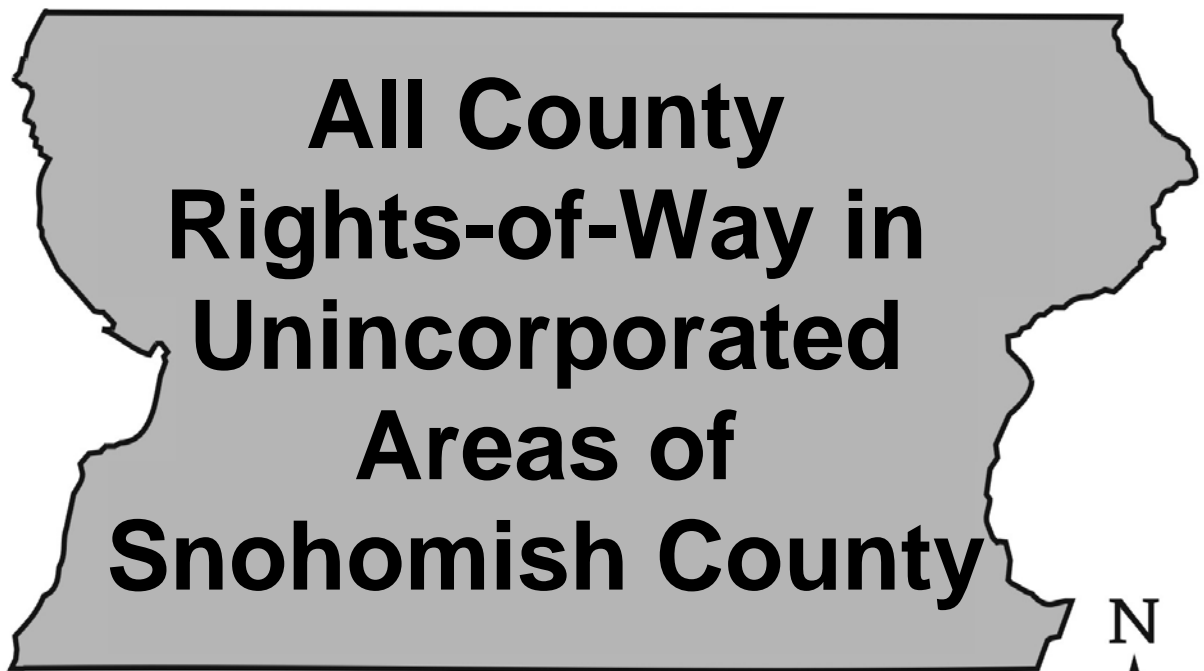
Douglas W. McCormick, P.E. Date
Deputy Director/County Engineer

Prepared by:

Mary Madole Date
Senior Planner – Special Projects

Exhibit A
Intermountain Infrastructure Group, LLC
Proposed Franchise Area

Skagit County



King County

