



Public Infrastructure and Conservation

Deb Bell

Council Initiated:

☐ Yes

☒ No

ECAF: 2025-3324
Ordinance: 25-073

Type:

- ☒ Contract
☐ Board Appt.
☐ Code Amendment
☐ Budget Action
☐ Other

Requested Handling:

- ☒ Normal
☐ Expedite
☐ Urgent

Fund Source:

- ☐ General Fund
☒ Other
☐ N/A

Executive Rec:

- ☒ Approve
☐ Do Not Approve
☐ N/A

Approved as to

Form:

- ☒ Yes
☐ No
☐ N/A

Subject: A Nonexclusive Cable Franchise authorizing limited use of County rights-of-way in Snohomish County.

Scope: WaveDivision 1, LLC has applied to Snohomish County for a franchise to construct, maintain, operate, replace and repair its cable system facilities in County public rights-of-way. The Snohomish County franchise procedure for authorization to grant a nonexclusive franchise is contained in Snohomish County Code 13.80, County Charter Section 9.2, RCW 36.55.010, and 47 U.S.C. §521.

Duration: A term of ten (10) years, beginning on the effective date as defined, with the franchise renewal period described in the Cable Act, the parties will meet to discuss a possible extension.

Fiscal Impact: ☐ Current Year ☒ Multi-Year ☐ N/A

County expenses are for the preparation and processing of the Franchise. All costs are to be reimbursed by the applicant prior to acceptance of the Franchise.

Expense	2025	2026	Total
102.50650131011 Administrative Salary	\$1,000		\$1,000
Total	\$1,000		\$1,000
Revenue	2025	2026	Total
102.30644443895 Reimbursable revenue	\$1,000		\$1,000
Total	\$1,000		\$1,000

Based on the findings and pursuant to SCC 13.80.040, the County Engineer recommends the County Council grant a right-of-way cable franchise to WaveDivision I, LLC.

Under the terms and conditions of County Charter, County Code and the proposed franchise, WaveDivision 1 LLC D/B/A Astound Broadband will:

- Obtain all permits, licenses, or other forms of approval necessary to construct, operate, maintain or repair the Cable System prior to the commencement of any work, as more fully described in proposed franchise Section 3.
- Make quarterly payments to the County in an amount equal to five percent (5%) of the gross revenue derived from the provision of cable services within the franchise area, as more fully described in proposed franchise Section 7.
- Not assign any franchise rights or obligations without prior written consent of the County, as more fully described in proposed franchise Section 8.
- Indemnify, defend, and hold harmless any County Party from any and all claims, demands, liability, suits, and judgments, including costs of defense thereof, for bodily injury to persons, death, or property damage arising out of its use of Public rights-of-way pursuant to the franchise, as more fully described in proposed franchise Section 10.
- Provide a Franchise Bond in the amount of twenty-five thousand dollars (\$25,000) to

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ensure the faithful performance of its responsibilities under this Franchise and applicable law, as more fully described in proposed franchise Section 12.

- Make available two (2) high definition educational and governmental digital access channels and two (2) standard definition digital access channels upon written notice and within certain timeframes, as more fully described in proposed franchise Section 14.
- Compensate the county for its expenses incurred in processing the franchise, as more fully described in proposed franchise Section 18.
- Comply with Title VI Assurances and Non-Discrimination requirements, as more fully described in proposed franchise Section 19.

Authority Granted: The Snohomish County Council has considered the Engineer' Report of the Department of Public Works and has determined that it is in the public interest to grant a renewed cable franchise to Astound. This is a legislative authorization to use public rights-of-way, and actual construction and maintenance activities in the public rights-of-way will be subject to administratively approved right-of-way permits after review of specific plans. The approved cable franchise is set forth as Attachment A to the ordinance and is incorporated by reference.

Within ninety (90) days of the passage and approval of the franchise ordinance, Astound may accept the franchise by filing with the Clerk of the County Council an unconditional written acceptance of this franchise, together with accompaniments as specified.

The franchise granted by this ordinance shall take effect, if at all, on the date on which each and every one of the following conditions have been met:

- A minimum of ten (10) days have passed since the County Executive executed this franchise ordinance or this franchise ordinance was otherwise validly enacted,
- Astound executes the acceptance page of the franchise ordinance and returns same to the Clerk of the County Council,
- Astound presents acceptable evidence of insurance and performance security as required in Sections 9 and 12 of Attachment A and Astound pays all applicable fees as set forth in Section 18.4 of Attachment A, to the County.

Background: Wave operates three cable systems in Snohomish County which are registered with the FCC as follows:

FCC ID	Community Name	Start of Service	PSID	Principal Headend
WA0468	Snohomish (NW)	01/01/1988	000699	W Cross Island Rd, Camano Island
WA0560	Lake Roesiger	08/01/1994	016661	Echo Lake Rd, Snohomish
WA0593	Snohomish	07/01/1996	016661	Echo Lake Rd, Snohomish

The cable network is a hybrid fiber and coax distribution system. The system enables Wave to provide cable television, phone, and internet services. Wave has registered with the FCC a satellite dish for reception of cable network programing. The registration is TVRO Earth Station License, E-3-013, which expires on April 29, 2026.

Action Requested: To move the ordinance to GLS on November 12 to set time and date for a Public Hearing, with the suggested date and time of December 3, 2025, at 10:30 am.