



COUNTY ENGINEER'S REPORT
FRANCHISE – CABLE SYSTEM FACILITIES
COMCAST CABLE COMMUNICATIONS, LLC &
COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC

Pursuant to 47 U.S.C. §521 *et seq.*, Chapter 36.55.010 Revised Code of Washington (RCW), Section 9.20 Snohomish County Charter, and Title 13 of the Snohomish County Code (SCC), Comcast Cable Communications, LLC and Comcast Cable Communications Management, LLC, jointly and severally, has applied to Snohomish County (the "County") for a franchise to construct, maintain, operate, replace and repair its cable system facilities in County public rights-of-way, and for no other purpose or use whatsoever. 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 requirements for this Engineer's report are described in SCC 13.80.040.

FINDINGS

1. Applicant

Comcast Cable Communications, LLC and Comcast Cable Communications Management, LLC, jointly and severally ("Comcast") both Washington limited liability companies with UBI Numbers 603 547 299 and 602 712 140, respectively. Comcast operates a cable system, providing cable service, high speed internet, and telephone to customers within unincorporated Snohomish County as shown in Exhibit A. Comcast has been operating under three previously granted cable franchises under Ordinance No. 88-086, adopted on November 30, 1988, and recorded under Auditor's File No. 8901050013; Ordinance No. 92-077, adopted on August 12, 1992, and recorded under Auditor's File No. 9303030301; and Ordinance No. 94-009, adopted on March 2, 1994, and recorded under Auditor's File No. 9405050106.

2. Description of Facilities

Comcast's cable system consists of a hybrid fiber-coaxial fiber-to-the-node system architecture, with fiber optic cable deployed from Headend to nodes, tying into the coaxial system serving system subscribers. Comcast proposes to operate, maintain, repair, and install overhead and underground facilities within Snohomish County rights-of-way and its service area as needed to provide service to customers. The specific area covered by the proposed franchise is described in Section 4 of this report. All work shall be performed in compliance with all federal, state and local laws, rules and regulations (including, but not limited to, the County's comprehensive plan, zoning code, and other development regulations) that are applicable to any and all work or other activities performed by pursuant to or under authority of the Franchise as more fully described within the proposed franchise and Section 6 of this report.

3. Insurance

Comcast has agreed to provide proof of insurance in accordance with SCC 13.10.100 and Section 9 of the franchise. The Risk Management Division has reviewed and approved the insurance requirements contained in the Section 9. In accordance with Section 2 of the franchise, the franchise shall not take effect until Comcast provides evidence of insurance acceptable to the Risk Management Division.

4. Description of County Rights-of-Way Covered by the Proposed Franchise

The proposed cable franchise includes all County rights-of-way located in unincorporated Snohomish County as shown in Exhibit A.

5. Term of Franchise

The term of the franchise shall be for a period of ten (10) years beginning on the Effective Date as that term is defined in Section 2 of the franchise, and continuing until the date that is one day prior to the tenth (10th) anniversary of the Effective Date, unless earlier terminated, revoked or modified pursuant to the provisions of the franchise. Any amendments to the franchise may only be authorized through the adoption of an appropriate ordinance by the County, as included in Section 18 of the franchise.

6. Terms and Conditions of Franchise

Under the franchise, Comcast will:

- Comply with the requirements of the Federal Law, State law, County Charter, Title 13 SCC, the Engineering Design and Development Standards (EDDS), the county's Utility Accommodation Policy, and all right-of-way use permit application, review and construction standards.
- Compensate the county for its administrative expenses in preparing the franchise.
- Provide the County with adequate insurance appropriate for a cable system franchise.
- Post a security device sufficient to ensure performance of its obligations when required by the County Engineer.
- Provide quarterly payments to the County of five-percent (5%) of the gross revenue received by the cable company for cable services rendered within the areas covered by their franchise.
- Upon advance notification, provide support for and make available one (1) governmental channel and one (1) educational cable channel as more fully described in Section 14.
- Not assign any franchise rights or obligations without prior written consent of the County as more fully described in 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 franchise Section 10.
- At its sole cost and expense, relocate or remove its facilities from County rights-of-way when safety, health, or welfare of the public requires such change.

- Promptly, at its sole cost and expense, restore the right of way to a suitable condition for travel as specified in County standards as required by its permit.

COUNTY ENGINEER'S RECOMMENDATION

Based on the above findings, the Department of Public Works recommends the County Council grant a right-of-way cable franchise to Comcast under the terms and conditions of County Charter, County Code and the ordinance granting a franchise.

Prepared by on date:

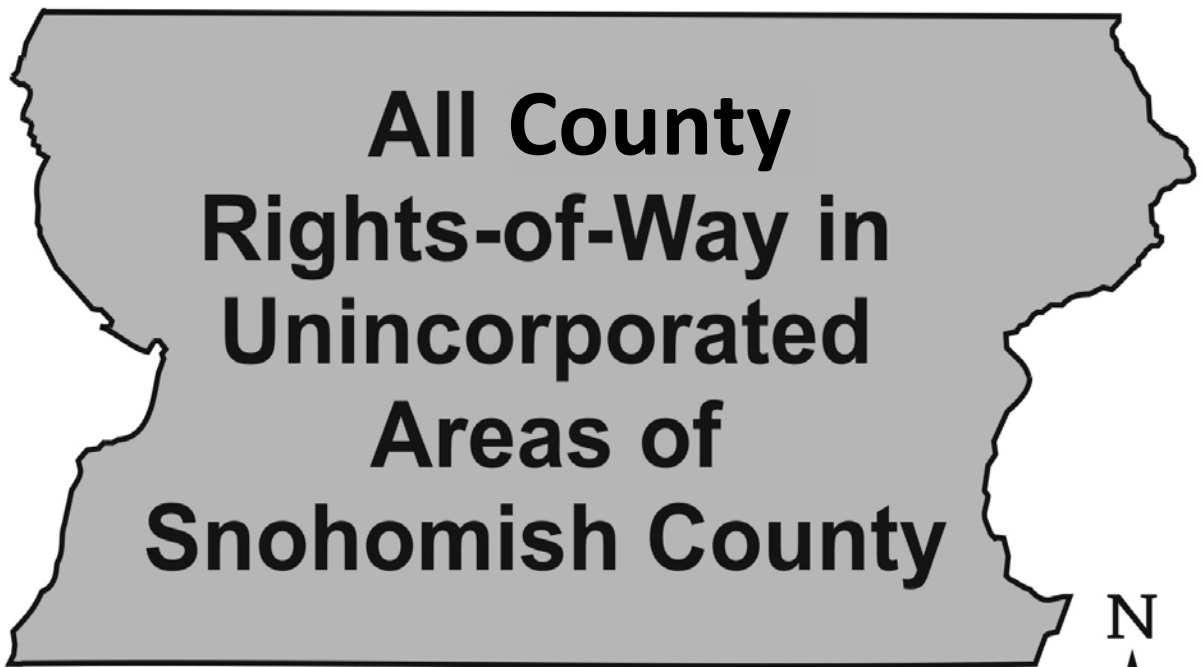
Approved by on date:

Brook Chesterfield, P.E.
Special Projects Coordinator

Douglas W. McCormick, P.E.
County Road Engineer

**Exhibit A - Comcast Cable
Communications, LLC and
Comcast Cable Communications
Management, LLC
Proposed Cable Franchise Area**

Skagit County



**All County
Rights-of-Way in
Unincorporated
Areas of
Snohomish County**

King County

