



## City Council

### Ordinance Granting a Telecommunications Master Permit to Electric Lightwave LLC (Integra Holdings)

**Agenda Date:** 10/9/2012  
**Agenda Item Number:** 4.C  
**File Number:** 12-0510

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**Type:** ordinance **Version:** 2 **Status:** Passed

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**Agenda Item:**

Ordinance Granting a Telecommunications Master Permit to Electric Lightwave LLC (Integra Holdings)

**Issue:**

Should the City grant a Telecommunications Master Permit to Integra Holdings for the provision of telecommunications services to persons or areas within the City of Olympia?

**Staff Contact:**

Tom Hill, Building Official, Department of Community Planning and Development, 360.753.8486.

**Presenter(s):**

Tom Hill, Building Official, Permit and Inspection Services Manager

**City Manager's Recommendation:**

Move to approve the Ordinance on first reading and forward to second reading.

**Background and Analysis:**

The City Council held a public hearing on the recommended ordinance, Tuesday, September 18, 2012. No one testified.

***The following background and analysis was provided for the September 18 Public Hearing -***

OMC 11.06.010 states that a Telecommunications Master Permit shall be required of any service provider or other person who seeks to provide telecommunications service to any person or area in the City and who desires to construct, install, operate, maintain, or otherwise locate Facilities in, upon, under, over, or across any right-of-way of the City.

OMC 11.02.020 defines a Master Permit as "the agreement in whatever form whereby a city or town may grant to give general permission to a service provider to enter, use, and occupy the right-of-way for the purpose of locating telecommunication facilities." Telecommunications service is defined as "the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public." Information is defined as knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.

Intergra Holding applied for a Telecommunications Master Permit on January 27, 2011 on behalf of Electric

Lightwave, LLC (ELI), who had a Master Permit with the City which expired May 20, 1997.

Intergra Telecomm was in the process of consolidating their business interest, and because the issue was placed at lower priority by staff, ELI and the City have continued to operate and treat the Master Permit as governing since its expiration. However, it is incumbent and prudent upon the parties to update the Master Permit.

Prior to granting or denying a Master Permit under OMC Title 11, the City Council is to conduct a public hearing and make a decision based upon the standards set forth below. The City Council's approval or denial of the application shall be issued in writing, based on the following:

- A. Whether the applicant has received all requisite licenses, certificates, and authorizations from the Federal Communications Commission, the Washington Utilities and Transportation Commission, and any other federal or state agency with jurisdiction over the activities proposed by the applicant.
- B. The capacity of the public ways to accommodate the applicant's proposed Facilities.
- C. The capacity of the right-of-way to accommodate additional utility and Facilities if the master permit is granted.
- D. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the master permit is granted;
- E. The public interest in minimizing the cost and disruption of construction within the right-of-way.
- F. Applicants proposed compliance with the City's Development Guidelines.
- G. The effect, if any, on public health, safety and welfare if the master permit requested is granted.
- H. The availability of alternate routes and/or locations for the proposed Facilities.
- I. Applicable federal and state telecommunications laws, regulations and policies.

The reasons for a denial of a master permit shall be supported by substantial evidence contained in a written record. A service provider adversely affected by the final action denying a master permit, or by an unreasonable failure to act on a master permit as set forth above, may commence an action within thirty (30) days to seek relief, which shall be limited to injunctive relief.

**Options:**

1. Move to approve the Ordinance on first reading and forward to second reading.
2. Do not approve the Ordinance.

**Financial Impact:**

None.