

KITTITAS COUNTY  
DEPARTMENT OF PUBLIC WORKS

**AGENDA STAFF REPORT**

**AGENDA DATE:** *June 17, 2014*

**ACTION REQUESTED:** Board of County Commissioners to set a public hearing, and advertise accordingly, to consider a Cable Television Franchise to Fairpoint Communications.

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**BACKGROUND:** *Ellensburg Telephone Company, dba Fairpoint Communications* has applied for a Countywide Cable Television Franchise within the Kittitas County Road Rights of Way. The proposed project's purpose is to provide cable television service in areas that currently have telecommunications service provided by Fairpoint.

Fairpoint is represented in this matter by the Law Office of Richard Finnigan, whose correspondence accompanies the application.

The Franchise Application is complete and in order and the appropriate Application Fee has been collected.

**INTERACTION:** Public Works

**RECOMMENDATION:** Motion to set a public hearing on *July 15, 2014* and advertise accordingly, to consider a Countywide Cable Television Franchise to Fairpoint Communications.

**ATTACHMENTS:** Franchise Application  
Richard Finnigan Letter  
Fee Receipt

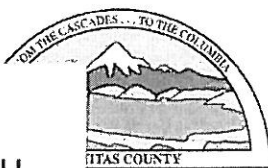
**LEAD STAFF:** Roy Chance  
Construction Manager

KITTITAS  
COUNTY  
THANK YOU

05/05/2014 1:07PM 01  
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#32191031  
FRANCH COMM \$750.00

ITEMS 10  
\*\*\*TOTAL \$750.00  
CHECK \$750.00  
CHANGE \$0.00



## KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

411 North Ruby Street, Suite 1, Ellensburg, WA 98926  
TEL (509) 962-7523 FAX (509) 962-7663

### FRANCHISE APPLICATION

### FOR FACILITY IN COUNTY ROAD RIGHT-OF-WAY

#### Fee Schedule (circle one)

Commercial Application - Kittitas County Department of Public Works (Non-Refundable): \$750.00

Non-Commercial Application-Kittitas County Department of Public Works (Non-Refundable): \$600.00

This form precedes the legal agreement set forth by the county when applying for use of road right of way for a franchise facility installation. The legal document is required by Kittitas County Code 12.56 specific to Electrical, Telephone, Natural Gas, Cable TV, Sanitary Sewer, Domestic Water, or Irrigation Water which is designated for commercial use and distribution.

Please type or print clearly in ink. Attach additional sheets as necessary. Pursuant to KCC 15A.03.040, a complete application is determined within 28 days of receipt of the application submittal packet and fee.

Owner/Applicant Ellensburg Telephone Company d/b/a FairPoint Communications Date \_\_\_\_\_  
Address 305 N. Ruby Street City Ellensburg State WA Zip 98926  
Phone 716-326-1263 E-mail vgronquist@fairpoint.com

Type of Franchise Cable TV Franchise

Affected County Road Please see Ellensburg Telephone Company's telecommunications franchise.

Assessor's Parcel No. \_\_\_\_\_

Please provide a brief description below of the proposed franchise:

The proposed franchise is it to provide cable television service in the area FairPoint provides  
telecommunications service.

Application Received by (PW Staff Signature) <u>Kathleen M. Martin</u>	Date: <u>5/5/14</u>	Receipt # <u>7065</u>
	check # <u>1000259273</u>	

**RECEIVED**

MAY 05 2014

KITTITAS COUNTY  
DEPT OF PUBLICWORKS  
Date Stamp In Box

Richard A. Finnigan  
(360) 956-7001  
rickfinn@localaccess.com

Law Office of  
Richard A. Finnigan  
2112 Black Lake Blvd. SW  
Olympia, Washington 98512

Candace Shofstall  
Legal Assistant  
(360) 753-7012  
candaces@localaccess.com

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March \_\_, 2014

Roy Chance  
Construction Manager  
Kittitas County Public Works  
411 N Ruby ST, Suite 1  
Ellensburg WA 98926

Re: Application for Cable TV Franchise

Dear Mr. Chance:

I represent Ellensburg Telephone Company d/b/a FairPoint Communications. The purpose of this letter is to submit the attached application for a cable TV franchise as a competitive entrant on behalf of FairPoint Communications.

As you may be aware, the Federal Communications Commission has established a process for the handling of franchise applications from a competitive entrant where there is an incumbent cable TV provider. Those regulations are in 47 CFR 76.41.

The attached application is meant to meet the requirements as set forth by the Federal Communications Commission. In addition, the County's franchise application form is also enclosed, as is the Commercial Application Fee of \$750.00. Please note that the area that FairPoint is seeking to serve is the area in which FairPoint Communications serves as a telecommunications provider and already holds a telecommunications franchise.

FairPoint Communications looks forward to providing the residents of Kittitas County with a competitive cable TV service offering that should bring benefits to the County and its residents.

Sincerely,

RICHARD A. FINNIGAN

RAF/cs  
Enclosures

Cc: Client (via e-mail)

**KITTITAS COUNTY**  
**APPLICATION OF ELLENSBURG TELEPHONE COMPANY D/B/A FAIRPOINT**  
**COMMUNICATIONS FOR CABLE TV FRANCHISE AS A COMPETITIVE APPLICANT**

1. Applicant's Name: Ellensburg Telephone Company d/b/a FairPoint Communications.
2. Business Address: 305 N. Ruby Street, Ellensburg WA 98926
3. Contact Person:  
Vicky Gronquist  
30 E. Main Street  
Westfield, NY 14787  
Office: 716-326-1263  
Cell: 716-753-0456  
Email: vgronquist@fairpoint.com
4. Description of area to be served: The area in which FairPoint provides telecommunications services.
5. PEG Channel capacity proposed: Two access channels
6. Proposed Term: Five Years
7. Identification of existing authorizations to access public rights of way: Applicant holds a communications franchise that allows use of the rights of way.
8. Proposed franchise fee: Five percent of gross revenues (the term gross revenues to be defined as industry standard definition).
9. Build-out requirements: None. As a new entrant, there should not be build-out requirements.
10. Name of applicant's officers and directors:  
Paul H. Sunu, Chief Executive Officer  
Kenneth W. Amburn, Executive Vice President, Operations  
Shirley J. Linn, Executive Vice President, General Counsel  
Susan L. Sowell, Vice President, Assistant Secretary and Assistant General Counsel

Peter G. Nixon, Executive Vice President, External Affairs and Operational Support

Ajay Sabherwal, Executive Vice President, Chief Financial Officer

John R. Whitener, Vice President and Treasurer

John T. Hogshire, Vice President, Corporate Controller

Anthony A. Tomae, Executive Vice President, Chief Revenue Officer

John Lunny, Senior Vice President, Chief Technology Officer

Lisa R. Hood, Senior Vice President, Telecom Group.

Respectfully submitted this \_\_\_\_ day of March, 2014.

Vicky Gronquist  
Telecom Group,  
Manager, Video Products  
FairPoint Communications

**Public Notice**  
**Kittitas County, Ellensburg WA**

The Board of Kittitas County Commissioners will meet at 2:00 pm on July 15, 2014 at the Commissioners' Auditorium, 205 W. 5th, Room 109, Kittitas County Courthouse, Ellensburg, WA to consider granting a Cable Television Franchise to Fairpoint Communications.

More information is online at <http://www.co.kittitas.wa.us/notices/>.

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Clerk of the Board

Publish:

Daily Record: 06/19/14; 06/26/14; 07/03/14

For more information, contact Public Works

Anyone with an interest in this matter is urged to attend said hearing where all testimony will be taken. Written comments may be received at 205 W 5th Ave. STE 108, Ellensburg, WA 98926 at or prior to the hearing.

Kittitas County complies with all ADA requirements.