

HI
6/10/22

An ordinance extending the duration of the cable television franchises held by WaveDivision I, LLC and WaveDivision III, LLC, now DBA Astound Broadband powered by Wave

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

Incorporation of testimony and record.

The Board adopts and incorporates herein the recommendations of staff, and public testimony and documents received at the public hearing.

Incorporation of specific findings made at hearing.

1. The Board of Clallam County Commissioners desires to adopt an extension to the franchises granted by Clallam County (the "County") and held by WaveDivision I, LLC and WaveDivision III, LLC, doing business as Astound Broadband powered by Wave ("Astound"), concerning use of County right-of-way.
2. Astound, as the successor in interest to Northland Cable Television, Inc., and Northland Cable Properties Seven Limited Partnership, holds Cable Franchises granted by the County on May 19, 1992 under Ordinance nos. 465 and 466 (respectively), both as amended by Ordinance no. 883, dated May 29, 2012 (collectively, the "Franchises") from the County to own and operate a cable system within the County; and
3. The current term of the Franchises runs through May 18, 2022; and
4. Astound initiated the franchise renewal process consistent with Section 626 of the Cable Communications Policy Act of 1984, as amended ("Cable Act") via letter to the County dated May 28, 2019; and
5. Pursuant to the renewal process initiation, the County and Astound are currently engaged in active discussions regarding renewal of the Franchises; and
6. Franchise Authority, the County, and Astound each desire to enter into an amendment extending the term of the Franchises as set forth herein in order to attempt to complete negotiations and reach a final agreement on the renewed Franchises; and
7. County law provides that the Franchises may be amended by Ordinance, and the parties have mutually agreed to extend the duration of the Franchises;

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS: The following

Section .010 Purpose.

The County has determined to extend the term of each Franchise granted by Ordinance 883 for an additional period of six (6) months. Accordingly, the portion of Section .010 of the Franchises granted by Ordinance 883, which states "TERM: The Franchise granted by this ordinance shall continue in full force and effect until May 18, 2022." is hereby deleted in its entirety and is replaced with the following:

"TERM: The Franchise granted by this ordinance shall continue in full force and effect until November 18, 2022."

Section .020 General applicability.

1. Except as expressly modified by this Ordinance, all terms, conditions and provisions of the Franchises shall continue in full force and effect as set forth therein.
2. If any provision of this Ordinance is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable. This Ordinance shall be construed and enforced as if such illegal or otherwise unenforceable provision had never comprised a part hereof. The remaining provisions of this Ordinance shall remain in full force and effect and shall not be affected. Furthermore, in lieu of such illegal, invalid or unenforceable provision there shall be added automatically as part of this Ordinance a legal, valid and enforceable provision as similar in terms and intent to such illegal, invalid or unenforceable provision as may be legally possible.
3. The Franchises and assignments thereof were made, passed and adopted in accordance with all applicable notice and procedure requirements under all laws applicable to the County, and with all applicable notice and procedure requirements, and do not conflict with the laws of the State of Washington or the laws, ordinances, resolutions and other regulations of the County, as presently in effect or as the same were in effect at the time the particular action was taken.
4. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

ADOPTED this 10 day of may 2022

BOARD OF CLALLAM COUNTY COMMISSIONERS

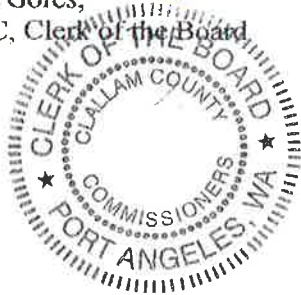
Mark Ozias, Clerk

Randy Johnson

Bill Peach

ATTEST:

Loni Gores,
CMC, Clerk of the Board



WaveDivision I, LLC & WaveDivision III, LLC (Astound)

David von Moritz
Corporate Counsel and VP

Approved as to Form

Bert D. Boughton
Deputy Prosecuting Attorney