



City of Lacey, Washington City Council Worksession Agenda

Refer to bottom of the agenda for instructions on attendance and public comment.

Thursday, May 11, 2023

6:00 PM

Council Chambers and Online

1. Call to Order

- A. Roll Call
- B. Approve Agenda

2. Agenda Items

- A. **Emergency Medical Services Healthcare Crisis**
Chief Steve Brooks, Fire District 3
Darin Goss, CEO, Providence Health & Services Southwest Area
Angela Maki, Director of Communication, Providence Health & Services
Ben Miller-Todd, Director, Thurston County Emergency Services
- B. **Ziply Telecommunications Franchise Agreement Applications**
Shannon Kelley-Fong, Assistant City Manager
- C. **Convene to Executive Session**
Pursuant to RCW 42.30.110(1)(g)

3. Adjourn

Attendance and Public Comment

Attend Remote or In Person

The public may attend the meeting in person, or you may view or listen to the meeting using one of the following platforms:

In Person: Council Chambers at Lacey City Hall, 420 College Street SE, Lacey, WA 98503

Via Zoom: <https://us02web.zoom.us/j/82153926453>

City Website: <https://cityoflacey.org/upcoming-meetings/>

Facebook: <https://www.facebook.com/cityoflacey>
YouTube: <https://www.youtube.com/watch?v=C8VjHjOOPeo>
TC Media: Channel 3 with your local cable provider
By Phone: (888) 788-0099 or (877) 853-5247 (Webinar ID 821 5392 6453)

Written Public Comment

Public comments may also be submitted by email to publiccomment@ci.lacey.wa.us.
The commenting period will close two hours before meeting time.
Written comments will be provided to the City Council electronically prior to the meeting.
Comments will not be addressed during the Council meeting; however, comments received will be added to the official record.





LACEY CITY COUNCIL WORKSESSION

05/11/2023

SUBJECT: Ziplly Wireless LLC and Ziplly Fiber Pacific LLC
Telecommunications Franchise Agreement Applications

RECOMMENDATION: Review Ziplly Wireless LLC and Ziplly Fiber Pacific LLC telecommunication franchise agreements. Forward to Regular City Council meeting on May 18, 2023 for final action.

STAFF CONTACT: Rick Walk, Interim City Manager *RW*
Shannon Kelley-Fong, Assistant City Manager *SKF*

ORIGINATED BY: City Manager's Department

ATTACHMENTS:

1. Ziplly Wireless LLC Franchise Application
2. Ziplly Fiber Pacific LLC Franchise Application
3. Draft Franchise Agreement with Ziplly Wireless LLC
4. Draft Franchise Agreement with Ziplly Fiber Pacific LLC

FISCAL NOTE: \$3,000 – Franchise Application Fee - Ziplly Wireless LLC
\$3,000 – Franchise Application Fee - Ziplly Fiber Pacific LLC

Ziplly will pay all fees applicable to persons doing business within the City, in addition to all applicable permit and development fees.

WORK PLAN GOAL AND STRATEGY: None

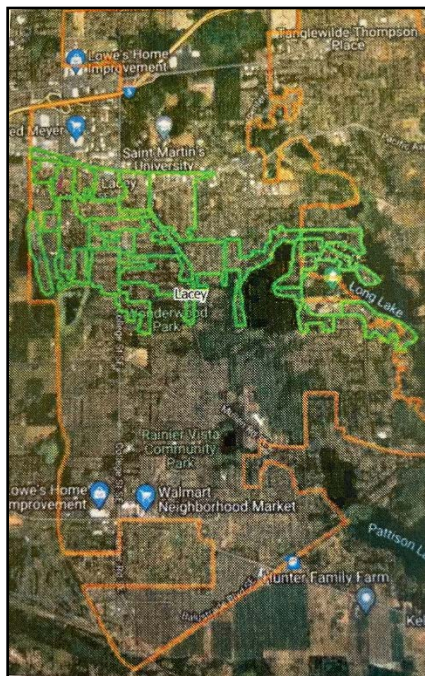
PRIOR REVIEW: None

BACKGROUND: On February 3, 2023 Ziplly Wireless LLC, a Delaware limited liability company, and Ziplly Fiber Pacific LLC, a Delaware limited liability company (referred collectively as “Ziplly”) applied for two telecommunications franchise agreements with the City of Lacey (“City”) to provide the following services to the Lacey community:

1. **Zipty Wireless LLC:** Retail and wholesale data services (internet access). Zipty Wireless LLC will be the owner/operator of a fixed wireless network (not cellular, but wireless data).
2. **Zipty Fiber Pacific LLC:** Retail and wholesale data services (internet access). Zipty Fiber Pacific, LLC will be the owner/operator of the fiber-optic based network.

In their application, Zipty indicated that the organization is currently in the planning phase. Zipty has identified initial target areas of Lacey that they would pursue pending franchise approval from the City. Zipty will provide more detailed plans for required right-of-way and construction permits as the company moves forward with implementation in Lacey. Zipty would need to meet the hierarchy of physical locations of telecommunications facilities in Lacey as described below. **Figure 1**, found in **Attachment 1** and **Attachment 2**, provides a map of Zipty's anticipated initial buildout in Lacey as identified by the green polygons.

Figure 1: Zipty preliminary facility map found in Attachment 1 and Attachment 2.



Zipty's fiber optic network will include standard electronics found in pedestals, hand holes, maintenance holes, and attached to utility poles. Zipty has an existing pole attachment agreement with Lumen and is actively working on a pole attachment agreement with Puget Sound Energy (PSE). This agreement would not allow Zipty to use City infrastructure, e.g., City owned poles and traffic signals. In their application, Zipty indicated that implementation would likely start with aerial infrastructure and then Zipty will evaluate areas that require underground expansion.

By entering into the City's proposed franchise agreement, Ziply would need to meet the requirements and procedures of [Lacey Municipal Code Chapter 5.60, Telecommunications](#), and the [Development Guidelines and Public Works Standards of the City](#). As part of the application review process, Chapter 5.60 requires the city to make the following determinations:

1. Make a determination within 120 days of receiving a complete franchise agreement; and

Review: The City has until June 3, 2023 to make a determination.

2. Determine whether to grant or deny an application based on the following criteria:

Review: If the franchise agreement is approved, Ziply would be required to comply with all conditions and regulations established by [LMC Chapter 5.60](#).

- A. The applicant must have legal ability to provide the service or use proposed for franchise authorization.

Review: Ziply provided: 1) its Certificate of Registration issued by the Washington State Secretary of State; and 2) its Washington Utilities and Transportation Commission (UTC) registration as a competitive telecommunications company.

- B. The capacity of the rights-of-way to accommodate additional utility and telecommunications facilities if the application is granted.

Review: Ziply would need to meet the hierarchy of physical locations of telecommunications facilities found in LMC 5.60.100.

The franchise agreements state, "Before commencing any work pursuant to this agreement, Ziply shall first file with the City an application for a permit to do such work, accompanied by drawings showing the position and location of all conduit, wire, fiber or any other equipment sought to be constructed, laid, installed or erected the depth below the surface of the ground and the relative position to existing streets, other utilities and other public places or ways."

- C. The applicant must have current registration issued by the FCC and WUTC.

Review: Ziply provided a copy of its Washington Utilities and Transportation Commission (UTC) registration as a competitive telecommunications company.

- D. The applicant must demonstrate the willingness and ability to mitigate and/or repair damage or disruption, if any, to public or private facilities, improvements, services, travel or landscaping if the application is granted.

Review: Franchise agreement states that Ziply will need to meet all provisions of LMC 5.60, including LMC 5.60.100:

“A. General Duties.

1. All grantees, before commencing any construction in the rights of way, shall acquire appropriate permits and comply with all requirements of the Lacey Municipal Code, specifically chapters 12.16 and 12.22 LMC, and the City of Lacey Development Guidelines. In the event of a conflict between this chapter and the Lacey Development Guidelines, the Lacey Development Guidelines shall control.”

In addition, LMC 5.60.090(J) provides terms specific to the restoration of rights-of-way or Other Property.

The franchise agreements state that Ziply shall, at all times, keep a complete set of plans, specifications and records showing the exact location and depth of all such facilities. These records shall be subject to inspection by the City at any reasonable time. In addition, Ziply shall provide to the City this information in the electronic format specified by the City.

- E. The damage or disruption, if any, of public or private facilities, improvements, service, travel or landscaping if the application is granted, giving consideration to an applicant's willingness and ability to mitigate or repair same.

Review: See response to criteria “D” above.

- F. The availability of alternate locations for the proposed facilities.

Review: Ziply would need to meet the hierarchy of physical locations of telecommunications facilities found in LMC 5.60.100.

- G. The grant to use the rights of way will serve the community interest.

Review: Ziply could provide the Lacey community with additional data services options (residential, business, and wholesale).

- H. Applicable federal, state and local laws, regulations, rules and policies will be met.

Review: Ziply would need to comply with all provisions of LMC 5.60. The City believes LMC 5.60 meets all state and federal requirements at this time. LMC 5.60.190 states that state and federal law would preside if there is any future conflict with the LMC.

As outlined above, the City of Lacey must review and make determinations of telecommunications franchise agreements that provides “reasonable, fair, and equitable access to the public rights of way of the city for telecommunications purposes on a competitively neutral basis.” The language found in the draft telecommunications franchise agreements with Ziply, **Attachment 3** and **Attachment 4**, is consistent with past City telecommunication franchise agreements.

Pursuant to LMC 5.60.140, Ziply is required to carry a minimum of \$2 million in liability insurance during the term of the franchise. Ziply must also acquire a performance bond prior to any construction in the rights-of-way, which must remain in place until the Director of Public Works has approved the work.

LMC 5.60.100 prescribes the hierarchy of physical locations of telecommunications facilities in Lacey. This section states that overhead facilities would be required to be undergrounded if required by current or future underground construction requirements. In their application, Ziply indicated that they propose to install infrastructure underground in new conduits, overhead, and on street level. Ziply anticipates minimal amount of underground infrastructure to support fiber cabinets and customer drop handholes or pedestals. Ziply indicated that they will evaluate expansion beyond aerial infrastructure at a future time.

Ziply has paid the City’s \$3,000 telecommunication franchise application fee for both applications (\$6,000 total). Ziply must apply for and receive all applicable rights-of-way and development permits for any work performed in the public rights-of-way.

Ziply will pay all fees generally applicable to persons doing business within the City. Pursuant to the Internet Tax Freedom Act, internet services may not be taxed (47 U.S.C. §151). RCW 35.21.860 precludes cities from imposing franchise fees for any “telephone business” as defined in RCW 82.16.010 or “service provider” as defined in RCW 35.99.010, except for administrative expenses or any tax authorized by RCW 35.21.865.

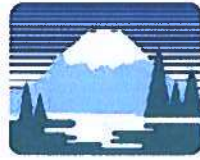
Like previous City telecommunications franchise agreements, the proposed term of the Ziply franchise agreements is five years from the date of execution.

ADVANTAGES:

1. The City must provide “reasonable, fair, and equitable access to the public rights of way of the city for telecommunications purposes on a competitively neutral basis.” Authorizing the City Manager to sign the two franchise agreements is consistent with this requirement.
2. The franchise agreements provide for the orderly management and regulation of the public rights-of-way.
3. Ziply could provide the Lacey community with additional data service options (residential, business, and wholesale) for internet access.

DISADVANTAGES:

1. None foreseen.
-



**City of Lacey
License / Franchise
Application**

For Location of Telecommunications
Facilities within City Right-of-Way

**City of Lacey
420 College St SE
Lacey, WA 98503
Ph: 360-491-3214**

IMPORTANT: PURSUANT TO CITY OF LACEY RESOLUTION NO. 812, THIS APPLICATION CANNOT BE SUBMITTED UNLESS ACCOMPANIED BY A FRANCHISE APPLICATION FEE OF:

1. TELECOMMUNICATION LICENSE - \$1,000
2. NEW TELECOMMUNICATIONS FRANCHISE - \$3,000
3. RENEWAL OF EXISTING TELECOMMUNICATIONS FRANCHISE - \$1,500

FEES ARE USED TO COVER ACTUAL ADMINISTRATIVE EXPENSE INCURRED BY THE CITY (INCLUDING TO STAFF AND ATTORNEY/CONSULTANT RELATED TIME) AND FEES ASSOCIATED WITH THE REVIEW OF THIS LICENSE/FRANCHISE APPLICATION AND ASSOCIATED LICENSE/FRANCHISE NEGOTIATIONS.

Applicants may attach additional pages to further explain the answers below. If you have any questions related to filling out this License/Franchise Application, please contact the City of Lacey City Manager's Department.

GENERAL INFORMATION			
1.	Name of Applicant Telecommunications Carrier: Ziplly Fiber Pacific, LLC		
2.	Address: 135 Lake St S, Ste 155		
3.	City, State: Kirkland, WA	Zip Code: 98033	Telephone:
4.	Has the Applicant obtained a City business license? Yes ☒ No ☐ City of Lacey Business license: <u>UBI 604852167</u> (*filed with MyDOR, no license number issued) PLEASE NOTE: All telecommunication carriers and service providers engaged in the business of transmitting, supplying or furnishing telecommunications service of any kind originating, traversing, or terminating in the City of Lacey shall apply for and obtain a Business License from the City pursuant to Chapter 5 of the Lacey Municipal Code.		
5.	Name of Person Filing this Application: Jessica Epley Title: VP, Regulatory & External Affairs Company: Ziplly Fiber Pacific, LLC		

6.	Address: 135 Lake St S, Ste 155		
7.	City, State: Kirkland, WA	Zip Code: 98033	Telephone: (503) 431-0458
8.	Are you serving as agent for the above-named telecommunications carrier? Yes ☐ No ☒ If yes, please attach proof of agency.		
PROPERTY AND FACILITY INFORMATION:			
9.	Is this an application for: (i) Telecommunications License? Yes ☐ No ☒ (LMC 5.60.020 - "License" is an agreement with any telecommunications carrier who desires to construct, install, operate, maintain or otherwise locate telecommunications facilities in rights of way <u>and</u> to also provide telecommunications services exclusively to persons and areas outside the city.) (ii) New franchise? Yes ☒ No ☐ (LMC 5.65.020 – "Telecommunications franchise" or master permit is required with any telecommunications carrier who desires to construct, install, operate, maintain or otherwise locate facilities in rights of way and to also provide telecommunications to persons or areas in the city.) (iii) Renewal of existing franchise? Yes ☐ No ☒ (iv) Transfer of a franchise? Yes ☐ No ☒ If yes, identify the current franchisee:		
10.	If you are renewing/amending an existing franchise, has your franchise otherwise expired? Yes ☐ No ☐ N/A If not, what is the expiration date of your current franchise?		
11.	Describe any other telecommunication service the applicant currently provides within the city. Zipty Fiber Response: None		

12. Describe the telecommunications facilities and/or other equipment proposed to be located within subject right-of-way.

Ziply Fiber Response: Fiber optic cable and associated electronics/optronics, placed on existing poles or in conduit within the ROW. Handholes and/or cabinets containing distribution facilities may also be used in the ROW.

The application is for a franchise that is (select the option that applies):

☒ **City-wide**

☐ **Specific area(s) or route(s).**

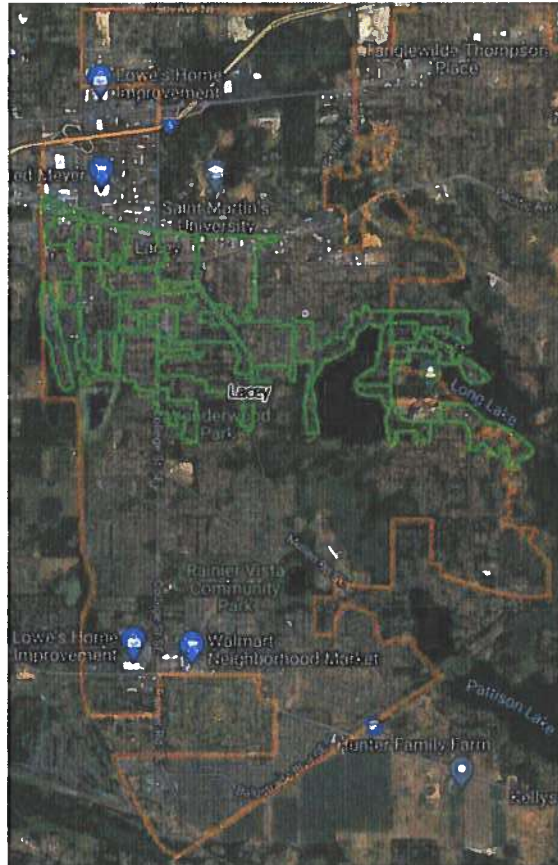
For either option:

1. Provide an estimated construction schedule and completion date:

Ziply Fiber Response: Ziply Fiber is currently in the network Planning phase. We have identified the initial targeted areas that we'd begin permitting upon Franchise approval. We would initially begin with the aerial infrastructure and then evaluate additional expansion into areas that require underground expansion. We have an existing pole attachment agreement with PSE and Lumen and are ready to begin Sitewalk and Engineering. We estimate that construction would begin 4-6 months after franchise approval. Our goal would be to complete construction within 6-9 months from the initial construction start.

2. Attach preliminary engineering plans, route map, and sufficient explanation to identify where facilities are proposed to be located within the City.

Ziply Fiber Response: Our initial build will be FTTN targeted in the areas of the green polygons. The Orange lines represent the Lacey city boundaries. This build area will utilize the existing aerial infrastructure.



13.	This application proposes to install infrastructure (mark all that apply): ☐ Underground in existing conduits ☒ Underground in new conduits ☒ Overhead ☒ On street level For each of the above, evidence must be provided by the applicant that sufficient surplus capacity exists, including underground utilities in place in proposed route, height of lines if overhead, the amount of surplus capacity remaining after installation of the applicant's facilities, and evidence of ownership or right to use of facilities, see 20.vii. Ziply Fiber Response: Ziply Fiber will follow all clearance guidelines required of PSE as well as the NESC on the placing of its aerial infrastructure and will be submitting details design prints to the permit office indicating all construction methods required for placement upon Engineering complete for City permit approval. Our initial assessment of the pole infrastructure supports that there will be adequate space to make clearances and we'll be submitting requests to PSE for all new attachments to define any make-ready activities. Ziply Fiber has locate agreements to support underground construction and utilizes the 811 service. We anticipate a minimal amount of underground infrastructure to support fiber cabinets and customer drop handholes or pedestals. Expansion where there isn't aerial infrastructure will be evaluated in the future. Additional photos and clearance information is attached hereto. NOTE: For permits, the following information will be required (this list may not be comprehensive): overhead and underground electric, cable, telecommunications, natural gas, water, sewer, storm facilities, location(s), if any, for interconnection with facilities of other telecommunication providers; specific trees, structures, and obstructions that the applicant proposes to temporarily or permanently remove or relocate.
14.	Indicate what registrations, licenses, certificates, and authorizations are required from the Federal Communications Commission, the Washington Utilities and Transportation Commission and any other federal or state agency with jurisdiction over the proposed activities. Have all such licenses, certificates and authorizations been obtained? Provide copies of registration filed with and issued by the Washington Utilities and Transportation Commission pursuant to WAC 480-121 and any approved tariff or price list and permit, operating license or other right or approvals issued by the Federal Communications Commission to provide telecommunications services. Ziply Fiber Response: Attached please find: - Ziply Fiber Pacific LLC Certificate of Registration issued by the Washington Secretary of State - Ziply Fiber Pacific, LLC CLEC Registration issued by the Washington Utilities and Transportation Commission.
15.	Describe in detail the services that you expect to provide within/outside of the City, including whether the provision of services will be to commercial and/or residential customers. Ziply Fiber Response: Ziply Fiber's residential retail customer service tiers and rates are: 50/50 Mbps \$ 20/month; 200/200 \$40/month; 1/1 Gbps \$60/month and 2+ Gbps starting at \$120/month, plus applicable fees, and taxes.

	For business and municipal customers, Ziplly Fiber's Ethernet Internet Access provides continuous, protected connectivity between customer Local Access Network and the Internet. Our ethernet services are delivered over a high-performance, low latency, fault tolerant backbone, enabling the upload and download speeds needed to support cloud computing and bandwidth intensive applications. Ziplly Fiber Ethernet Internet Access services are tailored to fit customer requirements, so customers pay only for what they need. Ziplly Fiber wholesale service are offered over the company-controlled transport network utilizes DWDM systems with lit capacities of 400-800 gigabits with maximum capacity of 25,000 gigabits per route. Currently, we have over 300 resellers interconnected on our network.
16.	Provide a summary of all utility taxes the proposed activities, facilities, and other equipment will be subject to. In doing so, provide an estimate of income/revenues that can be used to calculate estimated future utility taxes. Should the applicant believe it is not subject to any utility taxes, provide the basis for such belief. Ziplly Fiber Response: Ziplly Fiber Pacific and Ziplly Wireless plans to sell only retail and wholesale data services as defined in RCW 82.04.297 that are exempted from local tax authority.
17.	Explain whether the Internet Tax Freedom Act does or does not apply to the services being provided. Ziplly Fiber Response: The Internet Tax Freedom Act does apply as the services that will be offered in Lacey will be limited to data service access which meets the definitions in 47 U.S.C. § 151.

The City of Lacey reserves the right to ask additional questions on a case by case basis.

Certification

I certify that the information and any attachment herewith submitted are true and correct to the best of my knowledge and that I have the authority to file this application and act on behalf of the above-named telecommunications provider or carrier.

18.	Signature 	Please Print Name Jessica Epley	Date 01/27/2023
19.	SUBMIT TO: City Manager's Office ATT: Assistant City Manager City of Lacey 420 College St SE Lacey, WA 98503 EMAIL TO: skelley@ci.Lacey.wa.us Subject Line: Telecommunications Franchise Application – Company Name		
ALSO SUBMIT WITH THIS COMPLETED APPLICATION FORM:			
20.	i. Evidence of registration in the one-number locator service, as described in RCW Chapter 19.122. ii. Proof of agency, if necessary (as indicated above). iii. If you are a new franchisee or if you are requesting a franchise transfer provide a copy of the Utilities and Transportation Commission Registration and Competitive Classification of Telecommunications Companies form, if you are registered with the Utilities and Transportation Commission and any approved tariff or price list or permit, operating license or other right or approvals issued by the Federal Communications Commission to provide telecommunication services. iv. If you are a current franchisee or if you are requesting a franchise transfer provide the most recent income statement or report of gross revenues used for calculating utility taxes paid to the City. This report should contain detailed information as to how you calculated the utility taxes owed to the City. v. For franchises for specific area(s) or route(s) - Attach preliminary engineering plans, route map, and sufficient explanation to identify where facilities are proposed to be located within the City. vi. Evidence of ownership or right to use of facilities. vii. If lines are to be installed in existing conduits, new conduits, or overhead, provide evidence that sufficient surplus capacity exists, including underground utilities in place in proposed route, height of lines if overhead, the amount of surplus capacity remaining after installation of the applicant's facilities, and evidence of ownership or right to use of facilities.		

CITY REVIEW	
21.	Received By:
22.	Application fee received (amount):
23.	_____ Signature _____ Date
24.	Reviewed by (initial): PW: CD: C/A: FI: CM:
25.	Date Approved:
26.	_____ Signature _____ Date



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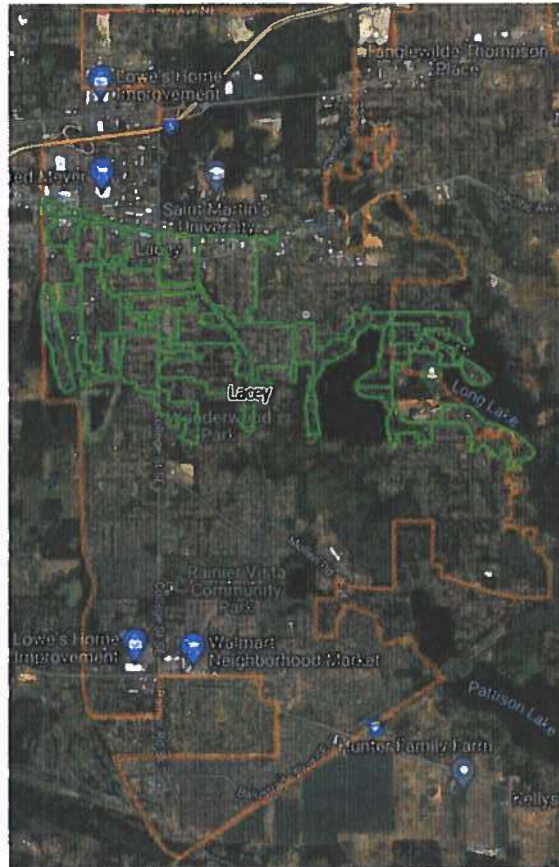
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19.	SUBMIT TO: City Manager's Office ATT: Assistant City Manager City of Lacey 420 College St SE Lacey, WA 98503 EMAIL TO: skelley@ci.Lacey.wa.us Subject Line: Telecommunications Franchise Application – Company Name		

ALSO SUBMIT WITH THIS COMPLETED APPLICATION FORM:

20.	i. Evidence of registration in the one-number locator service, as described in RCW Chapter 19.122. ii. Proof of agency, if necessary (as indicated above). iii. If you are a new franchisee or if you are requesting a franchise transfer provide a copy of the Utilities and Transportation Commission Registration and Competitive Classification of Telecommunications Companies form, if you are registered with the Utilities and Transportation Commission and any approved tariff or price list or permit, operating license or other right or approvals issued by the Federal Communications Commission to provide telecommunication services. iv. If you are a current franchisee or if you are requesting a franchise transfer provide the most recent income statement or report of gross revenues used for calculating utility taxes paid to the City. This report should contain detailed information as to how you calculated the utility taxes owed to the City. v. For franchises for specific area(s) or route(s) - Attach preliminary engineering plans, route map, and sufficient explanation to identify where facilities are proposed to be located within the City. vi. Evidence of ownership or right to use of facilities. vii. If lines are to be installed in existing conduits, new conduits, or overhead, provide evidence that sufficient surplus capacity exists, including underground utilities in place in proposed route, height of lines if overhead, the amount of surplus capacity remaining after installation of the applicant's facilities, and evidence of ownership or right to use of facilities.
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CITY REVIEW	
21.	Received By:
22.	Application fee received (amount):
23.	_____ _____ Signature Date
24.	Reviewed by (initial): PW: CD: C/A: FI: CM:
25.	Date Approved:
26.	_____ _____ Signature Date

UNITED STATES OF AMERICA

The State of Washington

Secretary of State

I, **STEVE R. HOBBS**, Secretary of State of the State of Washington and custodian of its seal, hereby issue this

CERTIFICATE OF REGISTRATION

to

ZIPLY WIRELESS, LLC

A/AN DELAWARE LIMITED LIABILITY COMPANY, effective on the date indicated below.

Effective Date: 08/03/2022
UBI Number: 604 947 585



Given under my hand and the Seal of the State
of Washington at Olympia, the State Capital

A handwritten signature in blue ink, reading "Steve R. Hobbs".

Steve R. Hobbs, Secretary of State

Date Issued: 08/03/2022



WASHINGTON
Secretary of State
Corporations & Charities Division

Filed
Secretary of State
State of Washington
Date Filed: 08/03/2022
Effective Date: 08/03/2022
UBI #: 604 947 585

FOREIGN REGISTRATION STATEMENT

UBI NUMBER

UBI Number:

604 947 585

BUSINESS NAME

Business Name

ZIPLY WIRELESS, LLC

DOING BUSINESS AS (DBA) NAME [RCW 23.95.525](#)

DBA Name:

JURISDICTION

Country:

UNITED STATES

State:

DELAWARE

REGISTERED AGENT

Registered Agent Name	Street Address	Mailing Address
CORPORATION SERVICE COMPANY	300 DESCHUTES WAY SW STE 208 MC- CSC1, TUMWATER, WA, 98501, UNITED STATES	300 DESCHUTES WAY SW STE 208 MC- CSC1, TUMWATER, WA, 98501, UNITED STATES

REGISTERED AGENT CONSENT

Customer provided Registered Agent consent? - **Yes**

PRINCIPAL OFFICE

Phone:

Email:

LEGAL@ZIPLY.COM

Street Address:

135 LAKE ST S STE 155, KIRKLAND, WA, 98033-6488, UNITED STATES

Mailing Address:

This document is a public record. For more information visit www.sos.wa.gov/corps

Work Order #: 2022062400399712 - 1
Received Date: 06/24/2022
Amount Received: \$200.00

135 LAKE ST S STE 155, KIRKLAND, WA, 98033-6488, UNITED STATES

GOVERNORS

Title	Governor Type	Entity Name	First Name	Last Name
GOVERNOR	INDIVIDUAL		RYAN	HJORTEN
GOVERNOR	ENTITY	NORTHWEST FIBER, LLC		

DATE OF FORMATION IN HOME JURISDICTION

Date of formation in its Home Jurisdiction:

12/15/2021

PERIOD OF DURATION IN HOME JURISDICTION

Duration:

PERPETUAL

NATURE OF BUSINESS

Nature of Business:

UTILITIES

DATE BEGAN DOING BUSINESS IN WASHINGTON

Date Began doing Business in WA:

08/03/2022

EFFECTIVE DATE

Effective Date:

08/03/2022

TRANSFER OF REGISTRATION

For Transfer of Registration refer [RCW 23.95.545](#)

STAFF CONSOLE - CERTIFICATE OF EXISTENCE IS INCLUDED

Certificate of Existence is included? - **Yes**

RETURN ADDRESS FOR THIS FILING

Attention:

LEGAL

Email:

LEGAL@ZIPLY.COM

Address:

135 LAKE ST S STE 155, KIRKLAND, WA, 98033-6488, UNITED STATES

UPLOAD ADDITIONAL DOCUMENTS

Name	Document Type
------	---------------

This document is a public record. For more information visit www.sos.wa.gov/corps

Work Order #: 2022062400399712 - 1

Received Date: 06/24/2022

Amount Received: \$200.00

UPLOADED DOCUMENTS

Document Type	Source	Created By	Created Date
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EMAIL OPT-IN

☒ I hereby opt into receiving all notifications from the Secretary of State for this entity via email only. I acknowledge that I will no longer receive paper notifications.

AUTHORIZED PERSON - STAFF CONSOLE

☒ Document is signed.

Person Type:

INDIVIDUAL

First Name:

BYRON

Last Name:

SPRINGER

Title:

GENERAL COUNSEL



WASHINGTON
Secretary of State
Corporations & Charities Division

Corporations and Charities Division
Physical/Overnight address:
801 Capitol Way S
Olympia, WA 98501-1226
Mailing address:
PO Box 40234
Olympia, WA 98504-0234
Tel: 360.725.0377
sos.wa.gov/corps

Congratulations:

You have completed the initial filing to create a new business entity. **The next step in opening your new business is to complete a Business License Application.** You may have completed this step already. The Business License Application can be completed online or downloaded at:
<http://www.bls.dor.wa.gov/>

If you have any questions about the Business License Application, or would like a Business License Application package mailed to you, please call Business License Services at 1-800-451-7985.

IMPORTANT

You have completed the initial filing to create a new entity. To keep your filing status active and avoid administrative dissolution, you must:

1. **File an Annual Report** and pay the annual license fee each year before the anniversary of the filing date for the entity. A notice to file your annual report will be sent to your registered agent. It is the corporation or LLC's responsibility to file the report even if no notice is received.
2. **Maintain a Registered Agent** and registered office in this state. You must notify the Corporations Division if there are any changes in your registered agent, agent's address, or registered office address. Failure to notify the Corporations Division of changes will result in misrouted mail, and possibly administrative dissolution.

If you have questions about report and registered agent requirements, please contact the Corporations Division at 360-725-0377 or visit our website at:
www.sos.wa.gov/corps

CORPORATION SERVICE COMPANY
300 DESCHUTES WAY SW STE 208 MC-CSC1
TUMWATER WA 98501



REGISTRATION OF

Ziply Wireless LLC d/b/a Ziply Fiber

AS A COMPETITIVE
TELECOMMUNICATIONS COMPANY

Docket Number UT-220623

September 12, 2022

Effective Date

Amanda Maxwell

AMANDA MAXWELL

Executive Director and Secretary

CERTIFICATE IS NOT TRANSFERABLE



Hello,

This is to confirm that Ziply Fiber is registered with the one call notification center in the state of Washington.

Please let me know if there are any further questions regarding the matter.

Sincerely,

Scott Gallegos
General Manager
One Call Concepts, Inc.
scottg@occinc.com

Office: [503-232-1987](tel:503-232-1987) ext. [3302](tel:503-232-3302)
Mobile: [503-803-9032](tel:503-803-9032)
www.occinc.com

Ziply/18th Ave SE, Lacy, WA/Pole Fielding Request



ZIPLY WIRELESS LLC
TELECOMMUNICATIONS FRANCHISE AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2023, by and between the City of Lacey, a municipal corporation of the State of Washington, hereinafter called "City" and Ziply Wireless LLC, a Delaware limited liability company, hereinafter called "Ziply."

WHEREAS, Ziply has requested the City to grant a franchise to install facilities to provide telecommunications, internet access, and private line services to potential customers, and

WHEREAS, the City has enacted Chapter 5.60 of the Lacey Municipal Code which provides for the requirements, conditions and procedures for installation of such facilities in the City right-of-way and the granting of a franchise for the same, and

WHEREAS, Ziply has paid to the City a franchise application fee the sum of Three Thousand Dollars (\$3,000.00).

NOW, THEREFORE, IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. The City hereby grants a franchise to Ziply to install facilities to provide telecommunications, internet access, and private line services to potential customers, subject to the following conditions:

A. This grant and the requirements and procedures to be followed shall specifically be subject to all provisions of Chapter 5.60 of the Lacey Municipal Code and the Development Guidelines and Public Works Standards of the City.

B. The performance bond required by the terms of Lacey Municipal Code Section 5.60.140B shall be acquired and shall remain in place until the Director of Public Works has approved the work. The bond shall then be maintained for one year after the approval of the work.

C. Ziply shall, in addition to the franchise application fee provided to the City above, pay to the City all right-of-way permits or other fees generally applicable to all other persons doing business in the City. In addition, Ziply shall pay to the City that certain public utility business tax levied by Chapter 3.01 of the Lacey Municipal Code as the same now exists or may hereafter be amended.

D. Before commencing any work pursuant to this agreement, Ziply shall first file with the City an application for a permit to do such work, accompanied by drawings showing the position and location of all conduit, wire, fiber or any other equipment sought to be constructed, laid, installed or erected the depth below the surface of the ground and the relative position to existing streets, other utilities and other public places or ways.

E. Ziply shall, at all times, keep a complete set of plans, specifications and records showing the exact location and depth of all such facilities. These records shall be subject to inspection by the City at any reasonable time. In addition, Ziply shall provide to the City this information in the electronic format specified by the City.

F. Ziply shall place any new facilities underground in areas where existing telecommunications and cable facilities are installed underground. In areas where existing facilities are installed above ground, Ziply may install facilities above ground, and at such time as the City requires other utilities to install facilities in the area underground, Ziply will move its facilities underground.

G. Any new facilities to be located above-ground shall be placed on existing utility poles. No new utility poles shall be installed in connection with placement of new above-ground facilities.

2. The term of this agreement shall be five (5) years from the date of execution. Such term may be extended under conditions approved by both the City and Ziply, its successors and assigns.

In witness whereof, the parties have hereunto set their hands this day and date first above written.

CITY OF LACEY

ZIPLY WIRELESS, LLC

By _____

Rick Walk, Interim City Manager

By: _____

Its: _____

ATTEST:

Elissa Fontaine, Deputy City Clerk (Acting City Clerk)

APPROVED AS TO FORM:

David Schneider, City Attorney

ZIPLY FIBER PACIFIC LLC
TELECOMMUNICATIONS FRANCHISE AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2023, by and between the City of Lacey, a municipal corporation of the State of Washington, hereinafter called "City" and Ziplly Fiber Pacific LLC, a Delaware limited liability company, hereinafter called "Ziplly."

WHEREAS, Ziplly has requested the City to grant a franchise to install facilities to provide telecommunications, internet access, and private line services to potential customers, and

WHEREAS, the City has enacted Chapter 5.60 of the Lacey Municipal Code which provides for the requirements, conditions and procedures for installation of such facilities in the City right-of-way and the granting of a franchise for the same, and

WHEREAS, Ziplly has paid to the City a franchise application fee the sum of Three Thousand Dollars (\$3,000.00).

NOW, THEREFORE, IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. The City hereby grants a franchise to Ziplly to install facilities to provide telecommunications, internet access, and private line services to potential customers, subject to the following conditions:

A. This grant and the requirements and procedures to be followed shall specifically be subject to all provisions of Chapter 5.60 of the Lacey Municipal Code and the Development Guidelines and Public Works Standards of the City.

B. The performance bond required by the terms of Lacey Municipal Code Section 5.60.140B shall be acquired and shall remain in place until the Director of Public Works has approved the work. The bond shall then be maintained for one year after the approval of the work.

C. Ziplly shall, in addition to the franchise application fee provided to the City above, pay to the City all right-of-way permits or other fees generally applicable to all other persons doing business in the City. In addition, Ziplly shall pay to the City that certain public utility business tax levied by Chapter 3.01 of the Lacey Municipal Code as the same now exists or may hereafter be amended.

D. Before commencing any work pursuant to this agreement, Ziplly shall first file with the City an application for a permit to do such work, accompanied by drawings showing the position and location of all conduit, wire, fiber or any other equipment sought to be constructed, laid, installed or erected the depth below the surface of the ground and the relative position to existing streets, other utilities and other public places or ways.

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In witness whereof, the parties have hereunto set their hands this day and date first above written.

CITY OF LACEY

ZIPLY FIBER PACIFIC, LLC

By _____

By: _____

Rick Walk, Interim City Manager

Its: _____

ATTEST:

Elissa Fontaine, Deputy City Clerk (Acting City Clerk)

APPROVED AS TO FORM:

David Schneider, City Attorney