



FRANCHISE AGREEMENT APPLICATION

Updated
January 2024

Physical Address:	Mailing Address:	Webpage & Email:	Phone: 253-931-3010
Auburn City Hall Annex, 2 nd Floor 1 East Main Street	25 West Main Street Auburn, WA 98001-4998	www.auburnwa.gov rowusepermit@auburnwa.gov	

CITY OF AUBURN APPLICATION FOR FRANCHISE

Auburn Municipal Code requires any utility, cable television, or telecommunications carrier, operator, provider or other person who desires to occupy public ways of the City, and to provide utility, cable, or telecommunications services to any person or area in the City or outside the City, to first obtain a Franchise granting the use of such public ways and provision of said service.

NOTICE TO APPLICANT Before completing this application please read the following information and initial and date your understanding next to each item.

Initial	Date		
		1.	Applicant acknowledges that all application fees are non-refundable and that each separate application will require a separate fee.
		2.	Applicant understands that any franchise application fee is separate from and in addition to any application fee for a Small Wireless Facilities Application.
		3.	Applicant understands that submittal of an application and payment of the application fee does not guarantee approval of a franchise agreement.
		4.	Applicant is solely responsible for providing all elements of the application that the City determines are necessary to provide a complete and adequate application.
		5.	Applicant understands that ultimate approval of the application and the language contained therein is at the discretion of the Auburn City Council as provided for in the Auburn City Code.
		6.	Applicant understands that applications will be processed within the timelines set forth in the Auburn City Code and in accordance with applicable law.
		7.	Applicant understands that applications for franchise agreements related to small wireless facilities installations will be processed within the FCC shot clock requirements only when submitted concurrently with a Small Wireless Facilities Application.
		8.	Applicant acknowledges that the City reserves the right to ask additional questions or request additional information as may be necessary to process the application based on the specific circumstances of the application at any time during the review and approval process. Additional information could include but is not limited to: maps, surveys, legal descriptions, comprehensive plans, financial records and annual report, etc.

FEES – Required per ACC20.04.020 and/or 20.06.030

NONREFUNDABLE INITIAL FEE*	
NEW APPLICATION/ RENEWAL **/ AMENDMENT ASSIGNMENT or TRANSFER APPLICATION	FEE: \$6,600.00 FEE: \$3,300.00
* Nonrefundable Initial Fee plus the City's actual costs incurred in excess of \$6,600.00/\$3,300.00. Initial fee is due at time of application. Any additional costs beyond the initial fee to process the application are due upon receipt of invoice.	
**Renewal applications must be submitted at least 180 days prior to expiration of the current agreement or as specified in the current agreement.	
Annual Administration Fee – Actual City Costs to be billed to applicant on an annual basis	
Additional Franchise Fees - Annual CATV Franchise Fee – 5% of Gross Revenue	
Other Annual Franchise Fee – Statutorily Permissible Percent of Gross Revenue	
Utility Tax - Percentage of Total Annual Gross Revenue per applicable City Code for Cable, Telecom, Gas, Electric, Water, Storm Drainage and Sewer Utilities	

APPLICATION TYPE

<input type="checkbox"/> New Application	<input type="checkbox"/> Renewal Application	<input type="checkbox"/> Amendment Application	<input type="checkbox"/> Transfer Application
--	--	--	---

For Office Use Only

Date Received	Amount Paid	Receipt #	Previous Franchise #	Acct Coding

APPLICANT INFORMATION – Required information per ACC 20.04.020 and/or ACC20.06.030. Applicant information must be the same legal entity that will hold the Franchise Agreement that this application is being requested for. All information related to this application may be sent to this contact. Contractor/Consultant may not sign for the applicant.

Company Name		
Contact Person		
Address		
City, State, Zip		
Phone Number		
E-Mail Address		
Federal Tax ID#	WA State UBI #	
I hereby certify and declare under penalty of perjury under Washington law that the statements furnished by me on this application are true and complete to the best of my knowledge and that I will comply with the provisions of the Auburn City Code in doing business in Auburn.		
Date	Signature (and print name)	Title

CONTRACTOR/CONSULTANT INFORMATION COORDINATION APPLICATION - Required information per ACC 20.04.020 and/or ACC 20.06.030 (All information related to this application will be sent to this contact. Contractor/consultant may not sign for the applicant.)

Company Name		
Contact Person		
Address		
City, State, Zip		
Phone Number		
E-Mail Address		
Federal Tax ID#	WA State UBI #	
<input type="checkbox"/> Letter of Authorization – If Applicant is utilizing a contractor or consultant to apply for this Franchise Application on their behalf, a Letter of Authorization from the Applicant must be submitted with this application. Letter must be on company letterhead.		
I hereby certify and declare under penalty of perjury under Washington law that the statements furnished by me on this application are true and complete to the best of my knowledge and that I will comply with the provisions of the Auburn City Code when doing business in Auburn.		
Date	Signature (and print name)	Title

ADDITIONAL APPLICANT INFORMATION - The City requires the name, daytime telephone number, e-mail address and mailing address of three (3) responsible persons from the Applicant, any of which can be contacted at any time during the life of the application and agreement in the event the need arises.

	1.	2.	3.
Company Name			
Contact Person			
Address			
City, State, Zip			
Phone Number			
E-Mail Address			

APPLICANT AFFILIATE INFORMATION – Required information per ACC 20.04.020 and/or ACC20.06.030

List all managing companies, parent companies, divisional companies, etc. Use a separate page if needed. Submit a company structure chart showing those companies listed and how they relate to the Applicant.

	1.	2.	3.
Company Name			
Contact Person			
Address			
City, State, Zip			
Phone Number			
E-Mail Address			

Required Application Information per ACC 20.04.020 and/or ACC 20.06.030

1. Description of the utility, telecommunications, cable, or other services that are or will be offered or provided by the applicant. Check below the type of service you propose and provide a description of the services offered to applicant's customers whether within Auburn city limits or outside. Attach additional pages if needed.

- Telecommunication Utility – WIRELINE (Conduit, Fiber, etc.)
- Telecommunication Utility – WIRELESS – (Tower/Antenna, Small Wireless Facilities, or Other Wireless)
- Gas Utility (Residential Service or Pipeline)
- Utility Service (Electric, Water, Sewer, Storm, or Other _____)
- Cable Service (FCC CFAR Application or Non-CFAR Application – Please indicate which application process you are applying under if this application is for new Cable Service in the City of Auburn.)

Description of Service: _____

2. A description of the facilities, equipment, transmission medium, or transporting means that will be used by the applicant to offer or provide such services. Attach additional pages if needed.

3. Plans and Facilities Location

- New Citywide Facilities – Submit conceptual plans showing the general route or locations of facilities.
- New Site Specific Facilities – Submit plans in compliance with the City's Engineering Design Standards.
- Existing Franchise Facilities – Applicants facilities are existing under a previously authorized citywide or site specific franchise for applicant and no new site specific facilities are proposed.

4. Evidence of ownership or a right to use existing utility, telecommunications facilities, poles, ducts, conduit or other facilities which the applicant intends to use or lease.

5. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities, and to offer or provide the utility, cable or telecommunications services. List all licenses and certifications you have obtained as required by the FCC, WUTC and/or any other State or Federal agency with jurisdiction over the proposed activities or facilities as required by law. **You must submit documentation of the licenses, certifications, and registrations with this application. If you are claiming an exemption from required licensing, certifications, or registrations, you must submit proof of any claimed exemption for City review and consideration.**

- Submit a copy of your current FCC License/Registration
- Submit a copy of your current WUTC License/Registration
- Washington Department of Health Public Water System ID# _____.
- Other State or Federal Licenses, Certifications, and Registrations (use additional pages as necessary).

For Telecommunications Utility – Wireless

- Submit a copy of your FCC Antenna Structure Registration
- Submit a copy of your FAA Aeronautical Study Determination

Please note that submittal of the FCC's TOWAIR Determination Results or the FAA's Notice Criteria Tool will not satisfy the requirement for submittal of the above information. These systems are tools designed to assist applicants in exercising due diligence but do not provide conclusive or definite determinations by either regulatory authority. Submittal of your Franchise Application without the above required documents will result in a determination of incompleteness.

<p>6. Whether the applicant intends to provide cable service, or other multi-channel video programming service, and sufficient information to determine whether such service is subject to cable franchising under Chapter 20.06 ACC.</p> <p>_____</p>
<p>7. The area or areas of the city the applicant desires to serve and an initial schedule for build-out to the entire franchise area.</p> <p>_____</p> <p>_____</p>
<p>8. Such other and further information as permitted by applicable law as may be requested by the city.</p> <p>A. Do you intend to lease facilities within the City limits from other companies to provide your services to your customers?</p> <p><input type="checkbox"/> Yes – You are required to provide complete contact information for all entities/companies you currently lease from or intend to lease from. A letter of authorization from all entities/companies is required per #4 above and those entities/companies may also be required to have a current franchise agreement with the City. You may be required to provide a map of the facilities that you lease from others.</p> <p><input type="checkbox"/> No - We intend to build our own facilities or already own the facilities we intend to use.</p> <p>B. Do you intend to lease your facilities within the City limits to other companies (whether those companies are located inside or outside of the City) to provide their services to their customers?</p> <p><input type="checkbox"/> Yes – You are required to provide complete contact information for all entities/companies you currently lease too or intend to lease to. Those entities/companies may also be required to apply for and obtain a franchise agreement with the City prior to their use. You may be required to provide a map of the facilities that you lease to others.</p> <p><input type="checkbox"/> No - We do not intend to lease our facilities to other companies.</p> <p>C. Do you intend to place any part of your facilities and/or equipment (such as equipment sheds, power cabinets or meters, etc. that will connect to the facilities in the right-of-way) on private property to serve customers not located on that private property?</p> <p><input type="checkbox"/> Yes – There will be facilities and/or equipment placed on private property to serve customers not located on that private property. Provide additional information as to what the facilities and/or equipment are and where they will be located. – Requires Zoning approval through the City’s Community Development Department.</p> <p><input type="checkbox"/> No – There will not be facilities and/or equipment on private property, or any facilities and/or equipment on private property will only serve customers located on that property.</p>
<p>9. Proof of ability to meet the city's bonding requirements in ACC 12.24.050 when the applicant does not have an existing standing bond on file with the City sufficient to cover the scope of work proposed and proof of ability to meet the financial security requirements in ACC 20.02.280.</p>
<p>10. A copy of an Auburn business license endorsement issued by the State of Washington Business License Services under the State of Washington Unified Business Identifier (UBI) and Auburn license number. The required Business License must be issued to the same legal entity that will hold the franchise that is being applied for. If you do not have a City of Auburn Business License please contact Business License Services at 253-804-5011 or businesslicenses@auburnwa.gov or apply for an Auburn endorsement at https://dor.wa.gov/ using the state UBI to apply. Business License #BUS - _____.</p>

Franchise Information and Application Processing.

City staff will perform a completeness review on the application within 30 calendar days after receipt to determine whether the application contains sufficient information to proceed with processing. Applications are not considered received by the City until the application is submitted and the application fee is paid. If during the 30 calendar day review period, the application is determined incomplete you will be notified of the additional information necessary to complete the application. You will be given 30 calendar days to respond. If you need additional time to respond, you

may request up to an additional 30 calendar days. Once the additional information is received, the City will review the information within 14 calendar days and provide a written notice as to whether the application is complete. Once the additional information is received and if the application is determined complete, franchise language negotiations may begin. If a response is not timely received and/or the application is determined to be incomplete after the 14 day review, the application will be returned with a notice that the application is rejected due to failure to provide the required information. The application and review process will repeat until all required application information and documentation is provided and the City determines the application complete.

The City tracks staff time spent reviewing and processing franchise applications, including repeated incomplete application processing, negotiating franchise language, taking the agreement through the public hearing and City Council process for consideration and determination, and time spent pursuing and enforcing compliance with Title 20. Any costs for City staff time spent in excess of the initial application fee will be billed to the applicant and due upon receipt of such bill or as part of the Franchise Acceptance process per ACC 20.04.060 or ACC 20.06.070.

Upon completion of franchise language negotiations the schedule for consideration by City Council in accordance with RCW 35.99.030 will be drafted and the public hearing to consider the application before City Council will be scheduled. Franchise language negotiations are generally substantially completed by staff and the applicant. New franchise agreement applications, renewal applications and amendment applications are all required to go through a public hearing process. Approval, denial, and final franchise agreement language is at the sole discretion of the City Council.

City staff are available to meet with you in person, speak with you over the phone, or communicate through e-mail if you have questions as to the process, requirements, fees, review, or status of your particular request at any stage of your application. Please contact the Right-of-Way Specialist at 253-931-3010 or rowusepermit@auburnwa.gov.

Additional information can be found in Title 20 of the Auburn City Code.