



December 7, 2023

BCC Agenda Date/Item: _____

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County Counsel

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Board of County Commissioners
Clackamas County

Approval of a Board Order to Extend the Cable Television Franchise with Northwest Fiber, LLC doing business as Ziplly Fiber. Franchise fee revenue is \$32,000 over 2 years. Funding through Northwest Fiber, LLC. No County General Funds are involved

Previous Board Action/Review	Adoption of Ordinance No. 03-2008, December 4, 2008 approval of franchise agreement with Verizon Northwest, Inc.		
Performance Clackamas	Building public trust through good government.		
Counsel Review	JM	Procurement Review	N/A
Contact Person	Jeffrey D. Munns	Contact Phone	503-742-5984

EXECUTIVE SUMMARY:

The Northwest Fiber, LLC (dba, Ziplly Fiber "Ziplly") cable television franchise agreement serving the unincorporated areas outside of Sandy, Wilsonville and Canby expires on December 4, 2023. This franchise was previously held by Verizon Northwest, Inc. and then transferred to Frontier Communications Corporation. They in turn transferred their interest in the franchise to Northwest Fiber, LLC. PGA and County Counsel's office have been communicating with Ziplly on the process to either extend or renew this cable franchise agreement. Ziplly informed PGA that they currently only have approximately 100 subscribers and have made the decision to wind down their cable operations over the next two years. Staff requests that the franchise agreement be extended to December 4, 2025. This extension, if granted, would not affect either party's rights should a renewal eventually be sought rather than a termination.

RECOMMENDATION:

Staff recommends the Board approve an Order to extend the cable television franchise agreement with Northwest Fiber, LLC from December 4, 2023 to December 4, 2025.

Respectfully submitted,

Jeffrey D. Munns
Assistant County Counsel

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**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving an
Extension of the cable television
Franchise with Northwest Fiber, LLC
(dba Ziplly Fiber)

} Order No. _____

This matter coming before the Clackamas County Board of Commissioners at its regularly scheduled public meeting on December 7, 2023 to consider approving an extension of the cable television franchise granted to Northwest Fiber, LLC dba Ziplly Fiber (“Ziplly”).

WHEREAS, Ziplly holds a cable television franchise with Clackamas County, granted under Ordinance No. 03-2008, which will expire on December 4, 2023 (the “Franchise”). County staff and representatives of Ziplly began communicating in December 2020 to evaluate and negotiate terms regarding the renewal of the Franchise; and

WHEREAS, Ziplly has determined that winding down cable operations over the next two years is required to equitably allow subscribers time to find an appropriate replacement service; and

WHEREAS, it is in the public interest to extend the term of the Franchise for an additional period of time under the same terms and conditions pursuant to applicable law to accommodate the wind down process and avoid a potentially unnecessary disruption of service to affected residents.

WHEREAS, it is beneficial to the parties to extend the Franchise to December 4, 2025.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the term of the Franchise granted to Ziplly under Ordinance No. 03-2008 shall be extended until and including December 4, 2025, and that all rights and obligations provided the parties under the Franchise shall remain in full force and effect during that period, including the rights of the parties under the Cable Communications Policy Act of 1992 and the Telecommunications Act of 1996. Neither Ziplly nor the County shall assert any claim, denial or defense based upon the original expiration date of the Franchise. This extension of the Franchise is explicitly conditioned upon written acceptance thereof by the Franchisee.

DATED this 7th day of December, 2023.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary