



RESOLUTION NO. 40446

1 A RESOLUTION setting Tuesday, October 29, 2019, at approximately 5:15 p.m.,
2 as the date for a public hearing, pursuant to RCW 35.94.040, by the City
3 Council on (1) the surplus and potential use of the excess capacity of the
4 Tacoma Power Commercial Network where the user pays for the capital
5 and operating costs related to the excess capacity while the City retains
6 full ownership of the Network, and (2) the surplus and potential sale of
7 related inventory, equipment, and vehicles.

8 WHEREAS the Public Utility Board and City Council, after review of
9 multiple proposals from third parties, directed the Public Utilities Director to
10 execute a letter of agreement with Rainier Connect to enter into good faith
11 negotiation of agreements through which the City, through its Department of
12 Public Utilities, Power Division (d.b.a. "Tacoma Power"), will retain ownership of
13 the Tacoma Power Commercial Network and future improvements in the Click!
14 Network service area, and

15 WHEREAS the capital and operating costs of the surplus excess capacity
16 of the Tacoma Power Commercial Network will be borne by a third party,
17 Rainier Connect, and Tacoma Power will no longer provide cable television or
18 wholesale internet access or data transport services, and

19 WHEREAS Rainier Connect would use the surplus excess capacity of the
20 Tacoma Power Commercial Network to provide broadband information services
21 consistent with the 12 policy goals adopted by the City Council and Public Utility
22 Board, and

23 WHEREAS the proposed agreements will include provisions ensuring,
24 among other things, that the use and operation of the surplus excess capacity of
25 the Tacoma Power Commercial Network by the new operator will not interfere
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1 with, or jeopardize the safety and security of, Tacoma Power's continued use and
2 operation of the Tacoma Power Control Operations Network and the City's use
3 and operation of the Institutional Network, and

4 WHEREAS the proposed agreements will establish the consideration to
5 be paid for the equipment, inventory, and vehicles to be surplused, together with
6 the compensation to be paid for the use of the surplused excess capacity of the
7 Tacoma Power Commercial Network, and

8 WHEREAS, pursuant to RCW 35.94.040, the City Council shall conduct a
9 public hearing prior to determining whether excess capacity of the Tacoma
10 Power Commercial Network and related equipment, inventory, and vehicles are
11 surplus to the City's needs and not required for providing continued public utility
12 service, and

13 WHEREAS the City desires to fix a time and date for public hearing to
14 receive public comment on the surplus of the excess capacity of the Tacoma
15 Power Commercial Network, together with related inventory, equipment, and
16 vehicles, in conformance with RCW 35.94.040; Now, Therefore,

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19 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

20 Section 1. That Tuesday, October 29, 2019, at approximately 5:15 p.m.,
21 is hereby fixed as the time, and the City Council Chambers on the First Floor of
22 the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, as the
23 place when and where a public hearing shall be held on (1) the surplus and
24 potential use of the excess capacity of the Tacoma Power Commercial Network
25 where the user pays for the capital and operating costs related to the excess
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capacity while the City retains full ownership of the Network, and (2) the surplus and potential sale of related inventory, equipment, and vehicles.

Section 2. That the City Clerk shall give proper notice of the time and place of said hearing.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney