

Regarding Office of Cable Communications:

Why are cable franchises not currently handled by FMD?

Cable franchises are currently handled by the Office of Cable Communications, part of the Division of Information and Telecommunications Services (ITS). The Office, established in 1987, was placed under the Director of the Department of Executive Administration (DEA). The Office reported to the Director's office until 2000, when the reporting requirement was moved to the Manager of the ITS division. Now that the initial franchise negotiations are completed and INET staff have been placed in a separate unit to perform ongoing functions, it would be a reasonable time to consider moving the cable franchising staff into a central franchising unit in FMD.

Why aren't Cable franchises handled by the PAO? *We understand that the PAO generally reviews franchise agreements and may sit in meetings to understand issues; however, the PAO is not responsible for negotiating the agreements.*

The understanding is accurate. The PAO does not set or implement policy, but provides legal advice. As such, there is a partnership between the Executive and PAO in the negotiations of franchise agreements. The Executive Branch negotiates the agreements based on policy, cost, and operational considerations, with legal advice from the PAO.

In the case of cable franchise negotiations, additional legal assistance was obtained from a private firm. Since 1988, due to the complex federal issues associated with cable TV, the county has had a contract with Miller & Van Eaton, P.L.L.C. a Washington D.C. legal firm that specializes in cable TV and telecommunications law. This firm has represented the county in all major franchise negotiations since 1988. The King County Prosecuting Attorney's Office (PAO) participates and serves on the franchise negotiating team, but Miller & Van Eaton, P.L.L.C., serves as the county's lead negotiator.

The Comcast cable franchise transfer took a year. How was the Comcast cable franchise transfer staffed?

The county was notified by AT&T on March 4, 2002, of its intent to transfer ownership of its cable franchise to Comcast Cable. The King County Council approved the transfer of ownership on August 9, 2002 (Ordinance # 14446), approximately five months after the County was notified by AT&T.

The negotiation team for the transfer included Cable Office staff, the Manager and Assistant Manager of the Division of Information and Telecommunications Services (ITS), staff from the King County Prosecuting Attorney's Office (PAO) and the King County Council. The County also sought the advice of its contract legal counsel for cable and telecommunication issues, Miller & Van Eaton, P.L.L.C., on issues that required expertise not available from the negotiating team.

With regard to cell towers, who handles these?

Cell towers are handled in one of three ways, depending on the underlying property:

- **Parks Owned Property:** Dedicated to cell tower use via a Special Use Permit. Historically, this vehicle was used because of use restrictions attached to many Parks properties. We are currently assessing whether Special Use Permits are the best way to deal with this private use of Parks properties.
- **Non-Parks County-owned Property:** All non-Parks County-owned property is leased, using a standardized lease agreement.
- **Right-of-way:** Use of right-of-way by cell tower owners is governed by King County Code. These provisions, promulgated in recent years, specifically exclude these companies from franchising requirements. These companies are granted special permits for use of the right-of-way, with standard requirements similar in many ways to the County's standard franchising requirements.