

**CITY COUNCIL AGENDA TOPIC**

Resolution authorizing execution of the Telecommunications Right-of-Way Use Agreement with Forged Fiber 37, LLC.

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**EXECUTIVE SUMMARY****ACTION**

This Resolution authorizes execution of a Telecommunications Right-of-Way Use Agreement with Forged Fiber 37, LLC.

**RECOMMENDATION**

Move to adopt Resolution No. 10580

**BACKGROUND/ANALYSIS**

In a transaction that is expected to close in the first half of 2026, AT&T will be acquiring much of Lumen's fiber internet connectivity nationwide, which will affect certain Lumen-owned fiber infrastructure that currently exists in the city's public right-of-way. While Lumen will continue to own the primary transmission fiber optic networks and facilities in the city's right-of-way, as a result of this transaction, Forged Fiber 37, LLC, has been established as a subsidiary of AT&T and will be taking ownership of much of Lumen's fiber-to-the-home and end-user fiber assets in Bellevue's public right-of-way.

Forged Fiber 37, LLC is registered as a Telecommunications company with the State of Washington Utilities and Transportation Commission. Through the acquisition of Lumen's infrastructure, Forged Fiber 37, LLC intends to provide fiber optic service to residents and businesses across the city. In addition to acquiring Lumen's existing fiber assets, Forged Fiber 37, LLC intends to expand their service network and build fiber optic facilities throughout the city, further enhancing internet connectivity in Bellevue.

Obtaining a Telecommunications Right-of-Way Use Agreement is one of the requirements by which the city authorizes a telecommunications company to use the city's rights-of-way for the purpose of providing telecommunications services. The agreement specifies the terms and conditions under which such authority is granted. Major terms and conditions of the agreement include:

- The terms and conditions of Bellevue City Code (BCC) Chapters 6.02 and 6.04.
- The term of five years that may be renewed pursuant to the provisions or BCC Sections 6.04.100 and 6.04.120.
- The agreement is non-exclusive. The city can enter into similar agreements with other providers.

- The provision for relocation of telecommunications facilities covered in the agreement. The provisions for working in the right-of-way under separate approved permits.
- The restoration requirements after construction within the right-of-way.

In addition, it requires all providers utilizing city rights-of-way to comply with all applicable city ordinances, codes, regulations, standards, policies, and procedures.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

#### Revised Code of Washington:

RCW 35.99 Telecommunications, Cable Television Service – Use of Right-of-Way:

“Master permit” means the agreement in whatever form whereby a city or town may grant general permission to a service provider to enter, use, and occupy the right-of-way for the purpose of locating facilities.

“Use permit” means the authorization in whatever form whereby a city or town may grant permission to a service provider to enter and use the specified right-of-way for the purpose of installing, maintaining, repairing, or removing identified facilities.

#### Bellevue City Code:

Telecommunications BCC Chapter 6.04:

6.04.010 Telecommunications right-of-way use agreement.

A Telecommunications Right-of-Way Use Agreement shall be required of any telecommunication carrier or provider who desires to occupy or otherwise use city rights-of-way for the purpose of providing telecommunications services. (Ord. 5061 § 3, 1998.)

Right-of-Way Use Code BCC Chapter 14.30:

14.30.070 Permit Requirements

Any telecommunications carrier or provider who desires to construct, install, operate, maintain, or otherwise locate telecommunications facilities in, under, over, or across any right-of-way of the city for the purpose of providing telecommunications services shall first obtain authorization in the form of a telecommunications right-of-way use agreement authorizing the use of such right-of-way consistent with the requirements and conditions of such agreement.

Comprehensive Plan Policies:

Telecommunications Utility

UT-82: Encourage widespread, affordable, high-speed internet access, including access to competing telecommunication services and new forms of technology to provide the community with choice and to facilitate innovation.

Council Strategic Target Areas:

High Quality Built and Natural Environment

Invest in high-quality technology infrastructure to support smart city initiatives and improve high-speed internet access and affordability for residents and businesses.

**Fiscal Impact**

Forged Fiber 37, LLC will be responsible for obtaining all necessary approvals, authorizations and agreements for the construction and operation of its telecommunications facilities. They will be responsible for paying all applicable permit fees included in the Development Services Fee Ordinance adopted by Council.

**OPTIONS**

1. Adopt the Resolution authorizing execution of the Telecommunications Right-of-Way Use Agreement with Forged Fiber 37, LLC.
2. Do not adopt the Resolution and provide alternative direction to staff.

**ATTACHMENTS**

Proposed Resolution No. 10580

**AVAILABLE IN COUNCIL LIBRARY**

Telecommunications Right-of-Way Use Agreement with Forged Fiber 37, LLC