



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 7007
October 6, 2026
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 7007: Ezee Fiber Franchise Agreement (Ord. No. 26-14, Second Reading)	☐ Discussion Only ☒ Action Needed: ☒ Motion ☒ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Adopt Ordinance No. 26-14, approving a telecommunications franchise agreement with Ezee Fiber.	

DEPARTMENT:	Public Works
STAFF:	Jason Kintner, Chief of Operations Christopher Marks, Interim Assistant City Engineer
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 26-14 – Franchise Agreement with Ezee Fiber
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda item is to conduct a second reading and adoption of Ordinance No. 26-14 (Exhibit 1) which would allow Ezee Fiber to access the City's rights-of-way for a telecommunications network.

- On September 15, 2026, City Council conducted its first reading of Ordinance No. 26-14 that would authorize a franchise agreement with Ezee Fiber.
- This franchise agreement, negotiated on behalf of the City by Daniel Kenny (Ogden Murphy Wallace, PLLC), is a general contractual agreement with Ezee Fiber which allows entrance and use of the City's public rights-of-way for wireline deployments as allowed by [RCW 35A.47.040](#).
- Ezee Fiber will still need to apply for and receive all necessary permits for all installations; the franchise agreement is only the first step.
- Following City Council's September 15, 2026, review, City Council requested that staff bring back the ordinance for a second reading and adoption on October 6, 2026.

BACKGROUND

In February 2026, Ezee Fiber approached the City of Mercer Island seeking a telecommunications franchise agreement. Ezee Fiber is a telecommunications provider that offers fiber-optic internet service with symmetrical speeds up to 8 Gbps for residential, business, and enterprise customers. The company currently

provides service in Illinois, Michigan, New Mexico, Oregon, Texas, and Washington. In Washington, their service area includes Clark County and the cities of Kent, Steilacoom, Tacoma, and Vancouver, with additional locations planned as their network continues to expand. Ezee Fiber does not currently own or operate telecommunications facilities within the City's rights-of-way.

The proposed agreement (see Exhibit 1) would authorize Ezee Fiber to access the City's rights-of-way to construct, maintain, operate, replace, and repair its telecommunications network. Ezee Fiber will still need to apply for and receive all necessary permits for all installations. This is a typical practice for franchise agreements with the City.

To ensure competitive equity between similarly situated entities, this franchise agreement is identical to the franchise that the City Council has granted to other telecommunications providers. This ensures fair competition by treating comparable providers equally. Denying this application without a legitimate, fact-based distinction could be viewed as arbitrary or unlawfully discriminatory.

Staff worked with Daniel Kenny (Ogden Murphy Wallace, PLLC) to negotiate the proposed agreement on behalf of the City, though, as noted, this agreement is the same as previously approved for other telecommunications providers. The agreement was prepared by Mr. Kenny, reviewed by Public Works staff and the City Attorney, and approved by Ezee Fiber. The franchise agreement is provided for City Council consideration as Exhibit 1.

ISSUE/DISCUSSION

The City Council held a first reading of Ordinance No. 26-14 on September 15, 2026. After the initial reading, a few questions were asked, but none resulted in revisions to the agreement.

The franchise agreement is provided for City Council consideration as Exhibit 1.

NEXT STEPS

Upon authorization of the telecommunications franchise agreement with Ezee Fiber, City staff will review and approve permit applications submitted by Ezee Fiber prior to any work within the City's rights-of-way.

RECOMMENDED ACTION

Adopt Ordinance No. 26-14, approving a telecommunications franchise agreement with Ezee Fiber.