



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6991
September 15, 2026
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6991: Ezee Fiber Franchise Agreement (Ord. No. 26-14, First Reading)	☐ Discussion Only ☒ Action Needed: ☒ Motion ☒ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Schedule Ordinance No. 26-14 for second reading on October 6, 2026 or later.	

DEPARTMENT:	Public Works
STAFF:	Jason Kintner, Chief of Operations Christopher Marks, Interim Assistant City Engineer Rebecca Corigliano, Transportation Engineer
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Draft 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 provide background information on a proposed telecommunications franchise agreement with Ezee Fiber and set an ordinance for second reading, likely on October 6, 2026.

- Ezee Fiber is seeking a franchise agreement to access the City's rights-of-way for a telecommunications network.
- Currently, Ezee Fiber does not own any facilities within the City's rights-of-way.
- Daniel Kenny (Ogden Murphy Wallace, PLLC) is negotiating this agreement on behalf of the City, provided as Exhibit 1.
- The ordinance for this franchise agreement requires a second reading as required by [RCW 35A.47.040](#).
- Upon adoption of the ordinance, Ezee Fiber would still need to obtain permits and approvals before working within City's rights-of-way.

BACKGROUND

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.

In February 2026, Ezee Fiber approached the City of Mercer Island seeking a telecommunications franchise agreement. Ezee Fiber does not currently own or operate telecommunications facilities within the City's rights-of-way.

ISSUE/DISCUSSION

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. This franchise agreement is a general contractual agreement with Ezee Fiber which allows entrance and use of the rights-of-way for wireline deployments. 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 granted to Forged Fiber. This ensures fair competition by treating comparable providers equally. Because the City recently approved the same agreement for Forged Fiber, denying this application without a legitimate, fact-based distinction could be viewed as arbitrary or unlawfully discriminatory. Accordingly, it is staff's recommendation to schedule this for a second reading and adoption at an upcoming council meeting.

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 Forged Fiber. The draft agreement was prepared by Mr. Kenny, reviewed by Public Works staff and the City Attorney, and approved by Ezee Fiber. The draft franchise agreement is provided for City Council consideration as Exhibit 1.

[RCW 35A.47.040](#) requires a second reading to City Council prior to ordinance adoption. City staff plan to return for a second reading likely on October 6, 2026.

RECOMMENDED ACTION

Schedule Ordinance No. 26-14 for second reading and adoption at an upcoming City Council Meeting.