

ORDINANCE NO. O2025-002

AN ORDINANCE of the City Council of the City of Tumwater, Washington, granting to Puget Sound Energy, Inc., a Washington corporation, its successors and assigns, a franchise renewal to set, erect, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate and use Facilities in, upon, over, under, along, across, and through the Franchise Area to provide for the transmission, distribution and sale of gas and energy for power, heat and light, and any other purposes for which gas and energy may be used and amending Ordinance No. 02015-006.

WHEREAS, The City of Tumwater adopted Ordinance 02015-006 on September 15, 2015 granting Puget Sound Energy, Inc., its successors and assigns (“Puget Sound Energy”), a franchise to set, erect, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate and use Facilities, in, upon, over, under, along, across and through the Franchise Area to provide for the transmission, distribution and sale of gas and energy for power, heat and light, and any other purposes for which gas and energy may be used; and

WHEREAS, the term of the original franchise agreement was for a period of ten (10) years, expiring on September 14, 2025; and

WHEREAS, The City of Tumwater, at the sole discretion of the City Council, may extend the Franchise for two additional five (5) year terms upon the written request of Puget Sound Energy not more than one (1) year nor less than one hundred eighty (180) days prior to the expiration of the current term; and

WHEREAS, Puget Sound Energy has made a timely written request in accordance with Ordinance No. 02015-006 to renew and extend their franchise for an additional five (5) year term; and

WHEREAS, the City has reviewed Puget Sound Energy's performance and quality of service under the current franchise agreement, has identified the future gas and energy-related needs and interests of the City and its residents, has considered the financial, technical and legal qualifications of Puget Sound Energy, and has determined that Puget Sound Energy's plans for operating and maintaining its gas and energy system are adequate; and

WHEREAS, the City is authorized by RCW 35A.47.040 to permit and regulate under such restrictions and conditions as it may set by charter or ordinance and to grant nonexclusive franchises for the use of public streets, bridges or other public ways, structures or places above or below the surface of the ground

for railroads and other routes and facilities for public conveyances, for poles, conduits, tunnels, towers and structures, pipes and wires and appurtenances thereof for transmission and distribution of electrical energy, signals and other methods of communication, for gas, steam and liquid fuels, for water, sewer and other private and publicly owned and operated facilities for public service; and

WHEREAS, the City has completed the requirements of RCW 35A.47.040 for adoption of this ordinance and it has been more than five days since this ordinance was first considered by the City Council on _____; and

WHEREAS, the City Council of the City of Tumwater finds it is in the best interests of, and supports the health, safety and welfare of, the residents of the City of Tumwater to renew and extend the franchise for an additional five (5) year term.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Grant. The City Council of the City of Tumwater hereby grants to Puget Sound Energy, subject to all terms and conditions of O2015-006, the right, privilege, authority and franchise to set, erect, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate and use Facilities in, upon, over, under, along, across and through the Franchise Area to provide for the transmission, distribution and sale of gas and energy for power, heat, light and such other purposes for which gas and energy may be used for an additional five year extension term, expiring at midnight on September 14, 2030. All other terms and conditions of Ordinance No. O2015-006 not modified by this ordinance shall remain in full force and effect.

Section 2. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 3. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law. Provided, however, in order to claim the benefits of this ordinance and acquire the rights, privileges, and authorities hereby granted, Puget Sound Energy must, within thirty (30) days of the effective date of this ordinance, file in the office of the City Clerk its written acceptance of this franchise. The failure of Puget Sound Energy to file such an

acceptance shall be deemed a rejection by Puget Sound Energy and this ordinance shall be null and void.

ADOPTED this _____ day of _____, 2025.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

HONORABLE MAYOR AND CITY COUNCIL
CITY OF TUMWATER, WASHINGTON

In the matter of the application of)
Puget Sound Energy, Inc., a) Franchise Ordinance No. O2025-002
Washington corporation, for a)
franchise to construct, operate, and)
maintain facilities in, upon, over,)
under, along, across, and through the) ACCEPTANCE
franchise area of the City of)
Tumwater, Washington.)

WHEREAS, the City Council of the City of Tumwater, Washington, has granted a Franchise renewal to Puget Sound Energy, Inc., a Washington corporation, its successors and assigns, by enacting an Ordinance No. O2025-002, bearing the date of _____, 2025; and

WHEREAS, a copy of said Ordinance granting said Franchise renewal was received by Puget Sound Energy, Inc. on _____, 2025, from said City of Tumwater, Thurston County, Washington.

NOW, THEREFORE, Puget Sound Energy, Inc., a Washington corporation, for itself, its successors and assigns, hereby accepts said Ordinance and all the terms and conditions thereof, and files this, its written acceptance, with the City of Tumwater, Thurston County, Washington.

IN TESTIMONY WHEREOF, said Puget Sound Energy, Inc. has caused this written Acceptance to be executed in its name by its undersigned
_____ (print name) thereunto duly authorized on this
_____ day of _____, 2025.

ATTEST (notary):

PUGET SOUND ENERGY, INC.

By: _____

Copy received for City of Tumwater
On _____, 2025.

By: _____
City Clerk