

Community Forum
1-14-2020

Harper Zarling

City Council speech

Hi, I'm Harper Zarling. I'm here to propose a stoplight for North 30th and Orchard street. North 30th and Orchard is a very busy street people are coming and going to and from Safeway, Ace Hardware, UPS, Dairy Queen, Pet Pro's, home, work, school and many more places. A thought is time, there is a kind of pattern like two people decide who goes next with a wave but some people try to go at the same time and then it makes things a little longer for people behind them because it gets backed up more than it already is. Something else is 21st and Orchard is as busy as North 30th and Orchard and North 30th and Orchard only has a red flashing light not a regular stoplight like North 21st and Orchard street.

Another thought is safety, people decide to go with wave and when they wave at the same time they go at the same time and that causes people to hit the brakes hard and some people go forward especially in the back seat you can hit the back of the seat in front of you. Also another matter of safety for people outside cars is no crosswalk but if you add a stoplight it would be a lot safer when the light is red you walk across the street unlike guessing when to go and risking your safety and a red flashing light is not as safe as a stoplight would be for inside the car and outside the car. I hope you will consider my proposal for a stoplight on North 30th and Orchard street.

Harper Zarling
4302 N Stevens St
Tacoma 98407
Mason MS

Mom: Beth Zarling bethzarling@gmail.com

From Kit Burns
Community Forum
1-14-2020

Indefeasible rights of use

January 14, 2020

From Wikipedia, the free encyclopedia (some portions from the WSJ)

Indefeasible right of use (IRU) is a permanent contractual agreement, that cannot be undone, between the owners of a communications system and a customer of that system.

The word "indefeasible" means "not capable of being annulled, or voided, or undone."

Since IRU's are technically rights to a physical part of a cable, they can be considered an asset, which means their cost isn't part of the company's operating results, but shows up under tangible assets.

In plainer English, the purchase of an IRU gives the purchaser the right to use some capacity on a telecommunications cable system, including the right to lease that capacity to someone else.

An IRU owner can unconditionally and exclusively use the relevant capacity of the IRU grantor's network for the specified time period.

The IRU is counted as though it is a part of the physical plant of the business buying the IRU.

an ASSET

Dear Mayor Woodards,

As noted in the March 5, 2019 TPU/City Council Meeting City Attorney Chris Bacha's response to TPU Board member's (Karen Larkin) question about in the event of bankruptcy of the IRU purchaser (a little past the one-hour mark in the meeting)

Essentially *all of the aspirational policy goals go out the window in bankruptcy court* per the City's Consulting Attorney's.

The value of this network for a loan to a PE - private equity company (WAVE or a newly formed subsidiary LLC) might be \$200 million invested already, and the \$1 Billion of guaranteed revenue from internet cable is immense.

How can a private company gain access to our asset which has already been paid for, use it for a loan capital finance lease?

As financial engineering is used to loot a valuable asset. This IRU agreement must not be signed. Click needs to remain in the hands of the public that has paid for it already. The profits generated need to be kept in the community.

We can provide internet to all citizens taking education programs in Tacoma from technical, college, and any other in the community.

Kit Burns 253.820.7392 1010 6th Avenue

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The 12 Click! Policy Goals

1. Public ownership of assets
2. Equitable access
3. Low-income affordability
4. Net neutrality
5. Open access
6. Competition
7. Safeguard City and TPU use
8. Financial stability
9. Economic development & educational opportunity
10. Job options for Click! staff & protection of intellectual property
11. Consumer privacy
12. Consumer goodwill

In a bankruptcy these can be dismissed or become unenforceable. They are aspirational and in the IRU documents are described only vaguely.

Without clear, concise, measurable metrics, they can't be enforced by TPU nor the courts.

The City is giving up the dark fiber (without benefits or a fair value in return) that ensures Tacoma will not have public internet. We will never have public Internet.

WAVE or another newly created entity will be able to purchase the full use of Click based on the Terms in the IRU.

1.14.2020

Kit Burns

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Chattanooga's Broadband Network Surpasses 100,000 Subscribers

BY LISA GONZALEZ | DATE: 26 OCT 2018 |

Earlier this month, Chattanooga's celebrated as municipal network EPB Fiber Optics announced that they now **have more than 100,000 subscribers**. The high numbers indicate that the network is serving more than 60 percent of premises in the EPB service area. EPB's success also attests to the popularity of publicly owned Internet infrastructure that is accountable and responsive to the community that both own and use the network.

An Expected Milestone, Big Benefits

Hitting six digit subscribership this fall was no surprise based on rapid growth and intense interest in EPB's affordable, **symmetrical 10 gigabit connectivity along with other available speeds**. When the city began serving subscribers in 2009, they based initial figures on an estimate of 35,000 subscribers within five years to break even. Within 18 months, they had already surpassed those goals.

Having paid off remaining debt earlier this year, more revenue is now freed up for more investment back into the system or to put back into the community. **The utility is now reinvesting around \$42 million per year back into the electric system and power rates are lower for the entire community, regardless of whether or not electric customers are EPB Fiber Optic subscribers.**

"Contrary to the fears some had about us spending power funds to pay for this service, our power rates are actually 7 percent lower than they otherwise would be because of our Fiber Optic network and the business it has generated for us," EPB President David Wade said.

In addition to significant savings on power rates, Chattanooga has experienced an influx of economic development as tech companies have come to the city specifically for the network. “Gig City” Mayor Andy Berke:

“Our fiber optic network is today’s locomotive that is driving Chattanooga’s success and positioning us as a model for other communities. It is a powerful recruiting tool to attract new businesses that need reliable, high quality power and communications, as well as a catalyst for launching startups and expanding our existing businesses.”

A 2015 report by University of Tennessee at Chattanooga (UTC) Economist Bento Lobo estimated that the network had brought 5,200 new jobs and \$1.3 billion in new benefits to the city.

While economists such as Lobo look at the dollars and cents the network has generated, soft benefits, such as better connectivity in the schools, libraries, and healthcare institutions add benefits that aren’t necessarily quantifiable. For example, the city has also created a program that provides affordable high-quality Internet access for lower-income families via the network and private sector competitors have stepped up their game.

It’s Their Network

Regardless of the improvements in service or price from the national providers in Chattanooga, locals seem to prefer their local network, says EPB Chairman Joe Ferguson. “We make sure we treat people the way we want to be treated and do what we say,” Ferguson said. This past summer, EPB was rated as a top internet provider by J.D. Power and Associates surveys.

The community and EPB celebrated on October 20th with a festival at the city’s Miller Park.

For more on the history of EPB Fiber Optics, listen to Christopher interview Harold DePriest, the man behind the initiative to develop the network. Christopher spoke with Harold for episode 230 of the Community Broadband Bits Podcast in November, 2016.

This article was originally published on ILSR’s MuniNetworks.org.

Read the original here.

Photo of Chattanooga via Wikimedia Commons.

<https://ilsr.org/municipal-network-in-tennessee-surpasses-100k-subscribers/>

CITY OF TACOMA, WASHINGTON
DEPARTMENT OF PUBLIC UTILITIES
CLICK! NETWORK
OPERATIONAL SUMMARY

	2018	2017	2016	2015	DECEMBER 2014	DECEMBER 2013	DECEMBER 2012	DECEMBER 2011	DECEMBER 31, 2010	DECEMBER 31, 2009	DECEMBER 2008
Telecommunications Revenue											
CATV					\$ 19,836,525	\$ 19,496,123	\$ 18,428,986	\$ 17,831,086	\$ 17,723,146	\$ 16,290,075	\$ 14,235,013
Broadband					1,109,326	1,140,453	1,365,550	1,337,371	1,162,320	1,294,120	1,180,523
ISP					5,987,698	5,419,161	4,980,979	4,807,300	4,708,657	4,433,807	4,220,760
Interdepartmental					217,017	229,632	119,819	127,636	193,096	158,315	161,987
Miscellaneous											1,520,215
Total Revenue					<u>27,150,566</u>	<u>26,285,369</u>	<u>24,895,334</u>	<u>24,103,393</u>	<u>23,787,219</u>	<u>22,176,317</u>	<u>21,318,498</u>
Telecommunications Expense-Commercial											
Administration & Sales Expense											
Salaries & Wages Expense					2,906,826	2,847,120	2,783,332	2,856,808	2,863,907	2,796,320	2,883,927
General					421,514	699,244	519,998	544,502	611,772	588,560	983,141
Contract Services					12,643,254	11,900,808	12,085,480	11,813,162	11,444,321	11,548,988	11,393,062
IS & Intergovernmental Services					710,113	631,385	617,102	674,018	536,041	498,473	511,068
Fleet Services					12,647	11,049	6,514	8,333	6,607	6,847	18,420
Capitalized A&G Expense					(62,533)	(120,491)	(206,323)	(217,616)	(697,429)	(420,253)	(308,686)
Total Administration & Sales					<u>16,631,821</u>	<u>15,969,115</u>	<u>15,806,103</u>	<u>15,679,207</u>	<u>14,765,219</u>	<u>15,018,935</u>	<u>15,480,932</u>
Operations & Maintenance Expense											
Salaries & Wages Expense					2,577,896	2,435,321	2,546,816	2,564,034	2,640,334	2,544,861	1,958,078
General					231,978	176,640	192,711	195,718	258,019	303,808	297,904
Contract Services					126,176	249,960	199,040	114,418	279,047	549,986	358,895
IS & Intergovernmental Services					25,198	25,915	34,007	22,391	29,097	39,518	30,210
Fleet Services					144,767	133,794	134,470	148,247	122,409	113,006	117,396
New Connect Capital					(106,683)	(127,043)	(195,464)	(192,506)	(243,126)	(480,954)	(357,262)
Total Operations & Maintenance					<u>2,999,332</u>	<u>2,894,587</u>	<u>2,911,580</u>	<u>2,852,302</u>	<u>3,085,780</u>	<u>3,070,225</u>	<u>2,405,221</u>
Total Telecommunications Expense					<u>19,631,153</u>	<u>18,863,702</u>	<u>18,717,683</u>	<u>18,531,509</u>	<u>17,850,999</u>	<u>18,089,160</u>	<u>17,886,153</u>
Net Revenues Before Taxes and Depreciation					<u>7,519,413</u>	<u>7,421,667</u>	<u>6,177,651</u>	<u>5,571,884</u>	<u>5,936,220</u>	<u>4,087,157</u>	<u>3,432,345</u>
Taxes					3,796,690	3,874,803	3,624,108	3,475,502	3,394,835	3,113,886	2,978,556
Depreciation and Amortization					5,128,915	5,209,048	5,870,860	6,042,133	4,088,620	4,394,826	4,153,108
Total Taxes & Depreciation					<u>8,925,605</u>	<u>9,083,851</u>	<u>9,494,968</u>	<u>9,517,635</u>	<u>7,483,455</u>	<u>7,508,712</u>	<u>7,131,664</u>
Net Revenues (Expenses)					<u>\$ (1,406,192)</u>	<u>\$ (1,662,184)</u>	<u>\$ (3,317,317)</u>	<u>\$ (3,945,751)</u>	<u>\$ (1,547,235)</u>	<u>\$ (3,421,555)</u>	<u>\$ (3,699,319)</u>

Please provide information regarding the amounts shown in the taxes category. How much is cable franchise fees, utility taxes, other taxes for the tax category. +
Also, question ?, if the "cable portion" of the tax would not be collected if the program content is entirely streamed instead of being provided by a cable content provider. Kit Burns 253.820.7392

CITY OF TACOMA, WASHINGTON
DEPARTMENT OF PUBLIC UTILITIES
CLICK! NETWORK
OPERATIONAL SUMMARY

	DECEMBER 2007	DECEMBER 2006	DECEMBER 2005	DECEMBER 2004
Telecommunications Revenue				
CATV	\$ 13,307,199	\$ 12,384,419	\$ 11,648,785	\$ 10,819,421
Broadband	1,209,956	897,353	750,621	727,199
ISP	4,315,660	3,625,165	3,105,832	2,479,302
Interdepartmental	159,160	168,156	220,140	149,800
Miscellaneous	1,095,705	887,042	642,955	338,071
Total Revenue	20,087,680	17,962,135	16,368,333	14,513,793
Telecommunications Expense-Commercial				
Administration & Sales Expense				
Salaries & Wages Expense	2,754,301	2,782,259	2,569,960	2,388,254
General	721,272	456,249	827,764	1,143,621
Contract Services	10,502,700	9,517,660	8,202,025	7,511,484
IS & Intergovernmental Services	567,579	217,469	268,598	208,535
Fleet Services	25,102	27,065	22,734	11,199
Capitalized A&G Expense	(117,662)	(359,970)	(305,320)	(419,789)
Total Administration & Sales	14,453,292	12,640,732	11,585,761	10,843,304
Operations & Maintenance Expense				
Salaries & Wages Expense	1,893,140	1,647,746	1,466,132	1,224,764
General	280,322	264,043	292,464	248,440
Contract Services	305,886	282,614	202,659	153,545
IS & Intergovernmental Services	34,976	62,229	64,137	48,520
Fleet Services	127,134	104,728	112,011	53,141
New Connect Capital	(369,312)	(429,693)	(582,017)	(372,641)
Total Operations & Maintenance	2,272,146	1,931,667	1,555,386	1,355,769
Total Telecommunications Expense	16,725,438	14,572,399	13,141,147	12,199,073
Net Revenues Before Taxes and Depreciation	3,362,242	3,389,736	3,227,186	2,314,720
Taxes	2,680,519	2,538,569	2,282,193	2,003,979
Depreciation and Amortization	3,403,439	3,730,000	4,432,019	3,173,734
Total Taxes & Depreciation	6,083,958	6,268,569	6,714,212	5,177,713
Net Revenues (Expenses)	\$ (2,721,716)	\$ (2,878,833)	\$ (3,487,026)	\$ (2,862,993)

	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	Totals
Taxes	\$3,796,690	\$3,874,803	\$3,624,108	\$3,475,502	\$3,394,835	\$3,113,886	\$2,978,556	\$2,680,519	\$253,569	\$282,193	\$2,003,979	\$29,478,640
Depreciation	\$5,128,915	\$5,209,048	\$5,870,860	\$6,042,133	\$4,088,620	\$4,394,826	\$4,153,108	\$3,403,439	\$3,730,000	\$4,432,019	\$3,173,734	\$49,626,702

2014
Operational
Summary

What has happened to the depreciation? Where did it go? Who Spent it?

According to CCG Consulting, Doug Dawson, Click was "unique in that it has no debt."

FINANCIAL
ANALYSIS -
we need to see it.

Tacoma Power								
2015/2016 Capital Program Summary								
12/31/15, Period 13								
50% of Biennium								
Summary by Business Unit								
Business Unit	Original Biennium Bt	Current Budget	Over/(Under)	Origin Funded (Released)	2015/2016 Actuals	% Spent	Current Bt Commitments	Available 3
Click!	\$ 5,224,000.00	\$ 5,224,000.00	\$ -	\$ 5,224,000.00	\$ 943,565.83	18%	\$ 51,396.59	\$ 4,229,037.58

Tacoma Power								
2015/2016 Capital Program Summary								
12/31/2016, Period 13								
100% of Biennium								
Summary by Business Unit								
Business Unit	Original Biennium Bt	Current Budget	Over/(Under)	Origin Funded (Released)	2015/2016 Actuals	% Spent	Current Bt Commitments	Available 3
Click!	\$ 5,224,000.00	\$ 5,224,000.00	\$ -	\$ 5,224,000.00	\$ 4,646,023.73	89%	\$ 200,123.14	\$ 377,853.13

Tacoma Power								
2017/2018 Capital Program Summary								
12/31/2017								
50% of Biennium								
Summary By Business Unit								
Business Unit	Original Biennium Bt	Current Budget	Over/(Under)	Origin Funded (Released)	2017/2018 Actuals	% Spent	Current Bt Commitments	Available2
Click!	\$ 18,229,000.00	\$ 18,229,000.00	\$ -	\$ 5,216,000.00	\$ 957,650.01	5%	\$ 120.01	\$ 17,271,229.98

Tacoma Power								
2017/2018 Capital Program Summary								
12/31/18								
100% of Biennium								
Summary By Business Unit								
Business Unit	Original Biennium Bt	Current Budget	Over/(Under)	Origin Funded (Released)	2017/2018 Actuals	% Spent	Current Bt Commitments	Available2
Click!	\$ 18,229,000.00	\$ 17,358,000.00	\$ (871,000.00)	\$ 4,345,000.00	\$ 1,474,491.48	8%	\$ 23,042.32	\$ 15,860,466.20

Tacoma Power								
2019/2020 Capital Program Summary								
5/31/2019								
21% of Biennium								
Summary By Business Unit								
Business Unit	Original Biennium Bt	Current Budget	Over/(Under)	Origin Funded (Released)	2019/2020 Actuals	% Spent	Current Bt Commitments	Available2
Click!	\$ 1,797,000.00	\$ 1,797,000.00	\$ -	\$ 1,797,000.00	\$ 87,429.44	5%	\$ 21,723.06	\$ 1,687,847.50



Board Action Memorandum

TO: Jackie Flowers, Director of Utilities
COPY: Charleen Jacobs, Director and Board Offices
FROM: Chris Bacha, Chief Deputy City Attorney
MEETING DATE: October 30, 2019
DATE: October 18, 2019

Typically meeting outcomes and agenda were predetermined; At PUB study sessions and at TPU/Council Joint study sessions citizen comments are not allowed.

SUMMARY: A resolution recommending approval of the surplus of Click! Network inventory, equipment and vehicles and the excess capacity of the HFC Network. The surplus declaration, if approved, will not affect current Click! Commercial Network (Click! Network) operations or services which will continue until disposition as may be approved by the Public Utilities Board and City Council. The resolution also recommends that the Board authorize execution of the Click! Business Transaction Agreement by and between Tacoma Power and Mashell, Inc., d/b/a Rainier Connect and Rainier Connect North LLC.

BACKGROUND: In 1997 the City Council approved City Light's (Tacoma Power) proposal to create a hybrid fiber coaxial (HFC) network (HFC Network) as part of Tacoma Power's utility infrastructure to, among other things, connect its generation, distribution and transmission assets, and support eventual adoption of smart meters, appliance control and load shaping, and further to use excess capacity within the HFC Network to provide cable television services to Tacoma Power electric customers and sell data transport and wholesale internet access services. The proposal anticipated that the services provided over the excess capacity of the HFC Network would be revenue self-sufficient and contribute to lowering the costs of building and maintaining the HFC Network.

Since Click! Network began providing cable television and wholesale internet access services in 1998, technology and consumer demands have changed and operational costs have significantly increased. In response to these challenges, the Public Utility Board (PUB) in 2009 began to study alternative Click! Network business models and after many years of study retained the services of CTC Technology & Energy to assist in this analysis. The PUB asked CTC to examine other business models that addressed the challenges of the City's legacy business model and best met the 12 policy goals adopted by the PUB and City Council. Ultimately the PUB and City Council determined that these challenges and policy goals could best be met through a business model in which the City retained ownership of the entire HFC Network, including the Click! Commercial Network, with a third party providing Cable TV and/or internet access services and covering the capital and operating costs associated with providing those services. Under this model, Tacoma Power would no longer provide cable television or wholesale internet access services and the third party would provide Cable TV and/or broadband information services directly to the Public consistent with the 12 policy goals.

Concurrently, the PUB examined its future needs for the excess capacity in the fiber constructed as part of the HFC Network and determined that the Power Control Operations Network (PCON) has sufficient capacity to meet the current and future needs of Tacoma Power, Water and Rail. Further, while it was anticipated in 1997 that the HFC Network would be used for smart meters, the PUB has determined that Advanced Metering Infrastructure (AMI) using wireless technology in conjunction with the PCON Network can be utilized more efficiently and reliably than the current wireline network. Accordingly, the PUB has approved multiple contracts to implement AMI, and the excess capacity of the HFC Network is no longer needed for the implementation of smart meter technology. As a result, the excess capacity in the HFC Network that is currently used by the Click! Commercial Network and that includes the Dark Fiber sub-network are excess



Board Action Memorandum

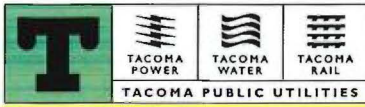
and surplus to the needs of Tacoma Power and are not required for, or essential to, continued public utility service.

Tacoma Power will continue operation of Click! Network in the immediate future for the purpose of maintaining the network infrastructure, preserving the value of Click! Network, and ensuring that all of Click!'s customers continue to receive services and can be provided an opportunity to transition to services covered by the third party agreements, and until such time as the right to use the excess capacity of the HFC Network and related inventory, equipment and vehicles are transferred through the proposed third party agreements.

Although a declaration that an asset is surplus often proceeds a decision to sell an asset, there is no requirement that a surplus asset must be sold. The request for the Board to make a surplus declaration does not indicate that there is any intent to sell any of the HFC Network in the future. The definition of "surplus" in Merriam-Webster is, "the amount that remains when use or need is satisfied". In Dictionary.Com, "surplus" is defined as "something that remains above what is used or needed". The Board and the City Council have made it clear that they do not intend to sell any portion of the HFC Network, but rather will retain ownership of the entire HFC Network to ensure that the City has control over how the HFC Network is used, and to ensure that the entire HFC Network meets all security requirements and can continue to meet the needs of Tacoma Power, Tacoma Water and Tacoma Rail. The third party agreements include a request that the Board and City Council approve the sale of some of the inventory, equipment and vehicles currently being used to provide Click! Network services, but all of the HFC Network will be retained under City ownership, only a right to use the excess capacity in the HFC Network is being granted.

If applicable, outline all public and stakeholder outreach efforts undertaken.

April 23, 2015 – PUB Town Hall Meeting ← Outcomes - pre-determined
May 20, 2015 – PUB Study Session
June 15, 2015 – Presentation to City Club of Tacoma
June 17, 2015 – PUB Study Session
July 7, 2015 – PUB/City Council Joint Study Session
August 26, 2015 – PUB meeting ← Citizen comments not allowed
September 1, 2015 – PUB/City Council Joint Study Session
December 3, 2015 – PUB Special Study Session
December 3, 2015 – Special Board Meeting
December 15, 201 – City Council Meeting
January 13, 2016 – PUB Study Session
March 23, 2016 – PUB Study Session
January 22, 2016 through August 1, 2016 – 16 meetings of Click! Engagement Committee
August 16, 2016 – City Council Study Session
September 14, 2016 – PUB Public Hearing
September 28, 2016 – PUB Meeting
October 25, 2016 – City Council Study Session
January 23, 2018 – PUB/City Council Joint Study Session
January 24, 2018 – PUB Meeting
January 30, 2018 – City Council Meeting
March 20, 2018 – Joint Study Session
Fall 2018 – Public Outreach Soliciting Feedback from Stakeholders (Employees, Subscribers, Non-subscribers, Businesses, Hi-Tech & Education, ISP-MSA and Public)
November 19, 2018 – Public Stakeholder Gathering
December 11, 2018 – PUB/City Council Joint Study Session



Board Action Memorandum

March 5, 2019 – PUB/City Council Joint Study Session
March 13, 2019 – PUB Hearing
March 18, 2109 – PUB Hearing
March 26, 2019 – City Council Meeting
May 14, 2019 – PUB/City Council Joint Study Session
June 18, 2019 – PUB/City Council Joint Study Session
October 22, 2019 PUB/City Council Joint Study Session
October 23, 2019 – PUB Hearing

ARE THE EXPENDITURES AND REVENUES PLANNED AND BUDGETED? Yes.

IF THE EXPENSE IS NOT BUDGETED, PLEASE EXPLAIN HOW THEY ARE TO BE COVERED.

Explain how expenditures are to be covered and if budget modifications are required.

IF THE ACTION REQUESTED IS APPROVAL OF A CONTRACT, INCLUDE LANGUAGE IN RESOLUTION AUTHORIZING \$200,000 INCREASE IN ADMINISTRATIVE AUTHORITY TO DIRECTOR?

No.

ATTACHMENTS: List any attachments (contracts, policies, agreements, etc.).

1. Memo from Tacoma Public Utilities Director regarding surplus property declaration.

CONTACT: Chris Bacha, Chief Deputy City Attorney, (253) 591-5885

The City did no outreach to Tacoma Public Schools, the iNet users, the citizens of Tacoma, or even the employees of Click for suggestions to improve and inform the public of the Click! Network.

\$8 or \$9 million a year. W. Gaines 2015

But Tacoma City Council members said Tuesday they need a lot more information before signing off on a 40-year lease and relinquishing control of the \$200 million utility.

If both the Tacoma Public Utilities board and Tacoma City Council agree on a deal, Wave could take over operations as soon as the end of September, said TPU spokeswoman Chris Gleason.

In a letter of intent signed by *Wave CEO Steve Weed*, the company says the offer is good only for 60 days. But Tacoma Council members said they need more time to mull over the options. Wave has more than 430,000 customers in Washington, Oregon and California, including Seattle and the Kitsap Peninsula, and is owned by private investors. It employs more than 1,000 people and makes more than \$350 million per year, according to information from the company.

If Wave takes over operation of the city's fiber network, TPU bosses say viewers will have more programming choices, faster Web speeds, and a long-sought opportunity to bundle cable TV, Internet and phone service into one package.

TPU's power customers would no longer have to subsidize Click to the tune of \$8 million or \$9 million per year, and Wave would pay for annual upgrades to the network, according to TPU Director Bill Gaines.

But it also would mean the end of Click. City leaders would cede policy decisions about the municipal network to a for-profit company. Click's 93 employees would also be out of work, unless TPU or Wave hires them. About two-thirds of Click's employees are unionized.

Tuesday wave customers Proposal to lease Click network to private company leaves Tacoma leaders uneasy

BY KATE MARTIN

Updated 11 hours ago

Alice Phil
"came out o

"A lease an

Wave's bo
City Council
company w

Tuesday's
has a lot o

Tacoma City Councilman Anders Iversen shares his thoughts on a proposal to lease the city's municipal fiber network to Kirkland company Wave for 10 years. KATE MARTIN — Staff writer



March 31, 2015

Click employees,

said the Wave proposal

els," she said.

states the TPU board and
ous negotiations with the

man Robert Thoms said he

"The taxpayers of Tacoma paid for this. I look at it as an asset that needs to be managed properly first before we do anything else, to do no harm, to protect our citizens, to protect our investment," Thoms said. "Right now I have more questions than answers."

In November 2017 in a sworn deposition he revised the loss and said it is about \$1.4 million. Quite a different amount! Click shows to be profitable. If someone tells you it isn't, then ask for their documentation so that you can evaluate it. Have them put it in writing.

1 to reflect shared costs of approximately 94 percent to
2 Click! and six percent to Tacoma Power. Year-to-date
3 results incorporate the effects of this change with
4 the January 1, 2015 effective date."

5 I just wanted to sort of bring to mind that
6 that change was sort of made in August of 2015 and
7 then it was applied retroactively to the beginning of
8 the year 2015?

9 A. Yes, that's right, I recall that.

10 Q. Okay. Then if you turn to the report for
11 December of 2015, which is on page Bates number 4288--

12 A. Yes.

13 Q. -- it shows the year-to-date net operating
14 loss for Click! for 2015 at something in excess of
15 \$5 million and the net operating loss for 2014 at
16 about 1.4 -- a negative \$1.4 million.

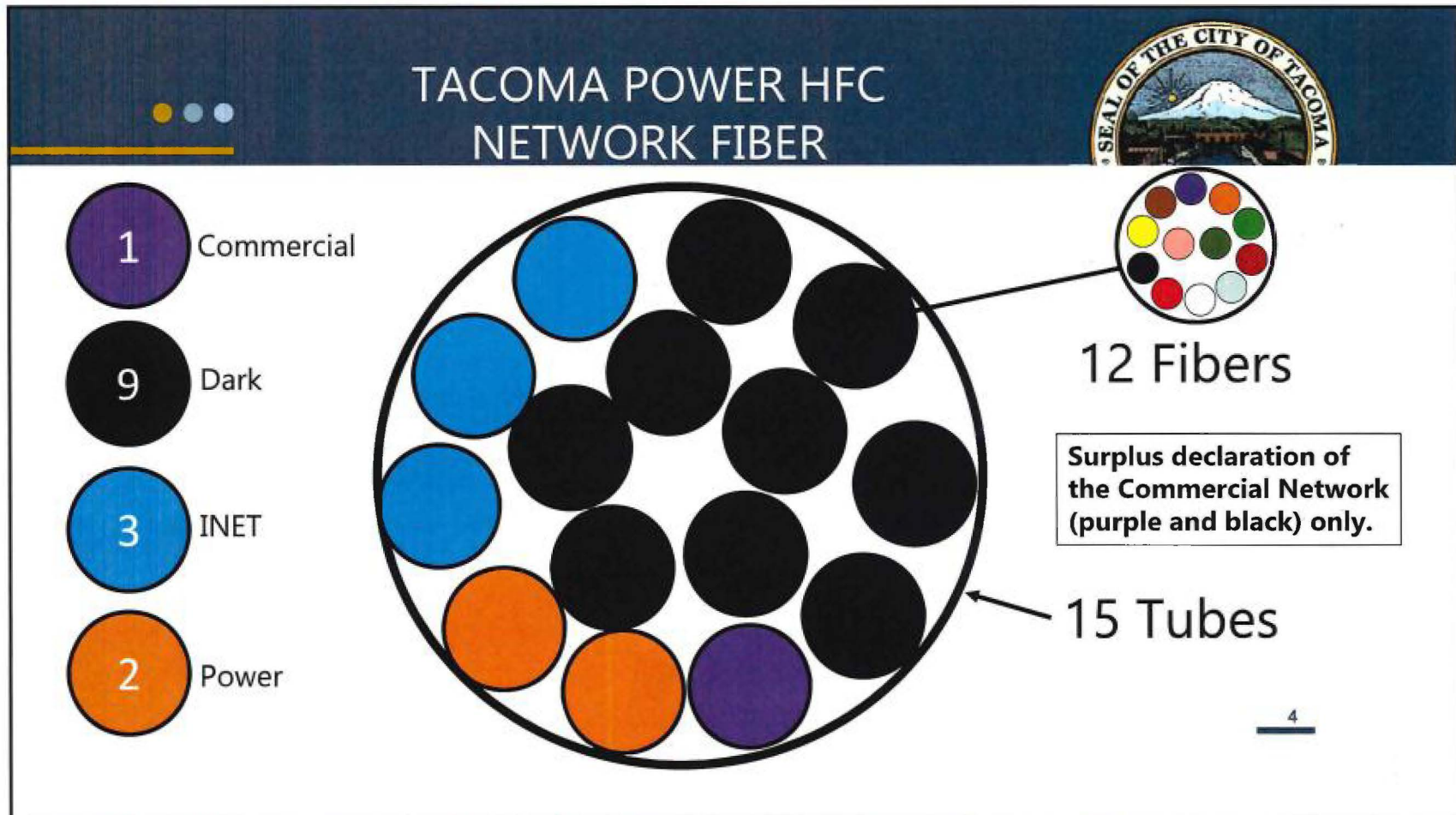
17 Just so that I can understand this
18 correctly, that \$5 million figure for 2015 reflects
19 the new allocation and the \$1.4 million figure for
20 2014 reflects the old allocation, correct?

21 A. Yes, that's correct.

2017 William Gaines deposition - revises amount to show
a loss is only \$1.4 million (that is the unsupported
claim).



What is the cost to construct 1,428 miles of fiber in today's dollars?
120 strands of fiber for 1,428 miles. The City has paid \$200 million for this.
This generates more than \$26 million of income. Please show us the financial
calculations that determined the \$2.5 million a year payment.



Click will generate more than \$1 Billion in revenue in the next 40 years.
We, the Public and the City Council need to see the calculations for this, the review of
an independent analysis to verify this is "a good deal and not a loss for Tacoma."

AG FERGUSON: JUDGE FINDS COMCAST VIOLATED THE CONSUMER PROTECTION ACT NEARLY HALF A MILLION TIMES



FOR IMMEDIATE RELEASE:

Jun 6 2019

Represents the largest trial award in a consumer protection case ever brought by the Washington State Attorney General

OLYMPIA — A King County Superior Court judge today [ruled](#) that multi-billion dollar telecommunications conglomerate Comcast violated the Consumer Protection Act more than 445,000 times when it charged tens of thousands of Washingtonians for its Service Protection Plan without their consent. Judge Timothy Bradshaw ordered Comcast to pay nearly \$9.1 million in penalties, in addition to providing restitution to tens of thousands of Washington Service Protection Plan customers.

“Comcast refused to accept responsibility for its egregious conduct that resulted in Washingtonians losing money every month for a product they did not want or request,” Ferguson said. “Instead of making things right for Washingtonians, Comcast sent an army of corporate lawyers into court to try to avoid accountability. My legal team demonstrated that we’re capable of meeting the world’s largest corporations in court – and winning. Part of my job is keeping giant corporations honest. Big or small, every business must play by the rules.”

The nearly \$9.1 million penalty represents the highest trial award in a state Consumer Protection case, even before including restitution.

While the Consumer Protection Division has recovered larger awards from multistate settlements and pre-trial judgments, a smaller number of cases are decided after a full trial. Previous to today’s judgment against Comcast, the largest consumer protection award to the state as a result of a trial is \$4.3 million, that was awarded to the state after a 2016 trial in Ferguson’s case against Living Essentials and Innovation Ventures over the company’s misrepresentations about 5-hour Energy.

The court found that Comcast added the SPP to the accounts of 30,946 Washingtonians without their knowledge, and did not tell an additional 18,660 Washingtonians the true cost of the plan. The court ordered Comcast to refund affected consumers, and pay 12 percent interest on the restitution. The amount of restitution is unknown at this time, but is expected to be significant. The court ordered Comcast to issue the refunds within 60 days and report to the state on the specific details and amounts.

“Despite Comcast’s systemic guidelines and policies, the practice of subscribing (Washington) customers without meaningful consent was widespread,” Judge Bradshaw wrote in his ruling.

Customer call recordings and internal documents show that not only were Comcast agents adding the Service Protection Plan (SPP) to accounts without customer consent, the company knew its agents were doing it. Although it knew about the practice, known as “slamming,” Comcast made no changes to subscription practices until mid-2017, after Ferguson filed his lawsuit against the cable and internet giant.

Evidence also shows that when agents did tell customers about the SPP, they often misrepresented the cost of the plan.

Between 2011 and mid-2016, Comcast took in more than \$85 million in gross revenue from Washington alone in monthly charges for the SPP.

Ferguson originally [filed his lawsuit](#) against Comcast in King County Superior Court in August of 2016.

In December of 2017, [Ferguson amended his lawsuit](#) to include new evidence revealing even more deceptive conduct than previously alleged.

At trial, members of the Attorney General’s Consumer Protection Division detailed Comcast’s illegal practices, and presented call recordings and internal communications that showed Comcast knew deceptive practices were occurring.

Adding the Service Protection Plan without consent

Judge Bradshaw agreed with Ferguson asserted that Comcast subscribed thousands of Washington consumers to the SPP without their consent.

Comcast was forced to provide more than 1,400 customer call recordings to the Attorney General’s Office. In at least 34 percent of customer accounts connected to the calls, Comcast added the SPP without their consent, sometimes after the customer had actively declined the plan.

In his ruling, Judge Bradshaw found that “34.4% of SPP telephone enrollees in Washington between July 1, 2014, and June 30, 2016, were enrolled without consent.”

Internal documents also show Comcast knew its call agents were slamming customers, and employees testified that they received customer complaints about the practice and reported them to the company.

One testified that he received so many complaints about the SPP being added without consent that he eventually stopped notifying management.

Misrepresenting the SPP’s cost

Call recordings and internal documents also confirm that, when customers did consent, Comcast agents often either failed to disclose or misrepresented the recurring monthly cost of the SPP.

For more than 20 percent of the customers in the call data, Comcast agents failed to disclose the SPP’s recurring charges. Most were told they were receiving the SPP for free, or free for a month.

Shortly before Ferguson filed his lawsuit, Comcast increased the monthly price of the SPP from \$4.99 to \$5.99. Comcast stopped selling the Service Protection Plan to new customers in May of 2018, before Ferguson's lawsuit went to trial.

CPA Violations

In his ruling, Judge Bradshaw found the following number of violations of the CPA for these practices:

- 240,588 violations for signing up SPP customers without their consent
- 205,260 violations for failing to disclose or misrepresenting the recurring cost of the SPP

Assistant Attorneys General Daniel Davies, Seann Colgan, Beth Howe and Matthew Geyman, and Senior Counsel Peter Helmberger handled the case for Washington.

-30-

The Office of the Attorney General is the chief legal office for the state of Washington with attorneys and staff in 27 divisions across the state providing legal services to roughly 200 state agencies, boards and commissions. Visit www.atg.wa.gov to learn more.

Contacts:

Brionna Aho, Communications Director, (360) 753-2727; Brionna.aho@atg.wa.gov

AG FERGUSON: CENTURYLINK WILL PAY \$6.1 MILLION OVER HIDDEN FEES AFFECTING 650,000 WASHINGTONIANS



FOR IMMEDIATE RELEASE:

Dec 10 2019

*AG Ferguson launches “**Honest Fees Initiative**,” asks Washingtonians to help him uncover hidden fees*

OLYMPIA — Attorney General Bob Ferguson announced today the first major action of his office’s Honest Fees Initiative. Global technology company CenturyLink will pay \$6.1 million to the State of Washington according to a [court order](#) to resolve the Attorney General’s [lawsuit](#) regarding a range of unfair and deceptive conduct. CenturyLink added additional charges to customer bills without accurately disclosing those fees, impacting 650,000 Washingtonians. CenturyLink also failed to provide discounts that their sales agents had promised to about 16,000 Washingtonians.



Nearly \$900,000 of the money has been or will be directly refunded to Washington consumers to make up for discounts they were promised, but did not receive. Ferguson will set aside the remainder until a nationwide class action lawsuit filed in U.S. District Court for the District of Minnesota resolves. If the approximately 650,000 eligible Washingtonians receive less than full restitution through the class action, the remainder of the \$6.1 million will be provided with the goal of making impacted Washingtonians whole. If the class action lawsuit makes affected Washingtonians whole, Ferguson will invest the recovery into his office to continue combating dishonest fees that harm Washingtonians.

Today’s order, filed in King County Superior Court, is part of Attorney General Ferguson’s Honest Fees Initiative, which works to ensure that companies adequately disclose all fees and charges to Washington consumers, and that those fees are lawful. Ferguson asks Washingtonians who believe they have received bills that include undisclosed fees to [file a complaint](#) with his office.

“CenturyLink deceived consumers by telling them they would pay one price, and then charging them more,” Ferguson said. “Companies must clearly disclose all added fees and charges to Washingtonians. If you believe that a company has charged dishonest fees, please contact my office.”

CenturyLink

Welcome | 800 5TH AVE, APT 101, SEATTLE, WA, 98104
Change Info | Already a customer?

1 Choose 2 Customize 3 Customer Info

What You're Getting **Hurry! Online Only Offer!** • FREE Activation + Shipping on Internet • \$25 Prepaid Card When You Order Online!

This product qualifies for a \$25 Visa® PrePaid Card!

12 Mbps
Internet 12 Mbps
\$29.95

1-Year Offer **\$29.95** per month
Internet monthly rate will not change for 1 year. Requires 12 month contract. Autopay enrollment and paperless billing.

Select a different offer

Modem

- ☒ Lease Advanced Wireless Networking Modem \$9.99 per month
- ☐ Purchase Advanced Wireless Networking Modem \$99.99 one-time charge
- ☐ I already have a CenturyLink compatible modem
For your current modem to work, it must be compatible with ADSL2+ technology. To check compatibility, visit the compatible modem list. **No Charge**

Installation

- ☒ Self Install – You can do it yourself. **No Charge**
- ☐ Lite Tech Install – Get help with the installation of your modem. \$29.99 one-time charge
- ☐ Standard Tech Install – Get help with the installation of your modem, up to 5 computers or devices and more. \$59.99 one-time charge

Summary **Reset**

One-time Charges

Internet Activation	\$19.95
FREE Internet Activation	- \$19.95
Modem Shipping	\$14.99
FREE Modem Shipping	- \$14.99
Total One-time Charges:	\$0.00

Monthly Charges

High-Speed Internet 12 Mbps:	\$29.95
Monthly Subtotal:	\$29.95
Modem (Lease):	\$9.99
Adjusted Monthly Total:	\$39.94*

Next

30 DAY SATISFACTION GUARANTEE Save My Cart

* Does not include taxes, fees and other monthly surcharges, which can include but are not limited to Carrier Universal Service charge, Internet Cost Recovery Fee, National Access fee surcharge, state and local fees that vary by area, and certain in-state surcharges.

A screenshot from CenturyLink's sales webpage in 2017, which does not disclose all the fees the customer will pay on their bill.

The Attorney General's Office began its investigation into CenturyLink in 2016, after receiving complaints from consumers that their actual bills were more than the advertised price, or the price that they were promised by sales representatives.

There were three main fees CenturyLink did not disclose: a broadcast fee of \$2.49 per month, a sports fee of \$2.49 per month, and CenturyLink's "Internet Cost Recovery Fee, ranging from \$0.99 to \$1.99 per month.

CenturyLink charged its Internet Cost Recovery Fee to 650,000 Washingtonians. Of those, another 60,000 were also charged the broadcast and sports fees. These fees alone added up to \$7 per month to a television subscriber's bill — \$84 per year.



Account #:

Details of Your Television Charges

Television Service

Prism™ TV Account Number: [REDACTED]
 Service Period: May 20 - Jun 19
 Questions: 1 877-628-3617
 Repair: 1 866-314-4148

*Non payment of Prism™ TV will not result in disconnection of local phone service.
 Non payment of Prism™ TV charges may result in the interruption and possible disconnection of television programming.*

Prism™ TV Monthly Charges

Premium Programming - HBO	18.99
Prism Essential TV	81.99
Prism HD TV	11.99

Prism™ TV Discounts

Prism Promotion	- 40.00
One-Time Prism Credit	- 41.99

Prism™ TV Monthly Charges Total **\$30.98**

Related Monthly Charges

1st Prism Wireless Set Top Box	9.99
Local Broadcast Surcharge	2.49
Primary Set Top Box	9.99
Sports Network Surcharge	2.49

Related Monthly Charges Total **\$24.96**

Details of Your Internet Charges *(cont.)*

Bundle Savings (04/29 - 05/28)

Internet	- 10.00
----------	---------

High-Speed Internet

Discount	- 34.05
----------	---------

Advanced Lease Modem Discount

Month 1 of 12	- 9.99
---------------	--------

Internet Monthly Charges Total **\$19.96**

Related Monthly Charges

Internet Service

Internet Cost Recovery Fee	1.99
Advanced Modem Lease	9.99

Related Monthly Charges Total **\$11.98**

The investigation found that CenturyLink did not adequately disclose additional taxes and fees for its cable, internet and telephone services.

One Seattle customer was assured by a sales representative that only state and local taxes would be added to their bill, no additional fees. *Excerpts from bill showing previously undisclosed fees.*

“She was quite clear about this. I remember because I thought it was great,” the customer recounted to the Attorney General’s Office. “Then I got my CenturyLink bill and there were more non-tax fees than there were on my (previous internet provider) bill.”

CenturyLink sales agents would offer “closer discounts” ranging from \$5 to \$10 per month, with an average yearly discount of \$55. However, between 2013 and 2016, about 16,000 Washingtonians never received the discount they were promised. As part of today’s resolution, CenturyLink has or will refund a total of \$887,530 to those consumers directly. The refunds must be completed by March 31, 2020.

In addition to the refunds and paying the remaining \$5.2 million to Washington, CenturyLink is required to:

- Disclose the actual price of its services, including charges and fees, in sales materials
- Disclose the actual price of its services, including charges and fees, in its advertising
- Provide an order confirmation with a complete bill summary within three days after consumers order services from CenturyLink
- Honor any and all incentives and discounts promised to consumers
- Stop charging its Internet Cost Recovery Fee

CenturyLink is also required to submit compliance reports to the Attorney General’s Office over the next three years, and must retain all sales call recordings and correspondence related to the sales for two years.

Assistant Attorneys General Dan Davies and Seann Colgan handled the case for Washington.

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<https://www.atg.wa.gov/news/news-releases/ag-ferguson-centurylink-will-pay-61-million-over-hidden-fees-affecting-650000>

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AG FERGUSON'S LAWSUIT REVEALS COMCAST DECEIVED CUSTOMERS, CHARGED FOR SERVICE PLANS WITHOUT CONSENT

1. Home
2. News
3. News Releases
4. AG Ferguson's lawsuit reveals Comcast deceived customers, charged for service plans without consent



FOR IMMEDIATE RELEASE:

Dec 21 2017

New evidence reveals more than half of sampled customers signed up without consent

SEATTLE — Today Attorney General Bob Ferguson amended his lawsuit against Comcast to include new evidence revealing even more deceptive conduct than previously alleged.

Ferguson filed a more than one-hundred-million-dollar lawsuit against the cable television and internet giant in King County Superior Court in August of 2016. The suit asserts Comcast misrepresented the scope of its Service Protection Plan (SPP) as part of more than 1.8 million violations of Washington's Consumer Protection Act (CPA).

More than half a million Washingtonians subscribed to the SPP since 2011, paying at least \$73 million to Comcast for the service plan from 2011 through the end of 2015.

A sample of recorded calls between SPP subscribers and Comcast representatives obtained by the Attorney General's Office reveal that Comcast may have signed up more than half of all SPP subscribers without their consent. Comcast deceived consumers even when mentioning the SPP, telling them the SPP plan was "free" when they signed up, when in fact, Comcast would automatically charge them every month after the first month.

"This new evidence makes clear that Comcast's conduct is even more egregious than we first realized," Ferguson said. "The extent of their deception is shocking, and I will hold them accountable for their treatment of Washington consumers."

Sample of customer calls reveals massive deception

In May 2017, King County Superior Court Judge Timothy Bradshaw ordered Comcast to provide the Attorney General's Office with "telephone calls that exist in which [Comcast] sold the SPP to Washington consumers." In response to the court order, Comcast turned over to the Attorney General's Office recordings of calls between Comcast and 1,500 Washington consumers whom Comcast signed up for the SPP.

The Attorney General's Office analyzed a random sample of recorded sales calls between Comcast and 150 Washingtonians. Comcast did not even mention the SPP to nearly half the sample. Additional consumers in the sample explicitly rejected the SPP, but Comcast signed them up anyway. Consequently, Comcast enrolled more than half of these subscribers without their consent.

Even when Comcast actually mentioned the SPP on the sales call before signing consumers up for the SPP, Comcast continued to engage in deception. Comcast deceptively failed to disclose the SPP was a monthly recurring charge to 20 percent of the Washingtonians in the sample. Rather, Comcast often told subscribers the SPP was added for "free" to their account.

According to Comcast's own data, more than 75% of SPP subscribers sign up via the telephone. Comcast operates call centers in Washington state, Colorado, Minnesota and Texas, as well as throughout the world in the Philippines, Mexico and Guyana. Comcast paid call center staff up to \$5 for every SPP sale they made.

Comcast does not instruct its employees to send customers any information about the SPP via email, text message, mail, or refer the customer to Comcast's website while the call is occurring and the customer is considering whether to enroll in the SPP. Rather, Comcast only provides oral representations about the SPP.

The Attorney General's Office alleges this pattern of deception is a systemic issue throughout Comcast's marketing and "sale" of the SPP, and represents potentially tens of thousands of new violations of the Washington state Consumer Protection Act.

Deleted call recordings impede investigation

Comcast's refusal to produce call recordings has been an ongoing issue.

In June 2015 the Attorney General's Office sent Comcast a Civil Investigative Demand that required Comcast to preserve these call recordings between Comcast representatives and Washingtonians who purchased the SPP.

After filing the lawsuit in August 2016, the Attorney General's Office renewed its request for these call recordings. Comcast refused to provide them, arguing that to do so would be burdensome. Consequently, the Attorney General's Office asked the court to compel Comcast to produce a sample of these call recordings.

Still Comcast refused to produce the recordings. Comcast responded to the Attorney General's motion to compel production of call recordings by again arguing it would be burdensome to review and provide them. In a brief to the court, Comcast estimated it would take "approximate 8,500 reviewer hours" to produce these calls.

Only after Judge Bradshaw ordered Comcast to comply in May 2017 did Comcast admit it had already deleted 90% of the calls the Attorney General's Office had been requesting as part of its investigation. Comcast deleted tens of thousands of calls some time after the Attorney General's Office demanded Comcast preserve the recordings and before telling the court it would take more than 8,000 hours to produce them.

The Attorney General's Office filed a [motion](#) asking Judge Bradshaw to levy sanctions against Comcast for discarding potential evidence while under investigation.

In August 2017, Judge Bradshaw [awarded the state](#) approximately \$13,000 in attorney fees and costs incurred in connection with the motion for sanctions. Judge Bradshaw reserved ruling on whether to impose sanctions.

Despite Comcast's deletion of recordings, through Judge Bradshaw's court order, the Attorney General's Office obtained the sample of call recordings that reveals additional unfair and deceptive practices.

New evidence substantially expands original \$100 million-plus lawsuit substantially

Ferguson's original 2016 lawsuit asserts Comcast violated the CPA to all of its nearly 1.2 million subscribers in Washington state. The lawsuit is the first of its kind in the nation — though the SPP is a nationwide program.

When filing his lawsuit, Ferguson announced he is seeking full restitution for the \$73 million paid by SPP subscribers in Washington state. He announced he is also seeking penalties for violations of the CPA for a total of more and \$100 million to hold Comcast accountable. The CPA allows a penalty of up to \$2,000 per violation.

With this new evidence of these significant additional violations, Ferguson is seeking substantially more.

Shortly before Ferguson filed his lawsuit, Comcast increased the monthly price of the SPP from \$4.99 to \$5.99. The cost of the SPP has tripled since 2011.

Senior Assistant Attorney General Jeffrey Rupert and Assistant Attorneys General Daniel Davies and Seann Colgan are handling the case for Washington.

If Washington consumers believe Comcast added the SPP to their account without their consent, they should file a complaint with the Attorney General's Office by going to www.atg.wa.gov and clicking on the "file a complaint" button on the homepage.

-30-

The Office of the Attorney General is the chief legal office for the state of Washington with attorneys and staff in 27 divisions across the state providing legal services to roughly 200 state agencies, boards and commissions. Visit www.atg.wa.gov to learn more.

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time to switch to Xfinity.**

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when you bundle both
with a 2-year term agreement

Bill will reflect bundled rate for X1 Saver
Double Play at \$69.99/month for 2 years.

Equipment, taxes and other charges extra,
and subj. to change. See reverse for details.

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**Download speeds
up to 150 Mbps**

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Offer ends 1/28/19. Restrictions apply. Not available in all areas. New residential customers only. Limited to X1 Saver Double Play with Streampix. Early termination fee applies if all Xfinity services (other than Xfinity Mobile) are cancelled during the agreement term. Equipment, installation, taxes and fees, including Broadcast TV Fee (up to \$10.00/mo.), Regional Sports Fee (up to \$8.00/mo.) and other applicable charges extra, and subject to change during and after the term agreement. After term agreement, or if any service is cancelled or downgraded regular charges apply. Service limited to a single outlet. May not be combined with other offers. **TV:** Limited Basic service subscription required to receive other levels of service. Access to Prime Video on Xfinity X1 requires an eligible set-top box with Xfinity TV and Internet service. Amazon Prime Video streaming membership required. Prime Video uses your Internet service and will count against any Xfinity data plan. Streaming content limited to the U.S. **Internet:** Actual speeds vary and are not guaranteed. Call for restrictions and complete details, or visit xfinity.com. ©2019 Comcast. All rights reserved. THE RESIDENT TM & © 2018 Twentieth Century Fox Film Corporation. All Rights Reserved. PSC220778-0001

Actual Internet speed are not guaranteed.
Maybe up to 150 Mbps. Or may be
considerably less. Century Link sent me an
offer of up to 100 Mbps. Actually it would only
be 10 Mbps.

Note that this is the offer.
Only \$35 a month. . . .
in the small print a great deal gets added to the monthly cost.

The Washington State Attorney General filed Lawsuits against Comcast and Century Link for deceptive practices and hidden charges. See the amount of Washingtonians being ripped off by these corporations. When they get caught - they still keep the profits. The fines turn out to be a small cost of business.

PRSRT STD
U.S. POSTAGE
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RISK TO THE CITY

Section 7 Chronic Failure

a) In the event a portion of the Tacoma Power Commercial Fiber on a Critical Route suffers from a Fault (i) lasting more than 48 hours in the aggregate during any calendar month, (ii) lasting more than 24 hours consecutively in any three of the past 12 consecutive calendar months, or (iii) occurring on two or more separate occasions of more than 12 hours each in the aggregate in any calendar month, such a Fault will be considered a chronic failure ("**Chronic Failure**"). In the event of a Chronic Failure, at Operator's written request, Tacoma Power shall present a remediation plan to Operator to address the Chronic Failure. Following the parties' mutual agreement of a plan to solve the Chronic Failure, Tacoma Power shall implement and complete, if capable of completion, the plan within thirty (30) days. In the event that Tacoma Power Commercial Fiber requires replacement under the agreed remediation plan, Tacoma Power will replace the fiber using fiber to be provided by Operator and credited toward Operator's Capital Expenditures. Operator must light all available dark fiber available in the affected Tacoma Power Commercial Fiber Backbone, Service Ring or Service Drop, as applicable, before being entitled to make any request to Tacoma Power to present or implement a remediation plan hereunder.

Section 8 Notifications and Liquidated Damages

a) Notifications required of Tacoma Power by Section 2 shall be provided to the Operator NOC. Operator shall be entitled to liquidated damages in accordance with the following table for each failure of Tacoma Power to Respond as set forth below:

Service Level Failure	Amount
Notification	\$120/initial failure to Respond
Response	\$120 for each hour in excess of the annual MTTR of 1 hour

Section 9 Fiber Availability

a) Fiber Availability Commitment. Tacoma Power shall use commercially reasonable efforts to maintain availability of the Tacoma Power Commercial Fiber one hundred percent (100%) of the time. Fiber Unavailability shall exist when unavailability of Tacoma Power Commercial Fiber causes disruption in service ("**Fiber Unavailability**"). Fiber Unavailability duration is measured from the time Tacoma Power detects Fiber Unavailability or Tacoma Power or Operator opens a trouble ticket until the time Operator confirms that the Fiber Unavailability has been remediated, which confirmation shall be prompt. Tacoma Power shall have a 12-hour grace period from the detection by Tacoma Power or opening of a trouble ticket before liquidated damages apply. Beginning with the 13th hour of Fiber Unavailability, every hour of Fiber Unavailability shall result in liquidated damages of One Hundred and Twenty (\$120) per hour per route, owed by Tacoma Power to Operator. Fiber Unavailability payments shall be capped 720 hours per Fiber Unavailability event. To claim payment, Operator must provide Tacoma Power with a written request

720 x \$120 = \$86,400 for one line

If there are 10 lines that chronically fail = \$864,000

So much for reducing risk.h

Statement from Sarah Howe:

First, people are freezing, because, the weather is cold, and they have nowhere else to go. You tell the public that everyone is safe, and it's not true. That's what was shared from a TNT article. In defending the homeless, I'm learning that it's setting people up against each other.

Second: Maria and Terry are both blind. They're about to lose the motel that they're staying in. People with disabilities get left out of shelters. Just like the person in the wheelchair, from People's Park. You probably didn't know that the shelter that she was sent to, didn't have enough room. But, where did she stay? We with disabilities, can't always protect our moneys, precious things, and medications. So, we're told that shelters can't take us. Terry and Maria are not only just blind. Maria recently hurt her back.

Terry is autistic, and his back doesn't always let him do what he needs to.

They're forced, by a management company that sent them packing, to live in transitional situations, and can't even afford to get through each month. They try so hard, and I can't even let them stay here. I'm not able to risk my housing, and I feel selfish, just saying that. But, I fought for this place!

Terry and Maria have been without permanent housing, for more than seven months! I'm afraid for them. I'm afraid for all the people, 41, that didn't get shelter. They have pasts, and are on the streets, despite what you said was done. This, isn't fair.

Disabilities come in visible, and invisible forms. Some of those who can't find a place to stay warm, are suffering, and can't stop the pain that they suffer. I'm calling on City Council to help them! They need our help! PLEASE?

Submitted by Nichole Crockett

Austin Walker
Community Forum
1-14-2020

Hi, my name is Austin Walker and I have
now made me to speak for me. Over the
last two weeks I have spent countless hours
advocating for civility, respect of the law, and
consideration for our local refugee population.
The trauma that is being inflicted upon our
unhoused ~~man~~ community cannot continue.
The police intimidation tactics and the
outright destruction of the property of
those among us that have the least, is
cruel and it is unconstitutional. As I'm
sure many of my fellow concerned citizens
have reminded you, Boise vs Martin, the
9th circuit court of appeals ruling, does
make it illegal for a municipality of
the United States of America to forcibly
evict a homeless individual without
connecting them with further shelter.
The diaspora of the residents of People's
Park is a health and human services
nightmare. There are residents of our
community sleeping without tents, with
wet blankets in temperatures below freezing,
unable to access local shelters. Many lost
everything they had in the recent sweeps
and are desperate, and outraged. As am I.
I will continue to volunteer my time and
limited resources to serve this neglected and
oppressed community, and as public servants

of the city of Tacoma I believe it is your duty to use your position of privilege to do the same. End the Sweeps. Secure further funding ~~access~~ to address a public health emergency, expand shelter capacity and demand intake reform from publicly funded service providers to expand coverage to all our unhoused residents. Further develop rehabilitative and housing services. Use your time and organizational ability to address the root cause of this public emergency. These neighbors of ours deserve humane treatment and a hand up they don't have time for your deliberations. If you cannot offer them that, then I ask you to at least visit them to hear their needs and input. To continue to deny their plight and existence, is to inflict further violence on a collectively traumatized population who know daily sorrows that many of us will never experience. Thank you for your consideration.