

BOCC AGENDA ITEM SUMMARY

Resolution: 16-243

BOCC Meeting Date: Sep 19, 2016

Suggested Wording for Agenda Item:

Agenda Type: Notice

A proposed franchise extension to Puget Sound Energy (PSE) for construction, operation and maintenance of water lines for the Jackson Prairie Gas Storage Project

Contact: Erik Martin

Phone: 1183

Department: Public Works

Action Needed: Notice for Public Hearing

Description

The County entered into a 49-year Franchise Agreement with Washington Water Power Company, Washington Natural Gas Company and El Paso Natural Gas Company, dated March 15, 1965, to construct, operate, maintain, and/or replace water mains with necessary service lines for the Jackson Prairie Gas Storage Project on certain roads.

PSE is the Operating Agent of the Jackson Prairie Gas Storage Project, which Project is owned by PSE, Avista Corp. and Northwest Pipeline, GP, and, as Operating Agent is authorized to enter into a new franchise agreement on behalf of itself and co-owners Avista Corp. and Northwest Pipeline.

PSE has applied for a new franchise to replace the franchise granted in 1965.

Resolutions 14-162, 15-258 and 16-005 extended the franchise through March 31, 2016 to allow time for further negotiation. The extensions have now lapsed and franchise negotiations have not been completed. To continue to be compliant with RCW 36.55 and Lewis County Codes 5 & 12, the parties propose to extend the terms of the 1965 franchise agreement through January 10, 2017.

RCW 36.55.40 requires that a public hearing be held by the BOCC to consider the franchise extension.

This resolution sets October 10, 2016, at or after the hour of 10:00 a.m., as the time for the hearing on the franchise extension request by PSE and instructs the Clerk of the BOCC to proceed with all appropriate and necessary notifications, posting and publication as required by RCW 36.55.040.

Approvals:

User	Group	Status
Amrine, Kim	Public Works	Pending
Martin, Erik	Public Works	Pending



Additional Copies

Erik Martin

Larry Unzelman

Kim Amrine

Amy Tousley c/o Puget Sound Energy, 2711 Pacific Ave SE, Olympia, WA 98501

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

IN THE MATTER OF:)
A proposed franchise extension to)
Puget Sound Energy for construction,)
operation and maintenance of water lines)
for the Jackson Prairie Gas Storage Project)

RESOLUTION No. 16- 243

WHEREAS, RCW 36.55 authorizes the Board of County Commissioners (BOCC) to grant franchises to persons or private or municipal corporations to use the right-of-way of county roads in their respective counties for the construction and maintenance of waterworks, gas pipes, telephone, telegraph, and electric light lines, sewers and any other such facilities; and

WHEREAS, Lewis County Code Titles 5 & 12 provide for the regulation of use of County Rights of Way for utilities located in or using County Rights of Way; and

WHEREAS, Lewis County entered into a 49-year Franchise Agreement with Washington Water Power Company, Washington Natural Gas Company and El Paso Natural Gas Company, dated March 15, 1965, to construct, operate, maintain, and/or replace water mains with necessary service lines for the Jackson Prairie Gas Storage Project on certain roads described as follows:

Beginning at a point on the west right of way line of the Jackson Prairie road approximately on the north line of Section 28, Township 12N, R1W, W.M.; thence extending Southerly along the westerly side of said road through Sections 28 and 33, T12N, R1W, W.M., to the easterly line of the St. Francis Xavier Mission Donation Land Claim; thence continuing southeasterly along the northeasterly side of the County Road adjacent to westerly boundary of the Airport property to the southwesterly corner thereof; thence leaving said county road. Also crossing the Singleton-Spencer County road where it bisects the West line of Government Lot 5, Section 4, T11N, R1W, W.M.; and

WHEREAS, Puget Sound Energy (PSE) is the Operating Agent of the Jackson Prairie Gas Storage Project, which Project is owned by PSE, Avista Corp. and Northwest Pipeline, GP, and, as Operating Agent is authorized to enter into a new franchise agreement on behalf of itself and co-owners Avista Corp. and Northwest Pipeline, GP; and

WHEREAS, PSE has applied for a new franchise to replace the franchise granted in 1965; and

WHEREAS, Lewis County and PSE require additional time beyond the termination date of the 1965 franchise agreement to negotiate the terms of a new franchise; and

WHEREAS, to be compliant with RCW 36.55 and Lewis County Codes 5 & 12, the parties propose to extend the terms of said franchise agreement in its current format during this time of negotiation; and

WHEREAS, Resolutions 14-162, 15-258 and 16-005 extended the franchise through March 31, 2016 to allow time for further negotiation, that extensions have now lapsed and franchise

negotiations have not been completed, and to continue to be compliant with RCW 36.55 and Lewis County Codes 5 & 12, the parties propose to extend the terms of the 1965 franchise agreement through January 10, 2017; and

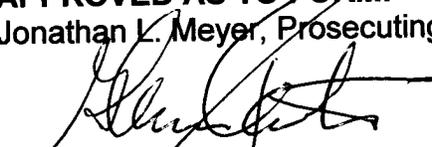
WHEREAS, RCW 36.55.40 requires that a public hearing be held by the BOCC to consider the franchise extension;

NOW, THEREFORE, BE IT RESOLVED that the 10th day of October, 2016, at or after the hour of 10:00 a.m., in the BOCC Hearing Room on the 2nd floor of the Historic Courthouse in Chehalis, Washington, has been fixed by said BOCC as the time and place for the hearing on a franchise extension request by PSE when and where all persons may appear and be heard upon the granting of the extension. The Clerk of the BOCC is hereby instructed to proceed with all appropriate and necessary notifications, posting and publication as required by RCW 36.55.040.

PASSED IN REGULAR SESSION THIS 19th DAY OF SEPTEMBER, 2016.

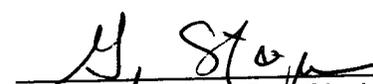
APPROVED AS TO FORM:

Jonathan L. Meyer, Prosecuting Attorney


By: Glenn Carter
Deputy Prosecuting Attorney

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**


P.W. Schulte, Chair


Gary Stamper, Vice Chair

ATTEST:


Clerk of the Lewis County
Board of County Commissioners


Edna J. Fund, Commissioner

Publish: the East County Journal
9-21-16
9-28-16

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners, Lewis County, Washington, has received a request from Puget Sound Energy to extend a non-exclusive franchise to construct, operate and maintain water system facilities on, under and across Jackson Highway, Buckley Road and Spencer Road in Sections 28 & 33, Township 12 North, Range 1 West, W.M., and Section 4, Township 11 North, Range 1 West, W.M.

The franchise extension being considered is through January 10, 2017.

Said request and all related materials have been reviewed by the Board and found appropriate for further proceedings.

A hearing on said non-exclusive franchise will be held on the 10th day of October, 2016, at or after the hour of 10:00 a.m., in the Commissioners Hearing Room on the 2nd floor of the Historic Courthouse in Chehalis, Washington, when and where all persons may appear and be heard upon the granting of said franchise.

RCW 36.55.040 requires that notice of hearing be posted in three public places in the county seat of the county at least 15 days before the day fixed for hearing, and also published two times in the official newspaper of the county, the last publication to be not less than 5 days before the day fixed for hearing.

Dated September 19, 2016

Clerk of the Lewis County
Board of County Commissioners

Publish: East County Journal: September 21, 2016
September 28, 2016