



QUILEUTE TRIBAL COUNCIL
O'chiyòlító flàxa



CenturyLink®



UTC
Washington Utilities
and Transportation
Commission

Memorandum of Understanding on Broadband Investment in La Push, Washington

Whereas rapid technological innovation is transforming every job, every company, and every industry in Washington; and

Whereas affordable and quality broadband service that allows citizens to create and connect to this innovation has become the critical infrastructure of the 21st century; and

Whereas the digital divide should not limit any Washingtonian's ability to learn, innovate or connect through robust internet access, whether it is students researching ideas, first responders handling an emergency, or entrepreneurs launching a business; and

Whereas Governor Inslee and the State Legislature authorized the Utilities and Transportation Commission (hereafter referred to as the UTC) to direct \$800,000 of Qwest Performance Assurance Plan (QPAP) payment funding in the 2018 operating budget to supplement funds committed by telecommunications companies for rural broadband construction purposes; and

Whereas La Push, Washington, is a remote and important population and cultural center of the Quileute Tribe that is moving to higher ground due to seismic, tsunami and rising sea level hazards; and

Whereas the Community Economic Revitalization Board (CERB) in the Department of Commerce performed a broadband feasibility study that identified La Push as an unserved priority area for investment;

Now, therefore, be it resolved that the undersigned signatories do hereby agree to the following:

CenturyLink agrees to deliver new fiber-optic transport and related broadband-capable facilities that will enable high speed internet services to customers in the following areas of La Push, Washington: (1) the vicinity of the Move to Higher Ground project and (2) the vicinity of the residential and commercial areas of the Lower Village. The new broadband-facilities will be capable of providing at least 25 mbps¹. CenturyLink will strive to deliver the project in a timely manner, consistent with permitting, right-of-way acquisition, and construction schedules.

The Quileute Tribe (hereafter referred to as the Tribe) agrees to facilitate local permitting, right-of-way acquisition and easements in the preferred alignment for the purposes of broadband construction and maintenance. The Tribe agrees to work with CenturyLink's planners, real estate division, and construction team to identify prompt solutions to physical or policy barriers. The Tribe also agrees to provide outreach to impacted landowners and the broader tribal community to help advance the project forward.

The UTC agrees to commit up to \$800,000 of QPAP payment funds for construction of the CenturyLink broadband project in La Push, Washington. The UTC agrees to enter into discussions with CenturyLink to identify a mutually agreeable payment plan, in accordance with the norms, practices, and obligations of both parties. The UTC also agrees that any remaining QPAP payment funds will be committed to further broadband construction in the Makah Tribe Reservation in and around Neah Bay, Washington.

The Office of the Governor agrees to help facilitate discussions and convene the parties as necessary to keep communication lines open to help advance timely delivery of the CenturyLink broadband project in La Push, Washington. Through its Office of Regulatory Innovation and Assistance, the Office of the Governor also agrees to help facilitate, as necessary and permissible, timely consideration and processing of certain state permitting and acquisitions of state right of way for the purpose of construction and maintenance of this project.

¹ Internet speeds may vary due to conditions outside of network control, including customer location, and the limitations of existing facilities.

Terms and Effect

This MOU shall come into effect upon signature by the parties and shall remain in force for a period of five years and can be renewed or amended with the consent of the signatories.

Any party may decide to terminate the agreement by notifying the other parties with six months' written notice.

Limitations

The undersigned signatories agree that this MOU shall have no legal effect or impose a legally binding obligation on any party. No party shall be responsible for the action of the other parties who participate in the activities outlined in this MOU.

Agreed and dated this 15th Day of June, 2018.

Hon. Jay Inslee, Governor

Hon. Doug Woodruff Jr., Chairman, Quileute Tribal Council

Hon. David W. Danner, Chair, Utilities and Transportation Commission

Mark Reynolds, Vice President NW Region, CenturyLink
