

## **ORDINANCE No. 184316**

\*Extend term of a franchise granted to XO Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175062)

The City of Portland ordains:

Section 1. The Council finds:

1. In November 2000, the City Council granted a franchise to NEXTLINK Oregon, Inc., a Washington corporation qualified to do business in Oregon, and to its successors and assigns, as approved by the City, to use the City streets to provide telecommunications services. Ordinance No. 175062.
2. XO Oregon Inc. became a successor to NEXTLINK Oregon, Inc and filed an acceptance of the franchise grant with the Cable Office in 2001. XO Communications Services, Inc. became the ultimate successor to the franchise. XO Communications Services, Inc. is a Delaware corporation qualified to do business in Oregon ("XO").
3. City staff is working with industry in an effort to standardize and modernize the terms and conditions of all franchises.
4. The Portland Bureau of Transportation has undertaken to prepare substantial revisions to Portland City Code Title 17. Some of the planned amendments and updates may affect some of the standardized language of future franchises and renewals. City staff recommends, in the mutual interest of the parties, an extension of the franchise to allow the development of a new franchise.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 175062 is hereby amended to extend the term of the franchise, continuously and without interruption, to December 31, 2011.
- b. All other terms and conditions of Ordinance No. 175062 shall remain the same and unchanged.

- c. On or before the thirtieth (30th) day after this ordinance becomes effective, XO Communications Services, Inc. shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by XO Communications Services, Inc. meeting the approval of the City Attorney. Any failure on the part of XO Communications Services, Inc. to file such written acceptance within such time shall be deemed an abandonment and rejection of this ordinance, and shall be construed to be an acceptance of all the terms contained in this ordinance.

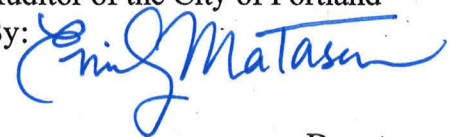
Section 2. The Council declares an emergency exists because a lapse in XO Communications Services, Inc.s authority to use the public right-of-way may potentially harm the public welfare by disrupting some services provided to the public by the permittee; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: DEC 15 2010

Commissioner Amanda Fritz  
Prepared by: MRiddick/BEWalters  
November 19, 2010

LaVonne Griffin-Valade  
Auditor of the City of Portland

By:



Deputy

Agenda No.  
**ORDINANCE NO. 184316**  
 Title

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<p><b>INTRODUCED BY</b>          Commissioner/Auditor:  <b>Commissioner Amanda Fritz</b></p>	<p>CLERK USE: DATE FILED <u>DEC 10 2010</u></p>
<p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz <i>[Signature]</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade          Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p><b>BUREAU APPROVAL</b></p> <p>Bureau: OCCFM          Bureau Head: David C. Olson <i>[Signature]</i></p> <p>Prepared by: M Riddick          Date Prepared: December 2, 2010</p> <p>Financial Impact Statement          Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>          Not Required <input type="checkbox"/></p> <p>Portland Policy Document          If "Yes" requires City Policy paragraph stated in document.          Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date  <b>December 15, 2009</b></p>	<p><b>ACTION TAKEN:</b></p>
<p><b>City Attorney Approval</b>  <i>[Signature]</i></p>	

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	