

ORDINANCE No. 185024

Extend term of a franchise granted to tw telecom of oregon llc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 171566)

The City of Portland ordains:

Section 1. The Council finds:

1. On September 4, 1997, the City Council granted a franchise to GST Telecom Oregon, Inc., ("GST") to build and operate telecommunications facilities within the City's streets. Ordinance No. 171566.
2. On April 10, 2002 the City Council consented to a transfer of the GST franchise to Time Warner Telecom Oregon LLC. Ordinance No. 176377. Time Warner Telecom Oregon LLC subsequently changed its name to tw telecom of oregon llc ("TW").
3. On December 15, 2010, the Council adopted Ordinance No. 184314, extending the term of TW's franchise until December 31, 2011. TW has indicated to the Office for Community Technology that TW wants to continue to use City streets for its telecommunications facilities, and to obtain permits to perform work in the City streets.
4. On October 26, 2011, the City Council adopted non-emergency Ordinance No. 184957, amending Title 17 of the Portland City Code. Among other matters, the ordinance updated, clarified and reorganized various code sections. The Bureau of Transportation will need to adopt administrative regulations implementing various aspects of the revised code provisions. This process will affect some of the standardized franchise language. As PBOT works to completion of this process, the Office for Community Technology recommends that the City Council extend existing franchises.

NOW, THEREFORE, the Council directs:

- a. Ordinance Number 171566 is hereby amended to extend the term of the franchise, continuously and without interruption, from December 31, 2011 to December 31, 2012.
- b. All other terms and conditions of the franchise shall remain the same.

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

NOV 30 2011

Passed by the Council: NOV 30 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By: *Susan Parsons*

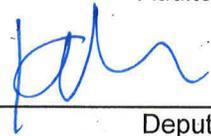
Deputy

Commissioner Dan Saltzman
Prepared by: MRiddick/BEWalters
November 4, 2011

180281

Agenda No.
ORDINANCE NO. 185024
 Title

Extend term of a franchise granted to tw telecom of oregon llc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 171566)

INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman	CLERK USE: DATE FILED <u>NOV 10 2011</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: OCT Bureau Head: David C. Olson Prepared by: M Riddick Date Prepared: November 4, 2011	ACTION TAKEN: NOV 16 2011 PASSED TO SECOND READING NOV 30 2011 9:30 A.M.
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date November 16, 2011	
City Attorney Approval 	

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

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