

Portland, Oregon

## FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator M. Riddick	2. Telephone No. Ext. 3-0066	3. Bureau/Office/Dept. OCT
4a. To be filed (date): November 30, 2011	4b. Calendar (Check One) Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> 4/5ths <input type="checkbox"/>	5. Date Submitted to Commissioner's office and FPD Budget Analyst: November 17, 2011
6a. Financial Impact Section: X Financial impact section completed		6b. Public Involvement Section: X Public involvement section completed

**1) Legislation Title:**

Extend the term of a temporary revocable permit granted to Qwest Corporation to build and operate telecommunications facilities within City streets. (Ordinance; amend Ordinance No 175757)

**2) Purpose of the Proposed Legislation:**

Extend the term granted to Qwest Corporation to December 31, 2012.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |  |                                    |                                    |                                |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional     | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast                 | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East  |
| <input type="checkbox"/> Central City                      |                                    |                                    |                                |
| <input type="checkbox"/> Internal City Government Services |                                    |                                    |                                |

**FINANCIAL IMPACT****4) Revenue:** Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

The City will continue to receive franchise fees.

**5) Expense:** What are the costs to the City related to this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the *level of confidence*.)

N/A- cost of processing permit is in OCT budget.

**6) Staffing Requirements:**

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)* NO
- **Will positions be created or eliminated in future years as a result of this legislation?**  
NO

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)* N/A

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

**[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]**

**PUBLIC INVOLVEMENT**

**8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:**

☐ **YES:** Please proceed to Question #9.

☒ **NO:** Please, explain why below; and proceed to Question #10.

This Ordinance is a routine franchising item with no new impact on the community. The Ordinance will extend the term of current franchise while the City and the franchisee negotiate the renewal of the current franchise agreement. All other franchise provisions will remain identical to the franchise previously approved by Council.

**9) If "YES," please answer the following questions:**

**a) What impacts are anticipated in the community from this proposed Council item?**

**b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?**

**c) How did public involvement shape the outcome of this Council item?**

**d) Who designed and implemented the public involvement related to this Council item?**

**e) Primary contact for more information on this public involvement process (name, title, phone, email):**

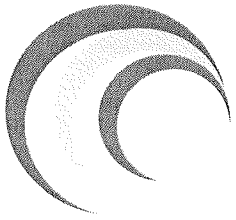
**10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.**

No future public involvement is anticipated or necessary as this Ordinance extends the term of an existing franchise.



BUREAU DIRECTOR (Typed name and signature)

David C. Olson, Director



City of Portland

# Office for Community Technology

Broadband & Communications Technology Policy | Cable Regulation & Consumer Protection | Utility Franchises, Licenses & Wireless


**Dan Saltzman, Commissioner**  
David C. Olson, Director  
1120 SW 5<sup>th</sup> Avenue, Room 1305  
Portland, OR 97204

185053

City Council  
Agenda Item  
Staff Supplemental Report

TO: Commissioner Dan Saltzman

THROUGH: Office for Community Technology

FROM: David C. Olson, Director   
Contact Person: Melvin Riddick, x 3-0066

DATE: November 17, 2011

RE: Extend the term of a temporary revocable permit granted to Qwest Corporation to build and operate telecommunications facilities in City streets. (Ordinance; amend Ordinance No. 175757)

Requested Placement Date: Consent Agenda on November 30, 2011

- I. **RECOMMENDATION.** Extend the term of Qwest Corporation's franchise to December 31, 2012.
- II. **BACKGROUND.** From 2001-early 2009 Qwest and the City have been in litigation regarding the legality of the City Charter, City Code, right-of-way management, and compensation required for private use of the public streets. The litigation has concluded in the City's favor. Several sections of the current franchises relate directly to the streets and rights-of-way.

Over the last 18 years the City Council has granted several telecommunications franchises, and many will expire soon. City staff has reviewed the terms and conditions of all of these franchises and is working with industry in an effort to standardize and modernize the terms and conditions of all franchises.

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.

Therefore, staff recommends that the franchise should be extended to accommodate both the uncertain time that it may take to obtain final judicial rulings, and to allow the development of a uniform telecommunications franchise.

- III. FINANCIAL IMPACT. None
- IV. LEGAL ISSUES. None
- V. CONTROVERSIAL ISSUES. None
- VI. LINK TO CURRENT CITY POLICIES:  
<http://www.portlandonline.com/cable/index.cfm?c=34417&a=91693>
- VII. CITIZEN PARTICIPATION. None
- VIII. OTHER GOVERNMENT PARTICIPATION. None
- IX. IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE? \_yes\_
- WHAT IS THEIR BUSINESS LICENSE NUMBER? \_\_ 649054
- IS THEIR ACCOUNT WITH THE CITY CURRENT? \_yes\_
- IF NOT, HOW MUCH IS OWING? \_N/A\_\_\_\_\_