

ORDINANCE No.

Extend term of a franchise granted to MCI Metro Access Transmission Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 169230)

The City of Portland ordains:

Section 1. The Council finds:

1. On August 23, 1995, the Council granted a franchise to MCI Metro Access Transmission Services, Inc. ("MCI Metro"), to build and operate telecommunications facilities within the City's streets. Ordinance No. 169230. The franchise became effective on October 23, 1995.
2. In 1998, MCI Metro Access Transmission Services, Inc. merged into MCI Metro Access Transmission Services, LLC, a limited liability company of Delaware.
3. On November 30, 2011, the Council adopted Ordinance No. 185022, extended the MCI franchise, continuously and without interruption, through December 31, 2012.
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 City is implementing various aspects of the revised code provisions, and City staff has begun negotiating a renewal agreement, including revised standardized franchise language to address the code amendments. Although franchise negotiations for a renewal agreement are in progress, parties have not agreed on all terms. City staff recommends that the City Council extend the existing franchise to allow time for parties to complete negotiations for a new agreement and to formally complete the formal Portland City Charter procedure for proposed franchises, which can take up to four months or more from the date of the required initial publication.

NOW, THEREFORE, the Council directs:

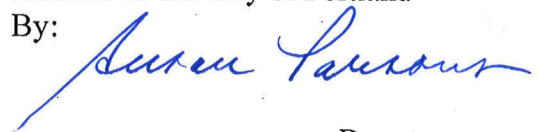
- a. Ordinance Number 169230 is hereby amended to extend the term of the franchise, continuously and without interruption, through December 31, 2014.
- b. All other terms and conditions of the franchise shall remain the same.

- c. On or before the thirtieth (30th) day after this ordinance becomes effective, MCI Metro shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by MCI Metro, meeting the approval of the City Attorney. Any failure on the part of MCI Metro 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.

Passed by the Council: NOV 28 2012

Mayor Sam Adams
Prepared by: MRiddick/BEWalters
October 26, 2012

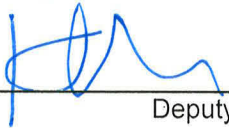

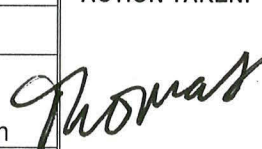

LaVonne Griffin-Valade
Auditor of the City of Portland
By:



Deputy

Agenda No.
ORDINANCE NO. 185744
Title

Extend term of a franchise granted to MCI Metro Access Transmission Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 169230)

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>NOV 08 2012</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By:  Deputy
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	ACTION TAKEN:
CAO: Jack D. Graham 	
Bureau: Revenue	
Bureau Head: Thomas W. Lannom	
Prepared by: Melvin Riddick	
Date Prepared: October 29, 2012	NOV 14 2012 PASSED TO SECOND READING NOV 28 2012 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 14, 2012	
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	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	