

# ORDINANCE No. 184228

\*Amend contract with Comcast Illinois/Ohio/Oregon, LLC and Comcast of Oregon II, Inc. to extent end term of Comcast I-Net/IRNE Interconnection Agreement (Ordinance; amend Contract No. 51785)

The City of Portland ordains:

Section 1. The Council finds:

1. The institutional network ("I-Net") constructed pursuant to cable franchises issued by the City of Portland and presently operated by Comcast entities was interconnected to the City of Portland's IRNE network in 2002 pursuant to Ordinance No. 176579, passed by the Council June 5, 2002, authorizing Agreement No. 51785 between AT&T Broadband of Ohio LLC & TCI Cablevision of Oregon Inc. ("I-Net/IRNE Interconnection Agreement") to provide regional broadband services options to local governments, schools and public agencies throughout Multnomah County. The I-Net/IRNE Interconnection Agreement is managed by the Infrastructure & Engineering Division of the City of Portland's Bureau of Technology Services.
2. The I-Net/IRNE Interconnection Agreement by its terms expires December 31, 2010.
3. The Comcast cable franchises under which Comcast I-NET facilities and services are required expire December 31, 2010 and are currently the subject of renewal negotiations with Comcast conducted by staff of the Mt. Hood Cable Regulatory Commission ("MHCRC"). At a meeting held October 18, 2010, the MHCRC recommended the City of Portland and other MHCRC-Comcast Jurisdictions extend the term of the current Comcast cable franchises to June 30, 2011, to allow for orderly conclusion of the current franchise renewal negotiations.
4. An extension of the Comcast/City of Portland I-Net/IRNE Interconnection Agreement to June 30, 2011, in conjunction with an extension of the City of Portland Comcast franchises to June 30, 2011, will allow time to complete the current franchise renewal negotiations.
5. The public interest will be served by extending the terms of the I-Net/IRNE Interconnection Agreement to June 30, 2011 to be concurrent with the extended term of the Comcast cable franchises.
6. Staff of the Bureau of Technology Services and the Office and the Cable Communications & Franchise Management have verified that Comcast has no objection to extending to June 30, 2011 the terms of the I-Net/IRNE Interconnection Agreement, concurrent with extending the term of the City of Portland Comcast cable franchises to June 30, 2011, in order to facilitate completion of the current cable franchise renewal negotiations.

NOW, THEREFORE, the Council directs:

- (a) Subject to the conditions set out in the acceptance form attached as Exhibit A to this Ordinance, the Portland City Council approves an extension to the terms of Agreement No. 51785, the I-Net/IRNE Interconnection Agreement, between the City and Comcast entities, to June 30, 2011.
- (b) Section 3.1 of the I-Net/IRNE Interconnection Agreement is amended to delete the date "December 31, 2010" and substitute the date "June 30, 2011". All other terms and provisions of the I-Net/IRNE Interconnection Agreement together with all related documents and agreements pertaining thereto shall continue in effect without modification.
- (c) On or before December 31, 2010, Comcast Of Illinois/Ohio/Oregon, LLC, Comcast Of Oregon II, Inc, and the City of Portland (acting through the Mayor, Auditor, and the Bureau of Technology Services) as parties to the I-Net/IRNE Interconnection Agreement, shall file a written, executed acceptance extending the terms of the Agreement, meeting the approval of the City Attorney. The written acceptance shall be in the form attached hereto as Exhibit A.
- (d) The executed acceptances filed by the parties as applicable shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained therein.
- (e) The failure, refusal or neglect by Comcast Corporation to file such written acceptances by such time shall constitute an abandonment and rejection of the rights and privileges conferred hereby and this ordinance shall thereupon be null and void.

Section 2. The Council declares that an emergency exists because there should be no disruption in the services provided by the I-Net-IRNE interconnection to local governments, schools and public agencies throughout Multnomah County; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: NOV 10 2010

Mayor Adams

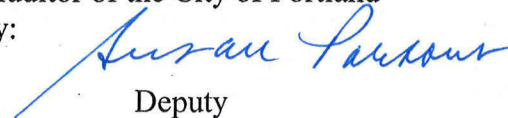
Prepared by: Mark Greinke & David Olson

Date Prepared: October 18, 2010

**LaVonne Griffin-Valade**

Auditor of the City of Portland

By:

  
Deputy

1452

✓140

Agenda No.  
**ORDINANCE NO.**  
 Title

184228

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NOV 05 2010

INTRODUCED BY  
 Commissioner/Auditor:  
**Mayor Adams**

CLERK USE: DATE FILED \_\_\_\_\_

## 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: *[Signature]*  
 Deputy

ACTION TAKEN:

## BUREAU APPROVAL

Bureau: OMF/Technology Services  
 Bureau Head: Mark Greinke

Prepared by: Amy Tuttle  
 Date Prepared: October 27, 2010

Financial Impact Statement  
 Completed ☒ Amends Budget ☐  
 Not Required ☐

Portland Policy Document  
 If "Yes" requires City Policy paragraph stated  
 in document.  
 Yes ☐ No ☒

Council Meeting Date  
**November 10, 2010**

City Attorney Approval  
*Benjamin Walters*

## AGENDA

2092

TIME CERTAIN ☒Start time: **10:20**

Total amount of time needed: **10 minutes**  
 (for presentation, testimony and discussion)

CONSENT ☐REGULAR ☐

Total amount of time needed: \_\_\_\_\_  
 (for presentation, testimony and discussion)

## FOUR-FIFTHS AGENDA

COMMISSIONERS VOTED  
AS FOLLOWS:

|             |             | YEAS                                | NAYS |
|-------------|-------------|-------------------------------------|------|
| 1. Fritz    | 1. Fritz    | <input checked="" type="checkbox"/> |      |
| 2. Fish     | 2. Fish     | <input checked="" type="checkbox"/> |      |
| 3. Saltzman | 3. Saltzman | <input checked="" type="checkbox"/> |      |
| 4. Leonard  | 4. Leonard  | <input checked="" type="checkbox"/> |      |
| Adams       | Adams       | <input checked="" type="checkbox"/> |      |