

ORDINANCE No. 184315

*Extend term of a franchise granted to McLeodUSA Telecommunications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175061)

The City of Portland ordains:

Section 1. The Council finds:

1. In November 2000, the City Council granted a ten year franchise to McLeodUSA Telecommunications Services, Inc., an Iowa corporation qualified to do business in Oregon, and to its successors and assigns, as approved by the City ("McLeodUSA"), to use the City streets to provide telecommunications services. Ordinance No. 175061. McLeodUSA filed an acceptance of the franchise grant in November, 2000.
2. 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
3. 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. 175061 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 the franchise shall remain the same and unchanged.

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

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



Deputy

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

Agenda No.
ORDINANCE NO. 184315
 Title

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| <p>INTRODUCED BY Commissioner/Auditor: Commissioner Amanda Fritz</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz <i>For Civil</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</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 December 15, 2009</p> <p>City Attorney Approval <i>Benjamin Walters</i></p> | <p>CLERK USE: DATE FILED <u>DEC 10 2010</u></p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p> |
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| AGENDA |
| <p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p> |
| <p>CONSENT <input checked="" type="checkbox"/></p> |
| <p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (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 | ✓ | |