

ORDINANCE No. 184796

Extend term of OnFiber Communications, Inc., franchise to use designated City streets to provide telecommunications services (Ordinance; amend Ordinance No. 175793)

The City of Portland ordains:

Section 1. The Council finds:

1. On July 18, 2001, the City of Portland granted a franchise to Portland General Distribution LLC, doing business as Portland General Broadband ("Portland General Broadband"), to construct, operate, and maintain a telecommunications system with all necessary facilities, in the city's streets for a period of ten years. Ordinance No. 175793, passed July 18, 2001, effective September 16, 2001.
2. OnFiber Communications, Inc. became a successor to Portland General Broadband and filed an acceptance of the franchise grant with the Cable Office in 2004.
3. Portland's Bureau of Transportation (PBOT) is preparing substantial revisions to Portland City Code Title 17. These 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 ordinance to allow PBOT to complete this legislative process.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 175793 is hereby amended to extend the term of the franchise continuously and without interruption, through December 31, 2012.
- b. All other terms and conditions of the franchise shall remain the same and unchanged.

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- c. On or before thirty (30) days after this ordinance becomes effective, OnFiber Communications, Inc. shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by a duly authorized officer of OnFiber Communications, Inc., meeting the approval of the City Attorney. Any failure on the part of OnFiber Communications, Inc. 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.

Passed by the Council: **AUG 10 2011**

Commissioner Dan Saltzman
Prepared by: MRiddick/BWalters
July 22, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By: *Gusla Jennings*

Deputy

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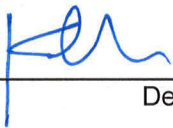

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Agenda No.
ORDINANCE NO.
 Title

184796

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INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman	CLERK USE: DATE FILED <u>JUL 29 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: OCCFM Bureau Head: David C. Olson Prepared by: M Riddick Date Prepared: July 20, 2011 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 August 3, 2011 City Attorney Approval 	ACTION TAKEN: AUG 03 2011 PASSED TO SECOND READING AUG 10 2011 9:30 A.M.

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	✓	