

ORDINANCE No. 185025

Extend term of a franchise granted to XO Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175062)

The City of Portland ordains:

Section 1. The Council finds:

1. In November 2000, the City Council granted a franchise to NEXTLINK Oregon, Inc., a Washington corporation qualified to do business in Oregon, and to its successors and assigns, as approved by the City, to use the City streets to provide telecommunications services. Ordinance No. 175062.
2. XO Oregon Inc. became a successor to NEXTLINK Oregon, Inc and filed an acceptance of the franchise grant with the Cable Office in 2001. XO Communications Services, Inc. became the ultimate successor to the franchise. XO Communications Services, Inc. is a Delaware corporation qualified to do business in Oregon ("XO").
3. The City Council previously extended the term of this franchise ordinance until December 31, 2011. Ordinance No. 184316.
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 Bureau of Transportation will need to adopt administrative regulations implementing various aspects of the revised code provisions. This process will affect some of the standardized franchise language. As PBOT works to completion of this process, the Office for Community Technology recommends that the City Council extend existing franchises.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 175062 is hereby amended to extend the term of the franchise, continuously and without interruption, to December 31, 2012.
- b. All other terms and conditions of Ordinance No. 175062 shall remain the same and unchanged.

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

Passed by the Council:

NOV 30 2011

LaVonne Griffin-Valade

Auditor of the City of Portland

By:



Deputy

Commissioner Dan Saltzman

Prepared by: MRiddick/BEWalters

November 4, 2011

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✓140

Agenda No. **185025**
ORDINANCE NO.
 Title

Extend term of a franchise granted to XO Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175062)

<p>INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</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: OCT Bureau Head: David C. Olson</p> <p>Prepared by: M Riddick Date Prepared: November 4, 2011</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 November 16, 2011</p> <p>City Attorney Approval <i>Benjamin Walters</i></p>	<p>CLERK USE: DATE FILED NOV 10 2011</p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p> <p>NOV 16 2011 PASSED TO SECOND READING NOV 30 2011 9:30 A.M.</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	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	