

# ORDINANCE No. 185342

Extend term of a franchise granted to Lewis and Clark College to construct, operate and maintain a telecommunications system (Ordinance; amend Ordinance No. 176383)

The City of Portland ordains:

Section 1. The Council finds:

1. In November, 2000, Lewis and Clark College obtained a certificate of authority from the Oregon Public Utility Commission to provide Shared Tenant Services. Docket CP 869, Order No. 00-751 (November 21, 2000). A Shared Tenant Service Provider is a telecommunications provider that provides telecommunications services to end users using equipment and facilities located inside the boundaries of a contiguous property. ORS 759.005(2)(f) (1999); OAR 860-032-0001(9) (2001). The college applied to the City of Portland for authority to install optical fiber, ducts and conduits within the right-of-way on SW Palatine Hill Road in order to provide Shared Tenant Services to other college facilities and properties.
2. In April 2002, the City Council granted a ten year franchise to Lewis and Clark College and to its successors and assigns, as approved by the City to use the City streets to provide telecommunications services. Ordinance No. 176383. Lewis and Clark College filed an acceptance of the franchise grant in April 2002.
3. 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 is in the process of developing and adopting administrative regulations to implement the revised code provisions. This process will affect some of the standardized franchise language. As PBOT works to complete this process, the Office for Community Technology recommends that the City Council extend existing franchises.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 176383 is hereby amended to extend the term of the franchise, continuously and without interruption, to June 30, 2014.
- b. All other terms and conditions of the franchise shall remain the same and unchanged.

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- c. On or before the thirtieth (30th) day after this ordinance becomes effective, Lewis and Clark College shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by Lewis and Clark College meeting the approval of the City Attorney. Any failure on the part of Lewis and Clark College 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: MAY 23 2012

LaVonne Griffin-Valade  
Auditor of the City of Portland

By: Gayle Jennings

Commissioner Dan Saltzman  
Prepared by: MRiddick/BEWalters  
May 2, 2012

Deputy

Agenda No.  
**ORDINANCE NO.**  
 Title

**185342**

Extend term of a franchise granted to Lewis and Clark College to construct, operate and maintain a telecommunications system (Ordinance; amend Ordinance No. 176383)

<p><b>INTRODUCED BY</b>          Commissioner/Auditor:  <b>Commissioner Dan Saltzman</b></p> <p><b>COMMISSIONER APPROVAL</b></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 <i>Don Saltzman</i></p> <p>Position 4/Safety - Leonard</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: OCT          Bureau Head: David C. Olson <i>David C. Olson</i></p> <p>Prepared by: Melvin Riddick          Date Prepared: May 2, 2012</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  <b>May 16, 2012</b></p> <p>City Attorney Approval  <i>Benjamin Waller 5/3/12</i></p>	<p>CLERK USE: DATE FILED <u>MAY 11 2012</u></p> <p style="text-align: right;">LaVonne Griffin-Valade          Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p><b>ACTION TAKEN:</b></p> <p style="text-align: center;"> <b>MAY 16 2012 PASSED TO SECOND READING MAY 23 2012 9:30 A.M.</b> </p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <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 <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"/>	