

# ORDINANCE No. 185745

Extend term of a franchise granted to Electric Lightwave, Inc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 170283)

The City of Portland ordains:

Section 1. The Council finds:

1. On June 19, 1996, the Portland City Council approved an ordinance granting a ten-year franchise to Electric Lightwave, Inc. to provide telecommunications services in Portland (Ordinance No. 170283). The franchise became effective on August 18, 1996.
2. On November 30, 2011, the Council approved Ordinance No. 185020, extending the term of the ELI franchise through December 31, 2012.
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 City is implementing various aspects of the revised code provisions, and City staff has begun negotiating a renewal agreement, including revised standardized franchise language to address the code amendments. Although franchise negotiations for a renewal agreement are in progress, parties have not agreed on all terms. City staff recommends that the City Council extend the existing franchise to allow time for parties to complete negotiations for a new agreement and to formally complete the formal Portland City Charter procedure for proposed franchises, which can take up to four months or more from the date of the required initial publication.

NOW, THEREFORE, the Council directs:

- a. Ordinance Number 170283 is hereby amended to extend the term of the franchise, continuously and without interruption, from the date of passage of this ordinance to December 31, 2014.
- b. All other terms and conditions of the franchise shall remain the same.

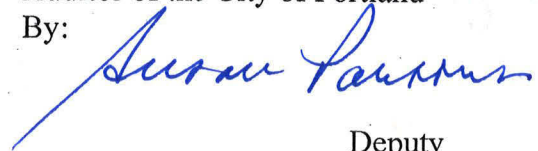
- c. On or before the thirtieth (30th) day after this ordinance becomes effective, Electric Lightwave shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by Electric Lightwave, meeting the approval of the City Attorney. Any failure on the part of Electric Lightwave 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 28 2012

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By:



Deputy

Mayor Sam Adams  
Prepared by: MRiddick/BEWalters  
October 26, 2012

~~1287-1337~~

✓140

Agenda No.  
**ORDINANCE NO. 185745**  
Title

Extend term of a franchise granted to Electric Lightwave, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 170283)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Sam Adams</b>	CLERK USE: DATE FILED <u>NOV 08 2012</u>
<b>COMMISSIONER APPROVAL</b>	
Mayor—Finance and Administration - Adams <i>Sam Adams</i>	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By: <i>[Signature]</i>
Position 3/Affairs - Saltzman	Deputy
Position 4/Safety - Leonard	
<b>BUREAU APPROVAL</b>	<b>ACTION TAKEN:</b>
CAO: Jack D. Graham <i>JDG</i>	
Bureau: Revenue	
Bureau Head: Thomas W. Lannom <i>Thomas</i>	
Prepared by: Melvin Riddick	
Date Prepared: October 29, 2012	
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	
<b>November 14, 2012</b>	
City Attorney Approval <i>Benjamin Walters</i>	

NOV 14 2012 PASSED TO SECOND READING NOV 28 2012 9:30 A.M.

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/>
Start time: _____
Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/>
Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	