

ORDINANCE No. 188092

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. The Council has extended the term of the franchise at various times. Most recently, on September 3, 2014, the Council approved Ordinance No. 186783, extending the term of the ELI franchise through December 31, 2016.
3. City staff is currently working on negotiating a renewal franchise with ELI, including revised standardized franchise language. Although franchise negotiations for a renewal agreement are in progress, the parties have not reached agreement on all terms. City staff recommends that the Council extend the existing franchise to allow time for parties to complete negotiations for a new agreement and to formally complete the 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, through December 31, 2018.
- 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 17 2016

Mary Hull Caballero
Auditor of the City of Portland

By: *Gayla Jennings*

Deputy

Mayor Charlie Hales
Prepared by: MRiddick/BEWalters
October 14, 2016

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INTRODUCED BY Commissioner/Auditor: Mayor Hales	CLERK USE: DATE FILED <u>NOV 01 2016</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy
BUREAU APPROVAL Bureau: OMF/BRFS, Revenue CAO: Fred Miller CFO, Bureau Head: Kenneth L. Rust Division Head: Thomas W. Lannom <i>[Signature]</i>	ACTION TAKEN: NOV 09 2016 PASSED TO SECOND READING NOV 16 2016 CONTINUED TO NOV 17 2016 2 P.M. NOV 16 2016 9:30 A.M.
Prepared by: Melvin Riddick Date Prepared: October 17, 2016	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, etc. <i>[Signature]</i>	
Council Meeting Date: November 9, 2016	

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	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	