

ORDINANCE No. 188254

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 City of Portland in 2004.
3. The City Council previously extended the term of telecommunications franchise until February 14, 2017. Ord. No. 186887.
4. City staff are negotiating a renewal agreement with the company, including updated franchise language and compensation consistent with similarly situated franchisees. Although franchise negotiations for a renewal agreement are in progress, the parties have not reached agreement on all terms.
5. City staff recommends that the Council extend the existing franchise to allow time for the parties to complete negotiations and to formally conclude the Portland City Charter procedure for franchises, which can take up to four months or more from the date of required initial publication.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 175793 is amended to extend the term of the franchise continuously and without interruption, through August 31, 2018.
- b. All other terms and conditions of the franchise shall remain the same and unchanged.

- c. On or before thirty (30) days after this ordinance becomes effective, OnFiber Communications, Inc., n/k/a CenturyLink Communications, LLC 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 CenturyLink Communications, LLC, meeting the approval of the City Attorney. Any failure on the part of CenturyLink Communications, LLC 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:

MAR 01 2017

Mayor Ted Wheeler
Prepared by: JL/BEW
January 31, 2017

Mary Hull Caballero
Auditor of the City of Portland

By:



Deputy

202

Agenda No.
ORDINANCE NO. 188254
Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Mayor Wheeler</p>	<p>CLERK USE: DATE FILED <u>FEB 14 2017</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler <i>WD</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: OMF/BRFS, Revenue CAO: Tom Rinehart CFO, Bureau Head: Kenneth L. Rust Division Head: Thomas W. Lannom</p> <p>Prepared by: Jennifer Li Date Prepared: 2/2/17</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <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>City Auditor Office Approval:</p> <p>City Attorney Approval: <i>Benjamin Walters</i></p> <p>Council Meeting Date February 22, 2017</p>	<p>ACTION TAKEN:</p> <p style="text-align: center;">FEB 22 2017 PASSED TO SECOND READING MAR 01 2017 9:30 A.M.</p>

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	<u>1</u>	<u>1</u>
2. Fish	✓	
3. Saltzman	✓	
4. Eudaly	✓	
Wheeler	✓	