

ORDINANCE No. 189165

Extend term of franchise granted to Qwest Communications Company, LLC n/k/a CenturyLink Communications, LLC to build and operate telecommunications facilities within City streets (Ordinance; amend Ordinance No. 171914)

The City of Portland ordains:

Section 1. The Council finds:

1. On December 31, 1997, the Council granted a franchise to Qwest Communications Corporation to build and operate telecommunications facilities within the City's streets. Ordinance No. 171914.
2. On April 22, 2010, CenturyLink, Inc. announced it would acquire Qwest Communications Inc. The merger closed on April 1, 2011. On March 31, 2014, the Oregon Public Utility Commission approved a name change for Qwest Communications Company, LLC to CenturyLink Communications, LLC. OPUC Order No. 14-107.
3. Council extended the term of CenturyLink Communications, LLC's franchise until August 31, 2018. Ord. No. 188254.
4. City staff are negotiating a renewal franchise with the company, including updated language and compensation consistent with similarly situated franchisees. Although negotiations are in progress, the parties have not reached agreement on all terms.
5. City staff recommends Council extend the existing franchise to allow time for the parties to complete negotiations and to formally conclude the 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:

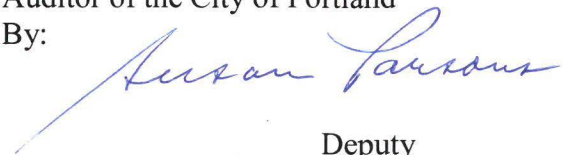
- a. Ordinance No. 171914 is amended to extend the term of the franchise continuously and without interruption through August 31, 2019.
- b. All other terms and conditions of the franchise shall remain the same and unchanged.
- c. On or before thirty (30) days after this ordinance becomes effective, CenturyLink Communications, LLC shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by 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: SEP 12 2018

Mayor Ted Wheeler
Prepared by: MR/MKH
August 6, 2018

Mary Hull Caballero
Auditor of the City of Portland
By:



Deputy

140

~~993~~ 967

Agenda No.
ORDINANCE NO. 189165

Title

Extend term of franchise granted to Qwest Communications Company, LLC (n/k/a CenturyLink Communications, LLC) to build and operate telecommunications facilities within City streets (Ordinance; amend Ordinance No. 171914)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Wheeler</p>	<p>CLERK USE: DATE FILED <u>AUG 28 2018</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</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>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Susan Parsons</i></u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OMF/BRFS, Revenue CAO: Tom Rinehart CFO, Bureau Head: Jennifer Cooperman Division Head: Thomas W. Lannom</p> <p>Prepared by: Melvin Riddick Date Prepared: 8/15/18</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: <u><i>MRH</i></u></p> <p>Council Meeting Date September 5, 2018</p>	<p>ACTION TAKEN:</p> <p>SEP 05 2018 PASSED TO SECOND READING SEP 12 2018 9:30 A.M.</p> <p>Sep 12, 2018 Rescheduled to Sept 12, 2018 at 3:00 PM</p>

<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/> 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: <u>21</u> (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th style="width: 30%;">YEAS</th> <th style="width: 30%;">NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td>3. Saltzman <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>4. Eudaly <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Wheeler</td> <td>Wheeler <input type="checkbox"/></td> <td></td> </tr> </table>	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. Eudaly	4. Eudaly <input checked="" type="checkbox"/>		Wheeler	Wheeler <input type="checkbox"/>	
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. Eudaly	4. Eudaly <input checked="" type="checkbox"/>																					
Wheeler	Wheeler <input type="checkbox"/>																					