

ORDINANCE No. 189166

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 granted a franchise to Portland General Distribution LLC, doing business as 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.
2. OnFiber Communications, Inc. became a successor to Portland General Broadband and filed an acceptance of the franchise with the City in 2004.
3. Council extended the franchise until August 31, 2018. Ord. No. 188253.
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:

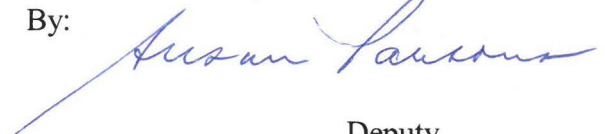
- a. Ordinance No. 175793 is amended to extend the term of the franchise continuously and without interruption through August 31, 2019.
- b. All other terms and conditions of the franchise shall remain the same and unchanged.

- c. On or before thirty (30) days after this ordinance becomes effective, 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: SEP 12 2018

Mary Hull Caballero
Auditor of the City of Portland

By:



Deputy

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

Agenda No.
ORDINANCE NO. 189166
 Title

Extend term of OnFiber Communications, Inc., franchise to use designated City streets to provide telecommunications services (Ordinance; amend Ordinance No. 175793)

<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 <i>MTP</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>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 <i>TR</i> CFO, Bureau Head: Jennifer Cooperman Division Head: Thomas W. Lannon <i>TWL</i></p> <p>Prepared by: Melvin Riddick Date Prepared: 8/15/18</p>	<p>ACTION TAKEN: SEP 05 2018 PASSED TO SECOND READING SEP 12 2018 9:30 A.M.</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>Sep 12, 2018 Rescheduled to Sept 12, 2018 at 3:00 PM</p>
<p>City Auditor Office Approval:</p> <p>City Attorney Approval: <i>MKH</i></p>	
<p>Council Meeting Date September 5, 2018</p>	

AGENDA

TIME CERTAIN
 Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR

Total amount of time needed: _____
 (for presentation, testimony and discussion)

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 checked="" type="checkbox"/>	