

## RESOLUTION No. 36536

Authorize City Attorney to commence legal proceedings, if necessary, for franchise enforcement.  
(Resolution)

WHEREAS, By Ordinance 172864, the Portland City Council granted a franchise to Pacific Fiber Link, LLC to use the streets within Portland to provide telecommunications services; and,

WHEREAS, Pacific Fiber Link, LLC accepted the franchise grant, and constructed and maintained its telecommunications facilities within the City streets; and,

WHEREAS, 360networks (USA), Inc. and/or 360networks Communications (USA), Inc. ("360networks") were affiliates of Pacific Fiber Link, LLC. 360networks assumed the Franchise granted to Pacific Fiber Link, LLC and has operated under it since; and,

WHEREAS, As one of the franchise conditions, 360networks agreed to pay franchise fees to the City as compensation for the rights and privileges granted under the franchise; and,

WHEREAS, 360networks has failed, refused or neglected to pay the City of Portland the full compensation provided for under the terms of its franchise; and

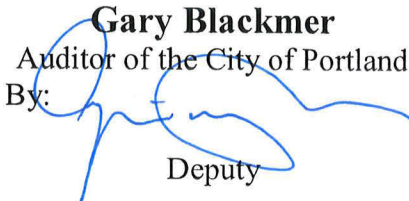
WHEREAS, 360networks has also failed to comply with other terms of the franchise; and

WHEREAS, Any litigation and associated expense required to enforce the franchise is expected to span at least two fiscal years. Funding for litigation will be requested in the fall Budget Monitoring Process.

NOW, THEREFORE, BE IT RESOLVED the City Attorney is hereby authorized and directed to commence legal proceedings to enforce the terms and conditions of the franchise agreement entered into by 360networks with the City of Portland.

Adopted by the Council: SEP 19 2007

Mayor Tom Potter  
Prepared by: Terry Thatcher  
August 13, 2007

**Gary Blackmer**  
Auditor of the City of Portland  
By:   
Deputy

# 1112

Agenda No.

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Title

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SEP 14 2007

<b>INTRODUCED BY</b>	CLERK USE: DATE FILED _____
Mayor Tom Potter	Gary Blackmer Auditor of the City of Portland
<b>NOTED BY COMMISSIONER</b>	
Affairs	By: <i>Karlall</i> Deputy
Finance and Administration <i>tom potter/tar</i>	
Safety	
Utilities	
Works	
<b>BUREAU APPROVAL</b>	
Bureau: Office of City Attorney	
Prepared by: D.Soloos/Terry Thatcher Date: September 13, 2007	
Financial Impact Statement ___X___ Completed ___ Amends Budget ___ Not Required	
Portland Policy Document ___ Yes ___X___ No	
Council Meeting Date September 19, 2007	
Bureau Head: <i>Linda Meng</i> Linda Meng	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
Consent X	Regular			YEAS	NAYS
		Adams	Adams	✓	
		Leonard	Leonard	✓	
		Saltzman	Saltzman		
		Sten	Sten	✓	
		Potter	Potter	✓	
NOTED BY					
City Attorney <i>W</i>					