

ORDINANCE No. 183473

Extend term of a franchise granted to Time Warner Telecom of Oregon LLC to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 171566)

The City of Portland ordains:

Section 1. The Council finds:

1. On September 4, 1997, the City Council granted a franchise to GST Telecom Oregon, Inc., (“GST”) to build and operate telecommunications facilities within the City’s streets. Ordinance No. 171566.
2. On April 10, 2002 the City Council consented to a transfer of the GST franchise to Time Warner Telecom Oregon LLC. Ordinance No. 176377. Time Warner Telecom Oregon LLC subsequently changed its name to tw telecom of oregon llc (“TW”).
3. TW has indicated that it wants to continue to use City streets for its telecommunications facilities, and to obtain permits to perform work in the City streets.
4. Over the past 18 years the City Council has granted several telecommunications franchises, and many will expire soon. City staff has reviewed the terms and conditions of all of these franchises and is working with the communications industry in an effort to standardize and modernize the terms and conditions of all franchises.
5. The Portland Office of Transportation is conducting a review of Title 17 of the Portland City Code, and is preparing code amendments. The planned amendments and updates may affect some of the standardized language of future franchise renewals. Until this process is complete, the Cable Office has generally been recommending that the City Council extend existing franchises to avoid placing similar or potentially conflicting obligations in both the franchise contracts and City Code.
6. Staff recommends that the franchise should be extended to allow the development of a uniform telecommunications franchise.

NOW, THEREFORE, the Council directs:

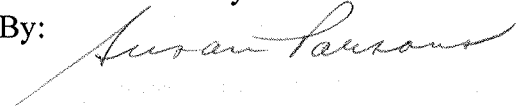
- a. Ordinance Number 171566 is hereby amended to extend the term of the franchise, continuously and without interruption, from December 31, 2009 to December 31, 2010.
- b. All other terms and conditions of the franchise shall remain the same.

- c. On or before the thirtieth (30th) day after this ordinance becomes effective, tw telecom of oregon llc shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by tw telecom of oregon llc , meeting the approval of the City Attorney. Any failure on the part of tw telecom of oregon 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: JAN 20 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



Deputy

Prepared by: Commissioner Amanda Fritz
MRiddick/BEWalters
December 16, 2009

Agenda No. **183473**
ORDINANCE NO.
 Title

Extend term of a franchise granted to Time Warner Telecom of Oregon LLC to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 171566)

INTRODUCED BY Commissioner/Auditor: Commissioner Amanda Fritz	CLERK USE: DATE FILED <u>JAN 08 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz <i>For Fritz</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <u><i>LaVonne</i></u> Deputy ACTION TAKEN: JAN 13 2010 PASSED TO SECOND READING JAN 20 2010 9:30 A.M.
BUREAU APPROVAL Bureau: OCCFM Bureau Head: David C. Olson <i>David C. Olson</i> Prepared by: D Soloos Date Prepared: December 17, 2009	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date January 13, 2010	
City Attorney Approval <i>Benjamin Walters</i>	

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	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Leonard	4. Leonard <input checked="" type="checkbox"/>	
Adams	Adams <input type="checkbox"/>	