

## ORDINANCE No. 184314

\*Extend term of a franchise granted to tw 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, 2010 to December 31, 2011.
- 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.

Section 2. The Council declares an emergency exists because a lapse in tw telecom of oregon llc's authority to use the public right-of-way may potentially harm the public welfare by disrupting some services provided to the public by the permittee; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: DEC 15 2010

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By: 

Deputy

Commissioner Amanda Fritz  
Prepared by: MRiddick/BEWalters  
November 19, 2010

Agenda No.  
**ORDINANCE NO. 184314**  
 Title *tw*

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INTRODUCED BY Commissioner/Auditor: <b>Commissioner Amanda Fritz</b>	CLERK USE: DATE FILED <u>DEC 10 2010</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz <i>[Signature]</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By: <i>[Signature]</i> Deputy  <b>ACTION TAKEN:</b>
<b>BUREAU APPROVAL</b> Bureau: OCCFM Bureau Head: David C. Olson <i>[Signature]</i>	
Prepared by: M Riddick Date Prepared: December 2, 2010	
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 <b>December 15, 2010</b>	
City Attorney Approval <i>[Signature]</i>	

**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	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	