

ACCEPTANCE

9 September 2011
Date

Auditor of the City of Portland
City Hall Room 140
1221 SW 4th Avenue
Portland, Oregon 97204

This is to advise the City of Portland, Oregon that OnFiber Communications, Inc., hereby accepts the terms and provisions of Ordinance No. 184796, passed by the Portland City Council on August 10, 2011, **Extend term of OnFiber Communications, Inc. franchise to use designated City streets to provide telecommunications services (Ordinance; amend Ordinance No. 175793)**, and in consideration of the benefits received thereunder by the corporation, OnFiber Communications, Inc. hereby agrees to abide by and perform each and all of the applicable terms and provisions thereof.

Jackie Shives Manager - Engineering
(Signature - Title)*

Jackie Shives
Qwest Communications Corporation
Right of Way & Franchising
700 West Mineral Avenue, H26.17
Littleton, CO 80120

Approved as to form:

Paula Mendoza
City Attorney
CITY ATTORNEY

*When an acceptance is signed by an officer of a firm or corporation, his or her official title must be stated.

Qwest Communications Company, LLC.

700 West Mineral Avenue H26.17
Littleton, CO 80120



J.L. Shives
Manager of Engineering
Right-Of-Way & Franchising
(303) 707-7472

Via Fed Ex

9 September 2011

Ms Toni Anderson
Deputy Auditor
City of Portland
1221 SW 4th Av. – Room 140
Portland, OR 97204-1900

Re: OnFiber Communications Acceptance Notice

Dear Ms Anderson:

Enclosed is the original Acceptance Notice signed on behalf of Qwest.

Courts throughout the nation have held that non-cost based charges, including, but not limited to, per linear foot charges are unlawful under Section 253 of the Telecommunications Act of 1996. Qwest Communications Company, LLC will pay these charges under protest and reserves all legal rights to challenge these charges, specially including, but not limited to, all rights arising under all laws of Oregon and the Federal Telecommunications Act of 1996.

Sincerely,

A handwritten signature in blue ink that reads 'J.L. Shives'.

J. L. Shives

enclosures

cc: Meshach Rhoades, Esq. - Qwest