

ORDINANCE No. 185019

Extend term of a franchise granted to 360networks (USA), inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 172864)

The City of Portland ordains:

Section 1. The Council finds:

1. On November 12, 1998, the City Council approved Ordinance No. 172864, granting a franchise to Pacific Fiber Link, LLC, to use designated City streets to provide telecommunications services as a point-to-point telecommunications provider.
2. 360networks (USA), inc. ("360networks") claims to act as a successor to Pacific Fiber Link, with common corporate affiliates.
3. On January 7, 2009, the Council adopted Ordinance No. 182462, amending and extending the telecommunications franchise granted to Pacific Fiber Link, LLC.
4. On December 9, 2009, the Council adopted Ordinance No. 183378 to extend the term of the telecommunications franchise granted under Ordinance No. 172864, continuously and without interruption, through December 31, 2011.
5. 360networks (USA), inc. 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.
6. On October 26, 2011, the City Council adopted non-emergency Ordinance No. 184957, amending Title 17 of the Portland City Code. Among other matters, the ordinance updated, clarified and reorganized various code sections. The Bureau of Transportation will need to adopt administrative regulations implementing various aspects of the revised code provisions. This process will affect some of the standardized franchise language. As PBOT works to completion of this process, the Office for Community Technology recommends that the City Council extend existing franchises.

NOW, THEREFORE, the Council directs:

- a. Ordinance Number 172864 is hereby amended to extend the term of the Franchise, continuously and without interruption, through December 31, 2012.
- b. All other terms and conditions of the Franchise shall remain the same and unchanged.

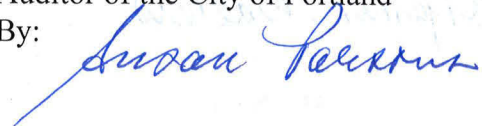
- c. On or before thirty (30) days after this ordinance becomes effective, 360networks (USA), inc. shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by a duly authorized officer of 360networks (USA), inc., meeting the approval of the City Attorney. Any failure on the part of 360networks (USA), inc. 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: NOV 30 2011

Commissioner Dan Saltzman
Prepared by: MRiddick/BEWalters
November 4, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



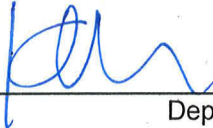

Deputy

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Agenda No.
ORDINANCE NO. 185019
Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman	CLERK USE: DATE FILED <u>NOV 10 2011</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By:  Deputy
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: OCT	NOV 16 2011 PASSED TO SECOND READING NOV 30 2011 9:30 A.M.
Bureau Head: David C. Olson	
Prepared by: M Riddick	
Date Prepared: November 4, 2011	
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 November 16, 2011	
City Attorney Approval 	

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 checked="" type="checkbox"/>	