ORDINANCE No. 185051

Extend term of a telecommunications franchise granted to MCI Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 170954)

The City of Portland ordains:

Section 1. The Council finds:

1. On February 26, 1997 the Council granted a franchise to Worldcom Network Services, Inc., to use the City streets to provide competitive telecommunications services. Ordinance No.170954.

2. In 2001, MCI Worldcom Network Services, Inc. notified the City that it was the successor to Worldcom Network Services, Inc. In December, 2005 the operating assets of MCI Network Services, Inc. and its predecessors including MCI Worldcom Network Services, Inc. and Worldcom Network Services, Inc. were assigned to MCI Communications Services, Inc. ("MCI").

3. The Council previously extended the term of MCI's telecommunications franchise until December 31, 2011. Ordinance No. 183365.

4. 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 standard franchise language. As the bureau works to complete this process, the Office for Community Technology is recommending that the Council extend existing franchises.
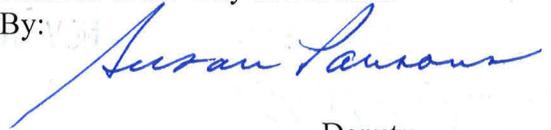
NOW, THEREFORE, the Council directs:

a. Ordinance No.170954 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 the thirtieth (30th) day after this ordinance becomes effective, MCI Communications Services, 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 representative of MCI Communications Services, Inc., meeting the approval of the City Attorney. Any failure on the part of MCI Communications Services, Inc. to file such written acceptance within such time shall be deemed an abandonment and rejection of the rights and privileges conferred hereby 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: DEC 07 2011

LaVonne Griffin-Valade
Auditor of the City of Portland
By:

Deputy

Commissioner Dan Saltzman
Prepared by: MRiddick/BEWalters
November 15, 2011

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Agenda No.
ORDINANCE NO. 185051
Title

Extend term of a franchise granted to MCI Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 170954)

INTRODUCED BY Commissioner/Auditor: **Commissioner Dan Saltzman**	CLERK USE: DATE FILED **NOV 22 2011**
COMMISSIONER APPROVAL	
Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By: _Susan Parsons_
Position 3/Affairs - Saltzman *Dan Saltzman*	Deputy
Position 4/Safety - Leonard	**ACTION TAKEN:**
BUREAU APPROVAL	NOV 30 2011 **PASSED TO SECOND READING** DEC 07 2011 9:30 A.M.
Bureau: OCT Bureau Head: David C. Olson	
Prepared by: M Riddick Date Prepared: November 18, 2011	
Financial Impact Statement Completed ☒ Amends Budget ☐ Not Required ☐	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes ☐ No ☒	
Council Meeting Date **November 30, 2011** *Benjamin Walters*	
City Attorney Approval	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
				YEAS	NAYS
TIME CERTAIN ☐ Start time: _____					
Total amount of time needed: _____ (for presentation, testimony and discussion)		1. Fritz	1. Fritz	✔	
		2. Fish	2. Fish	✔	
CONSENT ☒		3. Saltzman	3. Saltzman	✔	
REGULAR ☐ Total amount of time needed: _____ (for presentation, testimony and discussion)		4. Leonard	4. Leonard		———
		Adams	Adams	✔	