

ORDINANCE No. 185343

Extend term of a telecommunications franchise granted to Tyco Networks and subsequently transferred to VSNL Telecommunications (US), Inc., to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 176503)

The City of Portland ordains:

Section 1. The Council finds:

1. In May, 2002, the City of Portland granted a franchise to Tyco Networks (US) Inc. ("Tyco"), to build and operate and maintain telecommunications facilities within the City's streets. Ordinance No. 176503.
2. Subsequently, Tyco was acquired by VSNL Telecommunications (US), Inc. ("VSNL"), a Delaware corporation registered to do business in the State of Oregon. In August 2005, the council consented to a transfer of the telecommunication franchise from Tyco Networks (US) Inc. to VSNL Telecommunications (US), Inc. Ordinance No. 179475.
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 is in the process of developing and adopting administrative regulations to implement 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 recommends that the City Council extend existing franchises to allow for standard terms and conditions.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 176503 is hereby amended to extend the term of the franchise, continuously and without interruption, through July 31, 2014.
- 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, VSNL Telecommunications (US), Inc. shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by VSNL Telecommunications (US), Inc. meeting the approval of the City Attorney. Any failure on the part of VSNL Telecommunications (US), Inc. to file such written acceptance within such time shall be deemed an abandonment and rejection of this ordinance, and shall be construed to be an acceptance of all the terms contained in this ordinance.

Passed by the Council: MAY 23 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By:

Gayla Jennings

Deputy

Commissioner Dan Saltzman
Prepared by: MRiddick/BEWalters
May 7, 2012

848281

~~530~~ - 562

J140

Agenda No.
ORDINANCE NO.
 Title

185343

Extend term of a telecommunications franchise granted to Tyco Networks, and subsequently transferred to VSNL Telecommunications (US), Inc., to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 176503)

<p>INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman</p>	<p>CLERK USE: DATE FILED <u>MAY 11 2012</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>Dan Saltzman</i></p> <p>Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OCT</p> <p>Bureau Head: Mary Beth Henry <i>[Signature]</i></p>	<p>ACTION TAKEN:</p> <p>MAY 16 2012 PASSED TO SECOND READING MAY 23 2012 9:30 A.M.</p>
<p>Prepared by: Melvin Riddick Date Prepared: May 7, 2012</p>	
<p>Financial Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Not Required <input type="checkbox"/></p>	
<p>Portland Policy Document</p> <p>If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Council Meeting Date May 16, 2012</p>	
<p>City Attorney Approval <i>Benjamin Walters</i></p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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	✓	