

ORDINANCE No. 18 67 8 3

Extend term of a franchise granted to Electric Lightwave, Inc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 170283)

The City of Portland ordains:

Section 1. The Council finds:

1. On June 19, 1996, the Portland City Council approved an ordinance granting a ten-year franchise to Electric Lightwave, Inc. to provide telecommunications services in Portland. Ordinance No. 170283. The franchise became effective on August 18, 1996.
2. The Council has extended the term of the franchise at various times. Most recently, on November 28, 2012, the Council approved Ordinance No. 185745, extending the term of the ELI franchise through December 31, 2014.
3. City staff is negotiating a renewal agreement, including revised standardized franchise language. Although franchise negotiations for a renewal agreement are in progress, parties have not agreed on all terms. City staff recommends that the City Council extend the existing franchise to allow time for parties to complete negotiations for a new agreement and to formally complete the Portland City Charter procedure for proposed franchises, which can take up to four months or more from the date of the required initial publication.

NOW, THEREFORE, the Council directs:

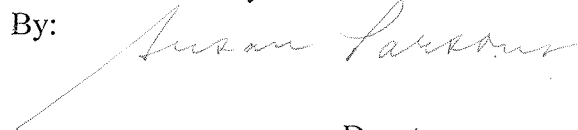
- a. Ordinance Number 170283 is hereby amended to extend the term of the franchise, continuously and without interruption, through December 31, 2016.
- b. All other terms and conditions of the franchise shall remain the same.

- c. On or before the thirtieth (30th) day after this ordinance becomes effective, Electric Lightwave shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by Electric Lightwave, meeting the approval of the City Attorney. Any failure on the part of Electric Lightwave 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: SEP 03 2014

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



Deputy

Mayor Charlie Hales
Prepared by: MRiddick/BEWalters
August 1, 2014

8-81916

Agenda No. **18 6783**
ORDINANCE NO.
 Title

Extend term of a franchise granted to Electric Lightwave, Inc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 170283)

INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <u>AUG 22 2014</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales <i>TDH</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy ACTION TAKEN: AUG 27 2014 PASSED TO SECOND READING SEP 03 2014 9:30 A.M. <i>Thomas</i>
BUREAU APPROVAL Bureau: Revenue Bureau OMF CAO: Fred Miller <i>Fred Miller</i> Bureau Head: Thomas W. Lannon Prepared by: MR Date Prepared: August 1, 2014 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, zoning plan, charter Council Meeting Date August 27, 2014	

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)
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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. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	