

## **ORDINANCE No. 18 67 8 4**

Extend term of a franchise granted to tw telecom of oregon llc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 171566)

The City of Portland ordains:

Section 1. The Council finds:

1. On September 4, 1997, the Council granted a franchise to GST Telecom Oregon, Inc., (“GST”) to build and operate telecommunications facilities within the City’s streets. Ordinance No. 171566.
2. On April 10, 2002 the Council consented to a transfer of the GST franchise to Time Warner Telecom Oregon LLC. Ordinance No. 176377. Time Warner Telecom Oregon LLC subsequently changed its business name to tw telecom of oregon llc (“TW”).
3. The Council has previously extened the term of the franchise ordinance. Most recently, in November, 2012, the Council extended the term of the TW franchise until December 31, 2014. Ordinance No. 185746.
4. TW has indicated to the Office for Community Technology that TW wants to continue to use City streets for its telecommunications facilities, and to obtain permits to perform work in the City streets. City staff is negotiating a renewal agreement, including revised standardized franchise language. Although franchise negotiations for a renewal agreement are in progress, the parties have not reached agreement on all terms. City staff recommends that the 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 171566 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, tw telecom of oregon llc shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by tw telecom of oregon llc , meeting the approval of the City Attorney. Any failure on the part of tw telecom of oregon llc 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: SEP 03 2014

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By:



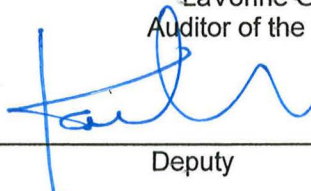
Deputy

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

882 917

Agenda No. **18 67 84**  
**ORDINANCE NO.**  
 Title

Extend term of a franchise granted to tw telecom of oregon llc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 171566)

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

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____          (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. Novick	4. Novick	✓	
Hales	Hales	✓	