

ORDINANCE No. 18 67 8 6

Extend term of a franchise granted to XO Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175062)

The City of Portland ordains:

Section 1. The Council finds:

1. In November 2000, the Council granted a franchise to NEXTLINK Oregon, Inc., a Washington corporation qualified to do business in Oregon, and to its successors and assigns, as approved by the City, to use the City streets to provide telecommunications services. Ordinance No. 175062.
2. XO Oregon Inc. became a successor to NEXTLINK Oregon, Inc and filed an acceptance of the franchise grant with the Cable Office in 2001. XO Communications Services, Inc. became the ultimate successor to the franchise. XO Communications Services, Inc. is a Delaware corporation qualified to do business in Oregon ("XO").
3. The Council has previously extended the term of the franchise ordinance. Most recently, in November, 2012, the Council extended the term of the XO franchise The Council extended the term of this franchise ordinance until December 31, 2014. Ordinance No. 185749.
4. 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 No. 175062 is 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 and unchanged.

- c. On or before the thirtieth (30th) day after this ordinance becomes effective, XO Communications Services, Inc. shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by XO Communications Services, Inc. meeting the approval of the City Attorney. Any failure on the part of XO Communications Services, Inc. to file such written acceptance within such time shall be deemed an abandonment and rejection of this ordinance. 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

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

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



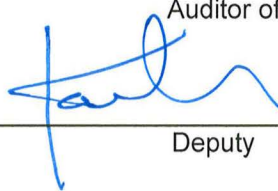
Deputy

884 919

V140

Agenda No.
ORDINANCE NO. 18 67 8 6
Title

Extend term of a franchise granted to XO Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175062)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>AUG 22 2014</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales <i>544</i></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 style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Revenue Bureau</p> <p>OMF CAO: Fred Miller <i>Fred Miller</i></p> <p>Bureau Head: Thomas W. Lannom <i>Thomas</i></p>	<p>ACTION TAKEN:</p> <p style="text-align: center; font-size: 1.2em;">AUG 27 2014 PASSED TO SECOND READING SEP 03 2014 9:30 A.M.</p>
<p>Prepared by: Hillary Dobson Date Prepared: August 1, 2014</p>	
<p>Financial Impact & Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <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>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p>	
<p>Council Meeting Date August 27, 2014</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. Novick	4. Novick	✓	
Hales	Hales	✓	