

ORDINANCE No. 18 6 8 8 2

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 extended 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:

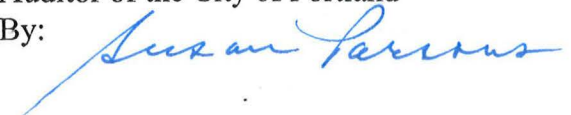
- a. Ordinance Number 171566 is hereby amended to extend the term of the franchise, continuously and without interruption, through September 30, 2015.
- b. All other terms and conditions of the franchise shall remain the same.

- c. On or before the thirtieth (30th) day after this ordinance becomes effective, tw shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by tw, meeting the approval of the City Attorney. Any failure on the part of tw 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: NOV 12 2014

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



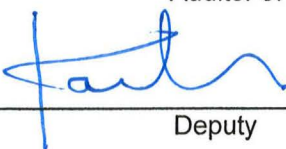
Deputy

Mayor Charlie Hales
Prepared by: HDobson/BEWalters
October 15, 2014

1147-1174

Agenda No.
ORDINANCE NO. 186882
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)

INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <u>OCT 31 2014</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales 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:  Deputy
BUREAU APPROVAL Bureau: Revenue and Financial Services OMF CAO: Fred Miller <i>F. Miller</i> Bureau Head: Thomas W. Lannom <i>Tom Lannom</i>	ACTION TAKEN: NOV 05 2014 PASSED TO SECOND READING NOV 12 2014 9:30 A.M.
Prepared by: Hillary Dobson Date Prepared: October 15, 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, comp plan, charter	
Council Meeting Date November 5, 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)

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"/>	