

ORDINANCE No. 186883

Extend term of franchise granted to Qwest Communications Company, LLC to build and operate telecommunications facilities within City streets. (Ordinance; amend Ordinance No. 171914)

The City of Portland ordains:

Section 1. The Council finds:

1. On December 31, 1997, the Council granted a franchise to Qwest Communications Corporation, to build and operate telecommunications facilities within the City's streets. Ordinance No. 171914.
2. On April 22, 2010, CenturyLink, Inc. announced it would acquire Qwest Communications Inc. The Federal Communications Commission reviewed and approved the acquisition of Qwest on March 18, 2011. The Oregon Public Utility Commission approved the CenturyLink/Qwest merger on March 24, 2011. OPUC Order No. 2011-04, UM 1484. The merger closed on April 1, 2011. On March 31, 2014, the Oregon Public Utility Commission approved a name change for Qwest Communications Company, LLC to CenturyLink Communications, LLC in OPUC Order No. 14-107.
3. 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 City is implementing various aspects of the revised code provisions, and City staff has begun negotiating a renewal agreement, including revised standardized franchise language to address the code amendments. 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 formal 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:

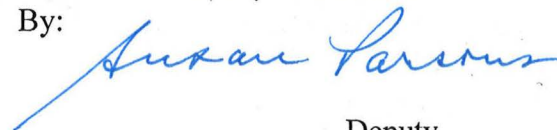
- a. Ordinance No. 171914 is hereby amended to extend the term of the permit, continuously and without interruption, through February 14, 2017.
- b. All other terms and conditions of the Franchise shall remain the same and unchanged.
- c. On or before the thirtieth (30th) day after this ordinance becomes effective, CenturyLink shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by Qwest Communications Corporation, meeting the approval of the City Attorney. Any failure on the part of

Qwest Communications Corporation 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

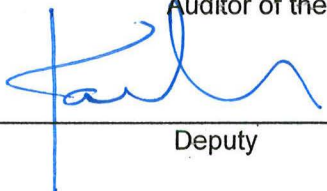
Mayor Charlie Hales
Prepared by: HDobson/BEWalters
October 14, 2014

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Agenda No.
ORDINANCE NO. 186883
Title

Extend term of franchise granted to Qwest Communications Company, LLC to build and operate telecommunications facilities within City streets. (Ordinance; amend Ordinance No. 171914)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p> <p>COMMISSIONER APPROVAL</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>BUREAU APPROVAL</p> <p>Bureau: Revenue and Financial Services OMF CAO: Fred Miller Bureau Head: Thomas W. Lannom</p> <p>Prepared by: Hillary Dobson Date Prepared: October 14, 2014</p> <p>Financial Impact & 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>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 November 5, 2014</p>	<p>CLERK USE: DATE FILED <u>OCT 31 2014</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p> <p>ACTION TAKEN:</p> <p style="font-size: 1.2em;">NOV 05 2014 PASSED TO SECOND READING NOV 12 2014 9:30 A.M.</p>
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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	✓	