

ORDINANCE No. 186884

Extend term of a revocable permit granted to TCG Oregon, and subsequently transferred to Teleport Communications America, LLC, to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 173990)

The City of Portland ordains:

Section 1. The Council finds:

1. On December 8, 1999, the Council granted a revocable permit to TCG Oregon, to build and operate telecommunications facilities within the City's streets. Ordinance No.173990.
2. The Council has extended the term of the permit at various times. Most recently on December 5, 2012 the Council approved Ordinance No. 185772, extending the term of the permit until January 21, 2015.
3. Effective January 1, 2013, as a result of a corporate merger, TCG Oregon merged with Teleport Communications America, LLC. Teleport Communications America, LLC, a Delaware limited liability company, was the surviving and legal operating entity.
4. 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 No. 173990 is amended to extend the term of the permit, continuously and without interruption, through January 21, 2017.
- b. All other terms and conditions of the revocable permit shall remain the same.
- c. On or before the thirtieth (30th) day after this ordinance becomes effective, Teleport

Communications America, LLC shall file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by Teleport Communications America, LLC, meeting the approval of the City Attorney. Any failure on the part of Teleport Communications America, 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: NOV 12 2014

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



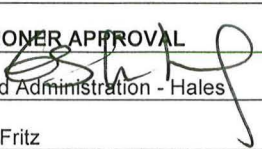
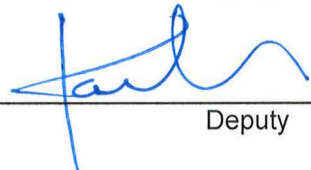
Deputy

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

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Agenda No.
ORDINANCE NO. 186884
Title

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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 ACTION TAKEN: NOV 05 2014 PASSED TO SECOND READING NOV 12 2014 9:30 A.M.
BUREAU APPROVAL Bureau: Revenue & Financial Services OMF CAO: Fred Miller <i>Fred Miller</i> Bureau Head: Thomas W. Lannom Prepared by: MR Date Prepared: October 13, 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 <i>City Attorney Signature</i> 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"/>	