

ORDINANCE No. 186887

Extend term of OnFiber Communications, Inc., franchise to use designated City streets to provide telecommunications services (Ordinance; amend Ordinance No. 175793)

The City of Portland ordains:

Section 1. The Council finds:

1. On July 18, 2001, the City of Portland granted a franchise to Portland General Distribution LLC, doing business as Portland General Broadband ("Portland General Broadband"), to construct, operate, and maintain a telecommunications system with all necessary facilities, in the city's streets for a period of ten years. Ordinance No. 175793, passed July 18, 2001, effective September 16, 2001.
2. OnFiber Communications, Inc. became a successor to Portland General Broadband and filed an acceptance of the franchise grant with the City of Portland in 2004.
3. The Council has extended the term of the franchise at various times. Most recently, on December 5, 2012, the Council adopted Ordinance No. 185774, extended the OnFiber franchise, continuously and without interruption, through February 14, 2015.
4. 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. 175793 is amended to extend the term of the franchise 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 thirty (30) days after this ordinance becomes effective, OnFiber Communications, Inc. shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by a duly authorized officer of OnFiber Communications, Inc., meeting the approval of the City Attorney. Any failure on the part of OnFiber Communications, Inc. 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.

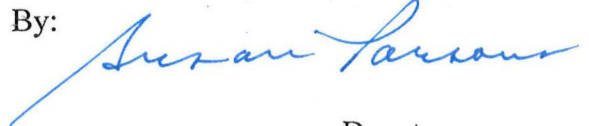
Passed by the Council:

NOV 12 2014

Mayor Charlie Hales
Prepared by: MRiddick/BEWalters
September 22, 2014

LaVonne Griffin-Valade
Auditor of the City of Portland

By:

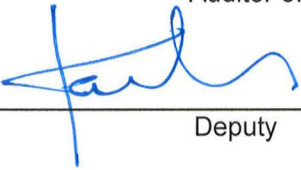


Deputy

1152 1179

Agenda No. 186887
ORDINANCE NO.
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	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	By:  Deputy
Position 2/Works - Fish	ACTION TAKEN:
Position 3/Affairs - Saltzman	NOV 05 2014 PASSED TO SECOND READING NOV 12 2014 9:30 A.M.
Position 4/Safety - Novick	
BUREAU APPROVAL Bureau: Revenue & Financial Services OMF CAO: Fred Miller Bureau Head: Thomas W. Lannom	
Prepared by: Melvin Riddick 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	
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"/>	