

ORDINANCE No. 186947

Extend term of franchise granted to MCI Communications Services, Inc. to build and operate telecommunications facilities within City streets. (Ordinance; amend Ordinance No. 170954)

The City of Portland ordains:

Section 1. The Council finds:

1. On February 26, 1997 the Council granted a franchise to Worldcom Network Services, Inc., to use the City streets to provide competitive telecommunications services. Ordinance No.170954.
2. In 2001, MCI Worldcom Network Services, Inc. notified the City that it was the successor to Worldcom Network Services, Inc. In December, 2005 the operating assets of MCI Network Services, Inc. and its predecessors including MCI Worldcom Network Services, Inc. and Worldcom Network Services, Inc. were assigned to MCI Communications Services, Inc. ("MCI").
3. The Council previously extended the term of MCI's telecommunications franchise until February 14, 2015.
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:

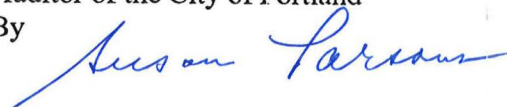
- a. Ordinance No.170954 is hereby amended to extend the term of the franchise, continuously and without interruption, through February 14, 2017.
- b. All other terms and conditions of the franchise shall remain the same and unchanged.
- c. On or before the thirtieth (30th) day after this ordinance becomes effective, MCI Communications Services, 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 representative of MCI Communications Services, Inc., meeting the approval of the City Attorney. Any failure on the part of MCI Communications Services, Inc. to file such written acceptance within such time shall be deemed an abandonment and rejection of the rights and privileges conferred hereby 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: JAN 07 2015

Mayor Charlie Hales  
Prepared by: HDobson/BEWalters  
November 24, 2014

**Mary Hull Caballero**  
Auditor of the City of Portland

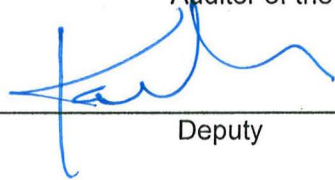
By



Deputy

~~1308~~ - 18 - 1190  
 Agenda No.  
**ORDINANCE NO. 186947**  
 Title

Extend term of franchise granted to MCI Communications Services, Inc. to build and operate telecommunications facilities within City streets. (Ordinance; amend Ordinance No. 170954)

<p><b>INTRODUCED BY</b>          Commissioner/Auditor:  <b>Mayor Charlie Hales</b></p> <p><b>COMMISSIONER APPROVAL</b></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><b>BUREAU APPROVAL</b></p> <p>Bureau: Revenue and Financial Services          OMF CAO: Fred Miller <i>Fred Miller</i>          Bureau Head: Thomas W. Lannom <i>Thomas</i></p> <p>Prepared by: Hillary Dobson          Date Prepared: November 24, 2014</p> <p>Financial Impact &amp; 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><b>City Auditor Office Approval:</b>          required for Code Ordinances</p> <p><b>City Attorney Approval:</b>          required for contract, code, easement, franchise, bond, plan, charter <i>City Attorney</i></p> <p>Council Meeting Date  <b>December 17, 2014</b></p>	<p>CLERK USE: DATE FILED <u>DEC 12 2014</u></p> <p style="text-align: right;">LaVonne Griffin-Valade          Auditor of the City of Portland</p> <p>By:  Deputy</p> <p><b>ACTION TAKEN:</b></p> <p><b>DEC 17 2014 PASSED TO SECOND READING JAN 07 2015 9:30AM</b></p>
--	--

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____          (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	✓	