

ORDINANCE No. 187502

Extend term of a franchise granted to XO Communications Services, LLC to build and operate telecommunications facilities within City streets (Ordinance; amend Ordinance No. 175062)

The City of Portland ordains:

Section 1. The Council finds:

1. In November 2000, the Council granted a franchise to NEXTLINK Oregon, Inc., a Washington corporation qualified to do business in Oregon, and to its successors and assigns, as approved by the City, to use the City streets to provide telecommunications services. Ordinance No. 175062.
2. XO Communications Services, LLC became a successor to NEXTLINK Oregon, Inc. and filed an acceptance of the franchise grant with the Cable Office in 2001. XO Communications Services, LLC became the ultimate successor to the franchise. XO Communications Services, LLC is a limited liability company registered in Delaware and qualified to do business in Oregon ("XO").
3. The Council has previously extended the term of the franchise ordinance. Most recently, in November, 2014, the Council extended the term of the XO franchise until December 31, 2015. Ordinance No. 186885.
4. City staff is currently working on negotiating a renewal franchise with XO, 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. 175062 is amended to extend the term of the franchise, continuously and without interruption, through December 31, 2016.
- 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, XO Communications Services, LLC 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 XO Communications Services, LLC, meeting the approval of the City Attorney. Any failure on the part of XO Communications Services, LLC to file such written acceptance within such time shall be deemed an abandonment and rejection of this ordinance. 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: DEC 16 2015

Mary Hull Caballero
Auditor of the City of Portland

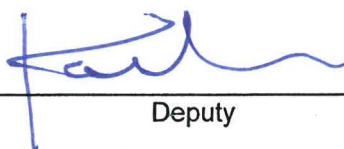
By:


Deputy

Mayor Charlie Hales
Prepared by: JLi/BEWalters
November 18, 2015

~~1273-1308~~
 Agenda No.
ORDINANCE NO. 187502
 Title

Extend term of a franchise granted to XO Communications Services, LLC to build and operate telecommunications facilities within City Streets (Ordinance; amend Ordinance No. 175062)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Hales</p>	<p>CLERK USE: DATE FILED <u>DEC 01 2015</u></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 style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u></u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OMF/BRFS, Revenue CAO: Fred Miller CFO, Bureau Head: Kenneth L. Rust Division Head: Thomas W. Lannom</p> <p>Prepared by: Jennifer Li Date Prepared: 11/19/2015</p>	<p>ACTION TAKEN:</p> <p>DEC 09 2015 PASSED TO SECOND READING DEC 16 2015 9:30 A.M.</p> <p><i>Handwritten: Thomas</i></p>
<p>Impact Statement</p> <p>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 12/9/2015</p>	

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	✓	