

Portland, Oregon

**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT  
For Council Action Items**

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator M. Riddick.		2. Telephone No. Ext. 3-0066	3. Bureau/Office/Dept. OCT
4a. To be filed (date): June 27, 2012	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: June 14, 2012
6a. Financial Impact Section: X Financial impact section completed		6b. Public Involvement Section: X Public involvement section completed	

**1) Legislation Title:**

\*Extend a temporary, revocable permit to Clear Wireless LLC, to use the City Streets to provide wireless broadband Internet access service services and establish terms and conditions.  
(Ordinance; Amend Ordinance 181246)

**2) Purpose of the Proposed Legislation:**

Extend the term of the temporary, revocable permit through January 31, 2013.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- City-wide/Regional       Northeast       Northwest       North  
 Central Northeast       Southeast       Southwest       East  
 Central City  
 Internal City Government Services

**FINANCIAL IMPACT**

**4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.**

Answer: Beginning July 1, 2012, the annual fee for facilities on poles in the streets will increase from \$5,000 to \$7,500 per pole per year. Clear Wireless LLC presently has 19 sites in the streets, so at the new rate, revenue will be about \$142,500 per year if no new facilities are added. Clear Wireless LLC will also submit a \$2,000 application fee to OCT each time it requests new facilities on poles in residential areas.

**5) Expense: What are the costs to the City related to this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in**

future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)  
None.

**6) Staffing Requirements:**

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** (If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.) No.
- **Will positions be created or eliminated in future years as a result of this legislation?**  
NO

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** (If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.) N/A

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

**[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]**

PUBLIC INVOLVEMENT

**8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:**

- YES:** Please proceed to Question #9.  
 **NO:** Please, explain why below; and proceed to Question #10.

This Ordinance is a routine franchising item with no new impact on the community. The Ordinance will extend the term of current franchise while the City and the franchisee negotiate the renewal of the current franchise agreement. All other franchise provisions will remain identical to the franchise previously approved by Council.

**9) If "YES," please answer the following questions:**

**a) What impacts are anticipated in the community from this proposed Council item?**

**b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?**

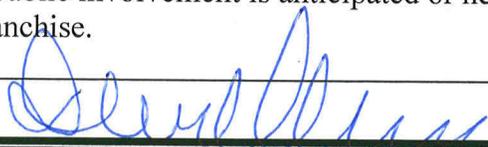
**c) How did public involvement shape the outcome of this Council item?**

**d) Who designed and implemented the public involvement related to this Council item?**

**e) Primary contact for more information on this public involvement process (name, title, phone, email):**

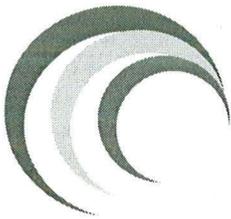
**10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.**

No future public involvement is anticipated or necessary as this Ordinance extends the term of an existing franchise.



BUREAU DIRECTOR (Typed name and signature)

David C. Olson, Director



City of Portland

# Office for Community Technology

Broadband & Communications Technology Policy | Cable Regulation & Consumer Protection | Utility Franchises, Licenses & Wireless

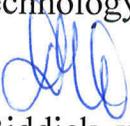
**Dan Saltzman, Commissioner**  
David C. Olson, Director  
1120 SW 5<sup>th</sup> Avenue, Room 1305  
Portland, OR 97204

City Council  
Agenda Item  
Staff Supplemental Report

185475

**TO:** Commissioner Dan Saltzman

**THROUGH:** Office for Community Technology

**FROM:** David C. Olson, Director   
Contact Person: Melvin Riddick, x 3-0066

**DATE:** June 14, 2012

**RE:** \*Extend a temporary, revocable permit to Clear Wireless LLC, to use the City Streets to provide wireless broadband Internet access service services and establish terms and conditions. (Ordinance; Amend Ordinance 181246)

Requested Placement Date: Regular Agenda on June 27, 2012

I. **RECOMMENDATION.** Extend the term of the temporary, revocable permit through January 31, 2013.

**BACKGROUND.** Over the last seven years the City Council has granted several wireless right-of-way agreements. The general approach has been to have these agreements expire in 2012 to allow the City to develop consistently applicable terms and conditions. City staff has now reviewed all of these wireless right-of-way agreements, and worked with citizens (see Section VII below), the wireless industry, and the utility pole owners, in an effort to standardize and modernize the terms and conditions of all wireless right-of-way agreements.

II. **FINANCIAL IMPACT.** The city will continue to receive franchise fees from this wireless carrier's use of the streets. There will be an increase to \$7,500 per year per wireless site in the right-of-way. As Clear Wireless LLC currently uses 19 poles, its fees will increase to \$142,500 per year. In addition, when carriers use poles in residential areas they will now need to provide a one-time fee to OCCFM in the sum of \$2000 to cover increased staff costs.

III. **LEGAL ISSUES.** None



- IV. **CONTROVERSIAL ISSUES.** The amendments address the need to provide a better balance between the need for maintaining the character of residential neighborhoods against the need to increase antennae in those areas to increase the provision of wireless services. Compensation for street use is being raised, but industry has been consulted and a special meeting held with them to discuss it. Because wireless is a rapidly growing area the extension is for another three years, after which another evaluation of terms, including compensation, can occur.
- V. **LINK TO CURRENT CITY POLICIES:**  
<http://www.portlandonline.com/cable/index.cfm?c=34422&a=180255>
- VI. **CITIZEN PARTICIPATION.** These amendments incorporate input from 2006 to present from the Bureaus of Development Services, Planning, and Parks, and the Bureau of Transportation. In addition, staff has met repeatedly with utility pole owners, citizens, and wireless carriers. Staff analyzed their input, refined the amendments, and finalized the proposed amendments.
- VII. **OTHER GOVERNMENT PARTICIPATION.** None
- IX. **IF THIS IS A CONTRACT, DOES CONTRACTOR HAVE A CURRENT BUSINESS LICENSE?** yes
- WHAT IS THEIR BUSINESS LICENSE NUMBER? 688966
- IS THEIR ACCOUNT WITH THE CITY CURRENT? yes
- IF NOT, HOW MUCH IS OWING? N/A