

1 FIFTH AMENDMENT TO AGREEMENT NO. 26276

2 **26276**

3 THIS FIFTH AMENDMENT ("Fifth Amendment") to Agreement No. 26276
4 ("Agreement") is made and entered into as of June 8, 2007 pursuant to a minute order
5 adopted by the City Council of the City of Long Beach at its meeting of August 17, 2004,
6 and minute order adopted by the Board of Harbor Commissioners of the City of Long
7 Beach ("Board") at its meeting August 30, 2004, among the CITY OF LONG BEACH, a
8 municipal corporation ("COLB"), the CITY OF LONG BEACH, a municipal corporation,
9 acting by and through the Board ("Port" and together with the COLB, the "City") and
10 VERIZON CALIFORNIA, INC. (formerly known as GTE California, Inc.), a California
11 corporation ("Contractor").

12 1. This Fifth Amendment is made and entered into with reference to the
13 following facts and objectives:

14 WHEREAS, City and Contractor entered into an agreement dated as of
15 May 28, 1999 ("Agreement No. 26276"), pursuant to which Contractor is providing
16 the City with common carrier dial tone and other telecommunications services
17 ("Services"); and

18 WHEREAS, Agreement No. 26276 was amended by that certain First
19 Amendment to Agreement No. 26276 dated February 27, 2001 ("First
20 Amendment"), that certain Second Amendment to Agreement No. 26276 dated
21 June 25, 2003 ("Second Amendment"), that certain Third Amendment to Agreement
22 No. 26276 dated June 15, 2004 ("Third Amendment"), and that Fourth Amendment
23 to Agreement 26276 dated September 2, 2004 ("Fourth Amendment"). The
24 Agreement, as so modified, is referred to herein as the "Agreement; and

25 WHEREAS, the parties now wish to further amend the Agreement to extend
26 the term;

27 NOW, THEREFORE, in consideration of the mutual terms and
28 conditions herein, the parties agree as follows:

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2. The City of Long Beach and VERIZON Business, invoking the first of two one-year extension options pursuant to the terms in Agreement No. 26276, mutually agree to extend the terms and conditions of the agreement for a period of one additional year, beginning September 1, 2007 and terminating on August 31, 2008.

3. Except as hereby specifically amended, all terms and conditions of the Agreement shall remain in full force and effect.

4. This Fifth Amendment shall be effective upon last execution hereof.

VERIZON CALIFORNIA, INC., a California corporation

June 22, 2007

By [Signature]
Name: _____
Title: Suleiman Hessami
By VP Pricing/Contract Management
Name: _____
Title: _____

"Contractor"

CITY OF LONG BEACH, a municipal corporation

6-29, 2007

By Christine J. Shippy ASSISTANT
City Manager

"COLB"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

CITY OF LONG BEACH, a municipal corporation acting through its Board of Harbor Commissioners

7-24, 2007

By [Signature]
Executive Director

"Port"

This Fifth Amendment to Agreement No. 26276 is approved as to form on June 28, 2007.

ROBERT E. SHANNON, City Attorney

By Dany J. Anderson
Deputy