

ORDINANCE NO. 114

AN ORDINANCE GRANTING ADELPHIA BUSINESS SOLUTIONS OF ARKANSAS LLC ACCESS TO SERVE THE RESIDENTS OF BETHEL HEIGHTS, ARKANSAS, FRANCHISE TAX AND PAYMENT OF FRANCHISE TAX TO GRANTOR.

THEREFORE, The Town Council of Bethel Heights, Arkansas does hereby grant access to Adelpia Business Solutions of Arkansas LLC, and does hereby set requirements:

SECTION 1: Franchise is hereby granted to Adelpia Business Solutions of Arkansas LLC, and its successors (herein after referred to as "Telecommunications Company") shall operate its Telecommunications system and all business to or connected with the conducting of a telecommunications business and system in the Town of Bethel Heights, Arkansas, (herein referred to as "Town").

SECTION 2: The Telecommunications Company shall have permission to place, remove, and construct and reconstruct, extend and maintain its appurtenances as the business and purpose for which it is or may be incorporated may from time to time require. The Telecommunications Company will be required to abide by all town ordinances pertaining to streets and right-of ways.

SECTION 3: Franchise tax imposed upon Telecommunications Company. The Telecommunications Company shall pay to the Town on or before March 1 of each year for the period January 1 to December 31 each year after installation and thereafter for like periods an amount determined by multiplying the number of access lines in service within the corporate limits of the Town as of the last day of the preceding year by the sum of \$1.57.

SECTION 4: The annual payment herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the town under authority conferred by law. The Telecommunication Company shall have the privilege of crediting such sums with any unpaid balance due said Company for communication services rendered to said town.

SECTION 5: The Telecommunication Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same and the Telecommunication Company may require such payment in advance. The Telecommunications Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

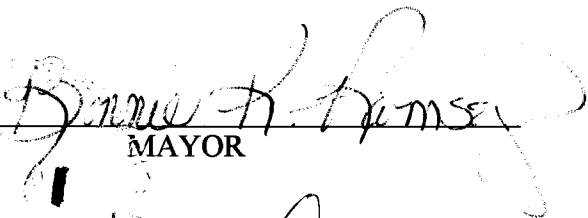
SECTION 6: Exclusive privileges not given. Nothing herein contained shall be construed as giving to the Telecommunications Company any exclusive privileges, nor shall it affect any prior or existing communication company.

SECTION 7: Acceptance and effect of ordinance. The said Telecommunications Company shall have (90) days from and after its passage and approval to file its written acceptance of this ordinance with the Town Clerk, and upon such acceptance being filed, this ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor. The ordinance shall continue in effect and be in force until terminated by the city or the Telecommunications Company as of the end of any year after one (1) year's written notice of intention to terminate.

WHEREAS, From and after the effective date and passage Ordinance No. 114 will be in full force and affect.

PASSED AND APPROVED this 21st day of NOVEMBER, 2000

APPROVED:


MAYOR

ATTEST:


CLERK/RECORDER/TREASURER