

FILED

MAY 11 1981

At 12:35 0

Mary L. S. COUNTY CLERK

ORDINANCE NO. 12

Town of Bethel Heights, Arkansas

AN ORDINANCE WHEREBY SOUTHWESTERN ELECTRIC POWER COMPANY AND THE TOWN OF BETHEL HEIGHTS, ARKANSAS, A MUNICIPAL CORPORATION, AGREE THAT SOUTHWESTERN ELECTRIC POWER COMPANY SHALL CONTINUE ITS ELECTRICAL SYSTEM IN CERTAIN AREAS HERETOFORE ALLOCATED BY THE ARKANSAS PUBLIC SERVICE COMMISSION AND WITHIN THE CORPORATE LIMITS OF THE TOWN OF BETHEL HEIGHTS, ARKANSAS, AS SAID CORPORATE LIMITS ARE NOW LOCATED OR AS MAY HEREAFTER BE LOCATED WITHIN THE AREA ASSIGNED TO SOUTHWESTERN ELECTRIC POWER COMPANY BY THE ARKANSAS PUBLIC SERVICE COMMISSION: TOGETHER WITH ALL BUSINESS INCIDENTAL TO OR CONNECTED WITH SAID SYSTEM INCLUDING THE ERECTION AND MAINTENANCE OF ITS PLANT, CONSTRUCTION AND APPURTENANCES THERETO ALONG, ACROSS, ON, OVER, THROUGH, ABOVE AND UNDER PUBLIC STREETS, AVENUES, ALLEYS, PUBLIC GROUNDS AND PLACES WITHIN SAID OPERATING AREAS HERETOFORE ALLOCATED BY THE ARKANSAS PUBLIC SERVICE COMMISSION WITHIN SAID CORPORATE LIMITS AS SAME ARE NOW LOCATED OR AS MAY HEREAFTER BE LOCATED WITHIN THE AREA ASSIGNED TO SOUTHWESTERN ELECTRIC POWER COMPANY BY THE ARKANSAS PUBLIC SERVICE COMMISSION: THAT THE TOWN OF BETHEL HEIGHTS, ARKANSAS, SHALL RECEIVE QUARTERLY-ANNUAL PAYMENTS FROM THE SOUTHWESTERN ELECTRIC POWER COMPANY, FOR OTHER PURPOSES: AND, TO DECLARE AN EMERGENCY.

WHEREAS, the Town of Bethel Heights, Arkansas, desires to enact and impose upon Southwestern Electric Power Company a franchise tax which shall be in lieu of all other licenses, charges, fees or special taxes other than the usual general or special ad valorem taxes; and,

WHEREAS, the franchise tax enacted by this Ordinance will be administered in accordance with Order 4 of Docket U-3013 of the Arkansas Public Service Commission and the various tariffs filed with said Commission by Southwestern Electric Power Company having applicability to the Town of Bethel Heights, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BETHEL HEIGHTS, ARKANSAS AS FOLLOWS:

SECTION I: That Southwestern Electric Power Company, its

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Mary L. [Signature]
COUNTY CLERK

successors and assigns, shall continue to operate its electrical power system and all business incidental to or connected with the conducting of business systems engaged in the sale of electrical power and energy within the City limits of the Town as heretofore allocated to Southwestern Electric Power Company by the Arkansas Public Service Commission. The plant construction and appurtenances used in or incident to the giving of electrical power service and to the maintenance of an electrical power business shall remain as now constructed, subject to such changes as may be considered necessary by the Town of Bethel Heights, in the exercise of its inherent power and by Southwestern Electric Power Company in the conduct of its business and by the Arkansas Public Service Commission in its regulatory power of public utilities.

Said Southwestern Electric Power Company shall continue to exercise its right to place, remove, construct, extend and maintain its said plant and appurtenances thereto, along, over, across, on, through, above and under all public streets, alleys, avenues, and the public grounds and places in certain areas heretofore allocated by the Arkansas Public Service Commission and within the corporate limits of the Town of Bethel Heights, as said corporate limits are now located or as may hereafter be located within the area assigned to it by Arkansas Public Service Commission.

SECTION II: That Southwestern Electric Power Company shall pay to the Town of Bethel Heights, Arkansas, for the period commencing Jan. 1, 1981, and ending Dec. 31, 1981, a sum equal to 2 percent of its gross sales of electrical power to domestic and commercial consumers within the territory served by Southwestern Electric Power Company within the corporate limits of the Town of Bethel Heights, as said corporate limits now exist; and a sum equal to 2

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percent of its gross sales of electrical power to industrial consumers within the territory served by Southwestern Electric Power Company within the corporate limits of the Town of Bethel Heights as said corporate limits now exist or may hereafter exist; said sum to be paid in quarterly annual payments. Southwestern Electric Power Company shall have thirty (30) days from the end of each quarter to compute and make the payments provided for herein. Insofar as payment of annual Franchise Tax, said payment shall be continued from year to year following Dec. 31, 1981, unless the Town of Bethel Heights, or Southwestern Electric Power Company shall terminate this agreement at the end of the year after giving sixty (60) days advance notice of intention to terminate.

SECTION III: Quarterly payments herein required shall be in lieu of all other charges, licenses, fees, or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the Town of Bethel Heights, under authority conferred by law.

SECTION IV: This franchise shall take effect and continue and remain in force as provided in Section 73-243 of Ark. Stat. Ann., as same may be amended from time to time.

SECTION V: Southwestern Electric Power Company on the request of any person shall remove or raise 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 Southwestern Electric Power Company shall be given not less than 48 hours advance notice to arrange for such temporary wire changes.

SECTION VI: Permission is hereby granted to Southwestern Electric Power Company to trim trees upon and overhanging streets, alleys, sidewalks, and public places of said Town so as to prevent the branches of trees from coming in contact with the wires

and cables of Southwestern Electric Power Company; all of the said trimming to be done under the supervision and direction of any Town Official to whom said duties have been or may be delegated.

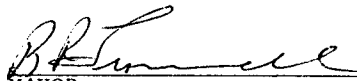
SECTION VII: Nothing in this Ordinance contained shall be construed to require or permit any electrical light or power wire attachments by the Town, or for the Town. If light or power attachments are desired by the Town or for the Town, then a separate non-contingent agreement shall be a prerequisite to such attachments.

SECTION VIII: Nothing herein contained shall be construed as giving to Southwestern Electric Power Company any exclusive privileges, nor shall it affect any prior or existing rights of Southwestern Electric Power Company to maintain an electrical power system within the Town of Bethel Heights, Arkansas.

SECTION IX: This ordinance being necessary for the preservation of the public peace, health, comfort, convenience, morals, safety, and welfare of the Town of Bethel Heights, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its approval and publication.

PASSED THIS 13 day of October, 1980.

TOWN OF BETHEL HEIGHTS, ARKANSAS


MAYOR

ATTEST:


TOWN RECORDER

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AT _____ O'CLOCK

PROBATE CLERK