

AN ORDINANCE GRANTING TO PACIFIC POWER & LIGHT COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE IN THE PRESENT AND FUTURE STREETS, ALLEYS, PUBLIC PLACES AND WAYS OF THE TOWN OF MILLS, WYOMING, AND ITS SUCCESSORS, AN ELECTRIC LIGHT AND POWER SYSTEM FOR THE PURPOSE OF SUPPLYING ELECTRICITY AND ELECTRIC SERVICE TO THE TOWN OF MILLS, WYOMING, THE INHABITANTS THEREOF, AND OTHERS: AND GOVERNING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF SUCH SYSTEM; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING THAT AN EMERGENCY EXISTS.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLS, WYOMING:

Section 1. There is hereby granted to Pacific Power & Light Company, a corporation authorized to do business in the State of Wyoming, and to its successors and assigns, hereinafter called "The Company," the right, privilege, and franchise, for the period of twenty-five (25) years from the effective date of this Ordinance, to construct, maintain, and operate in the present and future streets, alleys, public places and ways in the Town of Mills, electric light and power transmission and distribution lines, with all necessary or desirable appurtenances, including underground conduits, poles, wires and telephone wires for its own use for the purpose of supplying electricity and electric service to said Town of Mills, the inhabitants thereof, and persons and corporations within and beyond the limits thereof, for light, power, heat and other purposes; and the Company shall deliver to the Town Clerk at all times up to date maps or plats showing the location of all underground installations in streets, alleys, public places and ways within said Town.

Section 2. The Company, and its successors and assigns, shall erect and maintain all such poles, wires, equipment and structures in

accordance with good engineering practice and in such manner as not to interfere with the use of the streets and alleys for travel, and whenever it shall be necessary in the erection of any poles, towers or other fixtures or equipment to dig or in any manner to disturb or interfere with any of said public streets or alleys, the Company and its successors and assigns shall within a reasonable time thereafter put such street or alley in as good condition as it was before it was broken, dug or disturbed, and shall remove all surplus rubbish or other material from such streets or alleys, including tree trimmings.

Section 3. The Company shall have the right and privilege of trimming all trees which overhang the streets and alleys in such manner and to such an extent as will prevent the branches or limbs or other parts of such trees from touching or interfering with its wires, poles and other fixtures and equipment; providing no such trees shall be trimmed or cut back farther than may be necessary to prevent such interference and to allow the proper operation and maintenance of said lines, poles, and fixtures.

Section 4. When necessary, in order to permit any duly authorized person to move any building or other structure across or along any street, alley, public place or way within the Town, the Company shall temporarily raise or remove its wires, fixtures and appurtenances upon such streets, alleys, public places or ways upon reasonable notice in advance from the Clerk of the Town, at such time and in such manner as may be necessarily reasonable to accommodate such moving, consistently with the maintenance of proper service to the Company's customers; provided, however, that the cost to the Company of such temporary raising or removal, or any interruption of the Company's service to its customers caused thereby, shall first be paid or satisfactorily secured to the Company by the owner or mover of such building or other structure.

Section 5. As a consideration for all franchise rights and

contractual privileges granted by the Town of Mills under the franchise hereby granted, the Company will make payment to the Town of Mills each month a sum representing one (1) percent of the Company's gross revenue, as said term is defined herein, commencing payment for the month of April, 1963, and which monthly payments shall be made on or before the 15th day of each succeeding month.

The term "gross revenue" as used herein shall mean and be construed as Company's gross operating revenue occurring during the preceding month from the sale of electric light, heat and power within the corporate limits of the Town; provided, however, that there shall not be included in said amount any revenues derived by the Company for light, heat, or power furnished or provided the Town or any other municipal corporation, or any public taxing body within the corporate limits of the Town, or any revenue derived from the Company's transactions in interstate or foreign commerce, or from business done with the Government of the United States or any agency thereof by the Company.

In the event during the term of franchise hereby granted, the Town imposes upon utilities operating within the Town, including the Company, a tax levied for occupation, license, sales, corporation, excise, gross earnings, privileges, franchise or any other taxes or charges of whatsoever kind or character, except ad valorem taxes upon real or personal property, the payment of compensation for the franchise hereby granted based upon the monthly payment or "gross revenues" as set forth herein, payable by the Company, shall be taken into consideration by the Town as full or partial payment of such taxes so levied upon the Company.


Section 6. Within thirty (30) days from and after the passage of this Ordinance, the Company, or its authorized officer or agent, shall

file with the Town its written acceptance of the terms, conditions and provisions of this Ordinance.

Section 7. All prior and existing franchise and licensing ordinances pertaining to erection and maintenance of systems for distribution and sale of electricity are hereby repealed.

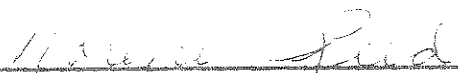
Section 8. This Ordinance is passed as an emergency measure and the Town Council does, by vote by which this Ordinance is passed, hereby declare that an emergency exists which makes it imperative that this Ordinance should become effective forthwith in order that said Town receive forthwith the payment of the sum representing one percent (1%) of the Company's gross revenue as defined herein.

Passed and approved this 5 day of April, 1963.



Mayor, Town of Mills, Wyoming

Attest:



Town Clerk, Town of Mills, Wyoming

EFFECTIVE DATE: April 5, 1963

Accepted this 15th day of April, 1963

PACIFIC POWER & LIGHT COMPANY

By 

Vice President (Title)