

1 Telephone Company's local exchange access line charges collected within the City's corporate limits during
2 the previous month.

3 **Section 2.** Payments to the City by the Telephone Company for the franchise fee shall be made monthly
4 by the 20th day of each month.

5 **Section 3.** On a monthly basis, by the twentieth (20th) day of each month, the auditor for each
6 Telephone Company shall certify to the City that Telephone Company's access line revenues collected
7 during the previous month in Little Rock.

8 **Section 4.** The City recognizes and accepts the purposes and results of an Order of the Arkansas Public
9 Service Commission entered on February 7, 1980, in Docket U-30132 relating to the treatment by the
10 Telephone Company of all city special fees.

11 **Section 5.** It is acknowledged that Ordinance No. 11,345 (amended by Ordinance No. 14,981), which
12 set out the terms and conditions of the present privilege authority, is the controlling document over current
13 local access telephone service franchises. Ordinance No. 11,345 specifically provided that nothing
14 contained therein was to be construed as giving AT&T any exclusive privileges. Ordinance No. 14,981
15 amended Ordinance No. 11,345 to change the method of calculating the fee to that method presently
16 employed and to add a section detailing the City's utility relocation policy to be complied with. That utility
17 relocation policy shall remain in effect under this Ordinance. The Telephone Company shall also be subject
18 to the utility relocation policy set forth in Little Rock, Ark., Rev. Code §§2-350 to 357 (1988).

19 **Section 6.** Nothing herein contained shall be construed as altering or amending any other rights or
20 obligations of the City or each Telephone Company as provided for in Ordinance No. 11,345 except the
21 language of Section 2 of Ordinance No. 11,345 pertaining to the method of calculating the Telephone
22 Company's annual franchise fee.

23 **Section 7.** Nothing in this ordinance shall prevent the City from collecting from Telephone Companies
24 previously due but unpaid franchise fees.

25 **Section 8. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase or
26 word of this ordinance is declared or adjudged to be invalid or unconstitutional such declaration or
27 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and
28 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the
29 ordinance.

30 **Section 9. Repealer.** All laws, ordinances, resolutions, and parts of the same that are inconsistent with
31 the provisions of this ordinance are hereby repealed to the extent of such inconsistency including, but not
32 limited to, Little Rock, Ark., Resolution No. 14,180 (September 1, 2015).

33 **Section 10. Effective Date.** *This ordinance shall be available for public review for at least ten (10)*
34 *days, but in no event shall the collection of this franchise fee occur before January 1, 2016.*

1 **PASSED: December 15, 2015**

2 **ATTEST:**

APPROVED:

3

4 _____
5 **Susan Langley, City Clerk**

_____ **Mark Stodola, Mayor**

6 **APPROVED AS TO LEGAL FORM:**

7

8 _____
9 **Thomas M. Carpenter, City Attorney**

10 //

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

29 //

30 //

31 //

32 //

33 //

34 //

35 //

36 //