1	ORDINANCE NO.
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3	AN ORDINANCE TO LEVY FRANCHISE FEES TO BE PAID BY ALL
4	CARRIERS PROVIDING LOCAL ACCESS TELEPHONE SERVICE; TO
5	PROVIDE FOR THE PAYMENT THEREOF; AND FOR OTHER
6	PURPOSES.
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8	WHEREAS, the Southwestern Bell Telephone Company, now AT&T, has for decades been authorized
9	by ordinance to operate its telephone system and all business incidental to or connected with the conduct
10	of a telephone business in the City; and
11	WHEREAS, pursuant to Little Rock, Ark. Ordinance No. 11,345 (Dec. 17, 1962), and recognizing an
12	order of the Arkansas Public Service Commission entered on December 10, 1957, in Docket U-281 relating
13	to the treatment by the Telephone Company of all City special taxes, the City granted AT&T the privilege
14	to continue operation of its telephone system and related business within the City and first provided for the
15	payment of a privilege tax by that company of \$1.07 multiplied by the number of telephones in the City as
16	of the end of the preceding year; and
17	WHEREAS, pursuant to Ordinance No. 14,981 (November 5, 1985), the City Board of Directors
18	imposed, beginning on January 1, 1986, a change in the calculation of the privilege fee for AT&T, to be in
19	an amount equal to 7.32% of the company's access line billing revenues for 1985 or a minimum of One
20	Million, Seven Hundred Seventy-Five Thousand Dollars (\$1,775,000), and
21	WHEREAS, subsequent ordinances thereafter incrementally raised the amount of the minimum
22	Franchise Fee until, beginning with Ordinance No. 16,557 (December 21, 1993) it reached the amount Two
23	Million Dollars (\$2,000,000), which minimum has remained in effect until the present time, and
24	WHEREAS, after a review of the current market situation, the City has determined that having a
25	minimum franchise fee is no longer appropriate and is setting the minimum aside, and
26	WHEREAS, AT&T and other telephone companies similarly providing a local access telephone
27	system in the City are now and will be occupying the streets, alleys, airways and other public rights-of-way
28	of the City for the purpose of operating and maintaining such local access telephone systems, and
29	WHEREAS, the City is legally authorized to impose, and all local access telephone services companies
30	are obligated to pay, a just and reasonable Franchise Fee in connection with such company's local access
31	telephone service operations in the City.
32	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY
33	OF LITTLE ROCK, ARKANSAS:

Section 1. There is hereby imposed and each and every local access telephone service carrier
 ("Telephone Company") shall pay to the City a Franchise Fee in an amount equal to 7.32% of the respective
 Telephone Company's local exchange access line charges collected within the City's corporate limits during
 the previous month.

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

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

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

13 Section 5. It is acknowledged that Ordinance No. 11,345 (amended by Ordinance No. 14,981), which 14 set out the terms and conditions of the present privilege authority, is the controlling document over current 15 local access telephone service franchises. Ordinance No. 11,345 specifically provided that nothing 16 contained therein was to be construed as giving AT&T any exclusive privileges. Ordinance No. 14,981 17 amended Ordinance No. 11,345 to change the method of calculating the fee to that method presently 18 employed and to add a section detailing the City's utility relocation policy to be complied with. That utility 19 relocation policy shall remain in effect under this Ordinance. The Telephone Company shall also be subject 20 to the utility relocation policy set forth in Little Rock, Ark., Rev. Code §§2-350 to 357 (1988).

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

Section 7. Nothing in this ordinance shall prevent the City from collecting from Telephone Companies
 previously due but unpaid Franchise Fees.

Section 8. *Effective Date.* Because an ordinance of this nature remains in effect until abandoned, and in light of the language of the current Section 1 of this ordinance, it is noted that the Franchise Fees set forth in Section 1 of this ordinance shall be in full force and on January 1, 2017.

30 **PASSED: December 13, 2016**

31 **ATTEST:**

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34 Susan Langley, City Clerk

APPROVED:

Mark Stodola, Mayor

1	APPROVED AS TO LEGAL FORM:
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4	Thomas M. Carpenter, City Attorney
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