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;
5	PROVIDING 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 (December 17, 1962), and
12	recognizing an order of the Arkansas Public Service Commission entered on December 10, 1957, in Docket
13	U-281 relating to the treatment by the Telephone Company of all City special taxes, the City granted AT&T
14	the privilege to continue operation of its telephone system and related business within the City and first
15	provided for the payment of a privilege tax by that company of \$1.07 multiplied by the number of
16	telephones in the City as 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:
34	Section 1. There is hereby imposed and each and every local access telephone service carrier
35	("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.

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).

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

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 the provisions of this ordinance are hereby repealed to the extent of such inconsistency including, but not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

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

PASSED: December 15, 2015	
ATTEST:	APPROVED:
Susan Langley, City Clerk	Mark Stodola, Mayor
APPROVED AS TO LEGAL FORM:	
Thomas M. Carpenter, City Attorney	
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