

ORDINANCE NO. A- 374

TO AMEND AN ORDINANCE

AN ORDINANCE ENTITLED "AN ORDINANCE GRANTING
TO CONWAY CORPORATION A FRANCHISE TO OPERATE
AN ELECTRIC LIGHT AND POWER PLANT WITHIN THE
CITY OF CONWAY."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:

Section One. That there is hereby granted to the Conway Corporation, a corporation organized under order of the Circuit Court of Faulkner County, and under certificate of incorporation, issued by the Clerk of the Circuit Court of Faulkner County on the 7th day of May 1929, the exclusive privilege of operating and maintaining an electric light and power plant and system within the City of Conway, Arkansas for the purpose of supplying electric current generated by it or purchased by it from other sources for lighting, for power, for heating and for other purposes to the City of Conway and to its inhabitants and to all persons and corporations doing business therein for a period beginning on July 1st, 1949 and ending on July 1st, 1974. It is expressly provided, however, that no contract or agreement for the purchase by it of electric current or energy shall be entered into by the Conway Corporation, nor shall any such agreement or contract be or become effective, unless and until such contract or agreement shall have been approved by the City Council of the City of Conway, Arkansas, by resolution or ordinance adopted for that purpose,

Section Two. The said Conway Corporation is hereby granted the exclusive right, privilege, and right-of-way to place, maintain, construct and operate poles and electric wires and conduits in, through, over and under all streets, avenues, alleys, sidewalks and public grounds of said City, for the purpose of furnishing electric current as aforesaid, and is hereby granted the right of ingress and egress thereon for the purposes aforesaid during the term of this franchise, with the right to trim all trees in said streets, alleys, sidewalks and public grounds that may come in contact with any wires, poles, fixtures or attachments and equipment necessary for the carrying of electric current in and through said City. It is hereby expressly provided, however, that the powers, rights and privileges in this Section Two of this Ordinance granted to said Conway

Corporation may, following prior approval of the City Council of the City of Conway, Arkansas, by resolution or ordinance adopted for that purpose, be by it granted and assigned to such other persons, firms or corporations, whether publicly, privately or otherwise owned and operated, to the extent and for the purposes designated in such grant or assignment.

Section Three, The said Conway Corporation shall, at all times during the term of this franchise, keep, operate and maintain an efficient and properly equipped power plant, together with a proper and sufficient distribution system to afford electric current for light, power, heating and other purposes to the inhabitants of Conway and all persons, firms or corporations doing business therein, and for street lights in said City during the term of this franchise, and shall sufficiently and properly supply and maintain said current at all times, whether said current be generated and produced by its said power plant or be purchased from other sources, unless prevented by act of God, public enemy, strikes, process of court or other cause beyond the control of said Conway Corporation,

Section Five. The said Conway corporation shall, at all times during the term of this franchise, maintain in good condition all street lights now being maintained in the City of Conway, together with all equipment necessary therefor, and shall furnish all electrical current necessary to keep said street lights burning at the proper time, free of any charge whatever to the City of Conway, and shall, during the term of this franchise, furnish to the City of Conway, free of any charge whatever, all the electrical current necessary to operate all machinery and mechanism of the sewer disposal system heretofore constructed by Sewer Improvement District Number One and Sewer Improvement District Number Two of Conway. And from time to time, as its gross income shall increase, the said Conway Corporation shall install, equip, maintain and furnish current, free of charge, for all additional street lights that may be ordered by the City Council of the City of Conway; provided, that the maximum expenditure which the City may require in any year for installing and equipping said additional street lights and for furnishing current therefor when compared to the cost of the present street lights and the

current therefor shall not exceed the proportionate increase in the **gross** revenues derived by said Conway Corporation from the operation of said light and power plant. It is the express intention of this provision, however, that nothing herein shall prevent the Conway Corporation from making expenditures for such equipment, additions and extensions in excess of the amount hereinabove set forth if said corporation has or can acquire funds with which to do the same.

Section Six, The said Conway Corporation shall, at all times during the term of this franchise, furnish electric current to consumers in the City of Conway at rates not exceeding the following schedule:

Lighting rates per Kilowatt Hour:

First 10 Kilowatt Hours, per month	\$.15
Next 20 Kilowatt Hours, per month	.12 1/2
Next Kilowatt Hours, per month	.11 1/2
Next 50 Kilowatt Hours, per month	.11
Next 50 Kilowatt Hours, per month	.10
Next 150 Kilowatt Hours, per month	.08 1/2
Next 150 Kilowatt Hours, per month	.08
Next 250 Kilowatt Hours, per month	.07 1/2
All over 700 Kilowatt Hours	.07
Minimum Rate per month	.75
Meter rent per month	.25

Window and sign lighting where used on separate meter shall take the regular power rate. No window or sign lighting will be allowed on flat rate,

Power Rates per Kilowatt Hour:

First 50 Kilowatt Hours, per month	3 .07 1/2
Next 50 Kilowatt Hours, per month	.06
Next 100 Kilowatt Hours, per month	.05 1/2
Next 100 Kilowatt Hours per month	.05
Next 200 Kilowatt Hours, per month	.04
Next 200 Kilowatt Hours, per month	.03 1/2
Next 300 Kilowatt Hours per month	.03 1/4
All over 1,000 Kilowatt hours, per month	.03 1/4

Power Rates per Kilowatt Hour:

Minimum rate, first 10 horsepower, \$.75 per horsepower

All above 10 horsepower, \$.50 per horsepower per month,

Motors 1/4 horsepower and under in capacity take the regular lighting rate,

The said corporation shall fix a flat rate of 2¢ per Kilowatt Hour for power used in quantities of more than 1,000 Kilowatt Hours per month during the hours from 10 p. m. to 4 p. m., for pumping water for city purposes only.

Rates for Electric Ranges and Heating Appliances:

Electric Ranges and heating appliances having a capacity of 1500 watts, and wired with an approved conduit and switch, on separate meter shall take a rate of \$.04 per kilowatt hour.

Electric refrigerators and electric irons may be used on the regular range and heating rate meter; minimum rate per month shall be \$2.50.

Rates for Electric Refrigerators:

Electric refrigerators, if wired with an approved conduit and switch box, and on separate meter, shall have a rate of \$.04 per Kilowatt Hour. The minimum rate per month shall be \$1.50. No electric irons or other heating appliances having a capacity of less than 1500 watts will be allowed on the meter serving electric refrigerator.

The said Conway Corporation may make and enforce all such proper rules as to collection of delinquent bills and as to discontinuance of service to delinquent consumers as it may deem necessary.

Section Seven. The provisions of this franchise shall be accepted in writing by the said Conway Corporation within thirty days after the passage and publication of this ordinance, whereupon said franchise shall be deemed to be in full force and effect.

Section Eight. All ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed and this ordinance shall be in full force and effect from and after its passage and publication,

PASSED: February 13, 1962

APPROVED: _____
Mayor

ATTEST: Bill Langford
City Clerk