

12.500

NORDIC ELECTRIC, L.L.C
GAS AND/OR ELECTRIC SERVICE FRANCHISE
Eff. September 30, 1996

An ordinance granting to Nordic Electric, L.L.C., a Michigan limited liability company, its successors and assigns, the right, power, and authority to lay, maintain and operate gas mains, pipes, and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electric appliance on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas and/or electric business in the City of Gaylord, Otsego County, Michigan, for a period of thirty (30) years.

THE CITY OF GAYLORD, OTSEGO COUNTY, ORDAINS:

12.501

Sec. 1. **GRANT TERM.**

The City of Gaylord, Otsego County, State of Michigan, (hereinafter called "Grantor"), hereby grants to Nordic Electric, L.L.C., a Michigan limited liability company, its successors and assigns, (hereinafter called "Grantee") the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along, across and under the highways, streets, alleys, bridges and other public places and to do a local gas and/or electric business in the City of Gaylord, Otsego County, Michigan, for a period of thirty (30) years.

12.502

Sec. 2. **CONSIDERATION.**

In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

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Sec. 3. **CONDITIONS.**

No street, alley, bridge, highway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of highway authorities.

12.504

Sec. 4. **HOLD HARMLESS.**

Said Grantee shall at all times keep and save the City free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent

construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the City on account of the permission herein granted, said Grantee shall, upon notice, defend the City and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

12.505 **Sec. 5. FRANCHISE NOT EXCLUSIVE.**

The rights, power and authority herein granted are not exclusive. The right to do a gas business and the right to do an electric business hereunder are several, and such rights may be separately exercised, owned and transferred. Either manufactured or natural gas may be furnished hereunder.

12.506 **Sec. 6. EXTENSIONS.**

Said Grantee shall from time to time extend its gas and electric systems to and within said City, and shall furnish gas or electricity to applicants residing therein in accordance with applicable laws, rules and regulations.

12.507 **Sec. 7. RATES.**

The Grantee shall be entitled to charge the inhabitants of said City for gas and/or electricity furnished therein, the rate as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas and electric rates and rules regulating such service in said City, are hereby granted. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said City acting by its City Council, or by said Grantee.

12.508 **Sec. 8. REVOCATION.**

The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

12.509 **Sec. 9. CITY JURISDICTION.**

The Grantee shall be and remain subject to all ordinances, rules and regulations of the City now in effect, or which might subsequently be adopted for the regulation of land uses or for the protection of the health, safety and general welfare of the public; provided however that nothing herein shall be construed as a waiver by Grantee of any of its existing or future rights under state or federal law.

12.510 **Sec. 10. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION.**

Said Grantee shall, as to all other conditions and elements of service, both gas and electric, not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas or electric service in said City.

12.511

Sec. 11. EFFECTIVE DATE.

This ordinance shall become effective September 30, 1996, and after publication.