



Legislation Text

File #: ORD-05:192, **Version:** 1

AN ORDINANCE LEVYING FRANCHISE FEES TO BE PAID FOR THE YEAR 2006 BY ALL CARRIERS PROVIDING LOCAL ACCESS TELEPHONE SERVICE; PROVIDING FOR THE PAYMENT THEREOF, AND FOR OTHER PURPOSES.

WHEREAS, Southwestern Bell Telephone Company (now known as Southwestern Bell Telephone, L.P. d/b/a SBC Arkansas) has for decades been authorized by ordinance to operate its telephone system and all businesses incidental to or connected with conducting a telephone business and system in the City, and

WHEREAS, pursuant to City of Jonesboro Ordinance No.1743, the City of Jonesboro set out its current franchise regulation desires, and

WHEREAS, The City Council for the City of Jonesboro desires to impose, beginning on January 1, 2006, a change in the calculation of the privilege fee for SBC Arkansas, to be in an amount equal to Four and One Quarter percent (4.25%) of the company's local exchange access charges collected in the corporate city limits for 2006 and each year thereafter, and

WHEREAS, after a review of the current market situation, the City has determined that having a minimum franchise fee is no longer appropriate and is setting the minimum aside, and

WHEREAS, SBC Arkansas and other telephone companies similarly providing a local access telephone system in the City are now and will be occupying the streets, alleys, airways and other public rights of way of the City for the purpose of operating and maintaining such local access telephone systems, and

WHEREAS, The City is legally authorized to impose and all local access telephone services companies are obligated to pay, a just and reasonable franchise fee in connection with such company's local access telephone service operations in the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Jonesboro, Arkansas, that:

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 Four and One quarter (4.25%) 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 on the 15th day of each month following collection.

SECTION 3: On a monthly basis, by the 15th day of each month, the auditor for each Telephone Company shall certify to the City the Telephone Company's access line revenues collected during the previous month in Jonesboro, Arkansas.

SECTION 4: It is acknowledged that Ordinance No. 1743 which sets out the terms and conditions of the

present privilege authority is the controlling document over current local access telephone service franchises. It is specifically provided that nothing contained therein was to be construed as giving Southwestern Bell Telephone Company any exclusive privileges.

SECTION 5: 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. 1743 except the language of Sec. 2 of Ordinance No. 1743 pertaining to the amount of SBC Arkansas' franchise fee.

SECTION 6: Nothing in this Ordinance shall prevent the City from collecting from Telephone Companies previously due but unpaid franchise fees.

SECTION 7: The provisions of this ordinance are declared to be severable. In the event part or parts of this ordinance are declared invalid or unenforceable, the remainder of said ordinance shall remain in full force and effect.

SECTION 8: This ordinance shall be in effect on and after January 1, 2006.

PASSED on the 20TH day of September, 2005.