

ORDINANCE NO. 72

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE
Effective December 1, 1997

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority 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, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the CHARTER TOWNSHIP OF AUSABLE, IOSCO COUNTY, MICHIGAN, for a period of thirty years.

THE CHARTER TOWNSHIP OF AUSABLE ORDAINS:

SECTION 1. GRANT. TERM. THE CHARTER TOWNSHIP OF AU SABLE, IOSCO COUNTY, MICHIGAN, hereby grants the right, power and authority to CONSUMERS ENERGY COMPANY, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," 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 for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the CHARTER TOWNSHIP OF AU SABLE, IOSCO COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterway 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 the highway authorities.

Section 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township 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 hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee

shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. Extensions. Said Grantee shall construct and extend its electric distribution system within said Township, and shall furnish electric to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy furnished therein, the rates as approved by the Michigan public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 8. REVOCAION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an electric ordinance adopted by the Township Board on December 5, 1967 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power, and authority to construct, maintain and commercially use electric line consisting of towers, masts, poles, crossarms, guys, braces, wires, transformers, and other electrical appliances on, along and across the highways, streets, alleys, bridges, and other public places, and to do a local electric business in the TOWNSHIP OF AUSABLE, IOSCO COUNTY, MICHIGAN, for a period of thirty years.

And amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Power Company (now know as Consumers Energy Company).

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after thirty days from

its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee

We certify that the foregoing ordinance was duly enacted by the Township Board of the CHARTER TOWNSHIP OF AU SABLE, IOSCO COUNTY, MICHIGAN, on the 01st day of December, 1997.

TOWNSHIP of AuSable

Dated: December 1, 1997

Bert E. Green

By: Bert E. Green

Its: Supervisor

Dated: December 1, 1997

Della Schweickert

By: Della Schweickert

Its: Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF AU SABLE, IOSCO COUNTY, MICHIGAN:

That CONSUMERS ENEGRY COMPANY, hereby accepts the franchise granted to it by you Township Board, on the 01st day of December, 1997, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, it successors and assigns, the right, power and authority 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, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the CHARTER TOWNSHIP OF AUSABLE, IOSCO COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS ENERGY COMPANY

By: Carl L. English
Carl L. English, Vice President
Electric Transmission & Distribution

Dated: December 01, 1997.

CLERK CERTIFICATION

STATE OF MICHIGAN)
 : SS.
COUNTY OF IOSCO)

I, Della Schweickert, Township Clerk of the CHARTER TOWNSHIP OF AU SABLE, IOSCO COUNTY, MICHIGAN, DO HEREBY CERTIFY that the annexed is a true and correct copy of the ordinance granting CONSUMERS ENERGY COMPANY, an electric franchise, as adopted by the Township Board at a regular meeting on the 01st day of December, 1997; after said Ordinance had previously been introduced at a regular meeting of the Township Board on the 17th day of November, 1997.

I FURTHER CERTIFY that the acceptance, a copy of which is attached hereto, was filed with me as Township Clerk, on the 01st day of December, 1997 that I have compared the attached copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I FURTHER CERTIFY that a copy of the foregoing ordinance was published, as appears by proof thereof on file in my office, in the Iosco Press a newspaper circulated in the CHARTER TOWNSHIP OF AS SABLE, IOSCO COUNTY, MICHIGAN, on the 10th day of December, 1997; and that all of said proceedings were regular and in accordance with all legal requirements.

TOWNSHIP of AuSable

Dated: December 10, 1997

Della Schweickert
By: Della Schweickert
Its: Clerk

Dated: December 10th, 1997