

CONSUMERS POWER COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER 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 TOWNSHIP OF BIG CREEK, OSCODA COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF BIG CREEK ORDAINS:

SECTION 1. GRANT. TERM. The TOWNSHIP OF BIG CREEK, OSCODA COUNTY, MICHIGAN, hereby grants the right, power and authority to the CONSUMERS POWER 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 TOWNSHIP OF BIG CREEK, OSCODA 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. All of Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys bridges and waterways, as not to unnecessarily interfere with the use thereof for highway, street and alley 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, streets and alleys shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. 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. 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 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 8. 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 9. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a electric ordinance adopted by the Township Board on September 20, 1965 entitled:

AN ORDINANCE, granting to CONSUMERS POWER 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, 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 BIG CREEK, OSCODA COUNTY, MICHIGAN, for a period of thirty years.

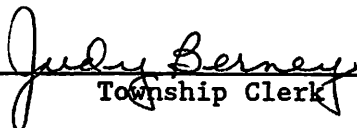
and amendments, if any, to such ordinance whereby a electric franchise was granted to Consumers Power Company.

SECTION 10. 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 TOWNSHIP OF BIG CREEK, OSCODA COUNTY, MICHIGAN, on the 20TH day of MARCH, 1995.


Township Supervisor

Attest:


Township Clerk

Township Board Member JANIS SANDERSON moved that the ordinance as introduced be adopted, which motion was supported by Township Board Member RUTH MITEEN.

The following was the vote thereon:

<u>JOHN T. EMAN</u> Township Supervisor	<u>YES</u> (Yes or No)
<u>JUDY BERNEY</u> Township Clerk	<u>YES</u>
<u>JANIS SANDERSON</u> Township Treasurer	<u>YES</u>
<u>RUTH MITEEN</u> Township Trustee	<u>YES</u>
<u>GERMAINE DENNIS</u> Township Trustee	<u>YES</u>

The Supervisor declared the foregoing attached Franchise Ordinance duly adopted.

Thereupon there was presented to the Township Board, an Acceptance from CONSUMERS POWER COMPANY for the said Franchise Ordinance.

Township Board member JANIS SANDERSON moved that the Acceptance be received and ordered recorded in the minutes of this meeting.

Said motion was supported by Township Board member GERMAINE DENNIS, and was adopted by the following vote:

Yes: Supervisor JOHN EMAN and Township Board

Members GERMAINE DENNIS, JANIS SANDERSON, RUTH MITEEN,

JUDY BERNEY

No: NONE

The Supervisor declared the following attached Acceptance duly received and ordered the said Acceptance filed and recorded.

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF BIG CREEK, OSCODA COUNTY, MICHIGAN:

The CONSUMERS POWER COMPANY hereby accepts the franchise granted to it by your Township Board, on the 20TH day of MARCH, 1995, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER 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 TOWNSHIP OF BIG CREEK, OSCODA COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS POWER COMPANY

By /s/Carl L. English
Vice President,
Electric Distribution

Dated: MARCH 20, 1995.

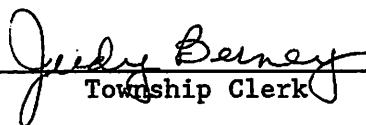
CLERK CERTIFICATION

STATE OF MICHIGAN)
 : ss.
COUNTY OF OSCODA)

I, JUDY BERNEY, Township Clerk of the TOWNSHIP OF BIG CREEK, OSCODA COUNTY, MICHIGAN, DO HEREBY CERTIFY that the annexed is a true and correct copy of all of the proceedings of the Township Board of said Township, with reference to the granting of a franchise to CONSUMERS POWER COMPANY.

I FURTHER CERTIFY that the within acceptance was filed with me as Township Clerk, on the 20th day of MARCH, 1995; that I have compared the within 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 Oscoda County Herald, a newspaper circulated in the TOWNSHIP of BIG CREEK, OSCODA COUNTY, MICHIGAN, on the 11 TH day of APRIL, 1995; and that all of said proceedings were regular and in accordance with all legal requirements.



Township Clerk

Dated: MARCH 20, 1995.

PROCEEDINGS OF THE TOWNSHIP BOARD
OF THE
TOWNSHIP OF BIG CREEK, OSCODA COUNTY, MICHIGAN

At a REGULAR meeting of the Township Board of the TOWNSHIP OF BIG CREEK,
OSCODA COUNTY, MICHIGAN, duly called and held on the 20TH day of
MARCH _____, 1995, there were present:

JOHN EMAN, Supervisor,

JUDY BERNEY, Township Clerk,

JANIS SANDERSON, Township Treasurer,

RUTH MITEEN, Township Trustee,

GERMAINE DENNIS, Township Trustee.

The following ordinance was offered by Township Board Member

JANIS SANDERSON and supported by Township Board Member

RUTH MITEEN:

JANIS SANDERSON

_____ moved that within fifteen (15) days from the date hereof, the Township Clerk shall cause to be published in the Oscoda County Herald, a newspaper of general circulation in said Township, a copy of said Franchise Ordinance (in full), as part of the proceedings of this meeting; and that also, immediately after such publishing, enter the said ordinance in the Record of Ordinances of said Township, and shall certify thereto under his/her hand, stating the time and place of such publishing.

Said motion was supported by Township Board Member JUDY BERNEY, and was adopted by the following vote:

Yes: Supervisor JOHN EMAN and Township Board Members GERMAINE DENNIS, JUDY BERNEY, RUTH MITEEN, JANIS SANDERSON

No: NONE

The Supervisor declared said motion duly carried.

Thereupon the meeting adjourned.