

ORDINANCE 2000-10

**AN ORDINANCE AMENDING TOOELE COUNTY CODE
TITLE 10, CHAPTER 1, SECTION 4, ENACTING
SUBSECTION 12, GRANTING A TELEPHONE FRANCHISE
TO SKYLINE TELECOM**

**THE COUNTY LEGISLATIVE BODY OF THE COUNTY OF TOOELE ORDAINS AS
FOLLOWS:**

SECTION I - PURPOSE. This ordinance is for the purpose of granting a telephone franchise to Skyline Telecom to provide telephone service to Wendover.

SECTION II - ENACTMENT. There is hereby granted to Skyline Telecom, its successors and assigns, the non-exclusive right, privilege, or franchise to construct, maintain and operate, use and furnish telephone system and all incidental or like facilities for communications within all present and future roads, highways, streets and public places in Tooele County, Utah. The commission chairman is authorized to sign the Franchise Agreement so certifying.

SECTION III - AMENDMENT. Title 10, Chapter 1, Section 4 of the Tooele County Code is amended by adopting Subparagraph 12 as follows:

(12) A franchise to Skyline Telecom, its successors and assigns, was granted for the purpose of constructing, maintaining, and operating, and furnishing a telephone system and to construct, maintain and operate poles, lines and facilities along, upon and across the present and future roads, highways and public places in Tooele County. This franchise is granted by Ordinance 2000-10 and continues until April 11, 2025.

SECTION IV - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date if more than 15 days after passage.

IN WITNESS WHEREOF, the Tooele County Legislative Body passed, approved and enacted this ordinance this 11th day of April 2000.

ATTEST:

TOOELE COUNTY LEGISLATIVE BODY

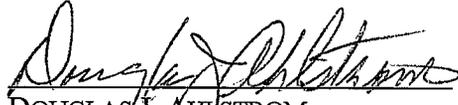

DENNIS D. EWING, Clerk


TERYL HUNSAKER, Chairman



Commissioner Hunsaker voted aye
Commissioner Griffith voted aye
Commissioner Rockwell voted aye

APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney

FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT dated this _____ day of April 2000, is by and between TOOELE COUNTY, a body politic and corporate of the State of Utah, (hereafter "County") and SKYLINE TELECOM, a Utah Corporation.

W I T N E S S E T H

SECTION 1 - TELEPHONE FRANCHISE GRANTED TO SKYLINE TELECOM:

(a) Authority for Grant: Tooele County, under the authority and with permitted municipal legislation of Article I, Section 23 of the Constitution of the State of Utah and consistent with the statutes of the United States and the State of Utah, grants a non-exclusive franchise (the "Franchise") to Skyline Telecom, a Utah corporation with its principal office in Fairview, Utah, to construct, maintain, operate, use and furnish to the public, including governmental, industrial, commercial and individual and all other consumers, a telephone system and all incidental or like facilities for communications within all present and future highways, streets, public places, alleys and property granted or dedicated to or by County extending above and below ground poles, towers, wires, conduits, telegraph and telephone lines for the exercise of any power which Skyline Telecom authorized bylaw at the present or in the future to conduct so long as they are constructed, maintained, erected or operated in such a manner as to constitute the least interference with traffic in and upon highways, streets and alleys.

(b) Non-exclusive Character and Term of Franchise: The Franchise hereby granted shall be non-exclusive and shall be for the term of twenty-five (25) years from date hereof. At the end of that term additional terms and extensions will be negotiated upon terms and conditions deemed

reasonable to both County and Skyline Telecom.

SECTION 2 - CONSTRUCTION OF FACILITIES: All facilities constructed shall be established in accordance with lawful activities with respect to telephone, telegraph or communication enterprises and Skyline Telecom will comply with all ordinances of the County presently existing or as amended from time to time.

SECTION 3 - NON-LIABILITY OF COUNTY FOR ACTS OF SKYLINE TELECOM: County declares that it shall not at any time ever become liable or responsible to any person, firm, corporation or individual for any damage, injury including loss of life, or loss by reason of the activities of Skyline Telecom under this Franchise. Skyline Telecom hereby indemnifies County to hold it harmless against all such liabilities, loss, cost, damage or expense which may be incurred by County by reason of the exercise or arising out of the implementation of this agreement.

SECTION 4 - ACCEPTANCE: Skyline Telecom by making application heretofore shall be presumed to have accepted this Franchise.

SKYLINE TELECOM

TOOELE COUNTY

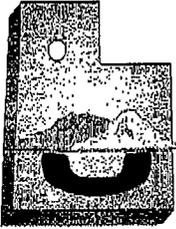
EDDIE L. COX
Vice-President and General Manager

TERYL HUNSAKER, Chairman
Tooele County Commission

ATTEST:

DENNIS D. EWING, Clerk

(S E A L)



CENTRAL UTAH TELEPHONE, INC.
SKYLINE TELECOM • BEAR LAKE COMMUNICATIONS

P.O. BOX 7
45 W. CENTER ST.
FAIRVIEW, UT 84629

435-427-3331
FAX: 435-427-3200

E-MAIL: cutel@cut.net
WEB: www.cutel.com

March 24, 2000

Tooele County

Re: Franchise License for Skyline Telecom

Dear County Commissioners:

Skyline Telecom is in the process of purchasing several exchanges from US WEST Communications. One of the exchanges slated for sale is the Wendover, Utah (665) exchange. We are very excited to have the opportunity to provide the latest technological advances the industry has to offer to the community of Wendover.

We are scheduled on the agenda for the April 11th County Commission meeting to address any concerns relating to the sale and to get approval for a franchise license to provide services in the county. I have enclosed a sample copy of a franchise agreement for your convenience. If your county has a franchise agreement please feel free to utilize it. Please review the agreement and call with any questions you may have. I can be reached at (435) 427-3227 or at home at (435) 427-3397.

Thank you in advance for your time and consideration. I look forward to the opportunities the future holds for us all.

Sincerely,

Eddie L. Cox
Vice President and General Manager

Enclosures



An
Independent Telephone
Company