

ORDINANCE #2008-7

AN ORDINANCE AMENDING AN ELECTRIC FRANCHISE GRANTED BY THE TOWN OF PONCHA SPRINGS, CHAFFEE COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS

WHEREAS, Ordinance 1930-8 granted to the Public Service Company of Colorado a franchise to construct, purchase, acquire, locate, maintain, operate, and extend into, within, and without the Town of Poncha Springs, works, systems, and facilities for the generation, production, purchase, exchange, transmission, distribution of electrical energy and gaseous fuels for lighting, heating, cooling, power, or other similar purposes and for a period of twenty-five (25) years from and after the 18th day of May 1930, and

WHEREAS, said Ordinance was amended by Ordinance #1955-19 on April 7, 1955 and Ordinance #1980-2 on March 3, 1980 and Ordinance #1989-5 on December 4, 1989 and Ordinance #2005-5 on March 14, 2005 and Ordinance #2005-11 on August 22, 2005; and

WHEREAS, the current franchise agreement expired December 31, 2007; and

WHEREAS, the Board of Trustees of the Town of Poncha Springs, Colorado and the Public Service Company of Colorado desire to negotiate a new franchise for the same purposes of the existing franchise; and

WHEREAS, the Public Service Company of Colorado and the Town of Poncha Springs have recognized the necessity for an extension of the existing franchise in order to provide for the continuation of service to the Town of Poncha Springs, during the negotiation period for a new franchise; and

WHEREAS, the Board of Trustees of the Town of Poncha Springs desire to continue the existing service to the Town of Poncha Springs pending the negotiation of a new franchise from December 31, 2007 to August 31, 2008, with appropriate modifications to the existing franchise in order to allow for appropriate revenues to the Town of Poncha Springs.

NOW THEREFORE BE IT ORDAINED, by the Board of Trustees of the Town of Poncha Springs, Colorado:

that the terms of Ordinance #1989-5, are hereby extended to August 31, 2008.

PASSED AND APPROVED THIS 14th DAY OF APRIL 2008, BY THE BOARD OF TRUSTEES OF THE TOWN OF PONCHA SPRINGS, COLORADO.

/s/ _____
Mark F. Thonhoff, Mayor

Attest:

/s/ _____
Diana K. Heeney, Clerk/Treasurer