



1 within the corporate limits of the City of little Rock, Arkansas, or the sum of Two Million,  
2 One Hundred Thousand Dollars (\$2,100,000.00), whichever is greater; and,

3 E. Central Arkansas Water for Water Service within the corporate limits of the City of Little  
4 Rock, Arkansas, as currently established; and,

5 F. Little Rock Water Reclamation Authority for Sanitary Sewer Service within the corporate  
6 limits of the City of Little Rock, Arkansas, as currently established.

7 **Section 2.** Copies of the various annual ordinance or resolution provisions for each of the entities set  
8 forth in Section 1 above shall be on file with the City Clerk, and will be listed on the City of Little Rock,  
9 Arkansas, website, for a period of not less than ten (10) days prior to the end of 2023.

10 **Section 3.** If not passed or adopted prior to the first regular meeting on January 9, 2024, formal  
11 legislation for the 2024 Fiscal Year shall be on the agenda for approval at the January 9, 2024, regular  
12 meeting, provided that the rates set forth in such legislation shall not exceed the amounts set forth in Section  
13 1 above; provided, that Section 1 sets only the rates, so any other terms and conditions of the Franchise  
14 Agreements may be set forth more fully at that time.

15 **Section 3. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or  
16 word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or  
17 adjudication shall not affect the remaining portions of the resolution which shall remain in full force and  
18 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the  
19 resolution.

20 **Section 4. Repealer.** All laws, ordinances, resolutions, or parts of the same that are inconsistent with  
21 the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

22 **PASSED: December 12, 2023**

23 **ATTEST:**

**APPROVED:**

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25 \_\_\_\_\_  
26 **Susan Langley, City Clerk**

\_\_\_\_\_ **Frank Scott, Jr., Mayor**

27 **APPROVED AS TO LEGAL FORM:**

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29 \_\_\_\_\_  
30 **Thomas M. Carpenter, City Attorney**

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1 **Exhibit A**

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3 **ORDINANCE NO. \_\_\_\_\_**

4  
5 **AN ORDINANCE TO FIX AND IMPOSE THE AGGREGATE AMOUNT**  
6 **OF FEES AND CHARGES TO BE PAID TO THE CITY OF LITTLE ROCK,**  
7 **ARKANSAS, BY ENTERGY CORPORATION AND THE METHOD OF**  
8 **PAYMENT THEREOF; TO AMEND SECTION 9 OF LITTLE ROCK,**  
9 **ARK., ORDINANCE NO. 11,683 (DECEMBER 6, 1965); AND FOR OTHER**  
10 **PURPOSES.**

11  
12 **WHEREAS**, Entergy Corporation is duly authorized by a Franchise Agreement to, among other things,  
13 construct, operate, maintain, and extend an electric system within the City of Little Rock, Arkansas (the  
14 "City"), and to sell, furnish, transmit and distribute electric power and energy to the City and citizens  
15 residing therein; and,

16 **WHEREAS**, Entergy is now providing electric service to the City and its inhabitants and occupying  
17 the streets, alleys, airways, and other public rights-of-way within the City pursuant to said franchise  
18 agreement, and making certain payments to the City in lieu of all other taxes, fees, charges, impositions,  
19 and licenses, except general taxes; and,

20 **WHEREAS**, the City is legally authorized to impose, and Entergy is obligated to pay a just and  
21 reasonable Franchise Fee in connection with its operations in the City.

22 **NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY**  
23 **OF LITTLE ROCK, ARKANSAS:**

24 **Section 1.** Section 9 of the Franchise Agreement, which is Little Rock, Ark., Ordinance No. 11,683  
25 (December 6, 1965) as amended, is hereby amended to include the following:

26 For the year beginning January 1, 2024, and each year thereafter, Entergy shall pay in  
27 monthly installments, the sum of 5.2% of the Company's gross revenue collection as paid  
28 to it by industrial, commercial, and residential users located within the corporate limits of  
29 the City of Little Rock or the sum of Eight Million, Eight Hundred Thousand Dollars  
30 (\$8,800,000.00), whichever is greater. The Company's Auditor shall certify such gross  
31 revenues.

32 **Section 2.** Payments to the City by Entergy Corporation of the amounts as provided for in Section 1  
33 hereof shall be made monthly on or before the 15<sup>th</sup> of each month.

1       **Section 3.** Entergy Corporation shall also be subject to the relocation policy set forth in Little Rock,  
2 Ark., Rev. Code §§2-350 – 357 (1988).

3       **Section 4. *Effective Date.*** Because an ordinance of this nature remains in effect until abandoned, and  
4 in light of the language of the current Section 1 of this ordinance, it is noted that the Franchise Fees set  
5 forth in Section 1 of this ordinance shall be in full force and on January 1, 2024.

6       **Section 5. *Severability.*** In the event any title, section, paragraph, item, sentence, clause, phrase, or  
7 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or  
8 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and  
9 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the  
10 ordinance.

11       **Section 6. *Repealer.*** All ordinances and parts of ordinances that conflict herewith are hereby repealed;  
12 provided, however, only to the extent that the same are in direct conflict herewith. Except as provided,  
13 nothing herein shall be construed to alter or change the terms or conditions of the present franchise under  
14 which Entergy Corporation is operating, as set forth in Ordinance No. 11,683 (December 6, 1965), as  
15 amended.

16 **PASSED: December 5, 2023**

17 **ATTEST:**

**APPROVED:**

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19 \_\_\_\_\_  
20 **Susan Langley, City Clerk**

\_\_\_\_\_ **Frank Scott, Jr., Mayor**

21 **APPROVED AS TO LEGAL FORM:**

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24 **Thomas M. Carpenter, City Attorney**

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1 in light of the language of the current Section 1 of this ordinance, it is noted that the Franchise Fees set  
2 forth in Section 1 of this ordinance shall be in full force and on January 1, 2024.

3 **Section 5. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or  
4 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or  
5 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and  
6 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the  
7 ordinance.

8 **Section 6. Repealer.** All ordinances and parts of ordinances that conflict herewith are hereby repealed;  
9 provided, however, only to the extent that the same are in direct conflict herewith. Except as provided,  
10 nothing herein shall be construed to alter or change the terms or conditions of the present franchise under  
11 which Summit Utilities is operating, as set forth in Ordinance No. 11,366 (March 4, 1963), as amended.

12 **PASSED: December 5, 2023**

13 **ATTEST:**

**APPROVED:**

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16 **Susan Langley, City Clerk**

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**Frank Scott, Jr., Mayor**

17 **APPROVED AS TO LEGAL FORM:**

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20 **Thomas M. Carpenter, City Attorney**

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1 **ORDINANCE NO. \_\_\_\_\_**

2  
3 **AN ORDINANCE TO FIX AND IMPOSE THE AMOUNT OF FEES AND**  
4 **CHARGES TO BE PAID TO THE CITY OF LITTLE ROCK, ARKANSAS,**  
5 **BY ALL COMPANIES THAT PROVIDE INTERSTATE OR INTRASTATE**  
6 **LONG DISTANCE TELECOMMUNICATION SERVICES, AND ALL**  
7 **BUSINESS INCIDENTAL TO, OR CONNECTED WITH, THE**  
8 **CONDUCTING OF SUCH TELEPHONE BUSINESS IN THE CITY OF**  
9 **LITTLE ROCK, ARKANSAS; TO AMEND SECTION 3 OF LITTLE**  
10 **ROCK, ARK., ORDINANCE NO. 15,706 (JULY 5, 1989); AND FOR OTHER**  
11 **PURPOSES.**

12  
13 **WHEREAS**, the City entered into a franchise agreement with Southwestern Bell Telephone on  
14 December 17, 1962; and,

15 **WHEREAS**, the City has had the authority to require such franchises for public utilities utilizing the  
16 City rights-of-way since 1935 by virtue of Act 324 of 1935, and upon any other statutory or legal authority;  
17 and,

18 **WHEREAS**, the transmission of communications by telephone or telegraph meets the definition of  
19 public utility under Arkansas law by virtue of Act 324 of 1935; and,

20 **WHEREAS**, subsequent to the passage of the original Franchise Agreement, and its subsequent  
21 amendments, there have been monumental changes in the telecommunications industry, including the  
22 divestiture of the long distance telephone service monopoly once enjoyed by Southwestern Bell Telephone  
23 and American Telephone and Telegraph Companies so that numerous companies compete to provide  
24 customers with Long Distance Telecommunication Services within the City of Little Rock; and,

25 **WHEREAS**, the City is entitled to receive such just and reasonable fees from the providers of Long  
26 Distance Telecommunication Services for their use of the City streets, alleys, airways, and other public  
27 rights-of-way, which the City may lawfully impose and the companies are obligated to pay.

28 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY**  
29 **OF LITTLE ROCK, ARKANSAS:**

30 **Section 1.** Section 3 of Little Rock, Ark., Ordinance 15,706 (July 5, 1989), as amended, is hereby  
31 amended to include the following:

32 For the year beginning January 1, 2024, there is hereby levied against, and shall be  
33 collected from, all providers of Long Distance Telecommunication Services a fee in the

1 amount of \$0.004 per minute for toll calls charged to a service address within the corporate  
2 limits of the City of Little Rock, Arkansas. The provider of Long Distance  
3 Telecommunication Services shall be responsible for assuring that this fee is paid to the  
4 City. This fee is levied as a Franchise Fee and shall be collected by the provider of Long  
5 Distance Telecommunication Services in accordance with Arkansas State Law.

6 **Section 2.** Payments to the City by companies providing Long Distance Telecommunication Services  
7 in accordance with the franchise fee imposed herein shall be made monthly within thirty (30) days of the  
8 end of each month commencing January 1, 2024.

9 **Section 3.** The City reserves the right to perform any necessary public works or make any necessary  
10 public improvements to the City's rights-of-way or airways (to the extent airways are related to facilities  
11 attached to or between poles) during the term of this Agreement. If, as a result of any action by the City,  
12 or by any action authorized by the City for the benefit of the public good, relocation of any of the Company's  
13 conduit or other facilities is required, such relocation shall be accomplished at the sole expense of the  
14 Company. Nothing in this Franchise shall be deemed a waiver of the City's right to require the Company  
15 to comply with all applicable zoning and other applicable regulatory ordinances or to pay any reasonable  
16 permit fees or to seek appropriate authorizations from the Company to perform any work in connection  
17 with the Franchise. Should the City close, eliminate, or discontinue use of any public street during the term  
18 of this Franchise, or any renewal term, this Franchise shall cease with respect to such streets upon the date  
19 of final action by the City with respect to the closure, elimination or discontinuance of such streets.

20 **Section 4. *Effective Date.*** Because an ordinance of this nature remains in effect until abandoned, and  
21 in light of the language of the current Section 1 of this ordinance, it is noted that the Franchise Fees set  
22 forth in Section 1 of this ordinance shall be in full force and on January 1, 2024.

23 **Section 5. *Severability.*** In the event any title, section, paragraph, item, sentence, clause, phrase, or  
24 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or  
25 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and  
26 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the  
27 ordinance.

28 **Section 6. *Repealer.*** All ordinances and parts of ordinances that conflict herewith are hereby repealed;  
29 provided, however, only to the extent that the same are in direct conflict herewith. Except as provided,  
30 nothing herein shall be construed to alter or change the terms or conditions of the present franchise under  
31 which the providers of Long Distance Telecommunication Services are operating, pursuant to Ordinance  
32 No. 15,706 (July 5, 19889) and Ordinance No. 15,729 (August 1, 1989).

33 **PASSED: December 5, 2023**



1 **ATTEST:**

**APPROVED:**

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Susan Langley, City Clerk

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5 **APPROVED AS TO LEGAL FORM:**

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Thomas M. Carpenter, City Attorney

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1       **Section 1.** There is hereby imposed and each and every Local Access Telephone Service Carrier  
2 (“Telephone Company”) shall pay to the City a Franchise Fee in an amount equal to 7.32% of the respective  
3 Telephone Company's local exchange access line charges collected within the City's corporate limits during  
4 the previous month.

5       **Section 2.** Payments to the City by the Telephone Company for the Franchise Fee shall be made  
6 monthly by the 20<sup>th</sup> day of each month.

7       **Section 3.** On a monthly basis, by the 20<sup>th</sup> day of each month, the auditor for each Telephone Company  
8 shall certify to the City that Telephone Company’s access line revenues collected during the previous month  
9 in Little Rock.

10       **Section 4.** The City recognizes and accepts the purposes and results of an Order of the Arkansas Public  
11 Service Commission entered on February 7, 1980, in Docket U-30132 relating to the treatment by the  
12 Telephone Company of all City special fees.

13       **Section 5.** It is acknowledged that Ordinance No. 11,345 (amended by Ordinance No. 14,981), which  
14 set out the terms and conditions of the present privilege authority, is the controlling document over current  
15 Local Access Telephone Service Franchises. Ordinance No. 11,345 specifically provided that nothing  
16 contained therein was to be construed as giving AT&T any exclusive privileges. Ordinance No. 14,981  
17 amended Ordinance No. 16,557 to change the method of calculating the fee to that method presently  
18 employed and to add a section detailing the City’s utility relocation policy to be complied with. That Utility  
19 Relocation Policy shall remain in effect under this ordinance. The Telephone Company shall also be subject  
20 to the Utility Relocation Policy set forth in Little Rock, Ark., Rev. Code §§2-350 to 357 (1988).

21       **Section 6.** Nothing herein contained shall be construed as altering or amending any other rights or  
22 obligations of the City or each Telephone Company as provided for in Ordinance No. 11,345 except the  
23 language of Section 2 of Ordinance No. 11,345 pertaining to the method of calculating the Telephone  
24 Company's annual Franchise Fee.

25       **Section 7.** Nothing in this ordinance shall prevent the City from collecting from Telephone Companies  
26 previously due but unpaid Franchise Fees.

27       **Section 8. *Effective Date.*** Because an ordinance of this nature remains in effect until abandoned, and  
28 in light of the language of the current Section 1 of this ordinance, it is noted that the Franchise Fees set  
29 forth in Section 1 of this ordinance shall be in full force and on January 1, 2024.

30       **Section 9. *Severability.*** In the event any title, section, paragraph, item, sentence, clause, phrase, or  
31 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or  
32 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and  
33 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the  
34 ordinance.

1       **Section 10. Repealer.** All ordinances and parts of ordinances that conflict herewith are hereby  
2 repealed; provided, however, only to the extent that the same are in direct conflict herewith. Except as  
3 provided, nothing herein shall be construed to alter or change the terms or conditions of the present franchise  
4 under which AT&T is operating, as set forth in Ordinance No. 11,345 (December 17, 1962), Ordinance No.  
5 14,981 (November 5, 1985), and Ordinance No. 16,557 (December 21, 1993)

6 **PASSED: December 5, 2023**

7 **ATTEST:**

**APPROVED:**

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10 \_\_\_\_\_  
**Susan Langley, City Clerk**

\_\_\_\_\_ **Frank Scott, Jr., Mayor**

11 **APPROVED AS TO LEGAL FORM:**

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**Thomas M. Carpenter, City Attorney**

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