

Part 20
Gas Franchise

20.000 FRANCHISE GRANTED TO SEMCO ENERGY GAS COMPANY

An ordinance granting to SEMCO ENERGY GAS COMPANY, it's successors and assigns, the right, power, and authority to lay, maintain, and operate gas mains, pipes and services on, along, across, and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the Township of Porter, Cass County, Michigan, for a period of fifteen years.

THE TOWNSHIP OF PORTER ORDAINS:

- 20.001 GRANT OF FRANCHISE.** The Township of Porter, Cass County, Michigan, hereby grants to SEMCO ENERGY GAS COMPANY, a Michigan corporation, it's successors and assigns, hereinafter called the "Grantee", the right, power, and authority to construct, operate and maintaining the public streets, highways, alleys, and other public places in the Township of Porter, Cass County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all purposes to the Township of Porter, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said Grantee, for a period of fifteen years.
- 20.002 CONSIDERATION** In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms thereof.
- 20.003 CONDITIONS** No highway, street, alley, bridge, 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 the work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.
- 20.004 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 and equipment hereby authorized. In case any action is commenced 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.
- 20.005 FRANCHISE NOT EXCLUSIVE** The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.
- 20.006 RATES** Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or it successors authority and jurisdiction to fix and regulate gas 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 therefore being made by either said Township, acting by its Township Board, or by said Grantee.

- 20.007** **REVOCATION** The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.
- 20.008** **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 gas service in said Township.
- 20.009** **ASSIGNMENT OF FRANCHISE.** Grantee shall not assign this Franchise to any other person, firm, or corporation without the prior written approval of the Township Board. The Township shall not unreasonable withhold it's consent to an assignment if the Assignee is financially able to carry out the Grantee's obligations under this Franchise. The assignment of this Franchise to a subsidiary, division, or affiliated corporation of Grantee or its parent corporation shall not be considered an assignment requiring the consent of the Township Board.
- 20.010** **EFFECTIVE DATE.** This ordinance shall take effect upon the day after the date of publication thereof, provided, however, it shall cease and be of no effect after thirty days from it's adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, the ordinance shall constitute a contract between said Township and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the Township of Porter, Cass County, Michigan, on the 11th day of September, 2007