

1 **Bill No. 97-43**

2 Ordinance No. 4093

3 AN ORDINANCE RELATING TO GRANTING A FRANCHISE; AMENDING TITLE 6 OF THE
4 MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO ADD A
5 NEW CHAPTER THERETO, DESIGNATED AS CHAPTER 21A, GRANTING ELECTRIC
6 LIGHTWAVE, INC., A DELAWARE CORPORATION, AUTHORIZED TO DO BUSINESS IN
7 NEVADA, A FRANCHISE FOR TELECOMMUNICATIONS SERVICE WITHIN THE
8 CORPORATE LIMITS OF THE CITY OF LAS VEGAS, SUBJECT TO AND IN ACCORDANCE
9 WITH THAT CERTAIN FRANCHISE AGREEMENT ENTERED INTO BETWEEN THE CITY
10 OF LAS VEGAS AND ELECTRIC LIGHTWAVE, INC.; PROVIDING FOR OTHER MATTERS
11 PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF
12 ORDINANCES IN CONFLICT HEREWITH.

13 Sponsored by:
14 Mayor Jan Laverty Jones

15 Summary: Grants to Electric Lightwave, Inc.,
16 a non-exclusive franchise for the purpose of
17 constructing, using and maintaining a
18 telecommunications service within the
19 corporate limits of the City of Las Vegas,
20 subject to and in accordance with the terms and
21 conditions of the Franchise Agreement
22 between the City of Las Vegas and Electric
23 Lightwave, Inc., incorporated by reference into
24 the proposed ordinance.

25 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
26 AS FOLLOWS:

27 SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983
28 Edition, is hereby amended by adding thereto a new Chapter, to be designated as Chapter 21A, reading
as follows:

CHAPTER 21

ELECTRIC LIGHTWAVE, INC. FRANCHISE

6.21A.010: **Definitions.** For the purpose of this Chapter, the following terms and phrases, words,
abbreviations and their derivations shall have the meaning given herein:

(A) “Company” means Electric Lightwave, Inc., a Delaware corporation authorized
to do business in the State of Nevada.

(B) “Telecommunications service” means any switched or other one-way or two-
way transmission of voice or data, including but not necessarily limited to:

(1) Services interconnecting interexchange carriers for the purpose of any
one-way or two-way transmission of voice or data;

1 (2) Services connecting interexchange carriers or competitive access
2 carriers to local exchange providers for the purpose of any one-way or two-way transmission of voice
3 or data;

4 (3) Services connecting interexchange carriers to any entity, other than
5 another interexchange carrier or the local exchange provider for the purpose of any one-way or two-
6 way transmission of voice or data;

7 (4) Services providing private line point to point service for end users for
8 the purpose of any one-way or two-way transmission of voice or data;

9 (5) Nonentertainment video, video conferencing or point to point private
10 line service;

11 (6) Services regulated by State regulatory agencies or the Federal
12 Communications Commission ("FCC") which the State agency or FCC has authorized the Company
13 to provide, if the Company has provided advance notice of same to the City; and

14 (7) Transport services for the bulk transport of transmission signals,
15 whether digital or analog, and whether voice, video or data, that are in part or in whole a local
16 exchange telephone service, a video dial tone and a personal communication service to any company
17 authorized to provide such services by the City, State or Federal Government authority having
18 jurisdiction over such services.

19 "Telecommunications service" shall not include cable services as defined in Title 47, Chapter 5,
20 Subchapter V-A of the United States Code, as amended (47 USCA §521, et seq.) or as recognized by
21 the FCC.

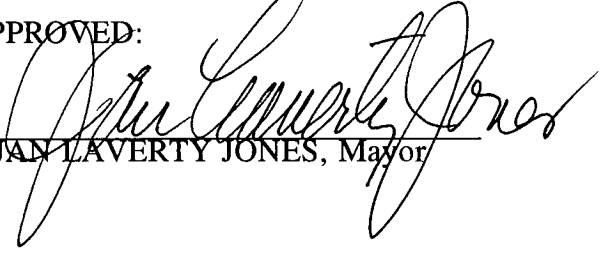
22 **6.21A.020: Grant of Franchise:** The City of Las Vegas, Nevada, hereby grants to the Electric
23 Lightwave, Inc., the non-exclusive right, privilege, authority and permission to construct, use and
24 maintain a telecommunications service in, upon, along, across, above, over and under all present and
25 future streets, avenues, highways, alleys, bridges and public ways within the incorporated boundaries
26 of the City of Las Vegas, subject to and in accordance with the terms and conditions of that certain
27 document entitled Franchise Agreement dated the 23rd day of June, 1997, by and between the City
28 of Las Vegas and the Electric Lightwave, Inc., a copy of which said Agreement is on file with the

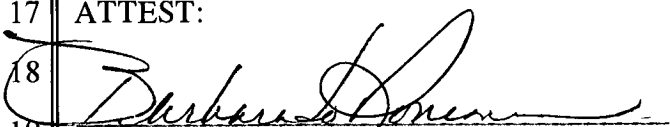
1 Clerk of the City of Las Vegas and by this reference incorporated herein as a part of this Chapter.

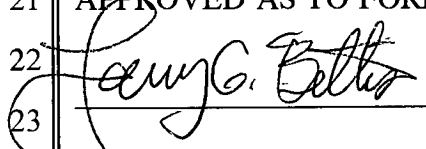
2 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause
3 or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or
4 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
5 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City
6 Council of the City of Las Vegas hereby declares that it would have passed each section,
7 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
8 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be
9 declared unconstitutional, invalid or ineffective.

10 SECTION 3: All ordinances or parts of ordinances, sections, subsections, phrases,
11 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas,
12 Nevada, 1983 Edition, in conflict herewith are hereby repealed.

13 PASSED, ADOPTED and APPROVED this 23rd day of JUNE, 1996.

14 APPROVED:
15 
16 By JAN LAVERTY JONES, Mayor

17 ATTEST:
18 
19 BARBARA JO RONEMUS, City Clerk

20
21 APPROVED AS TO FORM:
22  6-2-97
23 Date

24
25
26
27
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 9th day of June, 1997 and referred to the following committee composed of Councilmen
3 Adamsen and Reese for recommendation; thereafter the said committee reported favorably on
4 said ordinance on the 23rd day of June, 1997 which was a regular meeting of said Council;
5 that at said regular meeting, the proposed ordinance was read by title to the City Council as first
6 introduced and adopted by the following vote:


7 VOTING "AYE": Councilmen Adamsen, , Reese and Brown

8 VOTING "NAY": NONE

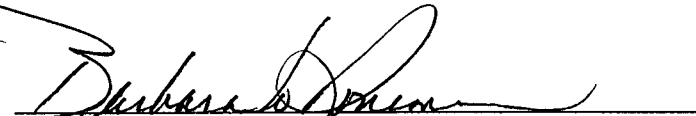
9 ABSENT: Mayor Jones

10 DID NOT VOTE: Councilman McDonald

11 APPROVED:

12 
13 JAN LAVERTY JONES, Mayor

14 ATTEST:

15 
16 BARBARA JO RONEMUS, City Clerk

AFFIDAVIT OF PUBLICATION

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BILL NO 97-43
ORDINANCE NO 4093

AN ORDINANCE RELATING TO GRANTING A FRANCHISE, AMENDING TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, TO ADD A NEW CHAPTER THERETO, DESIGNATED AS CHAPTER 21A, GRANTING ELECTRIC LIGHTWAVE, INC., A DELAWARE CORPORATION, AUTHORIZED TO DO BUSINESS IN NEVADA, A FRANCHISE FOR TELECOMMUNICATIONS SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, SUBJECT TO AND IN ACCORDANCE WITH THAT CERTAIN FRANCHISE AGREEMENT ENTERED INTO BETWEEN THE CITY OF LAS VEGAS AND ELECTRIC LIGHTWAVE, INC.; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY: Mayor Jon Laverly Jones
SUMMARY: Grants to Electric Lightwave, Inc., a non-exclusive franchise for the purpose of constructing, using and maintaining a telecommunications service within the corporate limits of the City of Las Vegas, subject to and in accordance with the terms and conditions of the Franchise Agreement between the City of Las Vegas and Electric Lightwave, Inc., incorporated by reference into the proposed ordinance. The above and foregoing ordinance was first proposed and read by title to the City Council on the 9th day of May, 1997, and referred to the following committee composed of Councilmen Adamsen and Reese for recommendation, thereafter the said committee reported favorably on said ordinance on the 23rd day of June, 1997, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote: VOTING "AYE" Councilmen Adamsen, Reese and Brown VOTING "NAY" NONE ABSENT Mayor Jones DID NOT VOTE Councilman McDonald

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB. June 26, 1997
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JUNE 26, 1997 to JUNE 26, 1997, on the following days:

JUNE 26, 1997

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CITY CLERK
JUN 26 11 52 AM 1997

Signed: Maureen Melchiori

Subscribed and sworn to before me this 26 day of June, 1997

Peggy D. Barron
Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998

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SPONSORED BY: Mayor Jan Laverly Jones

SUMMARY: Grants to Electric Lightwave, Inc, a non-exclusive franchise for the purpose of constructing, using and maintaining a telecommunications service within the corporate limits of the City of Las Vegas, subject to and in accordance with the terms and conditions of the Franchise Agreement between the City of Las Vegas and Electric Lightwave, inc, incorporated by reference into the proposed ordinance. At a City Council meeting JUNE 9, 1997

BILL NO. 97-43 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilman Adamsen and Reese

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: June 12, 1997
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

MAUREEN MELCHIORI _____, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of JUNE 12, 1997 to JUNE 12, 1997, on the following days:

JUNE 12, 1997

Signed: Maureen Melchiori

Subscribed and sworn to before me this 13 day of June, 1997

Peggy D. Barron
Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998

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SPONSORED BY: Mayor Jan Laverly Jones

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COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: June 26, 1997
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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Subscribed and sworn to before me this 26 day of June, 1997

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998



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SPONSORED BY: Mayor Jon Loverly Jones

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BILL NO. 97-43 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilman Adomson and Reese COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA. PUB: June 12, 1997
Los Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, being first duly sworn, deposes and says:

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Signed: *Maureen Melchiori*

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Peggy D. Barron
Notary Public



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Clark County
My appt. exp. Feb. 17, 1998



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