

TO THE HONORABLE MAYOR AND COMMON COUNCIL  
OF THE TOWN OF LUMBERPORT, WEST VIRGINIA

The undersigned Monongahela Power Company, which was granted an electric franchise upon, over and along the public grounds, avenues, streets, roads and alleys of said Town for the construction, operation and maintenance of an electric system for the transmission and distribution of electric current, under date of July 1, 1963, hereby accepts said franchise and agrees that it will comply with all the conditions and provisions thereof and will do and perform all things by said franchise required to be performed by it and will refrain from doing all things which it is by said franchise prohibited from doing.

IN WITNESS WHEREOF the said Company has caused its corporate name to be hereunto subscribed and its corporate seal to be hereunto affixed by its Vice President, duly attested by its Secretary, or an Assistant Secretary, this 30th day of July, 1963.

MONONGAHELA POWER COMPANY

  
Vice President

(SEAL)  
ATTEST:

  
Assistant Secretary

Filed in the Recorder's Office of the Town of Lumberport, this the 30th day of July, 1963.

  
Recorder of the Town of Lumberport

ec  
7/8/63

L U M B E R P O R T

In the Matter of the Application)  
of Monongahela Power Company, )  
a Corporation )

On the 1st day of July, 1963, came Monongahela Power Company, by its duly authorized representative and moved the Council of the Town of Lumberport to grant it a franchise in conformity with its application in writing, heretofore filed with the Clerk and Recorder of the said Town on the 3rd day of May, 1963, and it appearing from said written application that the same has been filed at least thirty (30) days prior to this date with the Clerk and Recorder of said Town and that notice of said Application for franchise, stating the object thereof has been given publication for a period of more than thirty days prior to this date in The Shinnston News, a newspaper published and of general circulation in the Town of Shinnston, West Virginia, as appears from certificates of publication duly verified by Thad M. Meredith, publisher of the said Shinnston News, and which notices and certificates of publication are in words and figures as follows, to wit:

NOTICE OF APPLICATION FOR FRANCHISE

Notice is hereby given by the undersigned, Monongahela Power Company, a West Virginia corporation, that it has filed with the Clerk of the Common Council of the Town of Lumberport, in Harrison County, West Virginia, an application for a franchise for the right and privilege of erecting and maintaining towers, poles, wires, supports, brackets, masts and other appliances upon, over and along the public grounds, avenues, streets, roads and alleys in said Town for the purpose of transmitting electrical current for light, heat and power and making the same available for the use of the residents and citizens of said Town and for the

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persons, firms and corporations doing business therein, and further notice is hereby given that the Council of said Town will be requested to act upon said application and to grant said franchise at its next meeting held after the expiration of thirty (30) days from and after the first publication of this Notice.

This notice is published pursuant to and in accordance with the provisions of West Virginia Code, Chapter 8, Article 4, Section 14.

MONONGAHELA POWER COMPANY

/s/ John A. Freeman  
Vice President

STATE OF WEST VIRGINIA,  
COUNTY OF HARRISON:

**NOTICE OF APPLICATION  
FOR FRANCHISE**

Notice is hereby given by the undersigned, Monongahela Power Company, a West Virginia corporation, that it has filed with the Clerk of the Common Council of the Town of Lumberport, in Harrison County, West Virginia, an application for a franchise for the right and privilege of erecting and maintaining towers, poles, wires, supports, brackets, masts and other appliances up, over and along the public grounds, avenues, streets, roads and alleys in said Town for the purpose of transmitting electrical current for light, heat and power and making the same available for the use of the residents and citizens of said Town and for the persons, firms and corporations doing business therein, and further notice is hereby given that the Council of said Town will be requested to act upon said application and to grant said franchise at its next meeting held after the expiration of thirty (30) days from and after the first publication of this Notice.

This notice is published pursuant to and in accordance with the provisions of West Virginia Chapter 1, Article 6, Code, 1963.

Personally appeared before me, the undersigned Notary Public, in and for the County and State aforesaid,

Thad M. Meredith who being by me first duly sworn did depose and say that he is Editor of The Shinnston News, a weekly newspaper of general circulation in Harrison County, West Virginia, and that the atcd. notice

was published in said newspaper once a week for four successive weeks, beginning in its issue of May 9, 1963, and ending in its issue of May 30, 1963.

Signed Thad M. Meredith

Editor of The Shinnston News.

Subscribed and sworn to before me this 19 day of June, 1963.

Madeleine  
Notary Public

My commission expires June 1, 1964

THEREUPON Town Clerk, Madge Kellison, presented and read an ordinance entitled "An Ordinance granting to the Monongahela Power Company, a corporation, a franchise for a period of fifty (50) years to erect, maintain towers, poles, wires, supports, etc. and other fixtures and devices necessary to enable said corporation to furnish the citizens, residents, persons, firms and corporations with electrical current for light, heat, fuel and power, upon, over and along the public grounds, avenues, streets, roads, highways and alleys of the Town of Lumberport and do all things necessary and proper to carry out the intent and purposes of said franchise", the said Ordinance having been read and discussed at the regular meeting of the said Council held on May 6, 1963, and passed to second reading, read and discussed at the regular meeting of the said Council held on June 10, 1963, and passed to third reading. Thereupon, on motion made by Councilman Thompson, seconded by Councilman Heckart, and carried without a dissenting vote, the Ordinance was adopted as read, said Ordinance so adopted being in words and figures as follows; to wit:

Section 1. In consideration of the benefits and advantages that will accrue to the citizens and residents of said Town and to the persons, firms and corporations doing business therein, by making electrical current for light, heat and power available to them or to such of them as may care to use the same, there is hereby granted to Monongahela Power Company, a West Virginia corporation, its successors and assigns, for the period of fifty (50) years from and after the date hereof, the privilege and right to erect and maintain such towers, poles, wires, supports, brackets, masts and other fixtures and devices as may be necessary to enable said Company to carry on, in an economical and convenient manner, the business of furnishing said citizens, residents, persons, firms and corporations with electrical current for light, heat and power, as aforesaid, upon, over and along the public grounds, avenues, streets, roads, highways and alleys of said Town and under the jurisdiction and control of said Town.

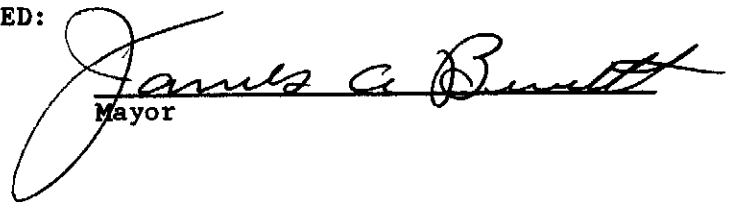
Section 2. All towers, poles, wires, supports, brackets, masts and other fixtures and appliances shall be so located, placed, constructed and arranged as not

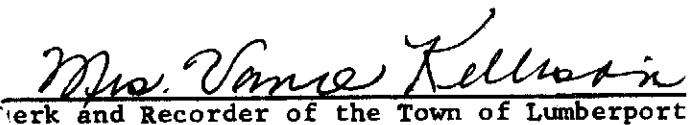
said Monongahela Power Company, its successors and assigns, shall save the said Town of Lumberport harmless from all suits, actions, loss, damages, costs, charges or expense of every kind from or by reason of injury to persons or property owing to the erection and maintenance of such towers, poles, wires, supports, brackets, masts and other appliances, in, upon and along such public grounds, avenues, streets, roads and alleys.

Section 8. The rights and privileges herein given and granted to said Monongahela Power Company are granted in consideration of the convenience, advantage and benefit that the furnishing of such electric current for heat, light and power purposes will be to the property owners and residents of said Town and this ordinance and grant, when accepted by said Monongahela Power Company, shall, upon such acceptance be and become a valid and binding contract upon the said Town and the said Company, its successors and assigns, but the said Company shall not be entitled to the rights and privileges herein granted unless it shall, within sixty (60) days after the passage of this ordinance, file with the Recorder of said Town an acceptance of this ordinance and franchise, agreeing that it will comply with all the conditions and provisions thereof and do and perform all things by this ordinance required to be performed by it and it will refrain from doing all things which it is by this ordinance and franchise prohibited from doing.

Section 9. All the rights and privileges and all of the obligations, duties and liabilities created by this franchise shall extend to and be binding upon the said Town of Lumberport and its successors and likewise upon the said Monongahela Power Company, its successors and assigns.

SIGNED:

  
Mayor

  
Clerk and Recorder of the Town of Lumberport

A true copy from the records of the Town of Lumberport.

Mrs. Vance Kellison  
Clerk and Recorder of the Town of  
Lumberport

DATE July 30, 1963

ec  
7/8/63

In the Matter of Application )  
of Monongahela Power Company, )  
corporation )

Application for Franchise

TO THE HONORABLE MAYOR AND COMMON COUNCIL OF THE TOWN OF LUMBERPORT,  
HARRISON COUNTY, WEST VIRGINIA:

The undersigned, Monongahela Power Company, a West Virginia corporation,  
hereby makes application to said Mayor and Common Council for a franchise as follows:

Section 1. In consideration of the benefits and advantages that will accrue  
to the citizens and residents of said Town and to the persons, firms and corporations  
doing business therein, by making electrical current for light, heat and power  
available to them or to such of them as may care to use the same, there is hereby  
granted to Monongahela Power Company, a West Virginia corporation, its successors and  
assigns, for the period of fifty (50) years from and after the date hereof, the privilege  
and right to erect and maintain such towers, poles, wires, supports, brackets, masts and  
other fixtures and devices as may be necessary to enable said Company to carry on, in  
an economical and convenient manner, the business of furnishing said citizens, residents,  
persons, firms and corporations with electrical current for light, heat and power, as  
aforesaid, upon, over and along the public grounds, avenues, streets, roads, highways  
and alleys of said Town and under the jurisdiction and control of said Town.

Section 2. All towers, poles, wires, supports, brackets, masts and other  
fixtures and appliances shall be so located, placed, constructed and arranged as not  
to interfere with the free and convenient use of the said public grounds, avenues,  
streets, roads and alleys by the public and so as not to endanger the life or property  
of any person or cause inconvenience to anyone in the free use and enjoyment of his  
their, or its property.

Section 3. If, in the opinion of said Common Council, any of said towers,  
poles, wires, supports, brackets, masts and other appliances shall be or become unsafe,  
the same shall be made safe by the grantee herein at its own expense or replaced by  
other or safe ones. If any public ground, avenue, street, road or alley be torn up,



or interfered with in any way in the erection and placing of such towers, supports, brackets, masts, wires and other fixtures and appliances the same shall, as nearly as practical, be restored to the condition in which the same was prior to the making of said improvements by the said grantee herein and at its own expense.

Section 4. All towers and poles shall be not less than eighteen (18) feet in height and no wire or wires shall be lower than fifteen (15) feet, except secondary conductors which may be as low as twelve (12) feet, above the surface of the public ground, avenue, street, road or alley upon, over and along which said wires are placed, and all such towers, poles, wires, supports, brackets, masts and other fixtures and appliances shall be maintained in such manner as not to endanger or cause damage to any person or persons using such public grounds, avenues, streets, roads or alleys.

Section 5. The grantee is also granted the right to carry upon the towers or poles of said system the necessary transmission lines for conducting electric energy through said Town to other cities, towns or places.

Section 6. The said Monongahela Power Company is also granted the right and privilege to attach to, or permit to be attached to, the towers, poles, supports, brackets, masts and other appliances, erected pursuant to this franchise, wires for telegraph and telephone purposes, but all such wires for the last mentioned purposes shall conform to the provisions of this franchise as to safety and height.

Section 7. In consideration of the rights and privileges herein granted the said Monongahela Power Company, its successors and assigns, shall save the said Town of Lumberport harmless from all suits, actions, loss, damages, costs, charges or expense of every kind from or by reason of injury to persons or property owing to the erection and maintenance of such towers, poles, wires, supports, brackets, masts and other appliances, in, upon and along such public grounds, avenues, streets, roads and alleys.

Section 8. The rights and privileges herein given and granted to said

Monongahela Power Company are granted in consideration of the convenience, advantage and benefit that the furnishing of such electric current for heat, light and power purposes will be to the property owners and residents of said Town and this ordinance and grant, when accepted by said Monongahela Power Company, shall, upon such acceptance be and become a valid and binding contract upon the said Town and the said Company, its successors and assigns, but the said Company shall not be entitled to the rights and privileges herein granted unless it shall, within sixty (60) days after the passage of this ordinance, file with the Recorder of said Town an acceptance of this ordinance and franchise, agreeing that it will comply with all the conditions and provisions thereof, and do and perform all things by this ordinance required to be performed by it and it will refrain from doing all things which it is by this ordinance and franchise prohibited from doing.

Section 9. All the rights and privileges and all of the obligations, duties and liabilities created by this franchise shall extend to and be binding upon the said Town of Lumberport and its successors and likewise upon the said Monongahela Power Company, its successors and assigns.

IN WITNESS WHEREOF Monongahela Power Company, a corporation, has caused its corporate name to be hereunto subscribed and its corporate seal to be hereunto affixed by its Vice President, duly attested by its Assistant Secretary, this the 30th day of

April, 1963.

MONONGAHELA POWER COMPANY  
*John A. Freeman*  
 Vice President

(SEAL)  
 ATTEST:

*[Handwritten signature]*

Assistant Secretary

*Rec. 5/3/63*

*Mrs. Verna Kellison Recorder  
 Town of Lumberport*