

# **Ordinance No. 50**

## **CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE TOWNSHIP OF COVERT, VAN BUREN COUNTY, MICHIGAN**

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the limited right, power and authority to do a local electric business, limited to providing electric auxiliary and stand-by power to one customer, in the TOWNSHIP OF COVERT, VAN BUREN COUNTY, MICHIGAN.

THE TOWNSHIP OF COVERT ORDAINS:

### **Sec. 1. GRANT TERM.**

TOWNSHIP OF COVERT, VAN BUREN COUNTY, MICHIGAN, hereby grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to provide electric auxiliary and stand-by power to Covert Generating Company, LLC, its successors and assigns, located at 26000 77<sup>th</sup> Street, Covert, Michigan. Grantee shall be authorized only to provide electric auxiliary and stand-by power to Covert Generating Company, LLC, its successors and assigns, located at 26000 77<sup>th</sup> Street, Covert, Michigan, and not conduct other electric business within said Township. This franchise and the authority granted herein shall be limited to a period of thirty years.

### **Sec. 2. CONSIDERATION.**

In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

### **Sec. 3. 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 on account of the permission herein given.

### **Sec. 4. EXTENSIONS.**

Said Grantee shall not extend its electric system within said Township, and shall not furnish electric service of any kind to any applicants residing therein, other than Covert Generating Company, LLC, its successors and assigns.

### **Sec. 5. FRANCHISE NOT EXCLUSIVE.**

The rights, power and authority herein granted, are not exclusive.

### **Sec. 6. RATES.**

Said Grantee shall be entitled to charge Covert Generating Company, LLC, its successors and assigns, for electric auxiliary and stand-by power furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service to Covert Generating Company, LLC, its successors and assigns, in said Township, are hereby granted for the term of this franchise.

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## **Sec. 7. REVOCATION.**

The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring the revocation.

## **Sec. 8. 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 electric service in said Township.

## **Sec. 9. 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 its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this 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 COVERT, VAN BUREN COUNTY, MICHIGAN, on the 9<sup>th</sup> day of October, 2001.

Amendment adopted October 09, 2001

Published November 06, 2001

Effective November 07, 2001

Wayne Rendell, Township Supervisor

Attest:  
Dennis Palgen, Township Clerk