



Alltel Communications  
P.O. Box 1650  
Lexington, Kentucky 40588

**Daniel E. Logsdon**  
Vice President External Affairs  
daniel.logsdon@Alltel.com  
ofc. 859-357-6125  
fax 859-357-6163

RECEIVED

August 26, 2005

AUG 26 2005

PUBLIC SERVICE  
COMMISSION

Ms. Elizabeth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

RE: Case No. 2005-00334 –Midway, KY – Franchise Agreement

Dear Ms. O'Donnell:

Pursuant to the Commission's Order in Case No. 2005-00334, Kentucky Alltel is hereby filing two copies of the final franchise agreement between Kentucky Alltel and The City of Midway.

If you have any questions, please feel free to contact me at (859)357-6125.

Sincerely,

A handwritten signature in black ink, appearing to read 'D Logsdon', written over a horizontal line.

Dan Logsdon

CITY OF MIDWAY  
RESOLUTION NO. 2005-07

A RESOLUTION ACCEPTING THE PROPOSAL OF KENTUCKY ALLTEL, INC. (ALLTEL) FOR A NON-EXCLUSIVE, FRANCHISE FOR LOCAL TELECOMMUNICATIONS SERVICES WITHIN THE CONFINES OF THE CITY OF MIDWAY, BASED UPON AND SUBJECT TO THE CONDITIONS OF ORDINANCE NO. 2005-07, AS AMENDED BY ALLTEL'S PROPOSAL.

WHEREAS, pursuant to its powers under Sections 163 and 164 of the Kentucky Constitution, the Midway City Council may create and award franchises for use of the public rights-of-way; and

WHEREAS, pursuant to Ordinance No. 2005-07, the Midway City Council created a non-exclusive franchise for local telecommunications services within the confines of the City of Midway; and

NOW, THEREFORE, BE IT RESOLVED BY THE MIDWAY CITY COUNCIL:

Section 1. That the bid proposal of Kentucky ALLTEL, Inc. set forth in Paragraph 2 of its proposal dated June 29, 2005 is hereby accepted and approved for a non-exclusive, ten (10) year franchise for local telecommunications services within the confines of the City of Midway based on and subject to the terms, specifications, restrictions and obligations set forth in Ordinance No. 2005-07 and Kentucky ALLTEL, Inc.'s bid proposal to the City of Midway. The proposal dated June 29, 2005 is attached as Exhibit "A".

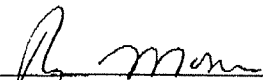
Section 2. That the statements set forth in the Preamble to this Resolution are hereby incorporated in this Resolution by reference, the same as if set forth at length herein.

Section 3. That Kentucky ALLTEL, Inc. shall pay to the City of Midway three percent (3%) of the gross revenues received by Kentucky ALLTEL, Inc. as set forth in ALLTEL'S proposal from the provision of local exchange access service to customers residing within the territorial limits of the City of Midway.

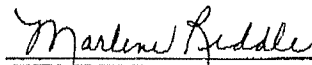
Section 4. That if any section, sentence, clause or phrase of this Resolution is held to be unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remainder of the Resolution.

Section 5. That this Resolution shall be effective on the date of its passage.

PASSED MIDWAY CITY COUNCIL on July 18, 2005:

  
MAYOR

ATTESTED:

  
CITY CLERK

Midway4/Midway grant of Alltel Franchise



Alltel Communications  
P.O. Box 1650  
Lexington, Kentucky 40588

Daniel E. Logsdon  
Vice President External Affairs  
daniel.logsdon@Alltel.com  
ofc. 859-271-8324  
fax 859-271-7823

June 29, 2005

**VIA FACSIMILE: (859) 846-4411**  
Office of the City Clerk of Midway

Re: Communications Franchise Ordinance

Dear City Clerk:

The Midway City Council enacted a communications franchise ordinance on June 20, 2005 and requested bids be submitted by June 29. Kentucky Alltel, Inc. ("Kentucky Alltel") initially declined the City's invitation to bid, as we understood that the City (which has never before required a franchise) passed the attached Ordinance at the eleventh hour purely as a result of Kentucky's recent tax legislation. As we have previously communicated, the new legislation requires that the City have (1) enacted or modified the rate of a local franchise fee *prior to June 30, 2005*; and (2) experienced a resulting *substantial change* in its base revenues. The City has not satisfied either of these two tests. First, the City will not have properly completed the entire bid process required under Kentucky law to enact or modify a franchise fee prior to June 30, 2005.

**Second, any resulting fee will not constitute a substantial change in the City's base revenues. According to Kentucky Alltel's estimates, which have been calculated using numbers that are higher than what the City will likely receive (e.g., includes households that may actually be outside the City limits), the City may receive approximately \$3,400 from franchise fees assessed to citizens under this Ordinance. The office that is responsible for certifying whether a city meets the "substantial change" test has advised Kentucky Alltel that the City's collections would be evaluated in the context of the Commonwealth's entire \$36.4 million hold harmless fund and would not qualify. Even when comparing the \$3,400 (which is exclusive of any attorney's fees and expenses) to the City's own operating revenues of \$2.5 million, this amount cannot be considered a substantial change.**

The only assured results from enacting this Ordinance are as Kentucky Alltel has previously relayed to the City. Customer confusion will result from imposing a customer

tax for four months. The Public Service Commission's resources will be wasted by having to docket and rule on Kentucky Alltel's application to bid on a franchise which is required under Kentucky law. Kentucky Alltel will suffer administrative burdens including having to make billing system and remittance process changes and having to "undo" them four months later. None of these are intended consequences of the new legislation.

In consideration of the above and in the interest of maintaining a good relationship with the City, Kentucky Alltel offers the following bid for the City's review:

1. With respect to the attached Ordinance as provided to Kentucky Alltel by the City's counsel, Kentucky Alltel accepts only Sections 1 through 11, 13, 14, and 17 through 20 and rejects all other sections in their entirety. This alternative would not initiate any customer fee for the reasons set forth above.
2. In the alternative, should the City Council choose to proceed with a fee, Kentucky Alltel submits as follows with respect to the attached Ordinance:
  - a. Kentucky Alltel accepts Sections 1 through 11 but rejects Section 12 in its entirety and agrees to the following replacement language:

SECTION 12 - The Company shall pay to the City in consideration of this franchise an annual amount not to exceed three percent (3%) of the Company's recurring Basic Local Service revenue derived from subscribers of telephone service who are located within the corporate limits of the City. Such percentage of revenues at or below three percent (3%) shall be initially fixed by separate ordinance stating the City's acceptance in full of the Company's bid. The Company may bill its subscribers within the corporate limits of the City such franchise fee and reflect such charge on its invoices to subscribers within the corporate limits of the City. The payments required by this Section shall be due monthly and shall be made within thirty (30) days following each monthly period, except that all obligations hereunder with respect to collection and remittance of franchise fees by Kentucky Alltel shall terminate at midnight on December 31, 2005. Notwithstanding said termination of fees, the City's consent granted to Kentucky Alltel hereunder with respect to Kentucky Alltel's use of the public rights-of-way shall continue.

- b. Kentucky Alltel accepts Sections 13 and 14.
- c. Kentucky Alltel rejects Section 15 since an application fee in the amount of \$600 is exorbitant under these circumstances.
- d. Kentucky Alltel rejects Section 16 to the extent that it allows acceptance of a bid to be expressed by resolution. Kentucky Alltel believes this to be contrary to Kentucky law and in conflict with Section 19.
- c. Kentucky Alltel accepts Sections 17 through 20.

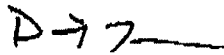
3. **Kentucky Alltel's bid shall be further conditioned on the following: (a) Kentucky Alltel shall begin collection of any franchise fee from end users no sooner than September 1, 2005 and (b) Kentucky Alltel's customer notice shall identify the City of Midway as being responsible for the customer fee and shall direct all inquiries to the Mayor's office (859-846-4237) or City Hall (859-846-4413).**
4. Kentucky Alltel's bid as set forth in this letter is conditioned on the City providing the following items which Kentucky Alltel has not yet been provided: (a) confirmation that the Ordinance attached is in fact the same form as that published; (b) the dates that notice of said Ordinance was published; and (c) copies of all existing communications franchises the City has with other carriers and any information with respect to other communications providers operating in Midway. Because the Telecommunications Act of 1996 requires franchises to be competitively-neutral, statements in this letter are conditioned on Kentucky Alltel's review of such information, and if Kentucky Alltel, in its sole discretion, determines that the attached Ordinance is discriminatory or prejudicial in any way, any bid arising hereunder shall be deemed null and void.

In recent communications to the City, it has been represented that Kentucky Alltel supported the franchise fee provisions of the recent tax legislation. This is untrue. Further, it has also been misrepresented that "[r]ecently, communities all over Kentucky have negotiated franchise with Alltel" and that telephone franchise fees may be considered "a new source of revenue." By law, franchise fees are intended to only reimburse a city for a carrier's use of the public rights-of-way. Kentucky Alltel evaluates all franchise requests individually and has declined invitations where circumstances warrant.

Finally, if the Council chooses to proceed, Kentucky Alltel will apply to the Kentucky Public Service Commission for authority to bid on the City's telecommunications franchise. This action is required by law.

We appreciate the City's consideration of these matters. Please call me should you have any questions.

Sincerely,



Daniel E. Logsdon

Enclosure: Ordinance

**BALDWIN continued from B6**

property until paid; purchaser shall have the privilege of paying all or any portion of the purchase price and paying said bond or bonds before maturity by paying the principal thereof together with all accrued interest thereon. Upon default by the purchaser in payment as set forth hereinabove, the Master Commissioner shall immediately resale the property upon the same terms and conditions as set out herein.

The purchaser shall be required to assume and pay all ad valorem taxes and any special assessments due upon the date of sale and which become due subsequent thereto.

Said property shall be sold subject to all existing easements and restrictions of record in the Office of the Clerk of the Woodford County Court affecting this property, and subject to all unrecorded easements affecting this property, such right of redemption as may exist in favor of the owner. Defendants, and the lien for taxes due at the date of sale and subsequent years.

Robert C. Stiltz, Jr.  
**MASTER COMMISSIONER**  
**WOODFORD CIRCUIT COURT**

6.23.31

**PUBLIC NOTICE**

**APPLICATION FOR AN ABC LICENSE**  
 The Black Tulip LLC, P.O. Box 4250, Midway, Kentucky 40347 hereby declares intentions to apply for a Restaurant Wine & Beer license no later than June 30, 2005. The business to be licensed will be located at 133 East Main Street, Midway, Kentucky 40347, doing business as The Black Tulip LLC.

The owners and members are as follows:  
 Owners, William and Deborah Van den Dool of 133 East Main Street, Midway, Ky. 40347; Member, Spencer Van den Dool of 133 East Main Street, Midway, Ky. 40347; Members, William & Susan Hanks of 510 Fountain Avenue, Georgetown, Ky. 40324; Members, William L. and Kathy L. Jones, 120 North Mill Street, Lexington, Ky. 40505; Members, Courtney and Doris O'Brien of 104 Chem-

resource:

- are critical to the travel and transport of persons and property in the City,
- are intended for public uses and must be managed and controlled consistent with that intent;
- can be partially occupied by the facilities of utilities and public service utilities, to the enhancement of the health, welfare, and general economic well being of the City and its citizens; and
- require adoption of the specific additional regulations established by this Ordinance to ensure coordination of uses, maximize available space, reduce maintenance and costs to the public, and facilitate entry of a maximum number of providers of communications and other services in the public interest.

**Section 2.** - For brevity, the person, firm, or corporation which shall become the purchaser of said franchise, or any successor or assignee of such person, shall be referred to as the "Company," and the City of Midway, Kentucky shall be referred to as the "City." The public streets, alleys, avenues, public roads, highways, bridges, viaducts, sidewalks, and other public ways (as the same now exist and including all which may be established or created) within the territorial limits of the City shall be referred to as the "streets." The underground conduits, manholes, telephone poles, cables, boxes, wires, fixtures, electrical conductors, and any other apparatus, equipment and facilities necessary to and essentially useful in the operation of the telephone and communications system shall be referred to as the "equipment and apparatus."

**Section 3.** - The Company acquiring this franchise shall have the right and privilege of constructing, erecting, operating, and maintaining a telephone and communications system, equipment and apparatus, upon, through, along, under, and over the streets, alleys, avenues, public roads, highways, bridges, viaducts, sidewalks, and other public ways of the City of Midway, Kentucky, a telephone and communications system embracing underground conduits, manholes, telephone poles, cables, boxes, wires, fixtures, electrical conductors, and other apparatus, equipment, and facilities necessarily and essentially used or useful to and in the operation of a telephone and communications system, subject to all of the provisions of this Ordinance.

(b) The City of Midway declares as a legislative finding that the rights-of-way within the City:  
 • are a unique and physically limited

excavation in any of the said streets will be made, except with the written permission of the City, through its designated employee, official, or agent.

(b) At least fifteen (15) days prior to performing any construction or installation work in the public streets and rights of way, the Company shall apply to the City for a permit and shall include descriptive information, which may be subject to proprietary treatment, about the specific location of any applicable lines, facilities, or equipment, and the Company shall coordinate any said construction work with the City.

(c) When an emergency arises which requires immediate repair, the Company may disturb or excavate a street, without first obtaining written permission from the City, provided that the City is notified in writing of said repair within five (5) days. This notification shall include at least the time, date, location, and extent of excavation or other work performed.

(d) When the Company shall enter upon any street for the purpose of constructing, erecting, operating, maintaining, and/or removing equipment and apparatus, it shall prosecute the work, at its own cost and expense, with due diligence and shall dig and close up all trenches and exposed places as rapidly as possible and shall leave the streets in reasonably the same condition as prior to its entry. All

such repairs shall be maintained by the Company for one (1) year in as good condition as the remainder of said street. In the event that the Company fails, refuses, or neglects to comply with the above provisions, the City shall have the right, after notice in writing having first been given to the Company or any officer or agent representing it, to do said work or make said repairs, and the cost and expense thereof shall be paid to the City by the Company within thirty (30) days from the date on which an itemized bill is presented to the Company.

(e) In the construction, reconstruction, maintenance, or removal of any of said equipment and apparatus, the Company shall have due regard for the rights of the City and others, and shall avoid interference with and injury to the property of the City or others. Said purchaser shall comply with all the laws of the Commonwealth of Kentucky and ordinances of the City as to placing lights, danger signals, or warning signs. Such work by the Company shall be done in a workmanlike manner and so as not to unnecessarily interfere

**FOR SALE BY OWNER**  
 Great location on Clifton Road. 10+ acres. Fenced for horses, 2 stalls, run-in shed. 2 BR, 1.5 BA. \$250,000.  
**Call 312-0431**



**OPEN SUNDAY 2-4 P.M.**

**8822 TROY PIKE**

Lovely 12 yr. old 1.5 story with walk out basement. 1st floor master bedroom, 2 large bedrooms upstairs, 2 full baths. 1 fenced field with water, 1 fenced paddock. Recent survey is 4.38 acres. Come see Sunday or call today!

\$210,000

Carolee Schoo, CRS



Rector Hayden  
 293-7054  
 873-2028  
 www.caroleeschoo.com

**HORNBACK REALTY & AUCTION**  
 GENE HORNBACK  
 BROKER  
 ESTABLISHED SINCE 1971  
 875550 LOG HOMES  
 www.hornback-realty.com

**859-873-7381**  
 210 Frankfort St.  
 Versailles, KY

Located near I-64 on 1.5 acre wooded lot is this 1950 sq. ft. ranch that features 3 BR, 2 BA, MBR suite w/ garden tub and separate shower, GR w/ formal LR and DR, Kit. w/ breakfast area and lots of closets. Large 31' X 12' deck overlooks wooded area. \$184,500. Steve

**BY OWNERS**  
 111 Shetland  
 3 BR, 2 BA, formal dining room and living room. Den, Florida room, large lot. Approximately 2,025 sq. ft.  
**873-9839 or 879-0799**

**EQUAL HOUSING OPPORTUNITY**



**ORDINANCE continued from B7**

agents, servants, or employees shall grade, regrade, construct, reconstruct, widen, or alter any street or shall construct, reconstruct, repair, maintain, or alter any other municipal public works therein (including but not limited to storm sewers, sanitary sewers, and streetlights), it shall be the duty of the Company, when so ordered by the City pursuant to a valid municipal purpose, to change its equipment and apparatus within 90 days in the street at its own expense so as to conform to the established grade or line of such street so as not to interfere with such municipal public works so constructed, reconstructed, or altered except that the 90-day period shall be extended to 180 days for good cause shown with respect to the magnitude of the requested project.

(b) The Company shall be given access to the street plans and specifications, and any proposed modifications to such, in the possession of the City.

Section 6 - Upon 90 days notice from the City, that any street is planned to be constructed, reconstructed, widened, altered, paved, or repaved, the Company shall make such extensions or changes in its equipment and apparatus, ahead of any paving. However, upon a showing of

nity, keep, and save the City free and harmless from liability on account of injuries or damage to persons or property growing out of the construction, maintenance, repair, and operation of its equipment and apparatus located upon, through, along, under, or over the City's streets, if any suit to enforce such liability shall be brought against the City, either independently or jointly with the Company, upon notice by the City to the Company shall defend the City at the cost of the Company and, in the event of final judgment being obtained against the City either independently or jointly with the Company, the Company shall pay such judgment with all costs and hold the City harmless therefrom.

Section 9 - The City, or such assistants as it may employ or designate, may have access during normal business hours to the equipment and apparatus installed under this franchise for the sole purpose of inspecting or examining it consistent with the administration of this franchise, and may inspect, examine, or verify the papers of the Company as necessary for the limited purpose of administering this franchise.

Section 10 - The franchise hereby created shall be for a set term of ten (10) years from and after the date the same shall become effective but is not exclusive, and the City reserves the right to sell similar franchises to others.

Section 11 - The Company is hereby given the right to assign the franchise created by this Ordinance to any person, firm, or corporation able, ready, and willing to carry out the terms of this franchise, but prior to such assignment, shall obtain consent from the City to such assignment, which consent shall not be unreasonably withheld.

Section 12 - As consideration for the rights conferred by the granting of this franchise, the Company shall pay such judgment with all costs and hold the City harmless therefrom.

Section 13 - The City, or such assistants as it may employ or designate, may have access during normal business hours to the equipment and apparatus installed under this franchise for the sole purpose of inspecting or examining it consistent with the administration of this franchise, and may inspect, examine, or verify the papers of the Company as necessary for the limited purpose of administering this franchise.

Section 14 - The franchise hereby created shall be for a set term of ten (10) years from and after the date the same shall become effective but is not exclusive, and the City reserves the right to sell similar franchises to others.

**DON'T DRINK AND DRIVE**

**Modern Split Bedroom Ranch Offered By:**  
**Terry Wilder, Jr.**  
**Builder**  
**859-879-9691**



Located at 1017 Cedar Ridge Subdivision is this 2,200 sq. ft. 4 BR, 2.5 BA, ranch with full unfinished, walkout basement with large lot. Many upgrades, both structural and functional. Custom-made cabinets in kitchen and baths. Upgraded appliances and 2-person whirlpool. For a complete list of "extras" drive by and pick up an info. sheet. Shown by appointment. **Asking \$284,900 (OBO) @**

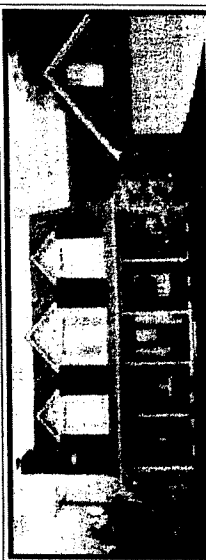
**See MIDWAY continued on B9**

**FARM FOR SALE Estate Sale**

**252+ acres.**  
**Four tracts**  
**\$1,100,000**  
**South Woodford County**  
**Call for details**  
**859-873-7747**  
**859-873-5327**  
**859-312-7324**

**FOR SALE THE COLONY**

**535 Sheffield Drive**  
**All brick, 3 BR, 2 full BA, formal living room, huge eat-in kitchen, fenced back yard with trees, 1 car garage.**  
**\$132,900 - Vacant**  
**859-879-6323 533-0875**



**THE COLONY SUBDIVISION**  
**200 ABERDEEN**  
2,188 sq. ft. Cape Cod, 4 BR, 2.5 BA, immaculate condition (5 yrs. old), privacy fencing, 20' x 24' two-level deck.  
**\$239,900 • Call 879-9533 or 433-6591**

**GIVE US A CALL!**  
**Mark or Cindy Crutcher**

good cause with respect to the magnitude of the requested project, the Company shall be granted 180 days in which to comply. Further, upon the mutual agreement of both parties, the Company may require less than a 90-day compliance period for smaller projects.

Section 7 - (a) The minimum clearance of wires and cables placed above the streets of the City, and also the placement of underground facilities, shall be done in accordance with federal, state and local law and shall conform to the standards of the latest edition of the National Electric Safety Code, National Bureau of Standards, U.S. Department of Commerce. The City reserves the right to require, by ordinance and upon reasonable notice to the Company, observation of greater standards of safety than those contained in such Code.

(b) In the event that the Company leases space on the poles or in the conduits of an electric or other utility, the Company shall abide by the construction and other requirements of said utility, and the granting of a Communications Franchise by the City shall not be construed or interpreted in any way to alleviate the Company's responsibilities and obligations to the pole or conduit owner.

Section 8 - The Company agrees by the acceptance of this franchise to indemnify

**FOR SALE BY OWNER**  
**5008 McCracken Pike**  
Perfect location, only minutes from Versailles, Frankfort and I-64. Brick ranch, 3 BR, 1 BA, approx. 1/2 acre lot, privacy fence, detached garage and new paint inside. \$102,500. Contact 859-879-8143.

**HOUSE FOR SALE**  
**122 BRAMPTON PLACE**  
Off Hunter Ridge. 3 BR, 2 BA, 2 car gar., cozy sun room. On nice level lot on cul-de-sac. **\$154,900.**  
**Call for appointment 859-873-2998, 859-396-2596.**

**615 Oxford Road - Colony Subdivision**  
For sale by builder. 2600 sq. ft., 3 BR, and 2 BA on 2nd floor; 1.5 BA & optional 2 BR on 1st floor. Central vac, screened porch, lots of hardwood, ceramic tile. **\$228,500.**  
**Call Tony Bobbitt**  
**873-7726 • 621-3994**



**MIDWAY continued from B8**

franchise, and to compensate the City for its superintendence of the franchise, the successful bidder shall pay to the City a percentage, not to exceed three percent (3%) of the gross revenues received by the Company during the term of the franchise from the provision of local exchange access services to customers residing within the territorial limits of the City subject to the following conditions:

(a) Such percentage of revenues shall be initially fixed by separate resolution which shall state the City's acceptance of the Company's bid. Changes in such percentage, within the maximum percentage stated herein, shall be made by resolution with special notice thereof provided, at least sixty (60) days in advance, to the Company.

(b) The Company shall remit to the City, monthly all amounts due under this franchise. The first such remittance shall be based upon revenues received by the Company during the first month following the effective date of the franchise as set forth in Section 19 hereof, and shall be paid within sixty (60) days following such period. Thereafter, payments shall be made within thirty (30) days after each subsequent period. The final payment shall be paid within thirty (30) days following expiration of this franchise.

(c) "Local exchange access service" is defined for these purposes as that portion of telephone service provided to end-user customers which permits a subscriber to access the normal serving local dial exchange, and is further identified as the basic telephone service provided to residential and business customers through single-line, party-line, key or PBX trunk

arrangements.

(d) As further consideration for the granting of this franchise, the Company shall permit the City to utilize, at tariffed rates, terms, and conditions, Company pole space and conduit duct roadway space when such space is vacant or available at the time of the request for space by the City, and the City shall similarly permit the Company to utilize, at reciprocal rates, terms, and conditions, City pole space and conduit.

Section 13 - (a) The consideration set forth in the preceding section shall be paid and received in lieu of any tax, license, charge, fee, street or alley rental, or any other character of charge for the use and occupancy of the streets. It shall further be in lieu of any pole tax, inspection fee tax, easement tax, franchise tax (whether levied as an ad valorem, special, or other character of tax), and any other tax, license, fee, or imposition other than the usual general or special ad valorem property taxes now or hereafter levied. This section shall not be construed to exclude any funds that flow to municipalities as a result of state property tax or pole rentals provided under a separate agreement.

(b) Should the City not have the legal power to declare that the payment of the foregoing consideration shall be in lieu of such taxes, licenses, fees, and impositions, then the City declares that, should any such tax, license, fee, or other imposition be imposed upon the Company, then to the extent necessary, the consideration to be paid hereunder shall be applied toward the satisfaction of such obligations.

Section 14 - It shall be the duty of the Mayor, or a subordinate designated by the Mayor, as soon as practicable after the

passage of this Ordinance, to offer for sale said franchise and privilege. Said franchise and privilege shall be sold at a time and place fixed by the Mayor after due notice thereof has been given by advertisement in at least one (1) issue of a newspaper of general circulation within the territorial limits of the City. Such advertisement shall appear not less than seven (7) days nor more than twenty-one (21) days before the date bids are to be received.

Section 15 - (a) Bids and proposals for the purchase and acquisition of the franchise and privileges hereby created shall be in writing and shall be delivered to the Mayor or his designated subordinate upon the date and at the time fixed in said advertisement for the receipt of such bids.

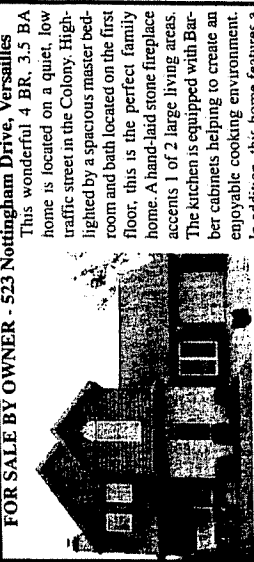
(b) Bids offered for purchase of this franchise shall state the bidder's acceptance of the conditions set forth in this Ordinance and shall be accompanied by a nonrefundable application fee in the amount of \$600 payable to the City Council to defray the City's costs of advertising and other administrative expenses incurred.

(c) If any bid shall include an offer of payment over and above the requirement contained in Section 12 of this Ordinance, then a certified check for said amount, payable to the City, shall be remitted with the bid. This amount shall be considered as additional consideration for the grant of this franchise.

(d) Each bid shall be accompanied by a cash or a certified check drawn upon a bank of the Commonwealth of Kentucky, or a national bank, equal to five percent (5%) of the fair estimated cost of the

See TELEPHONE continued on B10

**OPEN HOUSE SUNDAY 2 - 5 227 COLCHESTER**  
All brick, 3 BR, 2 BA, large private yard. Great neighbors & great house.  
**\$156,900 • 873-0312**



**FOR SALE BY OWNER - 523 Nottingham Drive, Versailles**  
This wonderful 4 BR, 3.5 BA home is located on a quiet, low traffic street in the Colony. Highlighted by a spacious master bedroom and bath located on the first floor, this is the perfect family home. A hand-laid stone fireplace kitchen is equipped with Barber cabinets helping to create an enjoyable cooking environment. In addition, this home features a large walkout deck perfect for barbecues and other family functions. This is a spacious, perfectly laid out, well-maintained, and lovingly cared for home that you must see to fully appreciate. **\$194,500.**  
Contact at 859-873-0403 or 859-621-6531

**ERA WOODS REAL ESTATE GROUP**  
Each ERA Office is Independently Owned and Operated  
Phone (859) 219-1185  
Woodford Team

**FOR SALE BY BOB MATTHEWS**

**404 BARROWAY HELMSLEY SUBDIVISION**  
1.5 story, 3,000 sq. ft. home, 5 bedrooms, 3.5 baths, 3 car garage. \$332,900. Call 873-5350.

**LINDA WILLSON'S BLUEGRASS PROPERTIES in Woodford Co.**

Now available A lovely turkey horse farm with an inviting, nicely appointed home. Located on 37 lush acres with a spectacular view. Total of 19 stalls, 9 paddocks, 70' road, pen and 2 gond-sized fields with run-in barns. \$995,000.

**Mid-State Realty & Auction Co.**  
Jerry Wachter - 621-4448  
REALTOR: Diane Smith, Sales Associate - 873-6497 or 873-7442

**505 LANARK**  
2,100 sq. ft. brick ranch with a full finished, walk-out basement, 3 bedrooms, 3 baths (1 in basement), large great room with stone fireplace with gas logs, lots of hardwood and tile, large covered deck. Time to pick decor. \$319,900.

**LAWRENCEBURG**

**ERA WOODS REAL ESTATE GROUP**  
Each ERA Office is Independently Owned and Operated  
Phone (859) 219-1185  
Woodford Team

Debbie Giles 859-983-9802  
Brian O'Banion 859-699-4301  
Anita Batten 502-598-9438  
Paula Kenney 859-608-5315

1001 Seascape, Lammontsburg - Fabulous open floor plan, hardwood floors, custom ceramic tile, built-in kitchen, lights & detailed trim. Features 1st floor master suite, screened-in porch, downstairs great room w/ bar & wine cellar, home theatre, home office, great concrete walls. Come see all the special updates. \$335,000. Call Brian O'Banion 859-699-4301.

**Anderson County - 2901 Glensboro Road, Cozy**  
older home, newly remodeled, 3 BR, 1 BA, 24x40 shop, above ground pool, fenced yard. **MOTIVATED SELLERS!!! \$122,000.** Call Anita Batten for showing 502-598-9438.

**Anderson County - 108 Morningside,**  
Sweet starter home 2 or 3 BR, 2 BA, hardwood floors, screened porch, fenced yard.



**TELEPHONE**  
continued from B9

equipment and apparatus to be placed under the franchise created by this Ordinance, which check or cash shall be forfeited to the City in case the bid should be accepted and the bidder should fail, for thirty (30) days after confirmation of the sale, to pay any consideration then due and to give a good and sufficient bond in the sum equal to one fourth (1/4) of the fair estimated cost of the equipment and apparatus to be erected, conditioned that it shall be enforceable in case the purchaser should fail, within nine (9) months, to install the equipment and apparatus contemplated to be provided pursuant to the franchise created by this Ordinance; but such deposit and bond need not be made by a corporation or person already owning within the territorial limits of the City the equipment and apparatus contemplated by the franchise created by this Ordinance.

(e) Any cash or check remitted by an unsuccessful bidder shall be returned.

**Section 16** - The Mayor shall report and submit to the Council all bids and proposals for acceptance of bids. Acceptance of a bid shall be expressed by resolution. The Council reserves the right, for and in behalf of the City, to reject any and all bids for said franchise and privilege. In case the bids reported by the Mayor shall be rejected by the Council, it may direct, by resolution, that said franchise and privilege be again offered for sale, from time to time, until a satisfactory bid therefor shall be received and accepted.

**Section 17** - Any granting of the franchise created hereby shall include the obligation of the City to provide, at least eighteen (18) months before its expiration, for the sale of a new franchise to the highest and best bidder on terms that are fair and reasonable to the City, to the existing holder of the franchise, and to its patrons.

**Section 18** - Any violation by the company, its vendee, lessee, or successor of the provisions of this franchise or any material portions thereof, or the failure promptly to perform any of the provisions thereof, shall be cause for the forfeiture of this franchise and all rights hereunder after written notice to the Company and continuation of such violation, failure, or default.

**Section 19** - The franchise created by this Ordinance shall become effective upon acceptance of the Company's bid, as expressed in the Ordinance of Acceptance which additionally fixes the initial revenue percentages to be paid pursuant to the maximum limit set forth herein.

**Section 20** - This Ordinance shall become effective on the date of its passage.

Passed at a regular session of the City Council of the City of Midway, Kentucky, is 20th day of May, 2005.  
EBECCA M. MOORE, MAYOR  
TEST:



United Way  
of the Bluegrass

MARLENE RIDDLE, CITY CLERK  
First Reading: June 17, 2005  
Second Reading: June 20, 2005  
Published: June 23, 2005

6,23,11

**REQUEST FOR BID PROPOSALS**

Notice is hereby given that the City of Midway is soliciting bid proposals from parties interested in operating a telecommunications system within the confines of the City of Midway pursuant to Ordinance No. 2005-07. Franchise(s) awarded pursuant to this Request for Bid Proposals will be nonexclusive and will not exceed ten (10) years. Bid proposals must meet all of the requirements of Ordinance No. 2005-07.

Bid proposals must be delivered to Midway City Hall prior to 4:30 p.m., local time on June 29, 2005, and must be clearly marked "Telecommunications Franchise

Bid Proposal". All bid proposals submitted will be opened at 5:30 p.m., local time on June 29, 2005.

6,23,11

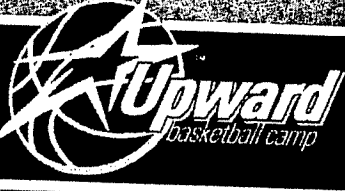
**NOTICE TO CREDITORS**  
ESTATE OF RUBY H. COX

The undersigned, Jackie Cox, was appointed Administrator on June 1, 2005 of the Estate of Ruby H. Cox, deceased, and all persons having claims against said Estate should present them, verified according to law, to him or his attorney, at the addresses given below not later than December 1, 2005.

Jackie Cox  
204 Potomac Drive  
Georgetown, KY 40324

or  
Mark E. Gormley  
Attorney at Law  
120 Court Street  
Versailles, KY 40383

6,9,31



HOW  
DO  
I  
SIGN UP?

**BRING or MAIL REGISTRATION FEE TO:**

**Woodford Community  
Christian Church  
320 Hope Lane  
Versailles, KY 40383**

Parents may drop off their form and registration fee at the church office anytime between **8:00 a.m. and 4:30 p.m., Monday - Friday.**

**REGISTRATION INFORMATION:**

The early registration cost per child is **\$35.**  
Seven days prior to camp, the cost will be **\$45.**

**EVALUATIONS:**

Every player **MUST** attend evaluations. They will take place at the **Woodford Community Christian Church Gym on the first day of camp.**

**CAMP SCHEDULE:**

**1st - 3rd Grade Girls' Camps**  
Monday, June 27 through Friday, July 1  
from 1 to 4 p.m.

**1st - 3rd Grade Boys' Camps**  
Monday, July 11 through Friday, July 15  
from 1 to 4 p.m.

**4th - 6th Grade Girls' Camps**  
Monday, July 18 through Friday, July 22  
from 1 to 4 p.m.

**4th - 6th Grade Boys' Camps**  
Monday, July 25 through Friday, July 29  
from 1 to 4 p.m.

**FOR MORE INFORMATION CALL:**

**Dave or Karen Menser • (859) 873-7421**

...and listen to my strike. BAM! There was the turkey. Then I rolled again, hit a few pins then picked up the spare to finish with a 120. Honestly, this is like if Preston LeMaster were

**BIGGER  
BADDER  
BETTER**

FORD F-150

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a Home Depot


2005 FORD  
**RANGER XLT**  
A/C, CD, Chrome Wheels  
WOW! SAVE \$6,965!  
**\$10,990** After Reb.



2005 FORD  
**FREESTAR S**  
Dual A/C  
**\$19,842** After Reb.



2005 FORD  
**F250 4X4 XL**  
Auto, A/C, Limited  
Slip, Aluminum  
Wheels, Trailer Hitch  
**\$23,990** After Reba



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**UNDER \$10,000**

02 Chevy Cavalier 2-Door, 29K	\$6
02 Mazda 626 4-Door, Auto, 39K	\$8
04 Chevy Cavalier 4-Door, 21K	\$9
04 Olds Alero GE 2-Door, 37K	\$9
04 Malibu Classic 4-Door, 29K	\$9
03 Ford Taurus SES 4-Door, 37K	\$9

**LUXURY**

02 Lincoln Continental Ivory, 46K	\$14,
02 Ford Expedition 4x4 Eddie Bauer	\$21,

cars.com



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Buy or lease a new Ranger, F-150, or Super Duty and get your C  
dealer stock by August 1, 2005. See dealer for details. The H