

ORDINANCE NO. 04-5299

AN ORDINANCE OF THE CITY OF BILLINGS GRANTING TO MONTANA DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC. A CORPORATION, AN EXTENSION OF THEIR EXISTING FRANCHISE TO OPERATE A GAS DISTRIBUTION SYSTEM WITHIN THE CITY OF BILLINGS.

WHEREAS the City Council of the City of Billings ("City") passed a franchise granting Montana Dakota Utilities Co. ("MDU") the authority to operate a gas distribution system September 24, 1979 via Ordinance 4232;

WHEREAS MDU has operated under that franchise in good faith for the full and provided service to the Citizens of Billings;

WHEREAS that franchise is scheduled to expire on October 25, 2004, and MDU has requested a replacement franchise agreement from the City;

WHEREAS the City and MDU require additional time to develop that replacement franchise and both parties desire to avoid a lapse in franchise authorization; and

WHEREAS it is in the best interests of the Citizens of Billings to grant this extension franchise.

NOW THEREFORE the City Council and Mayor of the City of Billings do ordain as follows:

1. FRANCHISE GRANTED: The franchise granted to MDU by Ordinance 4232 is hereby extended through April 24, 2005.
2. EFFECTIVE DATE: This ordinance shall be effective from and after final passage and as provided by law.

PASSED by City Council on first reading on the 23rd day of August, 2004.

PASSED, ADOPTED AND APPROVED on second reading on the 13th day of September, 2004.

CITY OF BILLINGS

BY: _____
Charles F. Tooley, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE, City Clerk