

RESOLUTION NO. 40-83

WHEREAS Continental Telephone Company of the West or its predecessor and interest, had a one year lapse of franchise between the date of December 3, 1981 and November 30, 1982; and

WHEREAS, the telephone company and Navajo County, in effect, carried out a franchise agreement in a defacto sense during the lapse period -- that is, Navajo County continued to allow the phone company to use its rights of way and the telephone company continued to honor its obligations toward Navajo County during the same period and under the previous arrangement; and

WHEREAS, Navajo County has entered into a new twenty-five year franchise with the same company in substantially the same terms;

THEREFORE, it is resolved by the Board of Supervisors of Navajo County, recognizing a defacto franchise existed between December 3, 1981 and November 30, 1982; it is the intention of Navajo County to honor the existance of a franchise in a defacto sense during the said period and Continental Telephone Company of the West hereby assumes all franchise responsibilities during this same lapse period as if a franchise had been in full force and effect.

DATED this 10th day of May, 1983.

BOARD OF SUPERVISORS
Navajo County

Willard Hattery
Chairman

cc: Jay Flake Ba Packers 4/14

APR 19 '83

LAW OFFICES
FROST & PORTER P.C.
1052 EAST DEUCE OF CLUBS
POST OFFICE DRAWER 999
SHOW LOW, ARIZONA 85901

RECEIVED

1983 APR 14 AM 10:17

AREA CODE 602
TELEPHONE 537-2917

S. GIBBONS FROST
G. TERRIS PORTER

April 13, 1983
NAVAJO COUNTY BOARD
OF SUPERVISORS

Board of Supervisors
Navajo County
Governmental Center
Holbrook, Arizona 86025

Re: Continental Telephone Company of the West

Gentlemen:

As you know, our office represents Continental Telephone Company of the West concerning their franchise which inadvertently lapsed December 3, 1981.

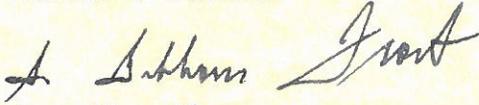
We are hereby requesting that you pass the resolution enclosed, wherein you would find that a franchise defacto -- that is, not an actual franchise but a franchise which functioned as if it were a franchise during the lapse period between December 3, 1981 and November 30, 1982.

I have sent a copy of this to Jay V. Flake, Navajo County Attorney and I believe you will want to consult him and see if he doesn't agree.

In any event, we hereby request that you pass the enclosed resolution to take care of the lapse which occurred. We believe that this would be a legally and practically sound step to take.

Sincerely,

FROST & PORTER



For the firm

SGF:kp
Enclosure
cc: Neil Thompson

District I

WILLARD GUTTERY

801 West Florida
Holbrook, AZ 86025
Phone 524-6572

District II

JOHNNY L. BUTLER

123 East Mahoney
Winslow, AZ 86047
Phone 289-2444

District III

PETE SHUMWAY

P.O. Box 161
Taylor, AZ 85939
Phone 536-7633

BOARD OF SUPERVISORS

Navajo County
Governmental Center
Holbrook, AZ 86025
Phone (602) 524-6161

EDWARD J. KOURY
County Manager

SHARON R. KEENE
Clerk of the Board

April 26, 1983

Mr. Gibbon Frost
Frost & Porter P.C.
1052 East Duece of Clubs
Show Low, Arizona 85901

Re: Continental Telephone Company Franchise Defacto

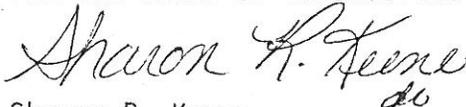
Dear Mr. Frost:

The Board of Supervisors has reviewed your letter of April 13, 1983 regarding the Continental Telephone Company Franchise Defacto. The Board questioned if it was extremely important for the Board to adopt this resolution, if so, they have requested that someone from Continental Telephone Company or your office come in and explain why this resolution is needed.

If you require any additional information or have any questions, please don't hesitate to contact us at 524-6161 ext. 406.

Sincerely,

FOR THE BOARD OF SUPERVISORS



Sharon R. Keene
Clerk

SRK:dr