

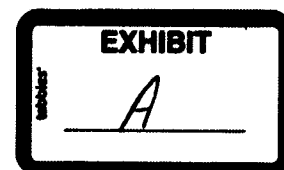
**IN THE CIRCUIT COURT OF BUTLER COUNTY
STATE OF MISSOURI
CIVIL DIVISION**

POPLAR BLUFF INTERNET, INC.)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO. 11BT-CV00566
)	
THE CITY OF POPLAR BLUFF, ET AL.)	
)	
DEFENDANTS.)	

AFFIDAVIT OF BRIAN BECKER

COMES NOW BRIAN BECKER AND STATES THE FOLLOWING UNDER OATH AND CERTIFIES THAT THE FACTS CONTAINED HEREIN ARE BASED ON HIS OWN PERSONAL KNOWLEDGE AND ARE TRUE AND CORRECT:

1. My name is Brian Becker, I am over the age of eighteen (18) and the President of Poplar Bluff Internet, Inc.
2. Poplar Bluff Internet, Inc. protested in writing each bill received from the City of Poplar Bluff from November 2010 until May 2011. Attached hereto as Exhibits B, C, D, E and F are true and correct copies of the written protests sent to the City of Poplar Bluff.
3. Poplar Bluff Internet, Inc. received a denial of its protest of the November 2010 bill from the City of Poplar Bluff by letter dated December 21, 2010, a true and accurate copy of which is attached hereto as Exhibit G.
4. Poplar Bluff Internet, Inc. appealed the denial of its protest to the November 2010 bill by letter dated December 29, 2010, a true and accurate copy of which is attached hereto as Exhibit H.




5. Poplar Bluff Internet, Inc. did not receive a written response from the City of Poplar Bluff in regards to the protests for the bills from December 2010 to May 2011.
6. Poplar Bluff Internet, Inc. did not receive any findings of fact or conclusions of law from the City of Poplar Bluff following the August 6, 2012, hearing.
7. Poplar Bluff Internet, Inc. paid for the use of City of Poplar Bluff's optical cable from Poplar Bluff Internet, Inc.'s offices to City of Poplar Bluff's City Cable building and, also, from the City Cable's building to other businesses within the city.
8. Poplar Bluff Internet, Inc. purchased an unbundled "connection" for each local user per the City Cable's Open Access Policy. The "connections" contained no Internet Service nor "Access to the Internet." Each "connection" transmitted information (signs, signals, pictures, sounds, and symbols) by coaxial wire and optical cable using the City of Poplar Bluff's telecommunications network.
9. Each "connection" was between two points inside the state of Missouri, more specifically, each "connection" was between each local user's premise and Poplar Bluff Internet, Inc.'s offices.
10. Attached hereto as Exhibit I is a true and correct copy of the Minutes of a Regular Meeting of the City Council of the City of Poplar Bluff for Monday, November 15, 1999.
11. Attached hereto as Exhibit J is a true and correct copy of Page 3A of the Daily American Republic Newspaper for Monday, February 7, 2000.
12. Attached hereto as Exhibit K is a true and correct copy of a report from the Missouri Public Service Commission regarding its telecommunication survey, which was provided to me by the City of Poplar Bluff pursuant to a Sunshine Law request.
13. Attached hereto as Exhibit L is a true and correct copy of the City of Poplar Bluff's

response to a survey conducted by the Missouri Public Service Commission in 2002, which was provided to me by the City of Poplar Bluff pursuant to a Sunshine Law request.

14. Attached hereto as Exhibit M is a true and correct copy of the City of Poplar Bluff's response to a survey conducted by the Missouri Public Service Commission in 2004, which was provided to me by the City of Poplar Bluff pursuant to a Sunshine Law request.

15. Attached hereto as Exhibit N is a true and correct copy of the City of Poplar Bluff's response to a survey conducted by the Missouri Public Service Commission in 2007, which was provided to me by the City of Poplar Bluff pursuant to a Sunshine Law request.

16. Attached hereto as Exhibit O is a true and correct copy of the Minutes of Regular Meeting for the Municipal Utilities Advisory Board for December 20, 2010.



Brian Becker

FEB 1, 2013
Date

State of Missouri)
County of Butler) SS

On this 1 day of February, 2013 before me personally appeared Brian Becker, to me personally known to be the person described herein, and who executed the foregoing Affidavit acknowledged that he did so as his own free act and deed.

My Commission Expires





Notary Public

LEWIS RICE

F I N G E R S H

Attorneys at Law

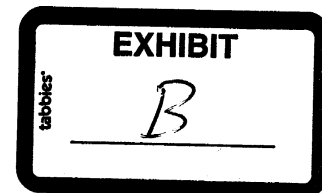
Benjamin J. Siders

bsiders@lewisrice.com
314.444.7805 (direct)
314.612.7805 (fax)

600 Washington Avenue
Suite 2500
St. Louis, Missouri 63101
www.lewisrice.com

December 15, 2010

Mr. Bill Bach
Poplar Bluff Municipal Utilities/City Cable
Post Office Box 1268
Poplar Bluff, Missouri 63901



Re: Payment for November 2010 Invoice

Dear Mr. Bach:

This correspondence is in regard to the invoice from City Cable to Poplar Bluff Internet, Inc. ("PBII") in the amount of \$25,596.44.

Missouri law requires the City of Poplar Bluff (the "City") to offer telecommunication services on a nondiscriminatory, competitively neutral basis, and at a price which covers cost. However, the City enacted an ordinance which unlawfully discriminates against all telecommunications service providers other than City Cable. The City also adopted a tiered pricing mechanism, founded on dubious accounting practices, which arbitrarily discriminates in violation of Missouri law. The City also invoiced PBII for peer-to-peer traffic. This traffic is not billable according to the Municipal Utilities Open Access User Internet Policy manual, which unambiguously defines billable traffic as data transmitted between the end-user and PBII. Because peer-to-peer traffic does not pass through the fiber-optic cable to PBII, it is not transmitted between the end-user and PBII, and cannot be invoiced to PBII.

Accordingly, PBII tenders payment under protest and with full reservation of its rights to prosecute and vindicate any and all claims PBII may have against the City, Municipal Utilities, the Advisory Board, City Cable, and any other entities. In light of the unlawful pricing mechanism and invoicing, PBII tenders payment in the amount of \$14,975.00. This amount reflects the \$1,000 fiber optic charge originally levied by the City, plus the City's bandwidth rate of \$325 multiplied by the forty-three (43) megabits (\$13,975) invoiced to PBII for this period. Although this forty-three (43) figure includes no less than seven (7) megabits of peer-to-peer traffic for which PBII cannot lawfully be held accountable, PBII will pay the full amount in good faith until this dispute is resolved.

By accepting this payment, City Cable agrees to continue to accept payment from PBII, with no interruption in service, using this pricing mechanism until the dispute between City Cable and PBII is resolved. That is, as an interim measure to maintain the status quo, City Cable will accept payment from PBII for the \$1,000 fiber optic access charge plus \$325 per megabit of utilization in exchange for PBII's continued access to telecommunications services on the City's

Established 1909

LEWIS RICE

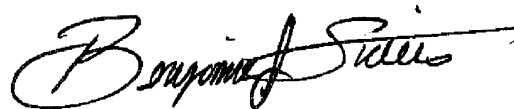
F I N G E R S H

Mr. Bill Bach
December 15, 2010
Page 2

cable infrastructure. Upon the resolution of this matter, the parties may revisit these invoices and determine whether additional payments or credits are necessary.

Regardless of whether City Cable accepts this payment, PBII believes it to be in the best interest of all to arrange a meeting of counsel and attempt to amicably settle this dispute and avoid the substantial cost and distraction of formal proceedings.

Very truly yours,

A handwritten signature in black ink, appearing to read "Benjamin J. Siders". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Benjamin J. Siders

BJS/clm

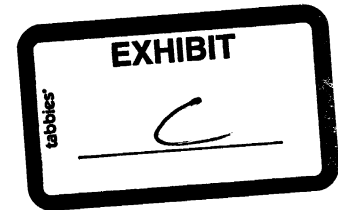


1877 North Westwood Blvd
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Poplar Bluff Internet, Inc. d.b.a. semo.net

January 13, 2011

Mr. Bill Bach
MU / City Cable
PO Box 1268
Poplar Bluff, Mo 63901



RE: Payment for December 2010 Invoice

Dear Mr. Bach,

This correspondence is in regard to the invoice from City Cable to Poplar Bluff Internet, Inc. (PBII) in the amount of \$23,646.44 for 37 megabits of peak aggregate capacity.

Our numbers for this time-period of bandwidth are close enough that I do not suspect much, if any, peer-to-peer traffic.

Missouri law requires the City of Poplar Bluff (City) to offer telecommunications services on a nondiscriminatory, competitively neutral basis, and at a price which covers cost. However, the City enacted an ordinance which unlawfully discriminates against all telecommunication service providers other than City Cable.

Accordingly, PBII tenders payment under protest and with full reservation of rights to prosecute and vindicate any and all claims PBII may have against the City, Municipal Utilities, the Advisory Board, City Cable, and any other entities. In light of the unlawful pricing mechanism, PBII tenders payment in the amount of \$13,025.00. This amount reflects the \$1,000 fiber optic charge originally levied by the City, plus the City's bandwidth rate of \$325 multiplied by the thirty-seven (37) megabits invoiced to PBII for this period. All other amounts are considered in dispute.

Upon resolution of this matter, the parties may revisit these invoices and determine whether additional payments or credits are necessary.

Sincerely,

Brian Becker

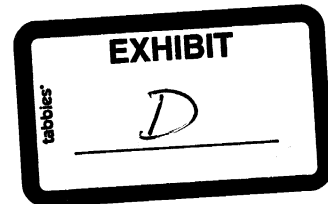


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Monday, February 14, 2011

Bill Bach
Utilities Manager, City of Poplar Bluff
3000 North Westwood Blvd
Poplar Bluff, MO 63901
RE: Payment for January 2011 Invoice



Dear Mr. Bach,

This correspondence is in regard to the invoice from City Cable to Poplar Bluff Internet, Inc. (PBII) in the amount of \$22,346.44 for 33 megabits of peak aggregate capacity. We concur with this Month's peak usage figure.

Missouri law requires the City of Poplar Bluff (City) to offer telecommunications services on a non-discriminatory, competitively neutral basis, and at a price which covers cost. However, the City enacted an ordinance which unlawfully discriminates against all telecommunication service providers other than MyCityCable.

Accordingly, PBII tenders payment under protest and with full reservation of rights to prosecute and vindicate any and all claims PBII may have against the City, Municipal Utilities, the Advisory Board, City Cable, and any other entities. In light of the unlawful pricing mechanism, PBII tenders payment in the amount of \$11,725.00. This amount reflects the \$1,000 fiber optic charge originally levied by the City, plus the City's bandwidth rate of \$325 multiplied by the thirty-three (33) megabits invoiced to PBII for this period. All amounts are considered in dispute.

Upon resolution of this matter, the parties may revisit these invoices and determine whether additional payments or credits are necessary.

Sincerely,

Brian Becker

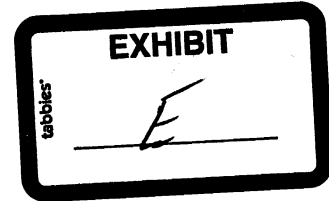


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Monday, March 21, 2011

Bill Bach
Utilities Manager, City of Poplar Bluff
3000 North Westwood Blvd
Poplar Bluff, MO 63901



Re: Dispute of March Invoice

Mr. Bach,

This correspondence is in regard to the invoice from City Cable to Poplar Bluff Internet, Inc. (PBII) in the amount of \$32,746.44 for 65 MPS Peak Aggregate Bandwidth.

Missouri law requires the municipality to offer telecommunications services and facilities on a non-discriminatory, competitively neutral basis, and at a price which covers cost. However, the City enacted an ordinance which unlawfully discriminates against all Internet service providers other than MyCityCable.

Furthermore, PBII's legal counsel submitted a recent letter to the City's legal team stating that PBII believes the actual cost per megabit of peak bandwidth to be \$52.11/MPS when billed on a monthly basis.

Accordingly, PBII tenders payment under protest and with full reservation of rights to prosecute and vindicate any and all claims PBII may have against the City, Municipal Utilities, the Advisory Board, City Cable, City Council and any other entities. In light of the unlawful pricing mechanism, PBII tenders payment in the amount of \$3,387.15. This amount reflects 65 MPS * \$52.11/MPS. All amounts are considered to be in dispute.

Upon resolution of this matter, the parties may revisit these invoices and determine whether additional payments or credits are necessary.

Sincerely,

Brian Becker

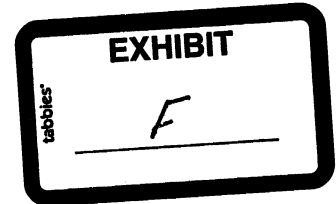


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Wednesday, August 31, 2011

Bill Bach
Utilities Manager, City of Poplar Bluff
3000 North Westwood Blvd
Poplar Bluff, MO 63901



Re: Dispute of April and May Invoices

Mr. Bach,

This correspondence is in regard to the invoices for April 24, 2011 for approximately \$31771.44 and May 22, 2011 for approximately \$26008.38 from City Cable to Poplar Bluff Internet, Inc. (PBII) for Peak Aggregate Bandwidth.

I apologize for our company's oversight and delay of providing this letter we've had significant changes in staff over the past 90 days and apparently a letter of dispute of these invoices was never delivered to your offices.

Missouri law requires the municipality to offer telecommunications services and facilities on a non-discriminatory, competitively neutral basis, and at a price which covers cost. However, the City enacted an ordinance which unlawfully discriminates against all Internet service providers other than MyCityCable.

PBII disputes these invoices.

Sincerely,


Brian Becker

semo.net, pbmo.net, imsinternet.net, sheltonbbs.net
Southeast Missouri's Online Community

CURTIS, HEINZ, GARRETT & O'KEEFE, P. C.
ATTORNEYS AT LAW
130 SOUTH BEMISTON, SUITE 200
ST. LOUIS, MISSOURI 63105
(314) 725-8788
FAX (314) 725-8789

CARL J. LUMLEY
PRINCIPAL

CLUMLEY@LAWFIRMEMAIL.COM

December 21, 2010

Benjamin J. Siders
Lewis Rice
600 Washington Avenue, Suite 2500
St. Louis, Missouri 63101

Via email: bsiders@lewisrice.com

Re: Poplar Bluff Internet dispute of City Cable invoice



Dear Mr. Siders:

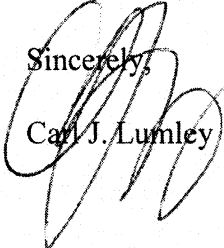
As indicated in prior correspondence, we represent Poplar Bluff Municipal Utilities. Our client has completed its review of your letter of December 15, 2010 regarding our client's November 2010 invoice to Poplar Bluff Internet, Inc. Our client has determined that there is no basis for this dispute of its invoice. The rates have been lawfully set and applied by the City. The City did not invoice your client for "peer-to-peer traffic". Your client was invoiced for its peak aggregate bandwidth usage during the billing cycle.

Your client has the right to appeal this decision to the Municipal Utilities Advisory Board. Any such notice of appeal should be submitted in writing to Bill Bach of Municipal Utilities and City Cable within 10 days of the date of this letter.

It does not appear that the time payment plan under section 4:03 of the Municipal Utilities Billing and Collection Policy applies to this dispute, but please review that section.

Absent an appeal, our client now expects payment in full of the invoice. Please refer to our prior letter regarding your client's check no. 34485.

Sincerely,


Carl J. Lumley

cc: City Cable

semo.net



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DEC 29 2010

Bill Bach
MU City Cable
3000 N Westwood Blvd
Poplar Bluff, Mo 63901

A handwritten signature in black ink, appearing to read 'Bill Bach', is written in the upper right quadrant of the page.

Dear Mr. Bach,

My attorney has received your denial of my dispute. Please accept this as a formal appeal of your decision.

I anticipate that my hearing will be during the January 17, 2011, meeting of the Advisory Board.

I should expect a minimum of five additional people will need to be in the room from my party during the hearing in addition to a number of witnesses necessary to make our case. Your conference room will not handle that number of people so please advise me as soon as possible on where you plan to have this hearing/meeting.

Thank you for your time,

A large, stylized handwritten signature in black ink, appearing to read 'Brian Becker', is written in the lower left quadrant of the page.

Brian Becker



MINUTES
OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE
CITY OF POPLAR BLUFF, MISSOURI
MONDAY, NOVEMBER 15, 1999

The City Council of the City of Poplar Bluff, Missouri, convened in a regular meeting on Monday, November 15, 1999.

Notice of this regular meeting of the City Council was given in the Daily American Republic, a newspaper of general circulation located in the City of Poplar Bluff. A copy of the agenda of this meeting was posted on a bulleting board located in the City Municipal Building at 101 Oak Street in the City of Poplar Bluff twenty-four hours prior to this meeting.

The invocation was given by the Reverend Cecil Winberry of the First General Baptist Church.

A roll call was as follows: Present: Brannum, Baumgardner, Rutledge, Absheer, Knuckles, Forrester; Absent: Rushin.

Also present were City Manager Thomas J. Lawson, City Clerk William W. Pettet and City Attorney Wallace L. Duncan who performed the duties of their respective offices.

DISCLOSURE OF INTEREST

Each member of the City Council was given the opportunity to disclose any possible conflict of interest dealing either with any item on the printed agenda or any matter discussed at a previous meeting. No conflict of interest was disclosed.

CITIZENS' INPUT

Each person in the audience was given the opportunity to address the City Council on any matter which was not on the printed agenda. No one from the audience approached the City Council.

APPROVAL OF MINUTES

The minutes of City Council minutes held October 4, October 18 and October 21, 1999, were presented to the City Council for their approval. Mayor Forrester asked if there were any additions or corrections to these minutes as presented. There being none, motion was made by Councilman Rutledge, seconded by Councilwoman Absheer and carried that the minutes be accepted as presented.

CITY CLERK'S REPORT

Report on Fund Balances, Investments and Collections

The City Clerk reported that each Councilperson had before them reports of fund balances, investments and collections as October 31, 1999. He reported on funds on deposit in the Commerce Bank in the amount of \$2,661,290.54; in the Mercantile Bank in the amount of \$1,229,464.07; in the 1st Missouri Bank of Poplar Bluff, \$1,443,000.00; in the 1st Midwest Bank, \$2,442,865.77; in the 1st Community Bank, \$1,932,076.13; in the Poplar Bluff Federal Credit Union, \$60,798.07; and in the Southern Missouri Savings Bank, \$3,901,606.04. He stated this represented a grand total of all funds in all banks in the amount of \$24,671,100.62; of which amount total funds on deposit for the account of City Hall is \$3,049,625.05 and total funds on deposit for the account of Municipal Utilities Department is \$21,621,475.57.

Reports Submitted to Members of the City Council

The City Clerk reported that each member of the City Council had before them the following reports for the month of October, 1999: an Animal Control report, a report on Building Permits issued, a Code Enforcement report, a report from the Fire Department, a report from the Municipal Court, a Payroll report by departments, a report from the Police Department, a report from the Street Department, and a report on Funds and Expenditures for the 1996 Bond issue and the 1998 Bond Issue.

Approval of City Clerk's Report

Motion was made by Councilman Knuckles, seconded by Councilman Brannum and carried that the City Clerk's Report be accepted as presented.

Police and Fire Pension Fund Report

The City Clerk presented a list of payments from the Police and Fire Pension Fund for the month of October, 1999, to the City Council for their approval. Motion was made by Councilwoman Absheer, seconded by Councilman Knuckles and carried that payments from the Police and Fire Pension Fund for the month of October be approved.

City Clerk Pettet stated this concluded the City Clerk's report.

WORKSHOP ITEMS FOR DISCUSSION

Preliminary Plat for Baumgardner's Subdivision

The City Council reviewed a recommendation from the Planning and Zoning Commission to approve the preliminary plat for the proposed Baumgardner's Subdivision containing twenty-six (26) lots north and south of Ginger Street and east of North 14th Street. The applicant is Jacob Baumgardner, 2032 North 14th Street, Poplar Bluff, Missouri.

Mr. Fred Crook, of the Poplar Bluff Planning Department addressed the City Council and stated that each Councilman had received a copy of the staff's report relative to this agenda item. He stated this was presented at the last workshop meeting of the Planning and Zoning Commission and was sent forward to the City Council with a recommendation for approval. Motion was made by Councilman Brannum, seconded by Councilwoman Absheer and carried that this item be moved to the agenda of the regular voting session of the City Council to take place December 6, 1999.

Rezoning from RS-2 to C-1, Property Located At 2438 Katy Lane

The City Council reviewed a recommendation from the Planning and Zoning Commission to rezone property from RS-2, general residential to C-1, neighborhood commercial for development of a banking facility. The applicants are Jerry L. and Joyce Moore, 2438 Katy Lane, Poplar Bluff, Missouri.

Mr. Fred Crook, of the Planning Department, appeared before the City Council and stated that this item had been workshopped at the Planning and Zoning Commission Meeting and forwarded to the City Council with a recommendation for approval.

There being no discussion of this item, motion was made by Councilman Knuckles, seconded by Councilman Baumgardner and carried that this item be moved to the agenda of the regular voting session of the City Council to take place December 6, 1999.



ACTION REQUIRED
ITEMS

**Park Department Sales
Tax**

The City Council took action on an ordinance imposing a sales tax of one-quarter of one percent for the purpose of providing funding for local parks; said funds to be deposited in the Park Fund to be kept separate and apart from other monies of the City of Poplar Bluff and drawn upon by authenticated vouchers of the Park Board by Revised Statutes 90.550 which shall replace the present Park property tax levy of .15 for \$100 assessed valuation, per City of Poplar Bluff Resolution No. 1479. Motion was made by Councilman Knuckles, seconded by Councilwoman Absheer that Bill No. 6386, AN ORDINANCE IMPOSING A ¼ OF ONE PERCENT SALES TAX ON ALL RETAIL SALES MADE IN THE CITY OF POPLAR BLUFF WHICH ARE SUBJECT TO TAXATION UNDER THE PROVISION OF SECTION 144.140 TO 144.510, RSMO FOR THE PURPOSE OF REPLACING THE PUBLIC PARKS PROPERTY TAX LEVY AND PROVIDING FUNDING FOR LOCAL PARKS, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Councilwoman Absheer, seconded by Councilman Rutledge that Bill No. 6386 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time, Mayor Forrester asked if there was any discussion of this bill.

Councilman Rutledge stated he wanted to make it clear to the public that next year when the property tax assessment goes up there will not be a provision for Park and Recreation Department inasmuch as this sales tax has passed. He stated he also wanted to make clear that this sales tax would start on April 1, 2000.

Motion was made by Councilman Knuckles, seconded by Councilman Baumgardner that Bill No. 6386 be adopted. A roll call vote was as follows: Yes: Rutledge, Absheer, Baumgardner, Knuckles, Brannum, Forrester; No: None; Absent: Rushin. There being a favorable vote, the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 6219 and was thereupon signed and approved by the Mayor and attested to by the City Clerk.

**Amendment to Chapter
32 of the Code of
Ordinances of the City
Of Poplar Bluff**

The City Council took action on an ordinance amending Chapter 32 of the Code of Ordinances for the City of Poplar Bluff, Missouri, entitled Streets and Sidewalks, Article IV, House Numbering, Section 32-121. Motion was made by Councilwoman Absheer and seconded by Councilman Rutledge that Bill NO. 6387, AN ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES FOR THE CITY OF POPLAR BLUFF ENTITLED "STREETS AND SIDEWALKS" BY SPECIFICALLY AMENDING SECTION 32-121 WITH REGARDS TO THE DISPLAY OF STREET NUMBERS, be read for the first time by caption only. Said bill was then placed upon its first reading and was read by caption only and duly passed by unanimous vote. Motion was made by Councilman Rutledge and seconded by Councilman Baumgardner that Bill No. 6387 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time, Mayor Forrester asked if there was any discussion of this bill. There being none, motion was made by Councilman Rutledge and seconded by Councilman Brannum that Bill No. 6387 be adopted. A roll call vote was as follows: Yes: Absheer, Baumgardner, Knuckles, Brannum, Rutledge, Forrester; No: None; Absent: Rushin. There being a favorable vote, the Mayor thereupon declared such Ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 6220 and was thereupon signed and approved by the Mayor and attested to by the City Clerk.

**Disposition of Surplus
Electrical Equipment**

The City Council took action on an ordinance authorizing the Municipal Utilities Department to dispose of surplus electrical equipment. Motion was made by Councilman Knuckles and seconded by Councilwoman Absheer that Bill No. 6388, AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS TRANSFORMERS BY THE MUNICIPAL UTILITIES DEPARTMENT OF THE CITY OF POPLAR BLUFF, be read for the first time by caption only. Said bill was then placed upon its first reading and was read by caption only and duly passed by unanimous vote. Motion was made by Councilman Brannum and seconded by Councilwoman Absheer that Bill No. 6388 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time, Mayor Forrester asked if there was any discussion of this bill. There being none, motion was made by Councilman Rutledge, seconded by Councilwoman Absheer that Bill No. 6388 be adopted. A roll call vote was as follows: Yes: Baumgardner, Knuckles, Brannum, Rutledge, Absheer, Forrester; No: None; Absent: Rushin. There being a favorable vote, the Mayor thereupon declared such Ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 6221 and was thereupon signed and approved by the Mayor and attested to by the City Clerk.

**Agreement with SWPA
For the Synchronization
Of Lines at the Poplar
Bluff Substation**

The City Council took action on an ordinance authorizing the Mayor of the City of Poplar Bluff, Missouri, to enter into an agreement with Southwestern Power Administration to provide for the synchronization of lines at the Poplar Bluff Substation. Motion was made by Councilman Knuckles and seconded by Councilman Rutledge that Bill No. 6389, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF POPLAR BLUFF, MISSOURI, TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF POPLAR BLUFF, MISSOURI WITH SOUTHWESTERN POWER ADMINISTRATION TO PROVIDE SYNCHRONIZATION BETWEEN TRANSMISSION LINES AT THE MORRISON ROAD SUBSTATION, be read for the first time by caption only. Said bill was then placed upon its first reading and was read by caption only and duly passed by unanimous vote. Motion was made by Councilman Rutledge and seconded by Councilman Baumgardner that Bill No. 6389 be placed upon its seconded and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time, Mayor Forrester asked if there was any discussion of this bill. There being none, motion was made by Councilman Rutledge, seconded by Councilwoman Absheer that Bill No. 6389 be adopted. A roll call vote was as follows: Yes: Knuckles, Brannum, Rutledge, Absheer, Baumgardner, Forrester; No. : None; Absent: Rushin. There being a favorable vote, the Mayor thereupon declared such Ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 6222 and was thereupon signed and approved by the Mayor and attested to by the City Clerk.

**Vacation of an Alleyway
To Kneibert Clinic**

The City Council took action on an ordinance amending Ordinance No. 1401 in order to vacate to Kneibert Clinic the remainder of an alley in Corrigan's Addition into the City of Poplar Bluff. Motion was made by Councilman Knuckles and seconded by Councilman Brannum that Bill No. 6390, AN ORDINANCE AMENDING ORDINANCE NO. 1401 RELATIVE TO THE VACATION OF AN ALLEY IN CORRIGAN'S ADDITION TO THE CITY OF POPLAR BLUFF, be read for the first time by caption only. Said bill was then placed upon its first reading and was read by caption only and duly passed by unanimous vote. Motion was made by Councilwoman Absheer and seconded by Councilman Rutledge that Bill No. 6390 be placed upon its seconded and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time, Mayor Forrester asked if there was any discussion of this bill. There being none, motion was made by Councilman Baumgardner and seconded by Councilman Knuckles that Bill No. 6390 be adopted. A roll call vote was as follows: Yes: Brannum, Rutledge, Absheer, Baumgardner, Rutledge, Knuckles, Forrester; No. : None; Absent: Rushin. There being a favorable vote, the Mayor thereupon declared such Ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 6223 and was thereupon signed and approved by the Mayor and attested to by the City Clerk.

**Call for a Bond Election
For a Broadband
Communications
System**

The City Council took action on an ordinance calling for the submission to the voters of the City of Poplar Bluff, Missouri, a bond election for the purpose of constructing and equipping a broadband telecommunications system. Motion was made by Councilman Knuckles and seconded by Councilman Rutledge that Bill No. 6391, AN ORDINANCE CALLING FOR A SPECIAL ELECTION IN THE CITY OF POPLAR BLUFF, MISSOURI, ON FEBRUARY 8, 2000 TO DETERMINE WHETHER THE CITY SHOULD ISSUE ITS GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$9,020,000 FOR THE PURPOSE OF ESTABLISHING AND CONSTRUCTING AND EQUIPPING A BROADBAND TELECOMMUNICATION SYSTEM, be read for the first time by caption only. Said bill was then placed upon its first reading and was read by caption only and duly passed by unanimous vote. Motion was made by Councilman Baumgardner and seconded by Councilman Brannum that Bill No. 6391 be placed upon its seconded and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time, Mayor Forrester asked if there was any discussion of this bill. There being none, motion was made by Councilman Knuckles, seconded by Councilman Brannum that Bill No. 6391 be adopted. A roll call vote was as follows: Yes: Rutledge, Absheer, Baumgardner, Rutledge, Knuckles, Brannum, Forrester; No. : None; Absent: Rushin. There being a favorable vote, the Mayor thereupon declared such Ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 6224 and was thereupon signed and approved by the Mayor and attested to by the City Clerk.

**CALL FOR CLOSED
MEETING**

The City Council of the City of Poplar Bluff, Missouri, called for a closed meeting at which time they will discuss matters which are exempted under the open meetings law Section 610.021.1, RSMo, Section 610.021.2, RSMo, Section 610.021.3, RSMo, Section 610.021.9, RSMo, Section 610.021.11, RSMo, Section 610.021.12, RSMo, Section 610.021.13, RSMo and Section 610.021.14, RSMo. Motion was made by Councilman Rutledge, seconded by Councilman Brannum and carried that the City Council move into closed session immediately following this regular meeting of the City Council.

**CITY MANAGER'S
REPORT**

City Manager, Thomas J. Lawson, addressed the City Council and stated he would like to call their attention to a letter which was received from Mr. Tim Selsor of the Butler County Landfill. He stated this letter gave the explanation of what they planned to do at the Butler County Landfill and set out the price increases which are going to be imposed.

City Manager Lawson stated Mr. Ray Huett of the Tower Motel has a marquis available which he has offered to provide to the Black River Coliseum for their use. He stated Mr. Huett would contribute this to the City for tax purposes.

City Manager Lawson stated the plaque that was originally on the parking lot across from the Poplar Bluff Public Library is in the hands of the Poplar Bluff Library Board of Trustees and will be erected on the current parking lot as soon as a suitable place can be found.

City Manager Lawson stated he would like to talk a little about the ABBCO Cleaning Service at the Black River Coliseum. He stated Mr. Ron Spoth and Regina Humble were in the audience tonight and would like to talk to the City Council about trying to work something out to allow ABBCO to continue providing cleaning services at the Black River Coliseum.

City Councilman Rutledge stated that any contract negotiations should be done in closed session and this is not an item which is on the agenda and is not proper to discuss.

Mr. Ronald Spoth addressed the City Council and stated he represents ABBCO Cleaning Services Corporation of St. Louis, Missouri. He stated his company has been the cleaning contractor for the Black River Coliseum since its inception. He stated they have been in the Poplar Bluff region for over six years. He stated they started in this area cleaning the Briggs and Stratton plant, which they still currently do, and they clean the Kneibert Clinic building as well as some other smaller accounts within the area. He stated he had been asked by Mr. Lawson to come down and appear before the City Council to explain their system and their position. He stated they feel that they have a very sound cleaning system and program in as far as how they address the cleaning needs of the facility. He stated they do some work in the City of St. Louis at the Transworld Dome where they do the same type of event cleaning that they do at the Black River Coliseum. He stated the Black River Coliseum is the crown jewel of Poplar Bluff and needs to be treated in such manner. He stated part of the area of the Coliseum is not yet on line, which would be the pool area, which would be used by the public. He stated they have two full time individuals on their payroll at the Black River Coliseum and that Regina Humble is the area supervisor that takes care of this account. He stated all of their employees are ABBCO employees who do cleaning for a living which is different than someone who works for a temporary service who may clean this week and do assembly work next week. He stated they furnish all the material and equipment which are needed to perform these cleaning tasks. He stated this would include vacuum cleaners, mops, buckets and this type of equipment. He stated every event they have cleaned for since the inception of the Black River Coliseum have come in under budget. He stated they have been active members of the community for over six years and are a member of the Chamber of Commerce.

Councilman Brannum stated he thinks ABBCO does a really good job but any way you look at it the City could do this job cheaper themselves.

Motion was made by Councilman Rutledge to place an item on the first Council meeting in December to decide what the City is going to do about cleaning services at the Black River Coliseum. Councilman Rutledge stated he would suggest that the City Manager solicit bids for cleaning services and have some figures for the Council to look at at the December Council meeting. Said motion was seconded by Councilman Baumgardner and carried by a unanimous vote of the City Council.

There being no further business to come before this regular meeting of the City Council, motion was made by Councilman Rutledge, seconded by Councilman Brannum and carried that this meeting be adjourned.

Mayor Forrester declared the meeting adjourned at 7:25 p.m.

Respectfully submitted,

William W. Pettet
City Clerk

WWP/pk

APPROVED BY THE CITY COUNCIL

OF THE CITY OF POPLAR BLUFF,

MISSOURI, THIS _____ DAY



Missouri Public Service Commission

Commissioners
KELVIN L. SIMMONS
Chair
CONNIE MURRAY
SHEILA LUMPE
STEVE GAW
BRYAN FORDIS

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.state.mo.us>

ROBERT J. QUINN, JR.
Executive Director
WESS A. HENDERSON
Director, Utility Operations
ROBERT SCHALLENGER
Director, Utility Services
DONNA M. PRENGER
Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

December 27, 2002

The Honorable Peter Kinder
President Pro Tem
Room 325, Capitol
Jefferson City, MO 65101

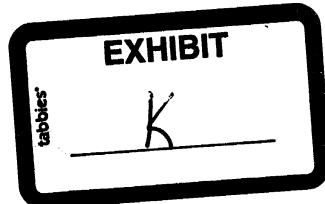
The Honorable Jim Kreider
Speaker
Room 308, Capitol
Jefferson City, MO 65101

Dear Senator Kinder and Representative Kreider:

On behalf of the Missouri Public Service Commission, I am pleased to forward our report analyzing the economic impact of municipally owned and operated cable television and telecommunications systems. As provided in HB 1402, enacted during the 2002 legislative session and signed by Governor Holden, the Commission is required to submit its findings to the General Assembly by December 31 of each year until 2007, when the provisions expire.

In this initial analysis, the Commission identified 13 Missouri cities offering cable television or telecommunications services to the public through systems they owned or operated. Three cities offer cable television service and have 8,564 subscribers; 11 cities offer various telecommunications services and currently have 3,911 subscribers. All told, municipal revenues from these services total \$1,530,000 for cable and \$2,367,000. Please be aware that these data are drawn from survey responses and may not be all-inclusive.

Further details on the Commission's study methods and other related local issues are provided in the report. I hope you find this information helpful, and don't hesitate to contact me (751-0946) or PSC Executive Director Bob Quinn (751-2690) if you have questions.



Sincerely,

Kelvin L. Simmons

Enc.

C: Commissioners, Governor Holden, Wess Henderson, John Van Eschen, Natelle Dietrich, Walter Cecil, Toni Messina, Kevin Kelly

Executive Summary

A total of thirteen cities in Missouri were identified through questionnaire responses as offering cable television or telecommunications services to the public through systems owned or operated by the municipality. Three cities offer cable television service and have 8,564 subscribers while eleven cities offer various telecommunications services and currently have 3,911 subscribers. Collective year-to-date 2002 revenues for these services are \$3,897,000. The telecommunications services offered by municipalities are primarily access to the Internet. Municipalities cite several reasons for initiating cable television or telecommunications services, most notably, the lack of existing service or poor quality service.

Introduction

Effective August 28, 2002, the General Assembly of the State of Missouri passed, and the governor signed, HB 1402¹ to provide, in part, certain guidelines and standards by which municipalities and political subdivisions may own and operate cable television or telecommunications facilities and services. Pursuant to HB 1402, the legislature directed the Missouri Public Service Commission to perform an annual economic impact study of the effects of municipal owned cable television systems and telecommunications networks. The Missouri Public Service Commission is to submit a report of the results of that study to the General Assembly by December 31 of each year.

HB 1402 repealed certain sections of the Missouri Statutes and enacted new sections. Specifically:

Section 71.970 of HB 1402 states, in part:

1. Municipalities may own and operate cable television facilities on a nondiscriminatory, competitively neutral basis, and at a price which covers cost, including imputed costs that the political subdivision would incur if it were a for-profit business. No municipality may own or operate cable television facilities and services unless approved by a vote of the people. This section shall apply only to municipalities that acquire or construct cable television facilities and services after August 28, 2002.
2. The public service commission shall annually study the economic impact of the provisions of this section and prepare and submit a report to the general assembly by December thirty-first of each year.
3. The provisions of this section shall terminate on August 28, 2007.

¹ The state statutes, which HB 1402 modify, are currently on appeal.

Section 392.410 of HB 1402 states, in part:

7. No political subdivision of this state shall provide or offer for sale, either to the public or to a telecommunications provider, a telecommunications service or telecommunications facility used to provide a telecommunications service for which a certificate of service authority is required pursuant to this section. Nothing in this subsection shall be construed to restrict a political subdivision from allowing the nondiscriminatory use of its rights-of-way including its poles, conduits, ducts and similar support structures by telecommunications providers or from providing to telecommunications providers, within the geographic area in which it lawfully operates as a municipal utility, telecommunications services or telecommunications facilities on a nondiscriminatory, competitively-neutral basis, and at a price which covers cost, including imputed costs that the political subdivision would incur if it were a for-profit business. Nothing in this subsection shall restrict a political subdivision from providing telecommunications services or facilities:
 - (1) For its own use;
 - (2) For 911, E-911 or other emergency services;
 - (3) For medical or educational purposes;
 - (4) To students by an educational institution; or
 - (5) Internet-type services.

The provisions of this subsection shall expire on August 28, 2007.

8. The public service commission shall annually study the economic impact of the provisions of this section and prepare and submit a report to the general assembly by December thirty-first of each year.

In accordance with these directives, the Telecommunications Department Staff of the Missouri Public Service Commission sent identified municipalities and counties a questionnaire to assist in the data collection process for the economic impact analysis for the calendar year 2002. To identify the various municipalities and counties, Staff combined several Public Service Commission mailing lists. Staff also contacted several state agencies in an effort to obtain contact information for the various entities. In an additional effort to ensure that the questionnaire reached all possible entities, Staff also requested each county official receiving the questionnaire to forward it to any municipalities, which may be offering cable and/or telecommunications services within the respective jurisdiction. This request has resulted in the receipt of questionnaires from entities that were not part of the original mailing. Realizing that the list was not all-inclusive, Staff continues to explore additional avenues to gain contact information in order to gain additional information for future reports.

Questionnaire

The questionnaire sent to municipalities and counties within the state in accord with the directive to determine the economic impact of municipally and county provided cable television services or telecommunications services is appended to this report. The rationale behind the questions was to attempt to evaluate the monetary and nonmonetary incremental increases or decreases in economic activity resulting from the aforementioned services by the municipalities and counties. However, due to the limited time available for this initial study year, a decision was made to limit the scope of the survey to such things as identifying those municipalities offering cable and/or telecommunications services and determining how those services were provisioned.

The questionnaire sought to identify municipalities and counties providing cable services or telecommunications services, the scope of services offered, the amount of revenues earned, the rationale employed by the municipality or county in determining whether or not to provide the service, how entry into the city or county market was accomplished, the tax revenue impact borne by the city or county in question, whether or not jobs have been created, and how the service is operated.

The Commission received eighty-eight responses to its questionnaire resulting in a response rate of approximately forty-nine percent of the identified municipalities and counties. Following is an overview of those responses, including observations and conclusions.

Overview of Responses

Municipalities Offering Services to the Public

The cities identified on the following table have reported offering cable television and/or cable modem (data transmission) services. All of the municipalities have indicated there is no competitor active in their service territory. It should be noted that competitive television programming is available through satellite broadcast. No counties have indicated they are providing these services.

City Name	Population Size (2000 Census)	Former Cable Provider	Year Began Cable
Kahoka	2,241	Kahoka Communications, L.P.	1992
Newburg	484	None	1982
Poplar Bluff	16,561	Instar, L.P. managed by Charter	2001

The cities identified on the following table have reported offering telecommunications services. No counties have indicated they are providing these services.

City Name	Population Size (2000 Census)	Incumbent Basic Local Provider	Year Began Telecom
Albany	1,937	Alltel Communications, Inc.	2001
Carthage	12,668	Southwestern Bell Telephone Co.	2000
Chillicothe	8,968	Southwestern Bell Telephone Co.	2000
Columbia	84,531	CenturyTel Of Missouri, LLC	1997
Kennett	11,260	Southwestern Bell Telephone Co.	2002
Macon	5,538	CenturyTel Of Missouri, LLC	2001
Marshall	12,433	Southwestern Bell Telephone Co.	2002
Paris	1,529	Spectra Communications Group	2002
Poplar Bluff	16,561	Southwestern Bell Telephone Co.	2002
Sikeston	16,992	Southwestern Bell Telephone Co.	1999
Springfield	151,580	Southwestern Bell Telephone Co.	1998

Summary of Responses

Cable-Specific Responses Indicated:

- Three cities and no counties are offering cable services;
- The earliest such services were offered was in 1982;
- The cities collectively serve approximately 8,564 subscribers;
- The 2002 year-to-date revenues are approximately \$1,530,000, collectively;
- Such services include typical television programming and high speed Internet access;
- These services are provided by the municipalities either as a response to the lack of services, the poor quality of service provided, or because of a demand for specific service packages, which were unavailable from other sources;
- Two municipalities purchased facilities from existing private firms and a third indicated it built its network from the ground up;

Telephony-Specific Responses Indicated:

- Eleven cities and no counties are offering limited telephony services;
- Such services include dial-up and high speed Internet access, wireless Internet access, networking for data transmission, leasing of dark fiber, and voice transmission internal to the offices of the municipality (basic local services to the public are not included);
- The earliest these services were offered was in 1997;
- The cities collectively serve approximately 3,911 subscribers;
- The 2002 year-to-date revenues received are approximately \$2,367,000, collectively;
- These services are provided as a response by the municipality to the poor quality-of-service provided by an existing firm, because no firm was offering or planned

to offer the provided service, to provide an alternative or an enhanced alternative to an existing firm's service, or to generate an additional revenue stream for the municipality;

Responses Applicable to Cable and Telephony Offerings Indicated:

- That 45.5 full and part-time jobs are related to the provision of these services; one city uses a private contractor to provide labor; other cities split duties between other municipally offered services and functions;
- Two cities indicated they had imposed some kind of tax or tax-like charges against these services; one city has a 5% fee against gross telephony revenues (for Internet services) collected by the utility and the other has imposed a franchise tax charged as a line item on consumers' bills. The relevant combined revenues collected by these cities are \$13,500. No other city indicated any tax impact has occurred. One county indicated a \$17,000 reduction in property tax revenues as a result of municipal acquisition of the cable network;
- Five cities provide these services under a stand-alone enterprise, while seven cities provide these services as part of some other municipal enterprise (i.e., as part of another municipally-owned utility), and one city provides the service as a function of local government;
- One city utilized a bond issue to obtain funds to acquire its infrastructure while another city indicates it utilized economic development funds to do the same. Four cities used existing city or city-owned-utility facilities to provide services. One city purchased facilities from a private firm and another leases facilities from a private firm. Two cities did not indicate how facilities were acquired.

The Commission's Observations

The Commission contacted many of the respondents to clarify the answers to certain survey questions. There was a consistent concern demonstrated among the small-town respondents that Internet-type services should be made or continue to be made available to their citizens and that those services be reasonably priced. More than one respondent said that the for-profit-firms either had no plans to expand services or that the town wanted an alternative to the current provider. In one case, the city indicated its provider was planning to cease offering Internet-type services so the city responded by assuming the provisioning of those services. In another case, the city asked the local provider to expand its service package, but the provider indicated it was not interested in expanding its services. That city then contacted another provider who indicated it had no interest in entering that market. Subsequently the city established its own Internet-type network.

With respect to those respondents indicating no private Internet-type service was available, when asked why the cities took the initiative to provide the services the response was, "There was a demand for it."

The Commission's observations are derived directly from the limited information gathered from the questionnaire responses; therefore, any conclusions are not necessarily

a complete representation of the total activity by municipalities owning or operating cable and/or telecommunications services in the State as anticipated by HB 1402.

- There appears to be a demand for higher speed data transmission capabilities and competitive access to the Internet in the rural areas in the state.
- The smaller towns and cities are willing to utilize municipal assets to provide high-speed access to the Internet.
- Some cities view the provision of data transmission services as a means of increasing revenues.
- Smaller towns and cities will provide data transmission services if private providers are unwilling to do so. They are also willing to provide alternative means of access to the Internet, for data transmission, to establish some means of (competitive) price control.

Next Year's Report

In the process of preparing and analyzing the responses to this year's survey, the Commission has become aware that many questions and responses to the Commission's questionnaire have given rise to more questions. As the Commission becomes familiar with the kinds of information that are available and are needed, future questionnaires will be written with current responses in mind. The Commission is sensitive to the additional burden that lengthy and sophisticated questionnaires will impose upon recipients and will attempt to keep future questionnaires as brief and narrowly focused as possible while seeking meaningful and measurable information. Concepts being considered for further exploration and inclusion into future surveys are comparisons between private and municipally offered services, the impact of municipally offered network services on job creation and contraction, and gains and losses in tax revenue. A brief list of potential questions to be addressed in future reports follows.

- What is the value of the real and personal property loss to the county's tax rolls due to municipal acquisition of the formerly privately held network assets?
- How is the resultant tax revenue loss being replaced?
- Has the telephony or cable activity produced revenue greater than the tax revenue loss?
- Have the jobs that were created to service the network infrastructure and business offices replaced existing jobs or are they brand new creations?
- If the jobs replace previously existing positions, are the current positions paying more or less than those jobs being replaced?
- Are there benefits packages associated with the municipally sponsored jobs and if so, how do they compare to the benefits package of the private firm?
- Are wages more, less, or equal to those paid by the private firm?
- How do the prices charged, and service packages offered to the public by the municipality compare to those charged and offered by the private firm?
- Have any private firms sought to enter your market since you began to offer service?

Appendix One

The Questionnaire with Responses Summarized

Response summaries, not part of the survey, are provided in italicized bold type. Occasionally, multiple responses were provided. When it was not possible to obtain a single answer, the response was summarized into the categories indicated by the responding party. Consequently, some questions may have responses summing to a value other than the number of respondents.

Instructions

For many questions, a yes or no answer will be sufficient. For your convenience, yes or no check boxes have been provided. Please respond to the question by checking the appropriate box.

Correspondence

Please identify a contact person including address and phone number.

Contact Person: _____

Address: _____

Phone Number: _____

e-mail address: _____

Cable Television Providers

1. Does your municipality own or operate a cable television system offering services to the public?
YES ___ NO ___ If no, go to question 8.

Responses:

Yes-3 cities, 0 counties

No- 50 cities, 35 counties

2. Please indicate when your municipality began offering cable television services and provide the number of customers subscribing and revenues for each of the last five years.

YEAR SERVICES BEGAN _____

Responses: 1982; 1992; 2001

CUSTOMERS IN 2002 _____ 2001 _____ 2000 _____ 1999 _____ 1998 _____

Responses:

2002-8564

2001-2427

2000-964

1999-981

1998-976

REVENUES IN 2002 _____ 2001 _____ 2000 _____ 1999 _____ 1998 _____

Responses:

2002—\$1,530,000

2001—\$333,000

2000—\$241,000

1999—\$228,000

1998—\$207,000

3. Please indicate which of the following reasons explains why your municipality chose to offer these services?

POOR SERVICE/QUALITY OF SERVICE BY A PRIVATE FIRM _____

One city responded to this answer.

NO SERVICE PROVIDED BY ANY PRIVATE FIRM _____

One city responded to this answer.

OTHER (Please explain) _____

Responses:

For-profit firm wished to exit market. The city bought its assets to continue the service and to keep prices low.

4. How did your municipality enter the business of owning and operating a cable television system (i.e., Did you use your power of eminent domain to acquire facilities)?

EMINENT DOMAIN _____

No respondents indicated this answer.

LEASE SERVICE FROM OTHER SERVICE PROVIDER _____

No respondents indicated this answer.

NO SERVICE OFFERED BY PRIVATE FIRM _____

One respondent selected this answer.

OTHER _____ (Please explain) _____

Responses:

One city floated a bond issue in excess of nine million dollars to purchase the network assets of the existing firm.

Another city did not indicate how it acquired the network assets of the existing firm.

5. Has there been a tax-revenue impact on your municipality due to the ownership/provision of your cable television services?

YES _____ NO _____

Responses:

Yes-one county (See response to next section)

No-three

If possible, please state the dollar value of the tax-revenue impact and identify the tax impact.

INCREASE _____ or DECREASE _____

DOLLAR VALUE of IMPACT: _____

SOURCE IMPACTED: SALES TAX _____ PROPERTY TAX _____

OTHER _____

Response:

One county in which a providing city is located indicated an approximate \$17,000 decline in property tax revenues due to municipal acquisition of the network assets. See question 13 below.

6. How many employees are dedicated to these services?
_____ EMPLOYEES

Response: 12 employees in three cities.

7. Please indicate how these services are operated.

_____ as a separate enterprise

_____ as a part of some other enterprise (such as a division of an electric or water service)

_____ as a part of local government

_____ other (Please explain) _____

There were three responses.

One city operates its cable system as a separate enterprise.

Another city operates its system as a division of some other enterprise.

The third city operates its system as a part of local government.

Telecommunications Providers

8. Does your municipality own or operate a telecommunications network offering services to the public?

YES ___ NO ___, if no, no other responses are requested.

Responses:

Yes-11 cities, 0 counties

No-42 cities, 35 counties

9. What type of telecommunications services is your municipality offering?

VOICE _____

INTERNET _____

OTHER _____ (please explain) _____

Responses:

No voice services are made available to the public. One city indicated it does provide voice service to its municipal offices (these service are counted for purposes of the survey.)

Nine cities indicated they provide Internet services (data transmission).

Two cities indicated other services including leasing of dark fiber.

Some responses fell into multiple categories.

Responses:

No city indicated the use of eminent domain to acquire its facilities.

Two cities indicated they lease service or facilities from a private provider.

Two cities indicated no service offered by private firm.

Seven cities indicated other means for entering the business. The explanations "other" were varied and included financial reasons, lack of service offered privately, desires to have access to services not privately offered and mechanical explanations of the methods utilized to create infrastructure.

13. Has there been a tax-revenue impact on your municipality due to the ownership/provision of your telecommunications services?

YES _____ NO _____

Responses:

Yes-two

No-nine

If possible, please state the dollar value of the tax-revenue impact and identify the tax impact.

INCREASE _____ or DECREASE _____

DOLLAR VALUE of IMPACT: _____

SOURCE IMPACTED: SALES TAX _____ PROPERTY TAX _____

OTHER _____

Responses: The assessor of one county indicates an approximate \$17,000 decline in property tax revenue due to municipal acquisition of the cable/telecommunications network, which was previously held by a for-profit firm. The municipality that acquired those assets did not identify any tax impacts. The two yes responses are from cities that have instituted some kind of franchise fee or gross receipts fee for telecommunications services (Internet-type) provided.

14. How many employees are dedicated to these services?

_____ EMPLOYEES

Responses:

Eleven cities indicated a total of telecommunications 33.5 positions exist.

One city contracts with a private firm for its labor and indicates zero employees.

15. Please indicate how these services are operated.

_____ as a separate enterprise

_____ as a part of some other enterprise (such as a division of an electric or water service)

_____ as a part of local government

_____ other (Please explain) _____

Responses:

Four cities indicate these services are operated as a separate enterprise.

Seven cities indicate these services are operated as a department within some other municipal enterprise.

No city operates its telecommunications operations as a part of local government.

No city responded to "other."

**Appendix Two
List of Counties to Which
Questionnaires Were Sent**

County, County Seat

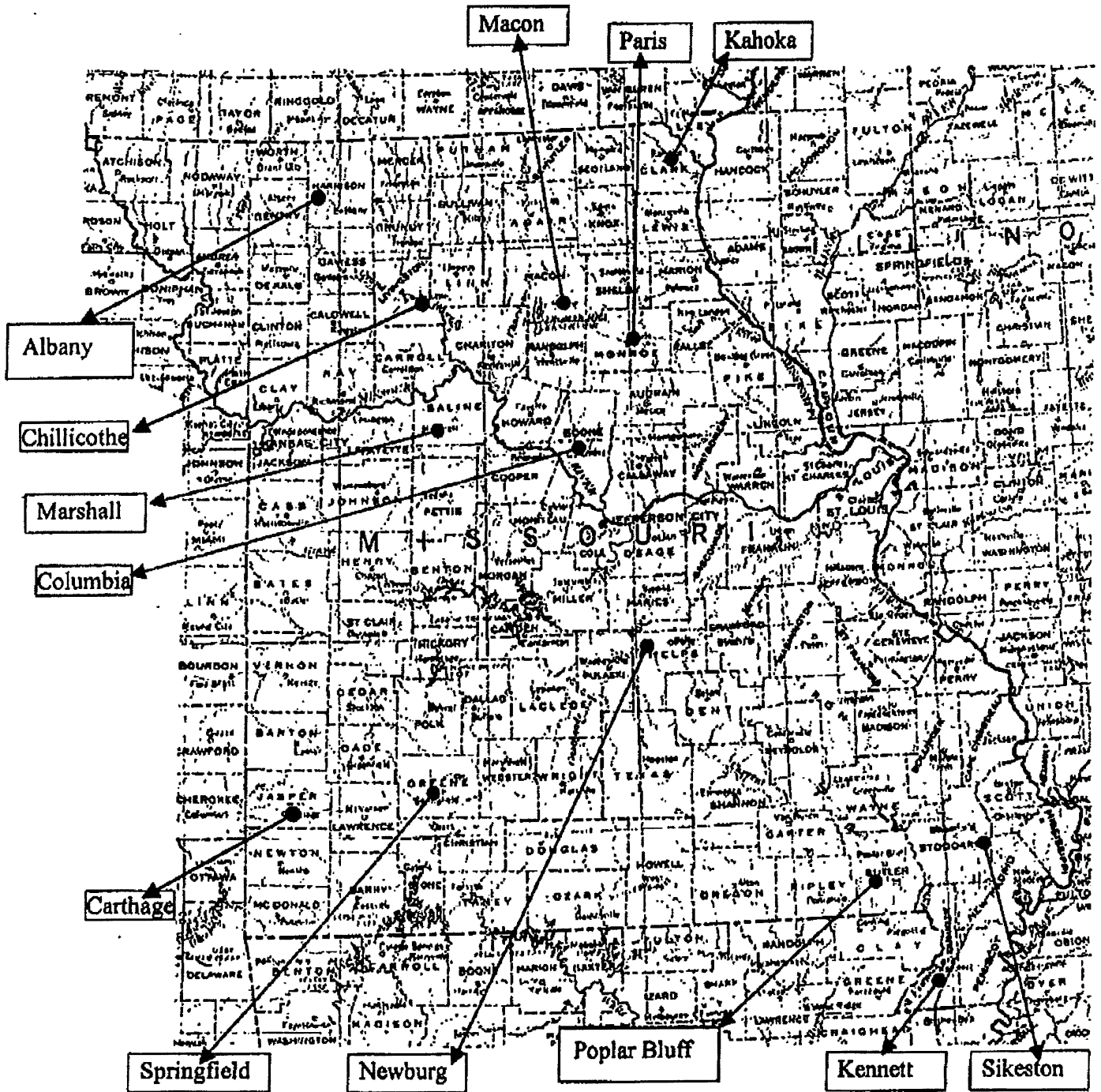
Adair County, Kirksville
Andrew County, Savannah
Atchison County, Rock Port
Audrain County, Mexico
Barry County, Cassville
Barton County, Lamar
Bates County, Butler
Benton County, Warsaw
Bollinger County, Marble Hill
Boone County, Columbia
Buchanan County, St. Joseph
Butler County, Poplar Bluff
Caldwell County, Kingston
Callaway County, Fulton
Camden County, Camdenton
Carroll County, Carrollton
Cape Girardeau County,
Jackson
Carter County, Van Buren
Cass County, Harrisonville
Cedar County, Stockton
Chariton County, Keytesville
Christian County, Ozark
Clark County, Kahoka
Clay County, Liberty
Clinton County, Plattsburg
Cole County, Jefferson City
Cooper County, Booneville
Crawford County, Steelville
Dade County, Greenfield
Davies County, Gallatin
DeKalb County, Maysville
Dent County, Salem
Douglas County, Ava
Dunklin County, Kennett
Franklin County, Union
Gasconade County, Hermann
Gentry County, Albany
Greene County, Springfield
Grundy County, Trenton

Harrison County, Bethany
Hickory County, Hermitage
Henry County, Clinton
Holt County, Oregon
Howard County, Fayette
Howell County, West Plains
Iron County, Ironton
Jackson County, Kansas City
Jasper County, Carthage
Jefferson County, Hillsboro
Johnson County, Warrensburg
Knox County, Edina
Laclede County, Lebanon
Lafayette County, Lexington
Lawrence County, Mt. Vernon
Lewis County, Monticello
Lincoln County, Troy
Linn County, Linneus
Livingston County, Chillicothe
Macon County, Macon
Madison County, Fredericktown
Maries County, Vienna
Marion County, Palmyra
McDonald County, Pineville
Mercer County, Princeton
Miller County, Tuscumbia
Mississippi County, Charleston
Moniteau County, California
Monroe County, Paris
Montgomery County,
Montgomery City
Morgan County, Versailles
New Madrid County, Madrid
Newton County, Neosho
Nodaway County, Maryville
Oregon County, Alton
Osage County, Linn
Ozark County, Gainsville
Pemiscot County, Caruthersville
Perry County, Perryville

Pettis County, Sedalia
Phelps County, Rolla
Pike County, Bowling Green
Platte County, Platte City
Polk County, Bolivar
Pulaski County, Waynesville
Putnam County, Unionville
Ralls County, New London
Randolph County, Huntsville
Ray County, Richmond
Reynolds County, Centerville
Ripley County, Doniphan
St. Charles County, St. Charles
St. Clair County, Osceola
St. Francois County, Farmington
St. Louis County, Clayton
Ste. Genevieve County, Ste.
Genevieve
Saline County, Marshall
Schuyler County, Lancaster
Scotland County, Memphis
Scott County, Benton
Shannon County, Eminence
Shelby County, Shelbyville
Stoddard County, Bloomfield
Stone County, Galena
Sullivan County, Milan
Taney County, Forsyth
Texas County, Houston
Vernon County, Nevada
Warren County, Warrenton
Washington County, Potosi
Wayne County, Greenville
Webster County, Marshfield
Worth County, Grant City
Wright County, Hartville

Appendix Five

Municipalities Offering Cable Television or Telecommunications Services to the Public*



*The cities identified on this map are those cities that responded to the questionnaire indicating they are providing services contemplated by HB 1402.

Instructions

For many questions, a yes or no answer will be sufficient. For your convenience, yes or no check boxes have been provided. Please respond to the question by checking the appropriate box.

Correspondence

Please identify a contact person including address and phone number.

Contact Person: Sherri Divine

Address: Municipal Utilities

PO Box 1268

Poplar Bluff, MO 63902

Phone Number: (573) 686-8003

e-mail address: sdivine@pbutilities.com

Cable Television Providers

1. Does your municipality own or operate a cable television system offering services to the public?

YES NO If no, go to question 8.

2. Please indicate when your municipality began offering cable television services and provide the number of customers subscribing and revenues for each of the last five years.

YEAR SERVICES BEGAN 09/01

CUSTOMERS IN 2002 7,624 2001 1,467 2000

1999 1998

REVENUES IN 2002 YTD 1,280,630 2001 80,897 YTD 2000

1999 1998

3. Please indicate which of the following reasons explains why your municipality chose to offer these services?

POOR SERVICE/QUALITY OF SERVICE BY PRIVATE FIRM

NO SERVICE PROVIDED BY ANY PRIVATE FIRM

OTHER (Please explain) There seemed to be a public demand for our

municipality to operate a cable system because of lack of quality and

service with our existing and past systems. The City passed a general

obligation bond issue in 02/08/00.



4. How did your municipality enter the business of owning and operating a cable television system(i.e., Did you use your power of eminent domain to acquire facilities)?

EMINENT DOMAIN _____

LEASE FACILITIES FROM TELECOMMUNICATIONS CARRIER _____

NO SERVICE OFFERED BY PRIVATE FIRM _____

OTHER (Please explain) The passage of a \$9,020,000.00 bond issue on 02/08/00.

5. Has there been a tax-revenue impact upon your municipality due to the ownership/provision of your cable television services?

YES _____ NO

If possible, please state the dollar value of the tax-revenue impact and identify the tax impact.

INCREASE _____ or DECREASE _____

DOLLAR VALUE of IMPACT _____

SOURCE IMPACTED: SALES TAX _____ PROPERTY TAX _____

OTHER _____

6. How many employees are dedicated to these services?

9 EMPLOYEES

7. Please indicate how these services are operated

_____ as a separate enterprise

as a part of some other enterprise (such as a division of an electric or water service)

_____ as a part of local government

_____ other: (Please explain) _____

Telecommunications Providers

8. Does your municipality own or operate a telecommunications network offering services to the public?

YES NO _____, if no, no other responses are requested.

9. What type of telecommunications services is your municipality offering?

VOICE _____

INTERNET

OTHER _____ (please explain) _____

10. Please indicate when your municipality began to offer telecommunications services and provide the number of customers and revenues for each of the last five years.
 YEAR SERVICES BEGAN 02/02
 CUSTOMERS IN 2002 379 2001 2000
 1999 1998
 REVENUES IN 2002 108,441 YTD 2001 2000
 1999 1998
11. Please indicate which of the following reasons explains why your municipality chose to offer these services?
 POOR SERVICE/QUALITY OF SERVICE BY PRIVATE FIRM
 NO SERVICE PROVIDED BY ANY PRIVATE FIRM
 OTHER (Please explain) Cable modem technology was not available to our community and there has been a fairly large demand for it.
12. How did your municipality enter the business of owning and operating a telecommunications system (i.e., Did you use your power of eminent domain to acquire facilities?)
 EMINENT DOMAIN
 LEASE FACILITIES FROM TELECOMMUNICATIONS CARRIER
 NO SERVICE OFFERED BY PRIVATE FIRM
 OTHER X (Please explain) With the installation of our cable system, we had the ability to enter into the telecommunications market and provide a service that currently was not available to our community very economically.
13. Has there been a tax-revenue impact upon your municipality due to the ownership/provision of your telecommunications services?
 YES NO X
 If possible, please state the dollar value of the tax-revenue impact and identify the tax impact.
 INCREASE or DECREASE
 DOLLAR VALUE of IMPACT
 SOURCE IMPACTED: SALES TAX PROPERTY TAX
 OTHER
14. How many employees are dedicated to these services?
 2 EMPLOYEES
15. Please indicate how these services are operated
 as a separate enterprise
 X as a part of some other enterprise (such as a division of an electric or water service)
 as a part of local government
 other: (Please explain)



A Survey of the Economic Impact of Municipally Owned and/or Operated Internet Services (Internet Survey)

**Missouri Public Service Commission
September 28, 2004**

Effective August 28, 2002, the Missouri legislature passed House Bill No. 1402 (HB 1402), to provide certain guidelines and standards by which municipalities and political subdivisions may own and operate Telecommunications or telecommunications facilities and services. Pursuant to House Bill No. 1402, which amended Sections 392.410 and 71.970 RSMo, the legislature directed the Missouri Public Service Commission to perform an annual economic impact study of the effects of municipally owned cable television systems and telecommunications networks. The Missouri Public Service Commission is to submit a report of the results of that study to the general assembly by December 31 of each year. Please indicate if your city would like to receive a copy of this report. The information provided in response to this survey will be used in the preparation of that report. Please indicate if your city would like to receive a copy of this report.

By mail: _____ By email: X Please do not send the report: _____

City/Town/Municipality: **City of Poplar Bluff, Missouri**
(for the remainder of the survey the term "city" will be used)

Name: ~~Doug Bagby~~ William Bach
Title: ~~City Manager~~ Assistant General Manager
Mailing address: **P.O. Box 1268**
Poplar Bluff, Missouri 63902

Phone: (573) 686-8003
Email: dbagby@pbutilities.com
Website: mycitycable.com

Does your city own or operate an Internet system, providing service to the public?
 X YES If yes, please complete the enclosed survey.
____ NO If no, please return only this page and do not complete the remainder of the enclosed survey.

Please mail the completed survey to:
Bill Peters
PO Box 360
Jefferson City, MO 65102-0360



For help with this survey, please contact:
Bill Peters
Email: bill.peters@psc.mo.gov
Phone: 573.526.2953

or **Walt Cecil**
Email: walt.cecil@psc.mo.gov
Phone: 573.751.7527

1. Please indicate which year your city began offering Internet service. 2001

2. Please indicate which of the following reasons most closely explains why your city chose to offer Internet service?
 Otherwise not available
 Poor service or quality by a private firm
 Private firm providing service went bankrupt, or otherwise left the area
 Other (please explain) _____

3. How did your city begin offering Internet service?
 Built a new system or network
 Acquired existing system or network
 Other (please explain) _____

4. Please indicate whether the Internet operation is run as:
 A separate city affiliated enterprise
 A part of city government
 A part of some other enterprise
 Other (please explain) _____

5. Please indicate which transmission medium is used by the city to provide Internet.
(check all applicable)
 Coaxial cable
 Fiber optic cable
 Wireless
 Other (Please explain) _____

6. Is the network or transmission facility used for any other purposes besides provisioning Internet service?
 No
 Yes (please explain) Cable TV

7. Please provide, and explain, any measures of service quality kept by the city for Internet services for each year since these service offerings began. For example: monitoring of complaints, satisfaction surveys, etc.
Spectrum Analyzer monitoring of signal forward and reverse to assure quality.
Service call history is also kept and reviewed.

For help with this survey, please contact:

Bill Peters
Email: bill.peters@psc.mo.gov
Phone: 573.526.2953

or

Walt Cecil
Email: walter.cecil@psc.mo.gov
Phone: 573.751.7527

8. How many additional full time employees were hired to provide Internet service? In lieu of hiring additional employees, how many employees were reassigned or given additional duties?

2 Additional Full Time Employees

 Reassigned or Given Additional Duties

 Other (please explain) _____

9. Please provide annual customer counts, gross revenue, and costs directly related to provisioning Internet service.

	CUSTOMERS	GROSS REVENUE	COSTS
1999			
2000			
2001			
2002			
2003	These figures (expenses and revenue) are included in the Cable TV		
2004	figures.		

10. Please provide the total dollar amount your city has invested in Internet facilities.

a. What was the source of these funds?

 General revenue

 Bond issue

 Federal, state, private grants (please indicate by circling the appropriate choice)

 Revenues generated by Internet

X Other (please explain) Included in Cable TV

b. How much does your city plan to invest in Internet facilities next year?

Unknown

11. Do annual Internet revenues cover annual operating expenses?

 Yes

 No

Included in Cable TV

For help with this survey, please contact:

Bill Peters

Email: bill.peters@psc.mo.gov

Phone: 573.526.2953

or

Walt Cecil

Email: walter.cecil@psc.mo.gov

Phone: 573.751.7527

12. Has there been a tax-revenue impact on your city because Internet services are now provided by the city?

- Yes
 No

If yes, please provide the following information:

Tax revenue **increase** Tax revenue **decrease**
 Dollar amount of tax revenue impact

Tax source impacted:

- Sales tax
 Property tax
 Other (please explain) _____

13. Please provide a statement of the net impact of your city offering Internet service.

For example: helpful to school, industrial development, new source of revenue, etc?

When the City started providing internet we entered into an agreement with the other local ISP's in which all providers can provide high speed internet over our system. This new technology wasn't available to customers prior to this.

14. Please list your city's current competitors for Internet services.

The City has an open access to the other local ISP's. The other ISP's also provide dial-up internet to their customers.

15. Please describe the service area for Internet services. Is this serving area the same as your competitor's? How does it differ? Attach a map of the serving area, if possible. (This question may be answered by simply referring to last year's survey response.)

Same as last year.

16. Please describe the Internet services and bundles of services, along with prices, that your city provides. For example, what are the various Internet plans, what upload/download speeds come with each, and what are the prices? If possible, please attach an electronic schedule, pamphlet or brochure. (This question may be answered by simply referring to last year's survey response.)

256K - \$29.95

512K - \$34.95

Cable Modem Rental - \$5.00

For help with this survey, please contact:

Bill Peters

Email: bill.peters@psc.mo.gov

Phone: 573.526.2953

or

Walt Cecil

Email: walter.cecil@psc.mo.gov

Phone: 573.751.7527

Mailed 10/1/07

OCT - 4 2007



A Survey of the Economic Impact of Municipally Owned and/or Operated Telecommunications Systems (Internet Access)

**Missouri Public Service Commission
October 1, 2007**

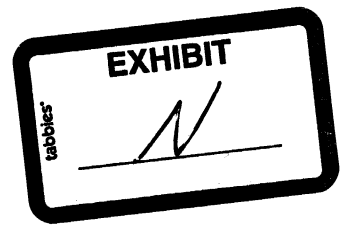
Section 392.410 of the Missouri Revised Statute directs the Missouri Public Service Commission to perform an annual economic impact study of the effects of municipally owned telecommunications networks. In a previous survey, your municipality indicated it provided Internet access so additional information is needed. The Missouri Public Service Commission is to submit a report of the results of that study to the general assembly by December 31 of each year. The information provided in response to this survey will be used in the preparation of that report; therefore, please respond by October 29, 2007.

City/Town/Municipality: Poplar Bluff
(for the remainder of the survey the term "city" will be used)
Mailing address: City of Poplar Bluff
101 Oak Street
Poplar Bluff, MO 63901

Phone: (573) 686-8003
Email: bbach@putilities.com
Website: www.mycitycable.com

Please mail or fax the completed survey to:
Adam McKinnie
PO Box 360
Jefferson City, MO 65102-0360

Fax number: 573.751.1847



For help with this survey, please contact:
Adam McKinnie
Email: adam.mckinnie@psc.mo.gov
Phone: 573.522.8706

If you have completed this survey before, please check here: and skip to Question #8, year 2007.

1. Please indicate which year your city began offering Internet Access service. _____

2. Please indicate which of the following reasons most closely explains why your city chose to offer Internet Access service?
 Otherwise not available
 Poor service or quality by a private firm
 Private firm providing service went bankrupt, or otherwise left the area
 Other (please explain) _____

3. How did your city begin offering Internet Access service?
 Built a new system or network
 Acquired existing system or network
 Other (please explain) _____

4. Please indicate whether the Internet Access operation is run as:
 A separate city affiliated enterprise
 A part of city government
 A part of some other enterprise
 Other (please explain) _____

5. Please indicate which transmission medium is used by the city to provide Internet Access service.
(check all applicable)
 Coaxial cable
 Fiber optic cable
 Wireless
 Other (please explain) _____

6. Is the network or transmission facility used for any other purposes besides provisioning Internet Access service?
 No
 Yes (please explain) _____

For help with this survey, please contact:

Adam McKinnie

Email: adam.mckinnie@psc.mo.gov

Phone: 573.522.8706

7. How many additional full time employees were hired to provide Internet Access service? In lieu of hiring additional employees, how many employees were reassigned or given additional duties?

 Additional Full Time Employees

 Reassigned or Given Additional Duties

 Other (please explain) _____

8. Please provide annual customer counts, gross revenue, and costs directly related to provisioning Internet Access service.

	CUSTOMERS	GROSS REVENUE	COSTS
2000			
2001			
2002			
2003			
2004			
2005			
2006			
2007	2708	These figures (expenses & revenue) are not separated from our cable TV.	

9. Please provide the total dollar amount your city has invested in Internet Access facilities. Included in cable TV figures

- a. What was the source of these funds?

 General revenue

 Bond issue

 Federal, state, private grants (please indicate by circling the appropriate choice)

 Revenues generated by Internet Access

 X Other (please explain) This was included in the cable TV bond issue.

- b. How much does your city plan to invest in Internet Access facilities next year?

 Unknown

10. Do annual Internet Access revenues cover annual operating expenses?

 Yes

 X No

For help with this survey, please contact:

Adam McKinnie

Email: adam.mckinnie@psc.mo.gov

Phone: 573.522.8706

11. Has there been a tax-revenue impact on your city because Internet Access service is now provided by the city?

Yes
 No

If yes, please provide the following information:

Tax revenue increase Tax revenue decrease
 Dollar amount of tax revenue impact

Tax source impacted:

Sales tax
 Property tax
 Other (please explain) _____

12. Please provide a statement of the net impact of your city offering Internet Access service.

For example: helpful to school, industrial development, new source of revenue, etc?
Brought broadband to locations that previously could not obtain it.

Brought broadband competition to previously served DSL locations. Provided 3 additional broadband options to public by adopting an open access policy.
Provided fiber access to certain locations.

13. Please list your city's current competitor(s) for Internet Access service.

Three open access ISP's that use our cable infrastructure as well as DSL and satellite ISP's in our area. Multiple dial-up ISP's exist as well.

14. Please provide a map of the service area for Internet Access service. Is this serving area the same as your competitors'? How does it differ?

Area is the same as our internet open access providers. It is different than the other cable company who also provides internet. Area map is attached.

15. Please provide a schedule, pamphlet or brochure of Internet Access services and bundles of services, along with prices, that your city provides. For example, what are the various plans, what features come with each, and what are the prices?

See attached.

For help with this survey, please contact:

Adam McKinnie

Email: adam.mckinnie@psc.mo.gov

Phone: 573.522.8706

Equipment Rental Rates

Impulse Addressable Converter (Additional Sets)	\$ 1.50
Addressable Converter (Additional Sets)	1.25
Non-Addressable Converter with Remote	1.00
Digital Converter (Additional Sets)	4.50
Digital Remote (Additional Sets)	2.00
Digital Video Recorder (DVR)	20.00

Installation of Single Cable Line Rates

Unwired Home	\$ 32.10
Pre-wired Home	26.75
Multi-Family Residence	16.05
Additional Outlet (Same Trip)	13.38
Additional Outlet (Separate Trip)	16.05
Relocate Outlet (Same Trip)	13.38
Relocate Outlet (Separate Trip)	16.05
Wiring Within Walls (Per Outlet)	42.80
Digital Converter (Same Trip)	10.70
Digital Converter (Separate Trip)	13.38
Reconnect Residential Service	21.40

Other Charges

Hourly Service Call	\$32.10
Late Fee	5.00
Returned Check Fee	20.00
Franchise Fee	5%
FCC Fee (Monthly)	0.05

Data Services Rates - Residential

Broadband Cable Internet Access – 256 K	\$29.95
Broadband Cable Internet Access – 512 K	34.95
Broadband Cable Internet Access – 1 Mb	44.95
Broadband Cable Internet Access – 2 Mb	54.95
Broadband Cable Internet Access – 3 Mb	64.95
Cable Modem Rental	5.00
EMTA Modem Rental	5.50

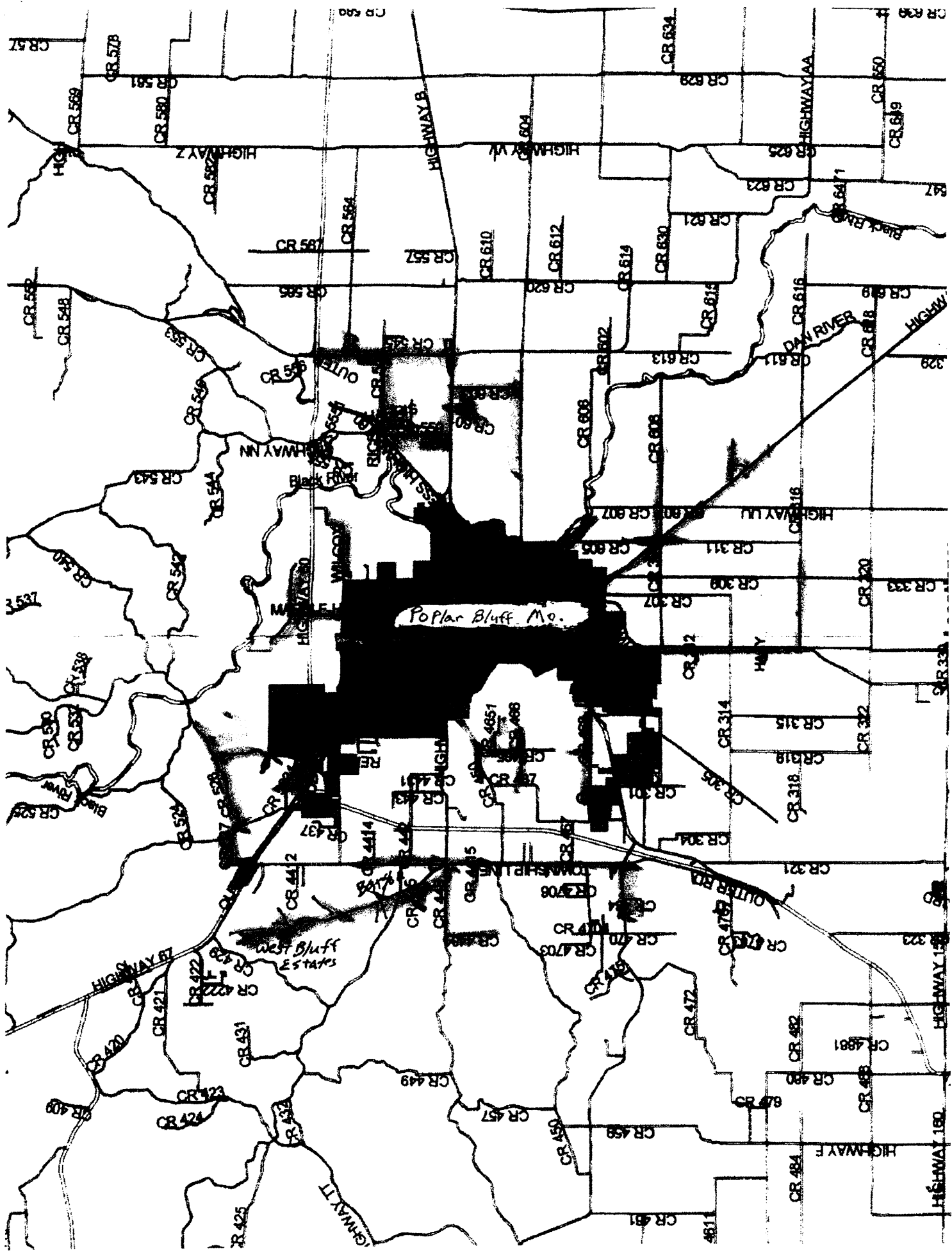
Data Services Rates - Business

Broadband Cable Internet Access – 256 K	\$ 74.95
Broadband Cable Internet Access – 512 K	99.95
Broadband Cable Internet Access – 1 Mb	149.95
Broadband Cable Internet Access – 2 Mb	199.95
Broadband Cable Internet Access – 3 Mb	249.95
Broadband Cable Internet Access – HIS*	Call for Rate
Cable Modem Rental	5.00
EMTA Modem Rental	5.50

Network Pricing

Up to 20 Additional Computers	20.00
Up to 30 Additional Computers	25.00
Up to 40 Additional Computers	30.00
Up to 50 Additional Computers	35.00

*Higher internet speeds are available to businesses with special requirements are priced per site upon a survey of requirements needed.



MINUTES OF REGULAR MEETING DECEMBER 20, 2010

The meeting of the Municipal Utilities Advisory Board was held on Monday, December 20, 2010 at 3000 North Westwood at 3:00 p.m.

Members present: Landers, Christian, Moffitt, with Davis presiding.

DISCLOSURE OF INTEREST

There were no conflicts of interest that dealt with either any item on the printed agenda or with any matter discussed at a previous meeting from any Advisory Board members present at the December 20, 2010 meeting.

READING OF MINUTES:

The minutes of the previous meeting held December 6, 2010 had been distributed with the agenda for the December 20, 2010 meeting prior to the meeting. Motion was made by Moffitt, seconded by Christian and carried to approve the minutes as presented.

ACCOUNTS AND CLAIMS:

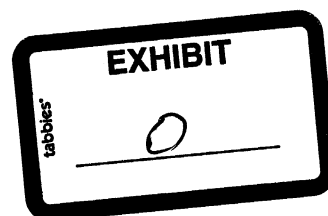
The accounts and claims against the Electric, Water-Sewer and Cable Departments were read and checked. Motion was made by Landers, seconded by Moffitt and carried that the bills be approved as presented and certified to the Mayor and City Council for payment thereof. The motion covered Electric checks #10162-#10229, Water-Sewer checks #6014-#6054, Cable checks #11054-#11096 and payroll checks #24310-#24447. The above motion also covered Electric check #10202 in the amount of \$58.73 which represents the Manager's expense.

BUSINESS:

Charge Offs

Manager Bach stated as the Board is aware all charge offs must be approved by the Board. He stated this particular charge off is for the electric, water and sewer at 101 Johnson Drive. He stated if the Board will recall we recently purchased the old Powell Supply Building located at 101 Johnson Drive for the Water-Sewer Department. Manager Bach stated this is simply charging off all utilities for this location.

Motion was made by Moffitt seconded by Christian and carried to approve adding 101 Johnson Drive to the list of charge offs.



Southwestern Power Resources Association 2011 Membership Dues

Manager Bach stated this is our annual membership dues with Southwestern Power Resources Association. He stated our dues this year are \$9,796.00. He stated this is the same amount as last year's. Manager Bach stated these dues are based on the percentage of our allocation with Southwestern Power Administration. He stated Southwestern Power Resources is a very important lobbying group for Southwestern Power Administration which is in turn very important to us. He stated he would recommend we continue participation in Southwestern Power Resource Association because of their informational and lobbying efforts.

Motion was made by Landers, seconded by Christian and carried to approve the 2011 Southwestern Power Resources Association's annual membership dues in the amount of \$9,796.00.

Settlement Agreement with Missouri Joint Municipal Electric Utility Commission

Manager Bach stated this settlement agreement is between the City of Poplar Bluff and Missouri Joint Municipal Electric Utility Commission (MJMEUC) regarding Plum Point transmission rights. He stated if the Board will recall Poplar Bluff and Kennett were each assigned 20 megawatts of transmission rights from the Plum Point Power Station. He stated MJMEUC has taken these 40 megawatts and wants to disperse them between Kennett, Poplar Bluff, Carthage, Malden and Piggott. Kennett and Poplar Bluff feels that these rights were intended for us only and have asked MJMEUC to release them to us. He stated since MJMEUC did not show any intention of doing this and both cities filed suit against MJMEUC regarding these transmission rights back in January.

Manager Bach stated MJMEUC has now offered a settlement agreement that includes a permanent and irrevocable assignment of 20 megawatts of transmission rights from Plum Point for the next 30 years if Poplar Bluff will dismiss the lawsuit against them. He stated this is what we believed was entitled to us when we began this lawsuit. He stated we are still in the process of drafting a formal settlement agreement and hopefully will have them finalized in the next few weeks.

The Board asked how much Poplar Bluff and Kennett have spent on attorney fees.

Manager Bach stated each city has spent approximately \$160,000.

The Board felt the settlement agreement should also include the reimbursement of legal fees incurred by the City of Poplar Bluff and Kennett.

Manager Bach stated he would contact our attorney regarding this request.

Amendment to Minutes Dated July 19, 2010

Manager Bach told the Board there was a clerical error in the minutes dated July 19, 2010. He stated

MINUTES OF REGULAR MEETING

DECEMBER 20, 2010

in section "Policy Manual – Open Access Users-Internet Rates" the following should be changed.

The first eight (8) megabits up to sixteen (16) megabits	\$1,051.34 per megabit
Usage over eight (8) megabits	\$ 325.00 per megabit

He stated this is the correct wording.

Up to sixteen (16) megabits	\$1,051.34 per megabits
Usage over sixteen (16) megabits	\$ 325.00 per megabits

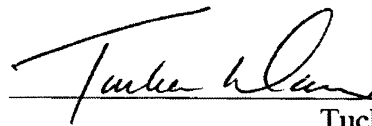
Motion was made by Moffitt, seconded by Christian and carried to approve the amendment to the July 19, 2010 minutes.

Policy Manual – Appendix "C"

Manager Bach stated he wanted to clarify "Appendix "C" of the policy manual is for all customers including residential, commercial and industrial. He stated Wally Duncan, City Attorney, feels the existing policy is sufficient but Mr. Duncan felt it should be clarified by the Board that customers includes all residential, commercial and industrial and not just residential.

There being no further business to come before this meeting of the Advisory Board, motion was made by Landers, seconded by Moffitt and carried to adjourn.

Respectfully submitted,



Tucker Davis, Chairman

Approved JANUARY 18 , 2011.