

[Act No. 1968, December 07, 1909]

**AN ACT TO PROVIDE FOR THE GRANTING OF A FRANCHISE TO
INSTALL, OPERATE, AND MAINTAIN AN ELECTRIC LIGHT, HEAT,
AND POWER SUPPLY SYSTEM IN THE CITY OF BAGUIO,
PHILIPPINE ISLANDS.**

By authority of the United States, be it enacted by the Philippine Commission, that:

Section 1. Authority is hereby granted for the construction, maintenance, and operation of an electric light, heat, and power supply system in the city of Baguio, Philippine Islands, and the Governor-General is hereby authorized on behalf of the Government of the Philippine Islands to offer for public bidding the franchise set forth in this Act and to grant said franchise to the best bidder upon such terms as to percentage of gross earnings to be paid in lieu of taxes on the franchise or earnings thereof and the rates to be charged by the grantee of said franchise for his services to subscribers, and under, such conditions as to time of advertisement and manner of bidding as he may deem fit.

SEC. 2. The franchise referred to in section one hereof shall be substantially in the following form:

"FRANCHISE

"ARTICLE 1. There is hereby granted for the period of fifty years from and after the passage of this Act, the right and privilege to erect, construct, maintain, and operate in, along, and over any and all streets, thoroughfares, and public places within the city of Baguio, poles, wires, and all necessary apparatus and appurtenances for the transmission and distribution of electric currents for electric power, heat, and light, and for any other purpose for which electricity may be used, and to furnish electric power, heat, and light within said city of Baguio, for municipal, domestic, or manufacturing uses and for any other use to which electricity may be put, and to charge and collect such tolls, rates, and compensation such power, heat, light, and use as may from time to time be previously approved by the Board of Rate Regulation created by Act Numbered Seventeen hundred and seventy-nine, entitled 'An Act to create a board for the regulation of rates chargeable by public-service corporations in the Philippine Islands, and for other purposes,' and to which said Act this franchise is expressly made subject, or by any successor to said Board, or by any future Act or law.

"ART. 2. The poles erected by the grantee shall be of such height as to support wires strung thereon at a distance of at least twenty feet above the ground, shall not be of such crooked or ungainly appearance as to disfigure the streets, and shall be erected and placed in a good and workmanlike manner in accordance with a plan which shall be previously approved by the city authorities; and said grantee shall supply electric power, heat, and light to any applicant for the same within fifteen days after the date of his application, and, as between such applicant and

other like applicants in the order of the date of his application up to the limit of the capacity of the plant of said grantee, to be determined, by the city engineer on the application of such person or said grantee; and should the demand for electric power, heat, and light at any time increase beyond the capacity of the plant of said grantee to supply the same, the capacity of said plant shall be increased to meet such demand, if the Philippine Commission or its successors shall so direct: *Provided*, That the main feed wire shall be constructed, maintained, and operated only on streets designated by the city council of the city of Baguio within three kilometers of the power plant: *Provided further*, That the point at which the electric power, heat, or light is to be supplied, as mentioned in this section, be not more than fifty meters from the main lines or feed wires maintained by said grantee : *And provided further*, That the grantee shall have the right to demand and collect an amount equal to the actual cost of labor and material in making connections for supplying electric light, heat, or power at distances exceeding fifty meters from any such main feed line or wire, but such amount shall be collected only for the excess distance over and above said fifty meters.

"ART. 3. All apparatus and appurtenances used by the grantee modern and first-class in every respect, and said wires shall be insulated and carefully connected and fastened so as not to come in direct contact with any object through which a 'ground' could be formed, and shall be stretched so as not to interfere with the free and unobstructed use of said streets, thoroughfares, and public places: *Provided*, That the grantee herein shall, whenever the Philippine Commission or its successors so direct, place said wires in underground pipes or conduits at his own expense and without any cost or damage to the city of Baguio, or the Government of the Philippine Islands.

"ART. 4. Whenever it shall be necessary in the erection of said poles to take up any portion of the sidewalks or dig up the ground in or near the sides or the corners of the streets or thoroughfares, or in any public place, then the said grantee shall, after said poles are erected, without delay, replace said sidewalks and ground in a neat, workmanlike manner and remove from said sidewalks, streets, thoroughfares, or public places all rubbish, sand, and dirt or other material which may have been placed there, taken up, or dug up in the erection of said poles, and shall put such sidewalk, street, thoroughfare, or public place in as good a condition as it was before it was taken up or disturbed.

"ART. 5. Whenever any person has obtained permission to use any of the streets of the city for the purpose of removing any building or in the prosecution of any municipal work or for any other cause whatsoever, making it necessary to raise or remove any of said wires which may obstruct the removal of said building or hinder the prosecution of said work, the said grantee, upon forty-eight hours notice from the city council of the city of Baguio, shall raise or remove any of said wires which may hinder the prosecution of such work or obstruct the removal of said building so as to allow the free and unobstructed passage of said building and the free and unobstructed prosecution of said work. Such notice shall be a duly adopted resolution of the city council, in writing, and served