

Payne County Board of Commissioners

Regular Meeting, February 1, 2016, 9:00 a.m.

Payne County Administration Building; 315 W. 6th Avenue
Gloria Hesser Commissioners' Meeting Room, Suite 200/201

AGENDA

- I. Meeting called to order by Chairman**
- II Invocation and Flag Salute**
- III. Minutes**
 - A. Approval of January 28, 2016
- IV. Miscellaneous items from the Audience (no action will be taken)**
- V. Discussion and Possible Action on Bid Openings- 9:30 A.M.**
- VI. Discussion and Possible Action on Evaluations**
 - A. Re-evaluation on 6 month bid

- VII. Discussion and Possible Action on Reports from Officers and Boards**
 - A. Fair Board Election and Filing- Commissioners
 - B. Approval of housing addition The Meadows, 2nd Section w/ Keystone Addition- D-1.
 - C. Review of Departments and Committees- Commissioners
 - D. Acknowledgement of KAMP Electric Cooperative Lawsuits (2016-23 thru 25)- Commissioners
 - E. Request for Traffic Control Signs
 - F. Ingress and Egress Agreements
 - G. Removal of Equipment Items from Inventory
 - H. Appointment of Requisitioning and Receiving Officers

- VIII. Discussion and Possible Action on Financials**
 - A. Cash Appropriations
 - B. Transfer of Appropriations
 - C. Purchase Orders: List of the purchase orders will be available at the meeting, or from the County Clerk
 - 1. New
 - 2. Blanket
 - 3. Tabled
 - 4. Disallowed
 - 5. Payroll
 - 6. Longevity
 - D. Monthly Reports of Officers

- IX. Discussion and Possible Action on**
 - A. Petitions
 - B. Telephone and Utility Permits
 - C. Road Crossing

- X. Public Announcements from the Board (no action will be taken)**

- XI. New Business**
- XII. Adjournment**

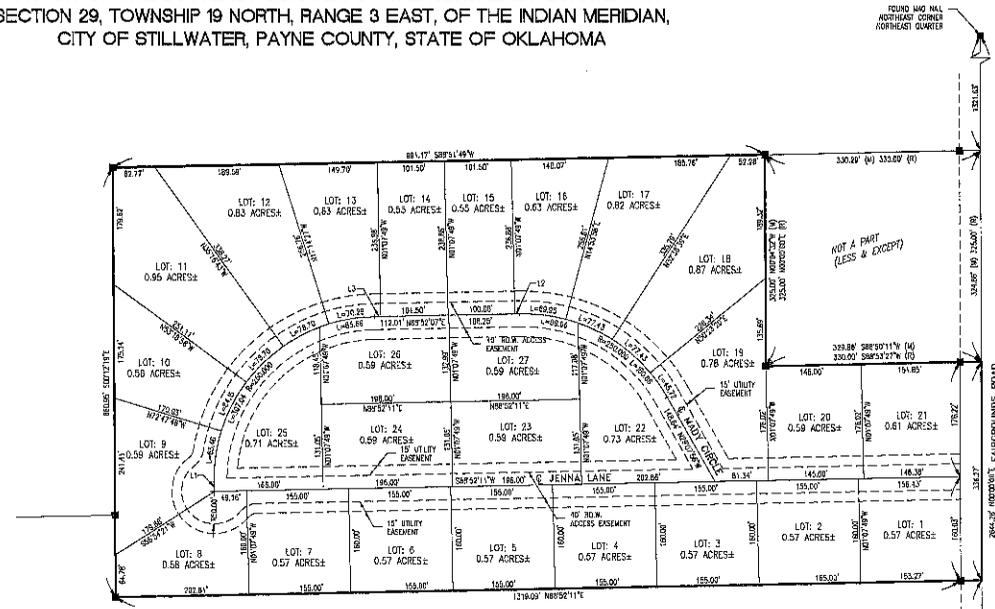
PAYNE COUNTY
GLENNA CRAIG
COUNTY CLERK

2016 JAN 28 P 3:54

THE MEADOWS, 2ND SECTION

FINAL PLAT

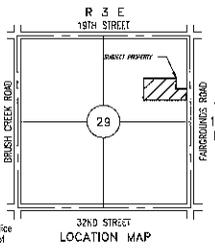
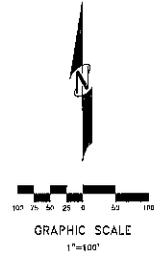
A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, OF THE INDIAN MERIDIAN, CITY OF STILLWATER, PAYNE COUNTY, STATE OF OKLAHOMA



Line #	Length	Direction
L1	14.83	N01°07'53"W
L2	8.17	N88°52'07"E
L3	8.09	N88°52'07"E

SURVEY LEGEND

- SET 1/2" IRON PIN W/ CAP
- 1/4" IRON PIN W/ CAP
- FOUND MONUMENT AS NOTED
- RECORDED CALL
- MEASURED CALL



This plat meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors.

OWNER'S CERTIFICATE AND DEDICATION

STATE OF OKLAHOMA }
COUNTY OF PAYNE } SS

Know all men by these presents, that **Roden Enterprises, LLC**, hereby certify that it is the owner and has all rights, title and interest in and to a tract of land in the Southeast Quarter of the Northeast Quarter of Section 29, Township 19 North, Range 3 East of the Indian Meridian, Payne County, State of Oklahoma, more particularly described as follows:

The tract of land known on this plat being the same tract described in a Oil Claim Based filed at Book 2055, Page 942, in the office of the Payne County Clerk, said description being reproduced below, to-wit:

The North Half of the Southeast Quarter of the Northeast Quarter (1/2 S2/4 NE/4) of Section Twenty-nine (29), Township Nineteen (19) North, Range Three (3) East of the Indian Meridian, Payne County, State of Oklahoma, LESS AND EXCEPT the following described tract of land, to-wit:

A tract of land in the South Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East of the Indian Meridian, Payne County, State of Oklahoma, being more particularly described as follows: Beginning at the Northeast corner (NE/4) of said South Half (S/2) Northeast Quarter (NE/4), thence South 00°00'00" East, along the East line of said South Half (S/2) Northeast Quarter (NE/4), a distance of 330.00 feet; thence South 88°33'27" West, parallel with the North line of said South Half (S/2) Northeast Quarter (NE/4), a distance of 330.00 feet; thence North 88°33'27" East, along the North line of said South Half (S/2) Northeast Quarter (NE/4), a distance of 330.00 feet to the Point of Beginning.

The owner certifies that it has caused said tract of land to be surveyed and has caused the attached plat to be made showing accurate dimensions of blocks, lots, and setback lines, rights-of-way, and easements. The owner further designates said tract of land as **RESIDENTIAL ZONE**, and hereby expresses its public use of the rights-of-way within the subdivision and grants for installation and maintenance of utilities, all easements, and rights-of-way as shown on the attached Plat free and clear of all encumbrances.

Subscribed this _____ day of _____, 20__.

STATE OF OKLAHOMA }
COUNTY OF PAYNE } SS

On this _____ day of _____, 20__, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared **Dale Roden, Manager, Roden Enterprises, LLC**, to me known to be the identical person who signed the name of the maker thereof to the within and foregoing instrument as its Owner and acknowledged to me that he executed the same as his free and voluntary act and deed, and as his free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Notary Public
My Commission Expires: _____
My Commission Number: _____

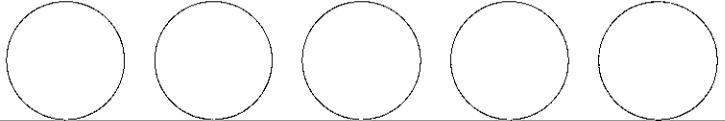
STATE DEPARTMENT OF ENVIRONMENTAL QUALITY APPROVAL

The Stillwater Office of the Department of Environmental Quality has approved this plat for the use of Public Water systems and On-site sewer systems on the _____ day of _____, 20__.

Environmental Program Specialist, Department of Environmental Quality

- Note:
1. All lot areas shown are 0.50 acres or larger excluding the road easement.
 2. All lots shall utilize aerobic sewage systems in accordance with Oklahoma Department of Environmental Quality guidelines.
 3. All lots shall utilize city or rural water lines.

OWNER'S NOTARY SURVEYOR SURVEYOR'S NOTARY COUNTY CLERK COUNTY TREASURER



SURVEYOR'S CERTIFICATE

STATE OF OKLAHOMA }
COUNTY OF PAYNE } SS

I, **CAREY E. HARRIS**, an Oklahoma Professional Land Surveyor, do hereby certify that at the request of the owner mentioned herein, made the above described survey and that the attached plat is a correct representation of said tract or surveyed and subdivided by me.

Witness my hand and seal this _____ day of _____, 20__.

CAREY E. HARRIS, Oklahoma Professional Land Surveyor, No. 1719

SURVEYOR'S NOTARY

STATE OF OKLAHOMA }
COUNTY OF PAYNE } SS

Before me, the undersigned, a Notary Public in and for the State of Oklahoma, on this _____ day of _____, 20__, personally appeared **CAREY E. HARRIS**, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes herein set forth.

Witness my hand and seal the day and year last above written.

Notary Public
My Commission Expires: _____
My Commission Number: _____

COUNTY TREASURER'S CERTIFICATE

I, the undersigned, do hereby certify that I on the duly elected, qualified, and acting County Treasurer of Payne County, State of Oklahoma, that the tax record of said county shows all taxes are paid for the year of 20__ and all prior years on the land shown on the plat of **THE MEADOWS, 2ND SECTION** in Payne County, Oklahoma, and required statutory security has been deposited in the office of the County Treasurer guaranteeing payment of the current year's taxes.

I, witness thereof, said Treasurer has caused this instrument to be executed at Stillwater, Oklahoma, on this _____ day of _____, 20__.

County Treasurer

ACCEPTANCE OF DEDICATION, COUNTY OF PAYNE

BE IT RESOLVED by the Board of Commissioners of the County of Payne that the dedications shown on the attached plat of **THE MEADOWS, 2ND SECTION** are hereby accepted.

Accepted by the Board of Commissioners, County of Payne, this _____ day of _____, 20__.

Commissioner

File: S:\V01\3D Projects\Utility_Easements\000001_Survey\01_Survey\02\01.dwg Sheet: 1/4/2016 3:47 PM BY: KISSMAN

IRON PINS SET AT ALL CORNERS UNLESS OTHERWISE NOTED
BEARINGS BASIS:
The East line of the South half of the Northeast Quarter as a previously recorded bearing of N89°00'00"E

SURVEYOR:
KEYSTONE ENGINEERING AND LAND SURVEYING, INC.
P.O. BOX 434
STILLWATER, OK 74076
CA #6877 Exp: 6/30/2017

OWNERS:
RODEN ENTERPRISES, LLC
6500 SOUTH PRAIRIE ROAD
STILLWATER, OK 74074

	Chairman Determined by	Who	Date		
Board of Commissioners	Election	D-3	1/4/2016		
Budget Board		D-3	1/4/2016		
Economic Dev. Authority				Read through the few online minutes and there is no mention of how chair is decided	
Enhanced 911 Comm Board	Elected among membership			Appointment to represent County, then one from each governing body	
Facilities Authority				Read through the one online minutes and there is no mention of how chair is decided	
LEPC Meeting				Read through the few online minutes and there is no mention of how chair is decided	
Tax Roll Corrections Board		D-3	1/4/2016		
Project Heart					
CORPO/COEDD		D-3	2015		
Clean Program				Under the Supervision of District 2-	Minutes- 05/21/15
Environmental Enforcement Department				responsibility turned over to District 2	Minutes- 09/02/14
Supreme Court of Oklahoma Dispute Mediation Program				District 2 to oversee and supervisor Created Resolution 2013-47	Minutes- 07/07/14,
Payne County Industrial Trust Authority				Board will need to renew the appointments of each member in accordance w/ the Trust Indenture	Minutes- 10/14/97;10/27/97; 10/31/01
Action, Inc.				Requesting an appointment of a member of their Board	Minutes- 01/26/98
countywide E-911 Boards				Appointment 2002 Hesser	Minutes- 03/29/02
Sales Tax Oversight Committee				Appointment; BOC 7 members each 21 Total 2015	Minutes- 08/03/98; 01/24/00,03/29/02
Circuit Engineer District #5		D-1	6/22/2015	Appointment; Resolution 2015-21 Designation	Minutes- 05/17/99; 06/22/15
Yale Emergency Service District Board				Appointment 1999 Mr Terry Pope; Mr Terry Colson; Ms Watha Hilbert; Mr William E Reece; Mr Harry Sneed Jr	Minutes- 05/24/99;
Stillwater Review Committee				Appointment 1999 Commissioner Hesser appointed	Minutes- 06/30/99
Advisory Board				Appointment 2000 discussed the appointment for the	Minutes- 04/10/00
Treasurer				Appointment	Minutes- 07/17/00
Health Department				Appointment in 2000 Dr. Robert Wright and Gloria Hesser	Minutes- 07/24/00
Central Oklahoma Community Action Agency		D-2	1/20/2015	Appointment	Minutes- 04/23/01; 01/20/15
Local Elected Officials Consortium of Northwest Oklahoma		D-2	7/30/2015	Appointment	Minutes-07/20/15;7/30/15
Western Payne County Ambulance Trust Authority		Harland Wells		Appointment per website	

VII. D.

IN THE DISTRICT COURT OF PAYNE COUNTY
STATE OF OKLAHOMA

IN THE DISTRICT COURT OF
Payne County, Oklahoma
FILED

JAN 25 2016

LOHI ALLEN, Court Clerk
BY: ~~LOHI ALLEN~~

KAMO ELECTRIC COOPERATIVE, INC., a)
Rural Electric Cooperative Corporation, and)
K-POWERNET, LLC, an Oklahoma Limited)
Liability Company,)

Plaintiffs,)

Case No.

vs.)

GS-2016-23

THE HAMMOCK FAMILY REVOCABLE)
TRUST, DATED 9/11/1998, CARLA)
MANNING in her capacity as PAYNE)
COUNTY TREASURER, and The BOARD)
OF COUNTY COMMISSIONERS of Payne)
County,)

Defendants.)

2016 JAN 27 A 11:37
PAYNE COUNTY
GLENNA CRAIG
COUNTY CLERK

NOTICE IN CONDEMNATION

STATE OF OKLAHOMA TO: The Board of County Commissioners of
Payne County, Oklahoma
c/o Glenna Craig, County Clerk
315 W. 6th Ave., Suite 202
Stillwater, OK 74074

YOU ARE HEREBY NOTIFIED THAT, having been unable to procure such rights-of-way by private purchase, KAMO Electric Cooperative, a Rural Electric Cooperative Corporation and K-POWERNET, L.L.C., an Oklahoma limited liability company, on January 25th, 2016, filed in the above-named Court their Petition for authority to take and appropriate, by condemnation, perpetual right-of-way easements for the purpose of constructing an electric power transmission system with certain anchors, guy wires, necessary fixtures, special structures, and appurtenances thereto for the placement of fiber optic and/or communications lines for the internal and commercial transmission of voice and data messages upon, over, and across the lands above described herein, in the manner and at the location described in Exhibit "A", attached

hereto and made a part hereof, for the purposes of constructing, installing, maintaining, operating, reconstructing, repairing, removing, and re-installing its communication lines, for the uses set forth in the Petition, including the perpetual right and privilege of ingress and egress down the length of the easement and, in those situations where KAMO determines that an emergency exists on its electric transmission line, reasonable ingress and egress from the nearest convenient, accessible public road, as well as upon, over, and across the lands described in Exhibit "A", attached hereto and made a part hereof, and for an Order Appointing Commissioners to view said lands and consider and appraise the value thereof and fix compensation thereof on account of the appropriation of such perpetual right-of-way easements in said lands; and that said Petition has been duly set for hearing, and will be presented before the above-named Court, at the Payne County Courthouse at Stillwater Oklahoma, on the 3 day of March, 2016, at 1:30 a.M. or as soon thereafter as same may be reached and at which time and place you may be present if you so desire.

Dated this 25 day of January, 2016.

Respectfully submitted,

STRATTON TAYLOR, OBA # 10142
TONEY D. FOSTER, OBA # 16063
CLINT RUSSELL, OBA # 19209
KASSIE N. MCCOY, OBA # 31405
**TAYLOR, FOSTER, MALLET, DOWNS,
RAMSEY & RUSSELL**
400 West Fourth Street | P.O. Box 309
Claremore, OK 74018
918-343-4100 | 918-343-4900 fax
Attorneys for Plaintiff

State of Oklahoma
County of Payne
I, Lori Allen, Court Clerk, in and for Payne County, OK, do hereby
certify that the above and foregoing is a true and correct copy of
the original instrument now on file and of record in my office at
Stillwater, OK. In testimony whereof, I have hereunto set my hand
and stamp my official seal
this 25 day of January, 2016.
LORI ALLEN, Court Clerk



KAMO ELECTRIC COOPERATIVE VINITA, OKLAHOMA EXHIBIT "A"

PART OF THE SOUTHWEST 1/4
SEC. 16-T18N-R01E
PAYNE COUNTY, OK



NOT TO SCALE

LEGEND

- FOUND R.R. SPIKE
- FOUND IRON PIN
- PROPOSED EASEMENT LINE
- PROPOSED CENTERLINE
- SECTION LINE

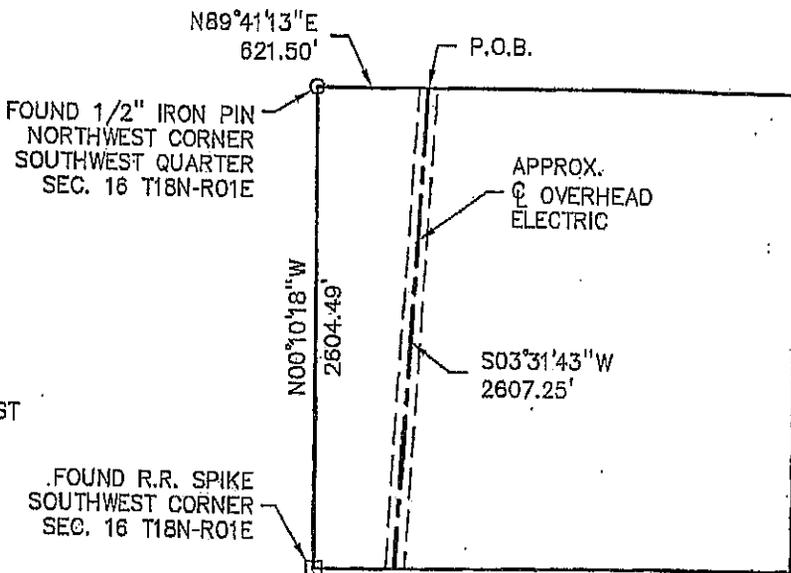
TRACT # OKPA-V-HC-09
THE HAMMOCK FAMILY REVOCABLE TRUST
DEED BOOK 1376 PAGE 121-122
EASEMENT DESCRIPTION:

THE EASEMENT HEREIN
GRANTED WILL BE 100 FEET
WIDE AND LIE 50 FEET EACH
SIDE OF THE FOLLOWING DESCRIBED CENTERLINE (SIDELINES ARE LENGTHENED OR
SHORTENED AS REQUIRED TO END ON GRANTOR'S BOUNDARY)

COMMENCING AT A FOUND R.R. SPIKE AT THE SOUTHWEST CORNER OF SECTION 16,
TOWNSHIP 18 NORTH, RANGE 01 EAST, PAYNE COUNTY, OKLAHOMA; THENCE N00°10'18"W
ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 2604.49 FEET MORE OR
LESS TO A FOUND 1/2" IRON PIN LOCATED AT THE NORTHWEST CORNER OF THE
SOUTHWEST QUARTER OF SAID SECTION 16; THENCE N89°41'13"E, 621.50 FEET MORE OR
LESS TO THE INTERSECTION OF THE CENTERLINE AS CONSTRUCTED, GRANTOR'S
APPARENT BOUNDARY AND BEING THE POINT OF BEGINNING; THENCE S03°31'43"W
ALONG SAID CENTERLINE, 2607.25 FEET MORE OR LESS TO THE GRANTOR'S
APPARENT BOUNDARY AND TERMINUS POINT.

2607.25 LINEAR FEET APPROX.
6.1 ACRES MORE OR LESS.

THIS EXHIBIT DEPICTS APPARENT OWNERSHIP LINES AND WAS PREPARED
EXCLUSIVELY FROM INSTRUMENTS OF RECORD AND IS SUBJECT TO ALL
RESTRICTIONS, EASEMENTS OR RIGHT-OF-WAYS, IF ANY. 12-31-15



DUANE WALKER
OKLAHOMA P.L.S. #1621
AGENT FOR ALLGEIER, MARTIN and
ASSOCIATES, INC.

THIS DRAWING IS A DOCUMENT OF SERVICE AND IS THE PROPERTY OF
ALLGEIER, MARTIN and ASSOCIATES, INC. THIS DOCUMENT SHALL NOT
BE USED ON THIS OR OTHER PROJECTS WITHOUT THE WRITTEN
CONSENT OF ALLGEIER, MARTIN and ASSOCIATES, INC.

CERTIFICATE OF AUTHORITY
OKLAHOMA NO. CA 675
EXPIRES: 6-30-16



ALLGEIER, MARTIN and ASSOCIATES, INC.
CONSULTING ENGINEERS
7231 EAST 24TH STREET
JOPLIN, MISSOURI 64804 (417) 680-7200

IN THE DISTRICT COURT OF PAYNE COUNTY
STATE OF OKLAHOMA

IN THE DISTRICT COURT OF
Payne County, Oklahoma
FILED

JAN 25 2016

LORI ALLEN, Court Clerk

By: _____ Deputy

KAMO ELECTRIC COOPERATIVE, INC., a)
Rural Electric Cooperative Corporation, and)
K-POWERNET, LLC, an Oklahoma Limited)
Liability Company,)

Plaintiffs,)

vs.)

THE HAMMOCK FAMILY REVOCABLE)
TRUST, DATED 9/11/1998, CARLA)
MANNING in her capacity as PAYNE)
COUNTY TREASURER, and The BOARD)
OF COUNTY COMMISSIONERS of Payne)
County,)

Defendants.)

Case No.

Q-2016-23

ORDER FOR HEARING

NOW on this 25 day of January, 2016, it appearing from the Petition of KAMO Electric Cooperative, Inc., a Rural Electric Cooperative Corporation and K-POWERNET, L.L.C., an Oklahoma limited liability company, that they seek to take and appropriate, by condemnation, perpetual right-of-way easements for the placement of an electric transmission line and fiber optic communications lines for the internal and commercial transmission of voice and data messages upon, over, and across the lands described in its Petition.

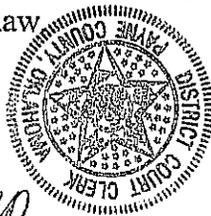
IT IS THEREFOR ORDERED that said Petition be and the same is hereby set for hearing before this Court on the 3 day of March, 2016, at the hour of 11:30 a.m. (p.m.) in Courtroom No. 307 of the Payne County Courthouse, in Stillwater, Oklahoma, or as soon thereafter as same may be reached.

AND IT IS FURTHER ORDERED that an agent of the Plaintiff makes service of Notice of hearing of said Petition on those persons whose whereabouts is known and claiming to own an interest in said lands by personal service or by leaving a copy thereof at such party's usual place of residence with a member of his family over fifteen years at least ten (10) days prior to the date of said hearing, and that said agent make his return of service under oath, filing same with the Court Clerk in this proceeding.

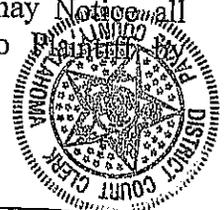
AND IT IS FURTHER ORDERED AND DECREED that Plaintiff may Notice all Defendants who are nonresident owners whose whereabouts are unknown to Plaintiff by publication as provided by law.

State of Oklahoma
County of Payne
I, Lori Allen, Court Clerk, in and for Payne County, OK, do hereby certify that the above and foregoing is a true and correct copy of the original instrument now on file and of record in my office at Stillwater, OK. In testimony hereof, I have hereunto set my hand and affixed my official seal

day of _____, 2016
LORI ALLEN, Court Clerk



Phillip Corley



JUDGE OF THE DISTRICT COURT

by Phillip Corley, Deputy
Court Clerk

whatsoever which shall be determined necessary, convenient, or appropriate to accomplish such powers, and in connection therewith, to acquire rights-of-way and easements for said purposes. KAMO is also authorized and empowered, among other things, to construct fiber optic line or lines for the internal communication of voice and data information and to acquire by eminent domain any and all property of any kind, real, personal or mixed or any interest therein necessary or convenient to the exercise of such powers, rights, privileges, and functions in the manner provided by general law with respect to eminent domain, and to do any and all other acts or things necessary to exercise such powers, rights, privileges, and functions. KAMO possesses the power of eminent domain under Title 18 O.S. § 437, *et seq.* and Title 66 OKLA. STAT. §§ 51 *et seq.* Pursuant to Title 17 OKLA. STAT. § 190, KAMO possesses the right to place optical fiber within the overhead ground wire of its electrical transmission line for purposes of internal communication between KAMO's facilities without said optical fiber constituting an additional burden on the land or requiring any additional easement or license.

K-POWERNET, L.L.C., is a limited liability company, duly organized and existing under and by virtue of the laws of the State of Oklahoma, with its principal place of business at Vinita, Oklahoma. K-POWER is a wholly owned subsidiary of KAMO. K-POWER has been granted a Certificate of Convenience and Necessity (copy of which is attached hereto as Exhibit "A" and made a part hereof) and is thereby authorized and empowered to provide commercial local exchange and interexchange telecommunications services throughout the State of Oklahoma, and in connection therewith to purchase, take, receive, lease, condemn or otherwise acquire any and all kinds and class of real and personal property whatsoever which shall be determined necessary, convenient, or appropriate to accomplish such purpose, and in connection therewith to acquire right-of-way and easements for said purposes; and to acquire by condemnation any and all property of any kind, real, personal or mixed or any interest therein necessary or convenient to the

exercise of such powers, right, privileges, and functions in the manner provided by general law with respect to condemnation, and to do any and all other acts or things necessary to exercise such powers, rights, privileges, and functions. K-POWER possesses the power of eminent domain under Title 18 O.S. § 601.

II.

In the due course of its business and pursuant to its power of eminent domain, KAMO finds it necessary to take and appropriate a perpetual easement and right-of-way for the purpose of constructing an electric power transmission system together with certain anchors, guy wires, necessary fixtures, special structures and appurtenances thereto, for the transmission of electrical current and energy, with the perpetual right and privilege of ingress and egress from the nearest convenient, accessible public road upon, and across the following described property to the easement, with the right to additionally cross on or over such following described property as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights.

In the due course of its business and pursuant to its power of eminent domain, K-POWER finds it necessary to take and appropriate a perpetual easement and right-of-way for the commercial transmission of voice and data messages upon, over, and across the lands described herein, in the manner and at the locations described herein, for the purposes of constructing, installing, maintaining, operating, reconstructing, repairing, removing, and re-installing said fiber optic line or lines or communication line or lines, necessary fixtures and appurtenances thereto including aerial telecommunications equipment, which includes optical and electronic equipment and related facilities including those made possible by future technological developments through which voice, data, information, video or other signals are transmitted, with the perpetual right and privilege of ingress and egress from the nearest convenient, accessible public road upon, and

across the following described property to the easement, with the right to additionally cross on or over such following described property as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights. This easement permits K-POWER to utilize for commercial purposes KAMO's fiber optic and communication line or lines located within the two (2) overhead ground wires of KAMO's electric transmission line. KAMO and K-POWER's easements will occupy and use the exact same tract of land by virtue of the fact the fiber optic lines are part of the electric transmission line equipment.

III.

Defendant, THE HAMMOCK FAMILY REVOCABLE TRUST 9/11/1998, claims some right, title or interest in and to the Property from which the proposed easements will be acquired by reason of a Warranty Deed which was recorded in Book 1376, Pages 121-122 of the land records of Payne County, Oklahoma.

IV.

Defendants, CARLA MANNING, in her capacity as TREASURER OF PAYNE COUNTY, Oklahoma and The BOARD OF COUNTY COMMISSIONERS OF PAYNE COUNTY, Oklahoma, may claim some right, interest or estate in the above referenced property by reason of ad valorem taxes which may be due and unpaid.

V.

In conjunction with the proposed electric transmission line and fiber optic line, it is necessary that Plaintiffs acquire the following described perpetual easement and guying tracts:

THE EASEMENT HEREIN GRANTED WILL BE 100 FEET WIDE AND LIE 50 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE (SIDELINES ARE LENGTHENED OR SHORTENED AS REQUIRED TO END ON GRANTOR'S BOUNDARY)

COMMENCING AT A FOUND R.R. SPIKE AT THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 01 EAST, PAYNE COUNTY, OKLAHOMA; THENCE N00°10'8"W ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 2604.49

FEET MORE OR LESS TO A FOUND ½" IRON PIN LOCATED AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE N89°41'13"E, 621.50 FEET MORE OR LESS TO THE INTERSECTION OF THE CENTERLINE AS CONSTRUCTED, GRANTOR'S APPARENT BOUNDARY AND BEING THE POINT OF BEGINNING; THENCE S03°31'43"W ALONG SAID CENTERLINE, 2607.25 FEET MORE OR LESS TO THE GRANTOR'S APPARENT BOUNDARY AND TERMINUS POINT.

2607.25 LINEAR FEET APPROX.
6.1 ACRES MORE OR LESS.

VI.

Said electric transmission line, poles, structures, fiber optic line or lines will be located, in part, upon, over and across the lands in Payne County, Oklahoma, herein described, and shown by the Plat of Survey attached as Exhibit "B" hereto, and constructed within the right-of-way easement herein in Exhibit "B" described upon said lands. Plaintiff KAMO will limit the number of transmission line poles and structures on the subject property to those as built for initial construction and operation. Plaintiffs seek, pursuant to their respective powers of eminent domain, to take and appropriate perpetual easements and rights-of-way for said electric transmission line, poles, structures, and fiber optic line or lines over and across the lands described herein, in the manner and at the location set forth herein, for the purpose of constructing, maintaining, inspecting, operating, repairing, re-constructing, replacing and removing its said electric transmission line poles, and structures necessary for the location, placement, and usage of electric poles and wires for the transmission of electric energy at 138 kV voltage and the construction, operation, and maintenance of the fiber optic line or lines; also, the perpetual right and privilege to cut, trim, and use EPA listed agricultural type broad leaf herbicide for control of timber, trees, shrubbery, and brush located within the easement which by their growth pattern, size, shape, and/or location may, in the sole judgment of Plaintiffs, inhibit, interfere with or interrupt the continuous use and maintenance of the facilities; the authority to cut or trim any trees outside the easement area that upon falling would endanger or strike the line,

including the conductors, overhead ground wires, structures, guywires or anchors; and to prohibit the permanent placement of or remove any other permanent objects at any time which may interfere with or endanger its electric transmission line, poles, anchors, and guy wires or fiber optic line or lines or the construction, operation, maintenance, inspection, repair, reconstruction, replacement or removal thereof, with the perpetual right and privilege of ingress and egress from the nearest convenient, accessible public road upon, and across the following described property to the easement, with the right to additionally cross on or over such following described property as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights; but reserving to the owners, tenants and lessees of said lands at any and all times the rights-of-way as is consistent with and not dangerous to the construction, operation, maintenance, reconstruction or removal of Plaintiffs' electric transmission line poles, and structures on said easements and rights-of-way.

VII.

The Defendant shall have and retain the full right to use and enjoy said property and premises subject only to the easement rights to be acquired by Plaintiffs in these proceedings, and further that it is necessary that the Defendant be restricted from building, creating, erecting, or constructing or permitting others to build, create, erect, or construct any buildings or other permanent structures upon said perpetual easements, and further, Plaintiffs shall have the right to remove or clear obstructions on or immediately adjacent to the easement that in Plaintiffs' sole opinion may injure, endanger, or interfere with the operation, maintenance, repair, removal or replacement of the electric transmission line poles, and structures.

VIII.

Plaintiffs shall pay all damages to fences and premises which may be suffered by reason of crossing, constructing, maintaining, operating, repairing, removing, or replacing said electric transmission line poles, fiber optic lines, and structures and further it is necessary that said easement and the privileges and obligations contained in this Petition be binding on the Defendants, their heirs, successors and assigns.

IX.

Plaintiffs have made diligent and repeated efforts to secure, by private purchase from the Defendants herein, appropriate right-of-way easements over and across the said lands for the purposes set out in this Petition, but have been wholly unable to effect a purchase of appropriate easements as to any of the lands set out herein, and by reason thereof, it is necessary that Plaintiffs exercise their rights and privileges incident to the construction, operation, maintenance, and reconstruction of said electric transmission line and fiber optic line by condemnation.

X.

Plaintiffs do not seek to take the fee or any interest in the oil, gas, coal or other minerals underlying the lands involved herein and confesses that the rights and estate sought herein in the nature of a right-of-way easements do not in any way constitute a burden or encumbrance upon the mineral interest in said lands.

XI.

Plaintiffs shall not have the right to fence any part of the right-of-way easements being acquired from Defendants

XII.

Future damages to the land caused by Plaintiffs after initial construction of the electric transmission line, fiber optic line, poles and structures will be paid by Plaintiffs as and when they may occur.

XIV.

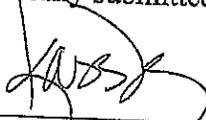
Plaintiffs will construct its said electric transmission line poles and structures and fiber optic line in accordance with applicable safety and construction standards of the National Electric Safety Code and any other appropriate regulatory authority.

WHEREFORE, premises considered, Plaintiffs pray that the Court enter its Order directing the manner of serving and the fixing of time of Notice to be given to the parties hereinabove named, and fixing the time for hearing of this Petition and that upon the hearing, the Court make and enter its Order appointing and directing the Sheriff of Payne County to summon three (3) disinterested freeholders of said county, not interested in a like question or controversy, to be selected by the District Judge as commissioners, to inspect the lands hereinbefore described and to consider and appraise the damage which the party in interest may sustain by reason of the Plaintiffs' appropriation of the easements for the aforementioned purposes; and that Plaintiffs upon payment of such damage which may be awarded said party, be authorized to enter upon and take and appropriate right-of-way easements across the lands hereinabove described, for the purposes of constructing, maintaining, operating, repairing, patrolling, inspecting, reconstructing, removing, modifying, its electric transmission line, poles, and structures and fiber optic line or lines necessary to secure the location, placement, and operation of electric poles for the transmission of electric energy at 138 kV voltage and, with the perpetual right and privilege of ingress and egress from the nearest convenient, accessible public road upon, and across the following described property to the easement, with the right to additionally cross on or over such following described property as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights, **BUT RESERVING**, nevertheless, the landowner, lessees, and tenants of said lands, at any and all times, the right to make such use of any such

lands included within said right-of-way easement as is not inconsistent with or dangerous to the construction, operation, maintenance, or reconstruction of said electric transmission line, poles, structures, fiber optic line, guy wires, anchors and right-of-way easement.

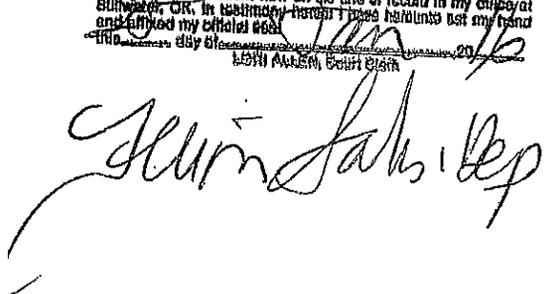
For this Plaintiffs pray, together with all other and further relief which may be lawful and proper in the premises

Respectfully submitted,



STRATTON TAYLOR, OBA # 10142
TONEY D. FOSTER, OBA # 16063
CLINT RUSSELL, OBA # 19209
KASSIE N. MCCOY, OBA # 31405
**TAYLOR, FOSTER, MALLET, DOWNS,
RAMSEY & RUSSELL**
400 West Fourth Street; P.O. Box 309
Claremore, OK 74018
918-343-4100; 918-343-4900 fax
Attorneys for Plaintiff

State of Oklahoma
County of Payne
I, Lori Allen, Court Clerk, in and for Payne County, OK, do hereby
certify that the above and foregoing is a true and correct copy of
the original instruments now on file and recorded in my office at
Stillwater, OK. In testimony whereof I hereunto set my hand
and affixed my official seal
this _____ day of _____, 2016
LORI ALLEN, Court Clerk



BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF K-POWERNET,
L.L.C. FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL
EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES
WITHIN THE STATE OF OKLAHOMA



CAUSE NO. PUD 200100083

ORDER NO. 451003

FINAL ORDER
GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY
TO K-POWERNET, L.L.C. TO PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES IN THE STATE OF OKLAHOMA

HEARINGS: March 22, 2001
Before Robert H. Goldfield, Administrative Law Judge

APPEARANCES: Ron Comingdeer and Kendall W. Parrish, Attorneys
K-Powernet, L.L.C.
Lenna F. Burdine, Assistant General Counsel
Public Utility Division, Oklahoma Corporation Commission

BY THE COMMISSION:

The Corporation Commission ("Commission") of the State of Oklahoma being regularly in session and the undersigned Commissioners being present and participating, there comes on for consideration and action the Application of K-Powernet, L.L.C. ("Applicant" or "K-Powernet") for a Certificate of Convenience and Necessity authorizing it to offer local exchange and interexchange telecommunications services throughout the State of Oklahoma, initially within Southwestern Bell Telephone Company's ("SWBT") and VALOR Telecommunications, L.L.C. ("VALOR"), local exchange areas.

PROCEDURAL HISTORY

On February 13, 2001, following the enactment of the Telecommunications Act of 1996, 47 U.S.C. Section 101, *et seq.*, K-Powernet filed an Application with the Commission to obtain a

Certificate of Convenience and Necessity to Provide local exchange and interexchange telecommunications services throughout the State of Oklahoma. The specific service areas for K-Powernet's local exchange telecommunications services will be designated from time to time by service area descriptions filed with and approved by the Commission. The service areas designated by the Applicant at this time are all of the local exchange areas presently certificated to SWBT and VALOR.

On March 2, 2001, Prefiled Testimony was filed by Walter C. Kenyon, on behalf of the applicant. An Amended Application was filed on March 12, 2001. Testimony of Commission Staff Witness, Ms. Barbara L. Mallett, was filed on March 16, 2001. Consistent with the Commission's rules, the Applicant published notice in newspapers of general circulation within the State of Oklahoma, and filed Proofs of Publications with the Commission on March 16, 2001, respectively.

SUMMARY OF TESTIMONY

Mr. Walter C. Kenyon, Director of Technical Services of K-Powernet, L.L.C., testified on behalf of the Applicant. Mr. Kenyon stated that his Prefiled Testimony was accurate and the pleadings with their attachments filed in this case are true and correct to the best of his knowledge. He further testified that the purpose of the above-entitled Application was to request Commission approval to provide local exchange and interexchange telecommunications services throughout the State of Oklahoma, initially in the exchanges served by SWBT and VALOR. Mr. Kenyon stated the initial service area designations for K-Powernet were the existing exchanges of SWBT.

Mr. Kenyon also testified that K-Powernet would not be requesting deposits from its customers and that it had not finalized an interconnection agreement with SWBT nor VALOR.

and therefore requested a waiver of the Commission's Rules requiring a surety bond and a proposed tariff. Mr. Kenyon further testified that in the event K-Powernet requires deposits from customers, in the future, it will comply with the Commission's rules governing deposits. Mr. Kenyon also testified that K-Powernet will comply with all state and federal rules and regulations including the assessment of the Public Utility Assessment Fee, the Telecommunications Relay Service Rider, and any applicable Universal Service Funding. Mr. Kenyon further testified that the Company would notify each regional council responsible for administering emergency telephone number service, in whose district any portion of the provider's intended service area lies.

Mr. Kenyon also testified that K-Powernet's request in the Application is to initially provide interexchange telecommunications services and local exchange services in the exchanges served by SWBT and VALOR. He also stated that if in the future the Applicant should ever decide to expand its services into areas served by an independent telephone company, that K-Powernet would make a bona fide request to these companies and follow all appropriate rules and procedures to expand its service area.

Ms. Barbara L. Mallett, Telecommunications Regulatory Analyst ("Staff") testified on behalf of the Oklahoma Corporation Commission. Ms. Mallett testified that the Applicant possesses adequate experience, knowledge and financial ability to provide telecommunications services in Oklahoma and recommended approval of this Cause whereby K-Powernet, L.L.C., should be granted a Certificate of Convenience and Necessity to provide local exchange and interexchange telecommunications services within the State of Oklahoma. Further, Staff did not object to the requested waivers of the Commission's Rules requiring a surety bond and a proposed tariff.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission finds that it has jurisdiction over the above-entitled cause pursuant to Art. IX, Section 18 of the Oklahoma Constitution, 17 O.S. §131 *et seq.* (Supp. 1996) and OAC 165:55. The Commission further finds that K-Powernet has complied with the notice requirements prescribed by 17 O.S. §133. The Commission further finds that K-Powernet's Application, and its attachments, and prefiled testimony of Mr. Kenyon and Ms. Mallett, should be admitted into the record. The Commission finds that based on the evidence presented, K-Powernet's officers and management personnel have the requisite experience and managerial skills in the telecommunications business and possess the technical, managerial and financial resources to provide local exchange and interexchange telecommunications services in the State of Oklahoma. Further, the Commission finds that no objections to K-Powernet's Application have been filed with the Commission.

The Commission further finds the granting of this application to be in the public interest. Therefore, the Commission finds that K-Powernet's Application should be granted and that K-Powernet should be granted a Certificate of Convenience and Necessity to provide local exchange and interexchange telecommunication services throughout the State of Oklahoma, with the company's local exchange services being initially limited to the exchanges served by SWBT and VALOR.

ORDER

IT IS THEREFORE THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA that K-Powernet's Application requesting a Certificate of Convenience and Necessity to provide local exchange and interexchange telecommunications

services throughout the State of Oklahoma, initially within Southwestern Bell and VALOR Telecommunications, L.L.C., exchange areas is hereby approved.

IT IS FURTHER THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA that the requests for waivers of OAC 165:55-3-2(D), surety bond and OAC 165:55-3-2(L), proposed initial tariffs, are hereby granted.

IT IS FURTHER THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF Oklahoma that all of the findings of the Commission are hereby adopted.

CORPORATION COMMISSION OF OKLAHOMA

Bob Anthony

BOB ANTHONY, Chairman

Denise H. Bode

DENISE BODE, Vice-Chairman

Ed Apple

ED APPLE, Commissioner

DONE AND PERFORMED This 18 day of April, 2001.

BY ORDER OF THE COMMISSION:

Peggy Mitchell

PEGGY MITCHELL, Secretary

REPORT OF THE ADMINISTRATIVE LAW JUDGE

The foregoing Findings, Conclusions and Order are the Report and Recommendations of the Administrative Law Judge.

Robert E. Goldfield

Robert E. Goldfield, Administrative Law Judge

April 11, 2001

Date

**KAMO ELECTRIC COOPERATIVE
VINITA, OKLAHOMA
EXHIBIT "B"**

PART OF THE SOUTHWEST 1/4
SEC. 16-T18N-R01E
PAYNE COUNTY, OK



NOT TO SCALE

LEGEND

- FOUND R.R. SPIKE
- FOUND IRON PIN
- - - - PROPOSED EASEMENT LINE
- - - - PROPOSED CENTERLINE
- - - - SECTION LINE

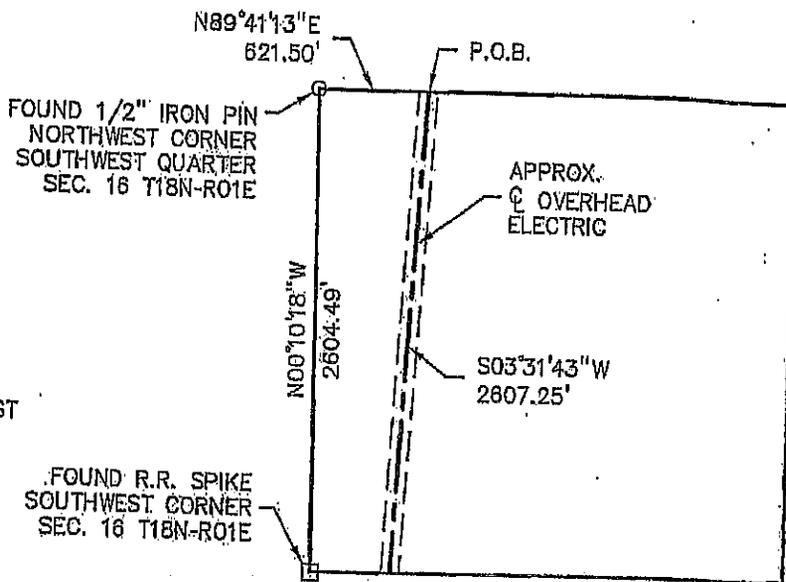
TRACT # OKPA-V-HC-09
THE HAMMOCK FAMILY REVOCABLE TRUST
DEED BOOK 1376 PAGE 121-122
EASEMENT DESCRIPTION:

THE EASEMENT HEREIN
GRANTED WILL BE 100 FEET
WIDE AND LIE 50 FEET EACH
SIDE OF THE FOLLOWING DESCRIBED CENTERLINE (SIDELINES ARE LENGTHENED OR
SHORTENED AS REQUIRED TO END ON GRANTOR'S BOUNDARY)

COMMENCING AT A FOUND R.R. SPIKE AT THE SOUTHWEST CORNER OF SECTION 16,
TOWNSHIP 18 NORTH, RANGE 01 EAST, PAYNE COUNTY, OKLAHOMA; THENCE N00°10'18"W
ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 2604.49 FEET MORE OR
LESS TO A FOUND 1/2" IRON PIN LOCATED AT THE NORTHWEST CORNER OF THE
SOUTHWEST QUARTER OF SAID SECTION 16; THENCE N89°41'13"E, 621.50 FEET MORE OR
LESS TO THE INTERSECTION OF THE CENTERLINE AS CONSTRUCTED, GRANTOR'S
APPARENT BOUNDARY AND BEING THE POINT OF BEGINNING; THENCE S03°31'43"W
ALONG SAID CENTERLINE, 2607.25 FEET MORE OR LESS TO THE GRANTOR'S
APPARENT BOUNDARY AND TERMINUS POINT.

2607.25 LINEAR FEET APPROX.
6.1 ACRES MORE OR LESS.

THIS EXHIBIT DEPICTS APPARENT OWNERSHIP LINES AND WAS PREPARED
EXCLUSIVELY FROM INSTRUMENTS OF RECORD AND IS SUBJECT TO ALL
RESTRICTIONS, EASEMENTS OR RIGHT-OF-WAYS, IF ANY. 12-31-15

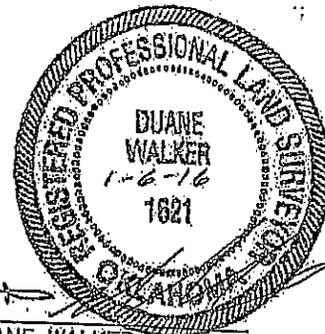


THIS DRAWING IS A DOCUMENT OF SERVICE AND IS THE PROPERTY OF
ALLGEIER, MARTIN and ASSOCIATES, INC. THIS DOCUMENT SHALL NOT
BE USED ON THIS OR OTHER PROJECTS WITHOUT THE WRITTEN
CONSENT OF ALLGEIER, MARTIN and ASSOCIATES, INC.

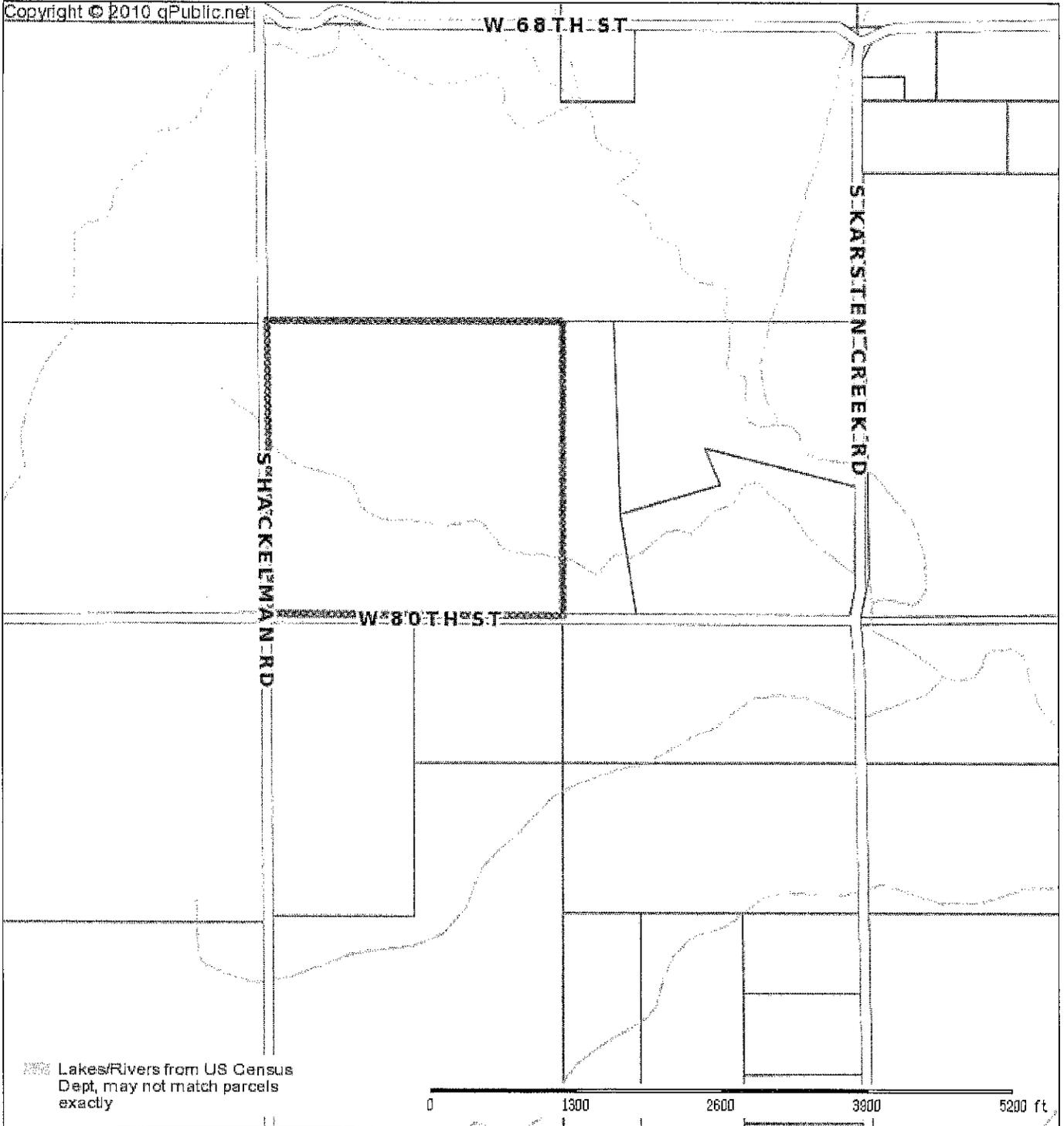
CERTIFICATE OF AUTHORITY
OKLAHOMA NO. CA 875
EXPIRES: 8-30-16



ALLGEIER, MARTIN and ASSOCIATES, INC.
CONSULTING ENGINEERS
7231 EAST 24TH STREET
JOPLIN, MISSOURI 64804 (417) 650-7200



DUANE WALKER
OKLAHOMA P.L.S. #1621
AGENT FOR ALLGEIER, MARTIN and
ASSOCIATES, INC.



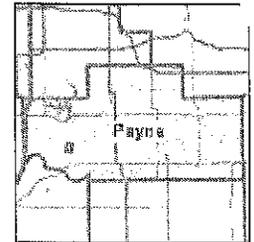
Lakes/Rivers from US Census Dept, may not match parcels exactly

0 1300 2600 3900 5200 ft

Payne County Assessor

Parcel: 600066788 Acres: 1

Name:	HAMMOCK FAMILY REVOCABLE TRUST	Land Value:	38520
Site:	10720 W 80TH ST	Improvement Value:	185110
Sale:	\$65000 on 2002-08-16 Reason=No Qual=U	Accessory Value:	0
Mail:	3809 DEERBROOK CT EDMOND, OK 73003	Total Value:	223630



Payne County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

Date printed: 01/28/16 : 14:28:10

IN THE DISTRICT COURT OF PAYNE COUNTY
STATE OF OKLAHOMA

IN THE DISTRICT COURT OF
Payne County, Oklahoma
FILED

JAN 25 2016

By: LORI ALLEN, Court Clerk Deputy

KAMO ELECTRIC COOPERATIVE, INC., a)
Rural Electric Cooperative Corporation, and)
K-POWERNET, LLC, an Oklahoma Limited)
Liability Company,)

Plaintiffs,)

vs.)

YOST AND HACKLEMAN, L.L.C.,)
CARLA MANNING in her capacity as)
PAYNE COUNTY TREASURER, and The)
BOARD OF COUNTY COMMISSIONERS)
of Payne County,)

Defendants.)

Case No.

CS-2016-24

NOTICE IN CONDEMNATION

STATE OF OKLAHOMA TO: The Board of County Commissioners of
Payne County, Oklahoma
c/o Glenna Craig, County Clerk
315 W. 6th Ave., Suite 202
Stillwater, OK 74074

PAYNE COUNTY
GLENNA CRAIG
COUNTY CLERK

2016 JAN 27 A 11:37

YOU ARE HEREBY NOTIFIED THAT, having been unable to procure such rights-of-way by private purchase, KAMO Electric Cooperative, a Rural Electric Cooperative Corporation and K-POWERNET, L.L.C., an Oklahoma limited liability company, on January 25, 2016, filed in the above-named Court their Petition for authority to take and appropriate, by condemnation, perpetual right-of-way easements for the purpose of constructing an electric power transmission system with certain anchors, guy wires, necessary fixtures, special structures, and appurtenances thereto for the placement of fiber optic and/or communications lines for the internal and commercial transmission of voice and data messages upon, over, and across the lands above described herein, in the manner and at the location described in Exhibit "A", attached hereto and made a part hereof, for the purposes of constructing, installing, maintaining, operating,

reconstructing, repairing, removing, and re-installing its communication lines, for the uses set forth in the Petition, including the perpetual right and privilege of ingress and egress down the length of the easement and, in those situations where KAMO determines that an emergency exists on its electric transmission line, reasonable ingress and egress from the nearest convenient, accessible public road, as well as upon, over, and across the lands described in Exhibit "A", attached hereto and made a part hereof, and for an Order Appointing Commissioners to view said lands and consider and appraise the value thereof and fix compensation thereof on account of the appropriation of such perpetual right-of-way easements in said lands; and that said Petition has been duly set for hearing, and will be presented before the above-named Court, at the Payne County Courthouse at Stillwater Oklahoma, on the 3 day of March, 2016, at 1:30 p.M. or as soon thereafter as same may be reached and at which time and place you may be present if you so desire.

Dated this 25 day of January, 2016.

Respectfully submitted,

STRATTON TAYLOR, OBA # 10142
TONEY D. FOSTER, OBA # 16063
CLINT RUSSELL, OBA # 19209
KASSIE N. MCCOY, OBA # 31405
TAYLOR, FOSTER, MALLET, DOWNS,
RAMSEY & RUSSELL
400 West Fourth Street | P.O. Box 309
Claremore, OK 74018
918-343-4100 | 918-343-4900 fax
Attorneys for Plaintiff

State of Oklahoma
County of Payne
I, Lori Allen, Court Clerk, in and for Payne County, OK, do hereby certify that the above and foregoing is a true and correct copy of the original instrument now on file and of record in my office at Stillwater, OK. In testimony whereof I have hereunto set my hand and affixed my official seal this 25 day of January, 2016
LORI ALLEN, Court Clerk



KAMO ELECTRIC COOPERATIVE VINITA, OKLAHOMA EXHIBIT "A"

PART OF THE SOUTHWEST 1/4
SEC. 09-T18N-R01E
PAYNE COUNTY, OK

NOT TO SCALE

LEGEND

- FOUND IRON PIN
- PROPOSED EASEMENT LINE
- PROPOSED CENTERLINE
- SECTION LINE

TRACT # OKPA-V-HC-07

YOST AND HACKLEMAN, L.L.C.

DEED BOOK 1536 PAGE 709-710

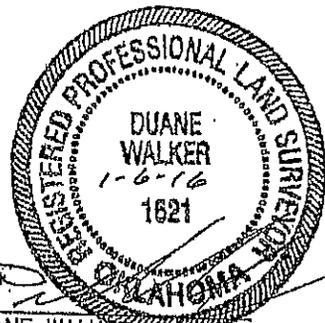
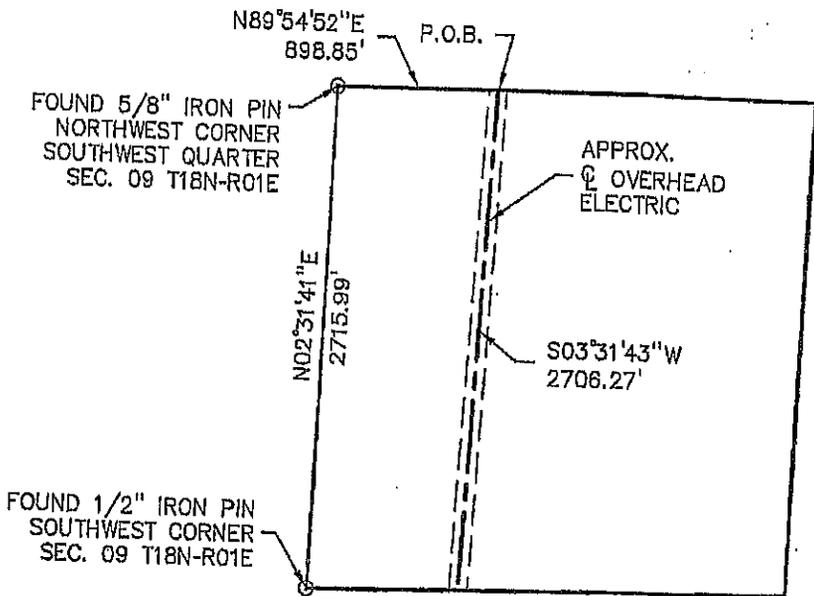
EASEMENT DESCRIPTION:

THE EASEMENT HEREIN GRANTED WILL BE 100 FEET WIDE AND LIE 50 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE (SIDELINES ARE LENGTHENED OR SHORTENED AS REQUIRED TO END ON GRANTOR'S BOUNDARY)

COMMENCING AT A FOUND 1/2" IRON PIN AT THE SOUTHWEST CORNER OF SECTION 09, TOWNSHIP 18 NORTH, RANGE 01 EAST, PAYNE COUNTY, OKLAHOMA; THENCE N02°31'41"E ALONG THE WEST LINE OF SAID SECTION 09, A DISTANCE OF 2715.99 FEET MORE OR LESS TO A FOUND 5/8" IRON PIN LOCATED AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 09; THENCE N89°54'52"E, 898.85 FEET MORE OR LESS TO THE INTERSECTION OF THE CENTERLINE AS CONSTRUCTED, GRANTOR'S APPARENT BOUNDARY AND BEING THE POINT OF BEGINNING; THENCE S03°31'43"W ALONG SAID CENTERLINE, 2706.27 FEET MORE OR LESS TO THE GRANTOR'S APPARENT BOUNDARY AND TERMINUS POINT.

2706.27 LINEAR FEET APPROX.
6.3 ACRES MORE OR LESS.

THIS EXHIBIT DEPICTS APPARENT OWNERSHIP LINES AND WAS PREPARED EXCLUSIVELY FROM INSTRUMENTS OF RECORD AND IS SUBJECT TO ALL RESTRICTIONS, EASEMENTS OR RIGHT-OF-WAYS, IF ANY. 12-31-15



DUANE WALKER
OKLAHOMA P.L.S. #1621
AGENT FOR ALLGEIER, MARTIN and ASSOCIATES, INC.

THIS DRAWING IS A DOCUMENT OF SERVICE AND IS THE PROPERTY OF ALLGEIER, MARTIN and ASSOCIATES, INC. THIS DOCUMENT SHALL NOT BE USED ON THIS OR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF ALLGEIER, MARTIN and ASSOCIATES, INC.

CERTIFICATE OF AUTHORITY
OKLAHOMA NO. CA 675
EXPIRES: 6-30-16



ALLGEIER, MARTIN and ASSOCIATES, INC.
CONSULTING ENGINEERS
7231 EAST 24TH STREET
JOPLIN, MISSOURI 64604

(417) 680-7200

IN THE DISTRICT COURT OF PAYNE COUNTY
STATE OF OKLAHOMA

IN THE DISTRICT COURT OF
Payne County, Oklahoma
FILED

JAN 25 2016

BY: LORI ALLEN, Court Clerk Deputy

KAMO ELECTRIC COOPERATIVE, INC., a)
Rural Electric Cooperative Corporation, and)
K-POWERNET, LLC, an Oklahoma Limited)
Liability Company,)
Plaintiffs,)

Case No.

05-2016-24

vs.)
YOST AND HACKLEMAN, L.L.C.,)
CARLA MANNING in her capacity as)
PAYNE COUNTY TREASURER, and The)
BOARD OF COUNTY COMMISSIONERS)
of Payne County,)
Defendants.)

ORDER FOR HEARING

NOW on this 25 day of January, 2016, it appearing from the Petition of KAMO Electric Cooperative, Inc., a Rural Electric Cooperative Corporation and K-POWERNET, L.L.C., an Oklahoma limited liability company, that they seek to take and appropriate, by condemnation, perpetual right-of-way easements for the placement of an electric transmission line and fiber optic communications lines for the internal and commercial transmission of voice and data messages upon, over, and across the lands described in its Petition.

IT IS THEREFOR ORDERED that said Petition be and the same is hereby set for hearing before this Court on the 3 day of March, 2016, at the hour of 1:30 a.m./p.m. in Courtroom No. 307 of the Payne County Courthouse, in Stillwater, Oklahoma, or as soon thereafter as same may be reached.

AND IT IS FURTHER ORDERED that an agent of the Plaintiff makes service of Notice of hearing of said Petition on those persons whose whereabouts is known and claiming to own an interest in said lands by personal service or by leaving a copy thereof at such party's usual place of residence with a member of his family over fifteen years at least ten (10) days prior to the date of said hearing, and that said agent make his return of service under oath, filing same with the Court Clerk in this proceeding.

AND IT IS FURTHER ORDERED AND DECREED that Plaintiff may Notice all Defendants who are nonresident owners whose whereabouts are unknown to Plaintiff by publication as provided by law.

State of Oklahoma
County of Payne
I, Lori Allen, Court Clerk, in and for Payne County, OK, do hereby certify that the above and foregoing is a true and correct copy of the original instrument now on file and of record in my office at Stillwater, OK. In testimony whereof I have hereunto set my hand and affixed my official seal this 25th day of January, 2016.
LORI ALLEN, Court Clerk



Phillip Corley

JUDGE OF THE DISTRICT COURT

Phillip Corley

by *Phillip Corley* Deputy Court Clerk

IN THE DISTRICT COURT OF PAYNE COUNTY
STATE OF OKLAHOMA

IN THE DISTRICT COURT OF
Payne County, Oklahoma
FILED

JAN 25 2016

By: LORI ALLEN, Court Clerk
Deputy

KAMO ELECTRIC COOPERATIVE, INC., a)
Rural Electric Cooperative Corporation, and)
K-POWERNET, LLC, an Oklahoma Limited)
Liability Company,)

Plaintiffs,)

vs.)

YOST AND HACKLEMAN, L.L.C.,)
CARLA MANNING in her capacity as)
PAYNE COUNTY TREASURER, and The)
BOARD OF COUNTY COMMISSIONERS)
of Payne County,)

Defendants.)

Case No.

2016-24

PETITION IN CONDEMNATION

COME NOW the Plaintiffs, KAMO Electric Cooperative, a Rural Electric Cooperative Corporation (hereinafter "KAMO"), and K-POWERNET, L.L.C., (hereinafter "K-POWER") (collectively "the Plaintiffs") by and through the Taylor, Foster, Mallett, Downs, Ramsey, & Russell law firm, and respectfully state and show the following to the Court:

I.

KAMO is an electric cooperative membership corporation, duly organized and existing under and by virtue of the laws of the State of Oklahoma with its principal place of business at Vinita, Oklahoma. KAMO, for the public benefit, is authorized and empowered, among other things, to generate, manufacture, purchase, acquire, accumulate and transmit electric energy and to distribute, sell, supply and dispose of and to maintain, use, and operate electric transmission and distribution lines and systems and in connection therewith to purchase, take, receive, lease, condemn or otherwise acquire any and all kinds and classes of real and personal property

whatsoever which shall be determined necessary, convenient, or appropriate to accomplish such powers, and in connection therewith, to acquire rights-of-way and easements for said purposes. KAMO is also authorized and empowered, among other things, to construct fiber optic line or lines for the internal communication of voice and data information and to acquire by eminent domain any and all property of any kind, real, personal or mixed or any interest therein necessary or convenient to the exercise of such powers, rights, privileges, and functions in the manner provided by general law with respect to eminent domain, and to do any and all other acts or things necessary to exercise such powers, rights, privileges, and functions. KAMO possesses the power of eminent domain under Title 18 O.S. § 437, *et seq.* and Title 66 OKLA. STAT. §§ 51 *et seq.* Pursuant to Title 17 OKLA. STAT. § 190, KAMO possesses the right to place optical fiber within the overhead ground wire of its electrical transmission line for purposes of internal communication between KAMO's facilities without said optical fiber constituting an additional burden on the land or requiring any additional easement or license.

K-POWERNET, L.L.C., is a limited liability company, duly organized and existing under and by virtue of the laws of the State of Oklahoma, with its principal place of business at Vinita, Oklahoma. K-POWER is a wholly owned subsidiary of KAMO. K-POWER has been granted a Certificate of Convenience and Necessity (copy of which is attached hereto as Exhibit "A" and made a part hereof) and is thereby authorized and empowered to provide commercial local exchange and interexchange telecommunications services throughout the State of Oklahoma, and in connection therewith to purchase, take, receive, lease, condemn or otherwise acquire any and all kinds and class of real and personal property whatsoever which shall be determined necessary, convenient, or appropriate to accomplish such purpose, and in connection therewith to acquire right-of-way and easements for said purposes; and to acquire by condemnation any and all property of any kind, real, personal or mixed or any interest therein necessary or convenient to the

exercise of such powers, right, privileges, and functions in the manner provided by general law with respect to condemnation, and to do any and all other acts or things necessary to exercise such powers, rights, privileges, and functions. K-POWER possesses the power of eminent domain under Title 18 O.S. § 601.

II.

In the due course of its business and pursuant to its power of eminent domain, KAMO finds it necessary to take and appropriate a perpetual easement and right-of-way for the purpose of constructing an electric power transmission system together with certain anchors, guy wires, necessary fixtures, special structures and appurtenances thereto, for the transmission of electrical current and energy, with the perpetual right and privilege of ingress and egress from the nearest convenient, accessible public road upon, and across the following described property to the easement, with the right to additionally cross on or over such following described property as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights.

In the due course of its business and pursuant to its power of eminent domain, K-POWER finds it necessary to take and appropriate a perpetual easement and right-of-way for the commercial transmission of voice and data messages upon, over, and across the lands described herein, in the manner and at the locations described herein, for the purposes of constructing, installing, maintaining, operating, reconstructing, repairing, removing, and re-installing said fiber optic line or lines or communication line or lines, necessary fixtures and appurtenances thereto including aerial telecommunications equipment, which includes optical and electronic equipment and related facilities including those made possible by future technological developments through which voice, data, information, video or other signals are transmitted, with the perpetual right and privilege of ingress and egress from the nearest convenient, accessible public road upon, and

across the following described property to the easement, with the right to additionally cross on or over such following described property as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights. This easement permits K-POWER to utilize for commercial purposes KAMO's fiber optic and communication line or lines located within the two (2) overhead ground wires of KAMO's electric transmission line. KAMO and K-POWER's easements will occupy and use the exact same tract of land by virtue of the fact the fiber optic lines are part of the electric transmission line equipment.

III.

Defendant YOST AND HACKLEMAN, L.L.C., claims some right, title or interest in and to the Property from which the proposed easements will be acquired by reason of a Warranty Deed which was recorded in Book 1536, Pages 709-710 of the land records of Payne County, Oklahoma.

IV.

Defendants, CARLA MANNING, in her capacity as TREASURER OF PAYNE COUNTY, Oklahoma and The BOARD OF COUNTY COMMISSIONERS OF PAYNE COUNTY, Oklahoma, may claim some right, interest or estate in the above referenced property by reason of ad valorem taxes which may be due and unpaid.

V.

In conjunction with the proposed electric transmission line and fiber optic line, it is necessary that Plaintiffs acquire the following described perpetual easement and guying tracts:

THE EASEMENT HEREIN GRANTED WILL BE 100 FEET WIDE AND LIE 50 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE (SIDELINES ARE LENGTHENED OR SHORTENED AS REQUIRED TO END ON GRANTOR'S BOUNDARY)

COMMENCING AT A FOUND ½" IRON PIN AT THE SOUTHWEST CORNER OF SECTION 09, TOWNSHIP 18 NORTH, RANGE 01 EAST, PAYNE COUNTY, OKLAHOMA; THENCE N02°31'41"E ALONG THE WEST LINE OF SAID SECTION 09, A DISTANCE OF

2715.99 FEET MORE OR LESS TO A FOUND 5/8" IRON PIN LOCATED AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 09; THENCE N89°54'52" E, 898.85 FEET MORE OR LESS TO THE INTERSECTION OF THE CENTERLINE AS CONSTRUCTED, GRANTOR'S APPARENT BOUNDARY AND BEING THE POINT OF BEGINNING; THENCE S03°31'43"W ALONG SAID CENTERLINE, 2706.27 FEET MORE OR LESS TO THE GRANTOR'S APPARENT BOUNDARY AND TERMINUS POINT.

2706.27 LINEAR FEET APPROX.
6.3 ACRES MORE OR LESS

VI.

Said electric transmission line, poles, structures, fiber optic line or lines will be located, in part, upon, over and across the lands in Payne County, Oklahoma, herein described, and shown by the Plat of Survey attached as Exhibit "B" hereto, and constructed within the right-of-way easement herein in Exhibit "B" described upon said lands. Plaintiff KAMO will limit the number of transmission line poles and structures on the subject property to those as built for initial construction and operation. Plaintiffs seek, pursuant to their respective powers of eminent domain, to take and appropriate perpetual easements and rights-of-way for said electric transmission line, poles, structures, and fiber optic line or lines over and across the lands described herein, in the manner and at the location set forth herein, for the purpose of constructing, maintaining, inspecting, operating, repairing, re-constructing, replacing and removing its said electric transmission line poles, and structures necessary for the location, placement, and usage of electric poles and wires for the transmission of electric energy at 138 kV voltage and the construction, operation, and maintenance of the fiber optic line or lines; also, the perpetual right and privilege to cut, trim, and use EPA listed agricultural type broad leaf herbicide for control of timber, trees, shrubbery, and brush located within the easement which by their growth pattern, size, shape, and/or location may, in the sole judgment of Plaintiffs, inhibit, interfere with or interrupt the continuous use and maintenance of the facilities; the authority to cut

or trim any trees outside the easement area that upon falling would endanger or strike the line, including the conductors, overhead ground wires, structures, guywires or anchors; and to prohibit the permanent placement of or remove any other permanent objects at any time which may interfere with or endanger its electric transmission line, poles, anchors, and guy wires or fiber optic line or lines or the construction, operation, maintenance, inspection, repair, reconstruction, replacement or removal thereof, with the perpetual right and privilege of ingress and egress from the nearest convenient, accessible public road upon, and across the following described property to the easement, with the right to additionally cross on or over such following described property as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights; but reserving to the owners, tenants and lessees of said lands at any and all times the rights-of-way as is consistent with and not dangerous to the construction, operation, maintenance, reconstruction or removal of Plaintiffs' electric transmission line poles, and structures on said easements and rights-of-way.

VII.

The Defendant shall have and retain the full right to use and enjoy said property and premises subject only to the easement rights to be acquired by Plaintiffs in these proceedings, and further that it is necessary that the Defendant be restricted from building, creating, erecting, or constructing or permitting others to build, create, erect, or construct any buildings or other permanent structures upon said perpetual easements, and further, Plaintiffs shall have the right to remove or clear obstructions on or immediately adjacent to the easement that in Plaintiffs' sole opinion may injure, endanger, or interfere with the operation, maintenance, repair, removal or replacement of the electric transmission line poles, and structures.

VIII.

Plaintiffs shall pay all damages to fences and premises which may be suffered by reason of crossing, constructing, maintaining, operating, repairing, removing, or replacing said electric transmission line poles, fiber optic lines, and structures and further it is necessary that said easement and the privileges and obligations contained in this Petition be binding on the Defendants, their heirs, successors and assigns.

IX.

Plaintiffs have made diligent and repeated efforts to secure, by private purchase from the Defendants herein, appropriate right-of-way easements over and across the said lands for the purposes set out in this Petition, but have been wholly unable to effect a purchase of appropriate easements as to any of the lands set out herein, and by reason thereof, it is necessary that Plaintiffs exercise their rights and privileges incident to the construction, operation, maintenance, and reconstruction of said electric transmission line and fiber optic line by condemnation.

X.

Plaintiffs do not seek to take the fee or any interest in the oil, gas, coal or other minerals underlying the lands involved herein and confesses that the rights and estate sought herein in the nature of a right-of-way easements do not in any way constitute a burden or encumbrance upon the mineral interest in said lands.

XI.

Plaintiffs shall not have the right to fence any part of the right-of-way easements being acquired from Defendants.

XII.

Future damages to the land caused by Plaintiffs after initial construction of the electric transmission line, fiber optic line, poles and structures will be paid by Plaintiffs as and when they may occur.

XIV.

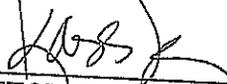
Plaintiffs will construct its said electric transmission line poles and structures and fiber optic line in accordance with applicable safety and construction standards of the National Electric Safety Code and any other appropriate regulatory authority.

WHEREFORE, premises considered, Plaintiffs pray that the Court enter its Order directing the manner of serving and the fixing of time of Notice to be given to the parties hereinabove named, and fixing the time for hearing of this Petition and that upon the hearing, the Court make and enter its Order appointing and directing the Sheriff of Payne County to summon three (3) disinterested freeholders of said county, not interested in a like question or controversy, to be selected by the District Judge as commissioners, to inspect the lands hereinbefore described and to consider and appraise the damage which the party in interest may sustain by reason of the Plaintiffs' appropriation of the easements for the aforementioned purposes; and that Plaintiffs upon payment of such damage which may be awarded said party, be authorized to enter upon and take and appropriate right-of-way easements across the lands hereinabove described, for the purposes of constructing, maintaining, operating, repairing, patrolling, inspecting, reconstructing, removing, modifying, its electric transmission line, poles, and structures and fiber optic line or lines necessary to secure the location, placement, and operation of electric poles for the transmission of electric energy at 138 kV voltage and, with the perpetual right and privilege of ingress and egress from the nearest convenient, accessible public road upon, and across the following described property to the easement, with the right to additionally cross on or over such following described property as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights, **BUT RESERVING**, nevertheless, the landowner, lessees, and tenants of said lands, at any and all times, the right to make such use of any such

lands included within said right-of-way easement as is not inconsistent with or dangerous to the construction, operation, maintenance, or reconstruction of said electric transmission line, poles, structures, fiber optic line, guy wires, anchors and right-of-way easement.

For this Plaintiffs pray, together with all other and further relief which may be lawful and proper in the premises

Respectfully submitted,



STRATTON TAYLOR, OBA # 10142
TONEY D. FOSTER, OBA # 16063
CLINT RUSSELL, OBA # 19209
KASSIE N. MCCOY, OBA # 31405
**TAYLOR, FOSTER, MALLETT, DOWNS,
RAMSEY & RUSSELL**
400 West Fourth Street; P.O. Box 309
Claremore, OK 74018
918-343-4100; 918-343-4900 fax
Attorneys for Plaintiff

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF K-POWERNET,
L.L.C. FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL
EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES
WITHIN THE STATE OF OKLAHOMA



CAUSE NO. PUD 200100083

ORDER NO. 451003

FINAL ORDER
GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY
TO K-POWERNET, L.L.C. TO PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES IN THE STATE OF OKLAHOMA

HEARINGS: March 22, 2001
Before Robert R. Goldfield, Administrative Law Judge

APPEARANCES: Ron Comingsdeer and Kendall W. Parrish, Attorneys
K-Powernet, L.L.C.
Landra F. Burdine, Assistant General Counsel
Public Utility Division, Oklahoma Corporation Commission

BY THE COMMISSION:

The Corporation Commission ("Commission") of the State of Oklahoma being regularly in session and the undersigned Commissioners being present and participating, there comes on for consideration and action the Application of K-Powernet, L.L.C. ("Applicant" or "K-Powernet") for a Certificate of Convenience and Necessity authorizing it to offer local exchange and interexchange telecommunications services throughout the State of Oklahoma, initially within Southwestern Bell Telephone Company's ("SWBT") and VALOR Telecommunications, L.L.C. ("VALOR"), local exchange areas.

PROCEDURAL HISTORY

On February 13, 2001, following the enactment of the Telecommunications Act of 1996, 47 U.S.C. Section 101, *et seq.*, K-Powernet filed an Application with the Commission to obtain a

Certificate of Convenience and Necessity to Provide local exchange and interexchange telecommunications services throughout the State of Oklahoma. The specific service areas for K-Powernet's local exchange telecommunications services will be designated from time to time by service area descriptions filed with and approved by the Commission. The service areas designated by the Applicant at this time are all of the local exchange areas presently certificated to SWBT and VALOR.

On March 2, 2001, Prefiled Testimony was filed by Walter C. Kenyon, on behalf of the applicant. An Amended Application was filed on March 12, 2001. Testimony of Commission Staff Witness, Ms. Barbara L. Mallett, was filed on March 16, 2001. Consistent with the Commission's rules, the Applicant published notice in newspapers of general circulation within the State of Oklahoma, and filed Proofs of Publications with the Commission on March 16, 2001, respectively.

SUMMARY OF TESTIMONY

Mr. Walter C. Kenyon, Director of Technical Services of K-Powernet, L.L.C., testified on behalf of the Applicant. Mr. Kenyon stated that his Prefiled Testimony was accurate and the pleadings with their attachments filed in this case are true and correct to the best of his knowledge. He further testified that the purpose of the above-entitled Application was to request Commission approval to provide local exchange and interexchange telecommunications services throughout the State of Oklahoma, initially in the exchanges served by SWBT and VALOR. Mr. Kenyon stated the initial service area designations for K-Powernet were the existing exchanges of SWBT.

Mr. Kenyon also testified that K-Powernet would not be requesting deposits from its customers and that it had not finalized an interconnection agreement with SWBT nor VALOR.

and therefore requested a waiver of the Commission's Rules requiring a surety bond and a proposed tariff. Mr. Kenyon further testified that in the event K-Powernet requires deposits from customers, in the future, it will comply with the Commission's rules governing deposits. Mr. Kenyon also testified that K-Powernet will comply with all state and federal rules and regulations including the assessment of the Public Utility Assessment Fee, the Telecommunications Relay Service Rider, and any applicable Universal Service Funding. Mr. Kenyon further testified that the Company would notify each regional council responsible for administering emergency telephone number service, in whose district any portion of the provider's intended service area lies.

Mr. Kenyon also testified that K-Powernet's request in the Application is to initially provide interexchange telecommunications services and local exchange services in the exchanges served by SWBT and VALOR. He also stated that if in the future the Applicant should ever decide to expand its services into areas served by an independent telephone company, that K-Powernet would make a bona fide request to these companies and follow all appropriate rules and procedures to expand its service area.

Ms. Barbara L. Mallett, Telecommunications Regulatory Analyst ("Staff") testified on behalf of the Oklahoma Corporation Commission. Ms. Mallett testified that the Applicant possesses adequate experience, knowledge and financial ability to provide telecommunications services in Oklahoma and recommended approval of this Cause whereby K-Powernet, L.L.C., should be granted a Certificate of Convenience and Necessity to provide local exchange and interexchange telecommunications services within the State of Oklahoma. Further, Staff did not object to the requested waivers of the Commission's Rules requiring a surety bond and a proposed tariff.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission finds that it has jurisdiction over the above-entitled cause pursuant to Art. IX, Section 18 of the Oklahoma Constitution, 17 O.S. §131 *et seq.* (Supp. 1996) and OAC 165:55. The Commission further finds that K-Powernet has complied with the notice requirements prescribed by 17 O.S. §133. The Commission further finds that K-Powernet's Application, and its attachments, and prefiled testimony of Mr. Kenyon and Ms. Mallett, should be admitted into the record. The Commission finds that based on the evidence presented, K-Powernet's officers and management personnel have the requisite experience and managerial skills in the telecommunications business and possess the technical, managerial and financial resources to provide local exchange and interexchange telecommunications services in the State of Oklahoma. Further, the Commission finds that no objections to K-Powernet's Application have been filed with the Commission.

The Commission further finds the granting of this application to be in the public interest. Therefore, the Commission finds that K-Powernet's Application should be granted and that K-Powernet should be granted a Certificate of Convenience and Necessity to provide local exchange and interexchange telecommunication services throughout the State of Oklahoma, with the company's local exchange services being initially limited to the exchanges served by SWBT and VALOR.

ORDER

IT IS THEREFORE THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA that K-Powernet's Application requesting a Certificate of Convenience and Necessity to provide local exchange and interexchange telecommunications

services throughout the State of Oklahoma, initially within Southwestern Bell and VALOR Telecommunications, L.L.C., exchange areas is hereby approved.

IT IS FURTHER THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA that the requests for waivers of OAC 165:55-3-2(D), surety bond and OAC 165:55-3-2(L), proposed initial tariffs, are hereby granted.

IT IS FURTHER THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF Oklahoma that all of the findings of the Commission are hereby adopted.

CORPORATION COMMISSION OF OKLAHOMA

Bob Anthony
BOB ANTHONY, Chairman

Denise Bode
DENISE BODE, Vice-Chairman

Ed Apple
ED APPLE, Commissioner

DONE AND PERFORMED This 18 day of April, 2001.

BY ORDER OF THE COMMISSION:

Peggy Mitchell
PEGGY MITCHELL, Secretary

REPORT OF THE ADMINISTRATIVE LAW JUDGE

The foregoing Findings, Conclusions and Order are the Report and Recommendations of the Administrative Law Judge.

Robert E. Goldfield
Robert E. Goldfield, Administrative Law Judge

April 11, 2001
Date

KAMO ELECTRIC COOPERATIVE VINITA, OKLAHOMA EXHIBIT "B"

PART OF THE SOUTHWEST 1/4
SEC. 09-T18N-R01E
PAYNE COUNTY, OK

NOT TO SCALE

LEGEND

- FOUND IRON PIN
- PROPOSED EASEMENT LINE
- PROPOSED CENTERLINE
- SECTION LINE

TRACT # OKPA-V-HC-07

YOST AND HACKLEMAN, L.L.C.

DEED BOOK 1536, PAGE 709-710

EASEMENT DESCRIPTION:

THE EASEMENT HEREIN GRANTED WILL BE 100 FEET WIDE AND LIE 50 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE (SIDELINES ARE LENGTHENED OR SHORTENED AS REQUIRED TO END ON GRANTOR'S BOUNDARY)

COMMENCING AT A FOUND 1/2" IRON PIN AT THE SOUTHWEST CORNER OF SECTION 09, TOWNSHIP 18 NORTH, RANGE 01 EAST, PAYNE COUNTY, OKLAHOMA; THENCE N02°31'41"E ALONG THE WEST LINE OF SAID SECTION 09, A DISTANCE OF 2715.99 FEET MORE OR LESS TO A FOUND 5/8" IRON PIN LOCATED AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 09; THENCE N89°54'52"E, 898.85 FEET MORE OR LESS TO THE INTERSECTION OF THE CENTERLINE AS CONSTRUCTED, GRANTOR'S APPARENT BOUNDARY AND BEING THE POINT OF BEGINNING; THENCE S03°31'43"W ALONG SAID CENTERLINE, 2706.27 FEET MORE OR LESS TO THE GRANTOR'S APPARENT BOUNDARY AND TERMINUS POINT.

2706.27 LINEAR FEET APPROX.
6.3 ACRES MORE OR LESS.

THIS EXHIBIT DEPICTS APPARENT OWNERSHIP LINES AND WAS PREPARED EXCLUSIVELY FROM INSTRUMENTS OF RECORD AND IS SUBJECT TO ALL RESTRICTIONS, EASEMENTS OR RIGHT-OF-WAYS, IF ANY. 12-31-15

N89°54'52"E
898.85'

P.O.B.

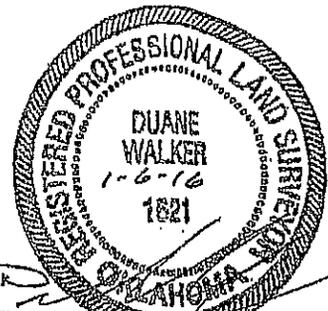
FOUND 5/8" IRON PIN
NORTHWEST CORNER
SOUTHWEST QUARTER
SEC. 09 T18N-R01E

APPROX.
C OVERHEAD
ELECTRIC

N02°31'41"E
2715.99'

S03°31'43"W
2706.27'

FOUND 1/2" IRON PIN
SOUTHWEST CORNER
SEC. 09 T18N-R01E



DUANE WALKER
OKLAHOMA P.L.S. #1621
AGENT FOR ALLGEIER, MARTIN and ASSOCIATES, INC.

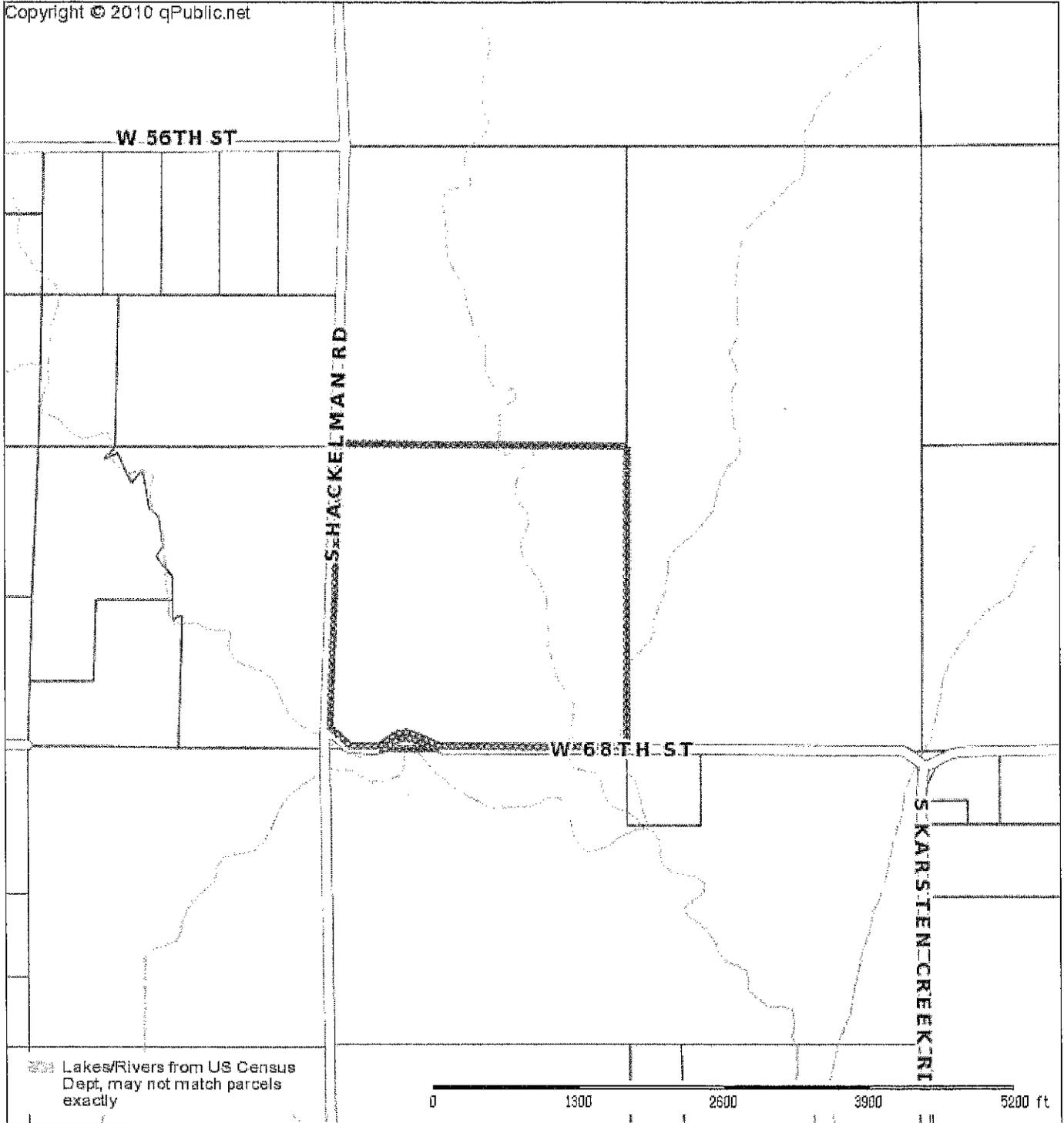
THIS DRAWING IS A DOCUMENT OF SERVICE AND IS THE PROPERTY OF ALLGEIER, MARTIN and ASSOCIATES, INC. THIS DOCUMENT SHALL NOT BE USED ON THIS OR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF ALLGEIER, MARTIN and ASSOCIATES, INC.

CERTIFICATE OF AUTHORITY
OKLAHOMA NO. CA 675
EXPIRES: 6-30-16

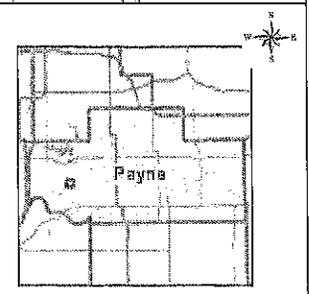


ALLGEIER, MARTIN and ASSOCIATES, INC.
CONSULTING ENGINEERS
7231 EAST 24TH STREET
JOPLIN, MISSOURI 64804

(417) 680-7200



Payne County Assessor			
Parcel: 600009805 Acres: 1			
Name:	YOST & HACKLEMAN, LLC	Land Value:	15640
Site:		Improvement Value:	0
Sale:	\$0 on 2004-10-28 Reason=No Qual=U	Accessory Value:	0
Mail:	5503 W CREEKSIDE STILLWATER, OK 74074	Total Value:	15640



IN THE DISTRICT COURT OF PAYNE COUNTY
STATE OF OKLAHOMA

IN THE DISTRICT COURT OF
Payne County, Oklahoma
FILED

JAN 25 2016

By: LORI ALLEN, Court Clerk Deputy

KAMO ELECTRIC COOPERATIVE, INC., a)
Rural Electric Cooperative Corporation, and)
K-POWERNET, LLC, an Oklahoma Limited)
Liability Company,)

Plaintiffs,)

vs.)

RONALD E. MARKUM and RHONDA L.)
MARKUM, as husband and wife, CARLA)
MANNING in her capacity as PAYNE)
COUNTY TREASURER, and The BOARD)
OF COUNTY COMMISSIONERS of Payne)
County,)

Defendants.)

Case No.

05-2016-25

NOTICE IN CONDEMNATION

STATE OF OKLAHOMA TO: The Board of County Commissioners of
Payne County, Oklahoma
c/o Glenna Craig, County Clerk
315 W. 6th Ave., Suite 202
Stillwater, OK 74074

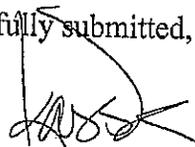
2016 JAN 27 11:38
PAYNE COUNTY
GLENNA CRAIG
COUNTY CLERK

YOU ARE HEREBY NOTIFIED THAT, having been unable to procure such rights-of-way by private purchase, KAMO Electric Cooperative, a Rural Electric Cooperative Corporation and K-POWERNET, L.L.C., an Oklahoma limited liability company, on January 15th, 2016, filed in the above-named Court their Petition for authority to take and appropriate, by condemnation, perpetual right-of-way easements for the purpose of constructing an electric power transmission system with certain anchors, guy wires, necessary fixtures, special structures, and appurtenances thereto for the placement of fiber optic and/or communications lines for the internal and commercial transmission of voice and data messages upon, over, and across the lands above described herein, in the manner and at the location described in Exhibit "A", attached

hereto and made a part hereof, for the purposes of constructing, installing, maintaining, operating, reconstructing, repairing, removing, and re-installing its communication lines, for the uses set forth in the Petition, including the perpetual right and privilege of ingress and egress down the length of the easement and, in those situations where KAMO determines that an emergency exists on its electric transmission line, reasonable ingress and egress from the nearest convenient, accessible public road, as well as upon, over, and across the lands described in Exhibit "A", attached hereto and made a part hereof, and for an Order Appointing Commissioners to view said lands and consider and appraise the value thereof and fix compensation thereof on account of the appropriation of such perpetual right-of-way easements in said lands; and that said Petition has been duly set for hearing, and will be presented before the above-named Court, at the Payne County Courthouse at Stillwater Oklahoma, on the 3 day of March, 2016, at 1:30 P.M. or as soon thereafter as same may be reached and at which time and place you may be present if you so desire.

Dated this 25 day of January, 2016.

Respectfully submitted,

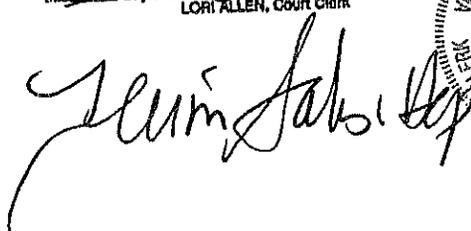


STRATTON TAYLOR, OBA # 10142
TONEY D. FOSTER, OBA # 16063
CLINT RUSSELL, OBA # 19209
KASSIE N. MCCOY, OBA # 31405
TAYLOR, FOSTER, MALLETT, DOWNS,
RAMSEY & RUSSELL
400 West Fourth Street | P.O. Box 309
Claremore, OK 74018
918-343-4100 | 918-343-4900 fax

Attorneys for Plaintiff

State of Oklahoma
County of Payne
I, Lori Allen, Court Clerk, in and for Payne County, OK, do hereby
certify that the above and foregoing is a true and correct copy of
the original instrument now on file and of record in my office at
Stillwater, OK. In testimony whereof I have hereunto set my hand
and affixed my official seal
this 25 day of January, 2016.
LORI ALLEN, Court Clerk





KAMO ELECTRIC COOPERATIVE VINITA, OKLAHOMA EXHIBIT "A"

PART OF SOUTH 1/2
SEC. 29-T19N-R01E
PAYNE COUNTY, OK

FOUND 3/8" IRON PIN
NORTHEAST CORNER
SOUTHEAST QUARTER
S89°23'42"W
464.73'
P.O.B.



NOT TO SCALE

LEGEND

- FOUND IRON PIN
- PROPOSED EASEMENT LINE
- PROPOSED CENTERLINE
- SECTION LINE

TRACT # OKPA-V-HC-02

RONALD E. AND RHONDA L. MARKUM

DEED BOOK 967 PAGE 980

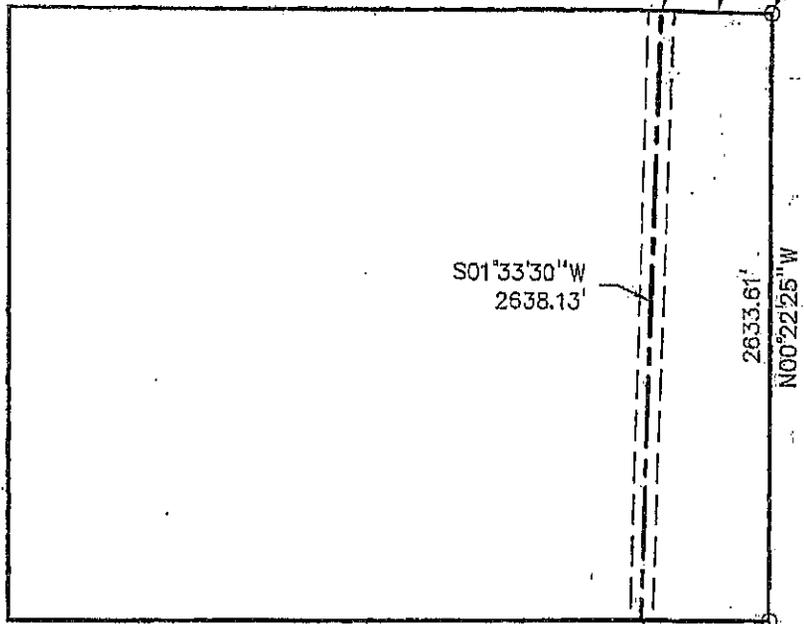
EASEMENT DESCRIPTION:

THE EASEMENT HEREIN GRANTED WILL BE 100 FEET WIDE AND LIE 50 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE (SIDELINES ARE LENGTHENED OR SHORTENED AS REQUIRED TO END ON GRANTOR'S BOUNDARY)

COMMENCING AT A FOUND 1/2" IRON PIN AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 01 EAST, PAYNE COUNTY, OKLAHOMA; THENCE N00°22'25"W ALONG THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 2633.61 FEET MORE OR LESS TO A FOUND 3/8" IRON PIN LOCATED AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE S89°23'42"W, 464.73 FEET MORE OR LESS TO THE INTERSECTION OF THE CENTERLINE AS CONSTRUCTED, GRANTOR'S APPARENT BOUNDARY AND BEING THE POINT OF BEGINNING; THENCE S01°33'30"W ALONG SAID CENTERLINE, 2638.13 FEET MORE OR LESS TO THE GRANTOR'S APPARENT BOUNDARY AND TERMINUS POINT.

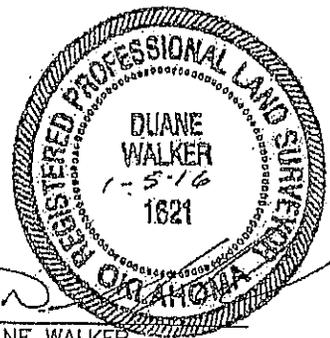
2638.13 LINEAR FEET APPROX.
6.1 ACRES MORE OR LESS.

THIS EXHIBIT DEPICTS APPARENT OWNERSHIP LINES AND WAS PREPARED EXCLUSIVELY FROM INSTRUMENTS OF RECORD AND IS SUBJECT TO ALL RESTRICTIONS, EASEMENTS OR RIGHT-OF-WAYS, IF ANY. 12-31-15



APPROX. OVERHEAD ELECTRIC

FOUND 1/2" IRON PIN
SOUTHEAST CORNER
SEC. 29 T19N-R01E



DUANE WALKER
OKLAHOMA P.L.S. #1621
AGENT FOR ALLGEIER, MARTIN and ASSOCIATES, INC.

THIS DRAWING IS A DOCUMENT OF SERVICE AND IS THE PROPERTY OF ALLGEIER, MARTIN and ASSOCIATES, INC. THIS DOCUMENT SHALL NOT BE USED ON THIS OR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF ALLGEIER, MARTIN and ASSOCIATES, INC.

CERTIFICATE OF AUTHORITY
OKLAHOMA NO. CA 675
EXPIRES: 6-30-16



ALLGEIER, MARTIN and ASSOCIATES, INC.
CONSULTING ENGINEERS
7231 EAST 24TH STREET
JOPLIN, MISSOURI 64804 (417) 680-7200

IN THE DISTRICT COURT OF PAYNE COUNTY
STATE OF OKLAHOMA

IN THE DISTRICT COURT OF
Payne County, Oklahoma
FILED

JAN 25 2016

By: LORI ALLEN, Court Clerk Deputy

KAMO ELECTRIC COOPERATIVE, INC., a)
Rural Electric Cooperative Corporation, and)
K-POWERNET, LLC, an Oklahoma Limited)
Liability Company,)

Plaintiffs,)

vs.)

RONALD E. MARKUM and RHONDA L.)
MARKUM, as husband and wife, CARLA)
MANNING in her capacity as PAYNE)
COUNTY TREASURER, and The BOARD)
OF COUNTY COMMISSIONERS of Payne)
County,)

Defendants.)

Case No.

15-2016-25

ORDER FOR HEARING

NOW on this 25 day of January, 2016, it appearing from the Petition of KAMO Electric Cooperative, Inc., a Rural Electric Cooperative Corporation and K-POWERNET, L.L.C., an Oklahoma limited liability company, that they seek to take and appropriate, by condemnation, perpetual right-of-way easements for the placement of an electric transmission line and fiber optic communications lines for the internal and commercial transmission of voice and data messages upon, over, and across the lands described in its Petition.

IT IS THEREFOR ORDERED that said Petition be and the same is hereby set for hearing before this Court on the 3 day of March, 2016, at the hour of 1:30 a.m./p.m. in Courtroom No. 307 of the Payne County Courthouse, in Stillwater, Oklahoma, or as soon thereafter as same may be reached.

AND IT IS FURTHER ORDERED that an agent of the Plaintiff makes service of Notice of hearing of said Petition on those persons whose whereabouts is known and claiming to own an interest in said lands by personal service or by leaving a copy thereof at such party's usual place of residence with a member of his family over fifteen years at least ten (10) days prior to the date of said hearing, and that said agent make his return of service under oath, filing same with the Court Clerk in this proceeding.

AND IT IS FURTHER ORDERED AND DECREED that Plaintiff may Notice all Defendants who are nonresident owners whose whereabouts are unknown to Plaintiff by publication as provided by law.

State of Oklahoma
County of Payne
I, Lori Allen, Court Clerk, in and for Payne County, OK, do hereby certify that the above and foregoing is a true and correct copy of the original instrument now on file and of record in my office at Stillwater, OK. In testimony whereof I have hereunto set my hand and affixed my official seal.



Phillip Corley



JUDGE OF THE DISTRICT COURT

[Handwritten signatures]

[Handwritten signatures]

IN THE DISTRICT COURT OF PAYNE COUNTY
STATE OF OKLAHOMA

IN THE DISTRICT COURT OF
Payne County, Oklahoma
FILED

JAN 25 2016

By LORI ALLEN, Court Clerk
Deputy

KAMO ELECTRIC COOPERATIVE, INC., a)
Rural Electric Cooperative Corporation, and)
K-POWERNET, LLC, an Oklahoma Limited)
Liability Company,)

Plaintiffs,)

vs.)

RONALD E. MARKUM and RHONDA L.)
MARKUM, as husband and wife, CARLA)
MANNING in her capacity as PAYNE)
COUNTY TREASURER, and The BOARD)
OF COUNTY COMMISSIONERS of Payne)
County,)

Defendants.)

Case No.

GT-2016-25

PETITION IN CONDEMNATION

COME NOW the Plaintiffs, KAMO Electric Cooperative, a Rural Electric Cooperative Corporation (hereinafter "KAMO"), and K-POWERNET, L.L.C., (hereinafter "K-POWER") (collectively "the Plaintiffs") by and through the Taylor, Foster, Mallett, Downs, Ramsey, & Russell law firm, and respectfully state and show the following to the Court:

I.

KAMO is an electric cooperative membership corporation, duly organized and existing under and by virtue of the laws of the State of Oklahoma with its principal place of business at Vinita, Oklahoma. KAMO, for the public benefit, is authorized and empowered, among other things, to generate, manufacture, purchase, acquire, accumulate and transmit electric energy and to distribute, sell, supply and dispose of and to maintain, use, and operate electric transmission and distribution lines and systems and in connection therewith to purchase, take, receive, lease, condemn or otherwise acquire any and all kinds and classes of real and personal property

whatsoever which shall be determined necessary, convenient, or appropriate to accomplish such powers, and in connection therewith, to acquire rights-of-way and easements for said purposes. KAMO is also authorized and empowered, among other things, to construct fiber optic line or lines for the internal communication of voice and data information and to acquire by eminent domain any and all property of any kind, real, personal or mixed or any interest therein necessary or convenient to the exercise of such powers, rights, privileges, and functions in the manner provided by general law with respect to eminent domain, and to do any and all other acts or things necessary to exercise such powers, rights, privileges, and functions. KAMO possesses the power of eminent domain under Title 18 O.S. § 437, *et seq.* and Title 66 OKLA. STAT. §§ 51 *et seq.* Pursuant to Title 17 OKLA. STAT. § 190, KAMO possesses the right to place optical fiber within the overhead ground wire of its electrical transmission line for purposes of internal communication between KAMO's facilities without said optical fiber constituting an additional burden on the land or requiring any additional easement or license.

K-POWERNET, L.L.C., is a limited liability company, duly organized and existing under and by virtue of the laws of the State of Oklahoma, with its principal place of business at Vinita, Oklahoma. K-POWER is a wholly owned subsidiary of KAMO. K-POWER has been granted a Certificate of Convenience and Necessity (copy of which is attached hereto as Exhibit "A" and made a part hereof) and is thereby authorized and empowered to provide commercial local exchange and interexchange telecommunications services throughout the State of Oklahoma, and in connection therewith to purchase, take, receive, lease, condemn or otherwise acquire any and all kinds and class of real and personal property whatsoever which shall be determined necessary, convenient, or appropriate to accomplish such purpose, and in connection therewith to acquire right-of-way and easements for said purposes; and to acquire by condemnation any and all property of any kind, real, personal or mixed or any interest therein necessary or convenient to the

exercise of such powers, right, privileges, and functions in the manner provided by general law with respect to condemnation, and to do any and all other acts or things necessary to exercise such powers, rights, privileges, and functions. K-POWER possesses the power of eminent domain under Title 18 O.S. § 601.

II.

In the due course of its business and pursuant to its power of eminent domain, KAMO finds it necessary to take and appropriate a perpetual easement and right-of-way for the purpose of constructing an electric power transmission system together with certain anchors, guy wires, necessary fixtures, special structures and appurtenances thereto, for the transmission of electrical current and energy, with the perpetual right and privilege of ingress and egress from the nearest convenient, accessible public road upon, and across the following described property to the easement, with the right to additionally cross on or over such following described property as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights.

In the due course of its business and pursuant to its power of eminent domain, K-POWER finds it necessary to take and appropriate a perpetual easement and right-of-way for the commercial transmission of voice and data messages upon, over, and across the lands described herein, in the manner and at the locations described herein, for the purposes of constructing, installing, maintaining, operating, reconstructing, repairing, removing, and re-installing said fiber optic line or lines or communication line or lines, necessary fixtures and appurtenances thereto including aerial telecommunications equipment, which includes optical and electronic equipment and related facilities including those made possible by future technological developments through which voice, data, information, video or other signals are transmitted, with the perpetual right and privilege of ingress and egress from the nearest convenient, accessible public road upon, and

across the following described property to the easement, with the right to additionally cross on or over such following described property as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights. This easement permits K-POWER to utilize for commercial purposes KAMO's fiber optic and communication line or lines located within the two (2) overhead ground wires of KAMO's electric transmission line. KAMO and K-POWER's easements will occupy and use the exact same tract of land by virtue of the fact the fiber optic lines are part of the electric transmission line equipment.

III.

Defendants, RONALD E. MARKUM and RHONDA L. MARKUM, as husband and wife, claims some right, title or interest in and to the Property from which the proposed easements will be acquired by reason of a Warranty Deed which was recorded in Book 967, Page 980 of the land records of Payne County, Oklahoma.

IV.

Defendants, CARLA MANNING, in her capacity as TREASURER OF PAYNE COUNTY, Oklahoma and The BOARD OF COUNTY COMMISSIONERS OF PAYNE COUNTY, Oklahoma, may claim some right, interest or estate in the above referenced property by reason of ad valorem taxes which may be due and unpaid.

V.

In conjunction with the proposed electric transmission line and fiber optic line, it is necessary that Plaintiffs acquire the following described perpetual easement and guying tracts:

THE EASEMENT HEREIN GRANTED WILL BE 100 FEET WIDE AND LIE 50 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE (SIDELINES ARE LENGTHENED OR SHORTENED AS REQUIRED TO END ON GRANTOR'S BOUNDARY)

COMMENCING AT A FOUND ½" IRON PIN AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 01 EAST, PAYNE COUNTY, OKLAHOMA; THENCE N00°22'25"W ALONG THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 2633.61

FEET MORE OR LESS TO A FOUND 3/8" IRON PIN LOCATED AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE S89°23'42"W, 464.73 FEET MORE OR LESS TO THE INTERSECTION OF THE CENTERLINE AS CONSTRUCTED, GRANTOR'S APPARENT BOUNDARY AND BEING THE POINT OF BEGINNING; THENCE S01°33'30"W ALONG SAID CENTERLINE, 2638.13 FEET MORE OR LESS TO THE GRANTOR'S APPARENT BOUNDARY AND TERMINUS POINT.

2638.13 LINEAR FEET APPROX.
6.1 ACRES MORE OR LESS

VI.

Said electric transmission line, poles, structures, fiber optic line or lines will be located, in part, upon, over and across the lands in Payne County, Oklahoma, herein described, and shown by the Plat of Survey attached as Exhibit "B" hereto, and constructed within the right-of-way easement herein in Exhibit "B" described upon said lands. Plaintiff KAMO will limit the number of transmission line poles and structures on the subject property to those as built for initial construction and operation. Plaintiffs seek, pursuant to their respective powers of eminent domain, to take and appropriate perpetual easements and rights-of-way for said electric transmission line, poles, structures, and fiber optic line or lines over and across the lands described herein, in the manner and at the location set forth herein, for the purpose of constructing, maintaining, inspecting, operating, repairing, re-constructing, replacing and removing its said electric transmission line poles, and structures necessary for the location, placement, and usage of electric poles and wires for the transmission of electric energy at 138 kV voltage and the construction, operation, and maintenance of the fiber optic line or lines; also, the perpetual right and privilege to cut, trim, and use EPA listed agricultural type broad leaf herbicide for control of timber, trees, shrubbery, and brush located within the easement which by their growth pattern, size, shape, and/or location may, in the sole judgment of Plaintiffs, inhibit, interfere with or interrupt the continuous use and maintenance of the facilities; the authority to cut or trim any trees outside the easement area that upon falling would endanger or strike the line,

including the conductors, overhead ground wires, structures, guywires or anchors; and to prohibit the permanent placement of or remove any other permanent objects at any time which may interfere with or endanger its electric transmission line, poles, anchors, and guy wires or fiber optic line or lines or the construction, operation, maintenance, inspection, repair, reconstruction, replacement or removal thereof, with the perpetual right and privilege of ingress and egress from the nearest convenient, accessible public road upon, and across the following described property to the easement, with the right to additionally cross on or over such following described property as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights; but reserving to the owners, tenants and lessees of said lands at any and all times the rights-of-way as is consistent with and not dangerous to the construction, operation, maintenance, reconstruction or removal of Plaintiffs' electric transmission line poles, and structures on said easements and rights-of-way.

VII.

The Defendants shall have and retain the full right to use and enjoy said property and premises subject only to the easement rights to be acquired by Plaintiffs in these proceedings, and further that it is necessary that the Defendant be restricted from building, creating, erecting, or constructing or permitting others to build, create, erect, or construct any buildings or other permanent structures upon said perpetual easements, and further, Plaintiffs shall have the right to remove or clear obstructions on or immediately adjacent to the easement that in Plaintiffs' sole opinion may injure, endanger, or interfere with the operation, maintenance, repair, removal or replacement of the electric transmission line poles, and structures.

VIII.

Plaintiffs shall pay all damages to fences and premises which may be suffered by reason of crossing, constructing, maintaining, operating, repairing, removing, or replacing said electric

transmission line poles, fiber optic lines, and structures and further it is necessary that said easement and the privileges and obligations contained in this Petition be binding on the Defendants, their heirs, successors and assigns.

IX.

Plaintiffs have made diligent and repeated efforts to secure, by private purchase from the Defendants herein, appropriate right-of-way easements over and across the said lands for the purposes set out in this Petition, but have been wholly unable to effect a purchase of appropriate easements as to any of the lands set out herein, and by reason thereof, it is necessary that Plaintiffs exercise their rights and privileges incident to the construction, operation, maintenance, and reconstruction of said electric transmission line and fiber optic line by condemnation.

X.

Plaintiffs do not seek to take the fee or any interest in the oil, gas, coal or other minerals underlying the lands involved herein and confesses that the rights and estate sought herein in the nature of a right-of-way easements do not in any way constitute a burden or encumbrance upon the mineral interest in said lands.

XI.

Plaintiffs shall not have the right to fence any part of the right-of-way easements being acquired from Defendants.

XII.

Future damages to the land caused by Plaintiffs after initial construction of the electric transmission line, fiber optic line, poles and structures will be paid by Plaintiffs as and when they may occur.

XIV.

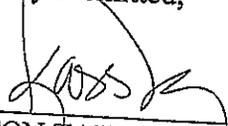
Plaintiffs will construct its said electric transmission line poles and structures and fiber optic line in accordance with applicable safety and construction standards of the National Electric Safety Code and any other appropriate regulatory authority.

WHEREFORE, premises considered, Plaintiffs pray that the Court enter its Order directing the manner of serving and the fixing of time of Notice to be given to the parties hereinabove named, and fixing the time for hearing of this Petition and that upon the hearing, the Court make and enter its Order appointing and directing the Sheriff of Payne County to summon three (3) disinterested freeholders of said county, not interested in a like question or controversy, to be selected by the District Judge as commissioners, to inspect the lands hereinbefore described and to consider and appraise the damage which the party in interest may sustain by reason of the Plaintiffs' appropriation of the easements for the aforementioned purposes; and that Plaintiffs upon payment of such damage which may be awarded said party, be authorized to enter upon and take and appropriate right-of-way easements across the lands hereinabove described, for the purposes of constructing, maintaining, operating, repairing, patrolling, inspecting, reconstructing, removing, modifying, its electric transmission line, poles, and structures and fiber optic line or lines necessary to secure the location, placement, and operation of electric poles for the transmission of electric energy at 138 kV voltage and, with the perpetual right and privilege of ingress and egress from the nearest convenient, accessible public road upon, and across the following described property to the easement, with the right to additionally cross on or over such following described property as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights, **BUT RESERVING**, nevertheless, the landowner, lessees, and tenants of said lands, at any and all times, the right to make such use of any such

lands included within said right-of-way easement as is not inconsistent with or dangerous to the construction, operation, maintenance, or reconstruction of said electric transmission line, poles, structures, fiber optic line, guy wires, anchors and right-of-way easement.

For this Plaintiffs pray, together with all other and further relief which may be lawful and proper in the premises

Respectfully submitted,



STRATTON TAYLOR, OBA # 10142
TONEY D. FOSTER, OBA # 16063
CLINT RUSSELL, OBA # 19209
KASSIE N. MCCOY, OBA # 31405
**TAYLOR, FOSTER, MALLET, DOWNS,
RAMSEY & RUSSELL**
400 West Fourth Street; P.O. Box 309
Claremore, OK 74018
918-343-4100; 918-343-4900 fax
Attorneys for Plaintiff

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF K-POWERNET,
L.L.C. FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL
EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES
WITHIN THE STATE OF OKLAHOMA



CAUSE NO. FUD 200100083

ORDER NO. 451003

FINAL ORDER
GRANTING CERTIFICATE OF CONVENIENCE AND NECESSITY
TO K-POWERNET, L.L.C. TO PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES IN THE STATE OF OKLAHOMA

HEARINGS: March 22, 2001
Before Robert R. Goldfield, Administrative Law Judge

APPEARANCES: Ron Comingsdeer and Kendall W. Parrish, Attorneys
K-Powernet, L.L.C.
Laura F. Burdine, Assistant General Counsel
Public Utility Division, Oklahoma Corporation Commission

BY THE COMMISSION:

The Corporation Commission ("Commission") of the State of Oklahoma being regularly in session and the undersigned Commissioners being present and participating, there comes on for consideration and action the Application of K-Powernet, L.L.C. ("Applicant" or "K-Powernet") for a Certificate of Convenience and Necessity authorizing it to offer local exchange and interexchange telecommunications services throughout the State of Oklahoma, initially within Southwestern Bell Telephone Company's ("SWBT") and VALOR Telecommunications, L.L.C. ("VALOR"), local exchange areas.

PROCEDURAL HISTORY

On February 13, 2001, following the enactment of the Telecommunications Act of 1996, 47 U.S.C. Section 101, *et seq.*, K-Powernet filed an Application with the Commission to obtain a

Certificate of Convenience and Necessity to Provide local exchange and interexchange telecommunications services throughout the State of Oklahoma. The specific service areas for K-Powernet's local exchange telecommunications services will be designated from time to time by service area descriptions filed with and approved by the Commission. The service areas designated by the Applicant at this time are all of the local exchange areas presently certificated to SWBT and VALOR.

On March 2, 2001, Prefiled Testimony was filed by Walter C. Kenyon, on behalf of the applicant. An Amended Application was filed on March 12, 2001. Testimony of Commission Staff Witness, Ms. Barbara L. Mellett, was filed on March 16, 2001. Consistent with the Commission's rules, the Applicant published notice in newspapers of general circulation within the State of Oklahoma, and filed Proofs of Publications with the Commission on March 16, 2001, respectively.

SUMMARY OF TESTIMONY

Mr. Walter C. Kenyon, Director of Technical Services of K-Powernet, L.L.C., testified on behalf of the Applicant. Mr. Kenyon stated that his Prefiled Testimony was accurate and the pleadings with their attachments filed in this case are true and correct to the best of his knowledge. He further testified that the purpose of the above-entitled Application was to request Commission approval to provide local exchange and interexchange telecommunications services throughout the State of Oklahoma, initially in the exchanges served by SWBT and VALOR. Mr. Kenyon stated the initial service area designations for K-Powernet were the existing exchanges of SWBT.

Mr. Kenyon also testified that K-Powernet would not be requesting deposits from its customers and that it had not finalized an interconnection agreement with SWBT nor VALOR.

and therefore requested a waiver of the Commission's Rules requiring a surety bond and a proposed tariff. Mr. Kenyon further testified that in the event K-Powernet requires deposits from customers, in the future, it will comply with the Commission's rules governing deposits. Mr. Kenyon also testified that K-Powernet will comply with all state and federal rules and regulations including the assessment of the Public Utility Assessment Fee, the Telecommunications Relay Service Rider, and any applicable Universal Service Funding. Mr. Kenyon further testified that the Company would notify each regional council responsible for administering emergency telephone number service, in whose district any portion of the provider's intended service area lies.

Mr. Kenyon also testified that K-Powernet's request in the Application is to initially provide interexchange telecommunications services and local exchange services in the exchanges served by SWBT and VALOR. He also stated that if in the future the Applicant should ever decide to expand its services into areas served by an independent telephone company, that K-Powernet would make a bona fide request to these companies and follow all appropriate rules and procedures to expand its service area.

Ms. Barbara L. Mallett, Telecommunications Regulatory Analyst ("Staff") testified on behalf of the Oklahoma Corporation Commission. Ms. Mallett testified that the Applicant possesses adequate experience, knowledge and financial ability to provide telecommunications services in Oklahoma and recommended approval of this Cause whereby K-Powernet, L.L.C., should be granted a Certificate of Convenience and Necessity to provide local exchange and interexchange telecommunications services within the State of Oklahoma. Further, Staff did not object to the requested waivers of the Commission's Rules requiring a surety bond and a proposed tariff.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission finds that it has jurisdiction over the above-entitled cause pursuant to Art. IX, Section 18 of the Oklahoma Constitution, 17 O.S. §131 *et seq.* (Supp. 1996) and OAC 165:55. The Commission further finds that K-Powernet has complied with the notice requirements prescribed by 17 O.S. §133. The Commission further finds that K-Powernet's Application, and its attachments, and prefiled testimony of Mr. Kenyon and Ms. Mallett, should be admitted into the record. The Commission finds that based on the evidence presented, K-Powernet's officers and management personnel have the requisite experience and managerial skills in the telecommunications business and possess the technical, managerial and financial resources to provide local exchange and interexchange telecommunications services in the State of Oklahoma. Further, the Commission finds that no objections to K-Powernet's Application have been filed with the Commission.

The Commission further finds the granting of this application to be in the public interest. Therefore, the Commission finds that K-Powernet's Application should be granted and that K-Powernet should be granted a Certificate of Convenience and Necessity to provide local exchange and interexchange telecommunication services throughout the State of Oklahoma, with the company's local exchange services being initially limited to the exchanges served by SWBT and VALOR.

ORDER

IT IS THEREFORE THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA that K-Powernet's Application requesting a Certificate of Convenience and Necessity to provide local exchange and interexchange telecommunications

services throughout the State of Oklahoma, initially within Southwestern Bell and VALOR Telecommunications, L.L.C., exchange areas is hereby approved.

IT IS FURTHER THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA that the requests for waivers of OAC 165:55-3-2(D), surety bond and OAC 165:55-3-2(L), proposed initial tariffs, are hereby granted.

IT IS FURTHER THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF Oklahoma that all of the findings of the Commission are hereby adopted.

CORPORATION COMMISSION OF OKLAHOMA

Bob Anthony
BOB ANTHONY, Chairman

Denise Bode
DENISE BODE, Vice-Chairman

Ed Apple
ED APPLE, Commissioner

DONE AND PERFORMED This 18 day of April, 2001.

BY ORDER OF THE COMMISSION:

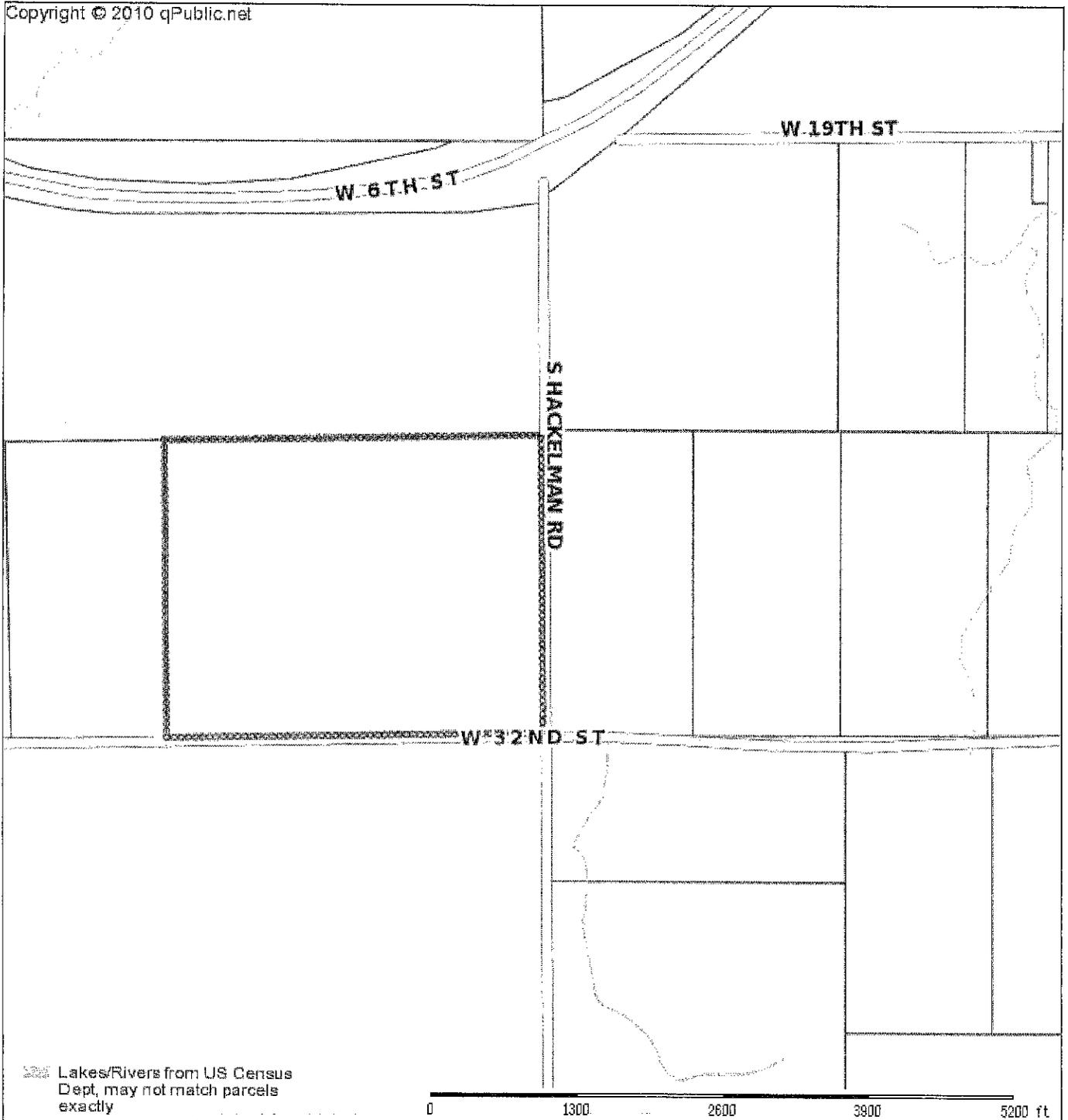
Peggy Mitchell
PEGGY MITCHELL, Secretary

REPORT OF THE ADMINISTRATIVE LAW JUDGE

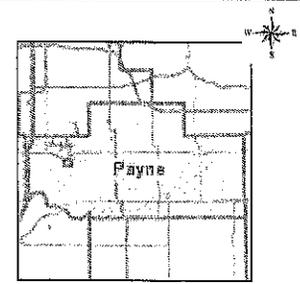
The foregoing Findings, Conclusions and Order are the Report and Recommendations of the Administrative Law Judge.

Robert E. Goldfield
Robert E. Goldfield, Administrative Law Judge

April 11, 2001
Date



Payne County Assessor			
Parcel: 600008887 Acres: 1			
Name:	MARKUM, RONALD E & RHONDA L	Land Value:	48200
Site:	03024 S HACKELMAN RD	Improvement Value:	21030
Sale:	\$85000 on 1991-11-19 Reason= Qual=U	Accessory Value:	0
Mail:	3024 S HACKELMAN RD	Total Value:	69230
	STILLWATER, OK 74074-0000		



Payne County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.
 Date printed: 01/28/16 : 14:29:50