

A Card from Peter E. Elsasser

Omaha, Neb., October 27, 1906.

To the Citizens of the City of Omaha:
Five members of the city council are criticised by the other seven members for the way they voted on the telephone franchise ordinance. Following are a few of my reasons for voting as I did:

On August 7, 1906, three telephone ordinances were introduced in the city council and referred to the committee on telegraph and telephone. Mr. Sheldon introduced several amendments which were to be added to the ordinances. The ordinance could not be engrossed in accordance with the report, and a new ordinance was prepared and introduced by Mr. Sheldon, embodying the proposed amendments, and was published two weeks beginning August 17, 1906.

On account of some defect in the proceedings of the council at the meeting when the ordinance was introduced, it was not deemed wise to pass the ordinance, and three more ordinances were introduced on September 18 and were referred to the committee on Telegraph and Telephone, and, before being read or considered in any manner by the committee or by any member of the council or the legal department, a motion was made by Mr. Zimman, immediately after their introduction, that the city clerk be directed to publish, in accordance with law, the various franchise ordinances purporting to grant franchises for telephone systems in the city of Omaha, in the newspapers, the expense thereof to be paid by the grantees of said franchise ordinances.

Mr. Elsasser said that we ought to read the franchisees and make the necessary amendments before publishing, and Mr. Bedford made a motion to that effect, which was seconded by Mr. Elsasser, but the motion was lost. Mr. Elsasser said it was the same as robbery to compel the telephone companies to pay for publishing if we amended the ordinances after publishing. Mr. Zimman asked Judge Baker, representing the Heim franchise, and Mr. Breckenridge, representing the Home company franchise, if they wished to have the ordinances published before they were considered by the committee, and they both said "Yes." Mr. Von Hoffman, representing the Gate City franchise, was asked the same question, and he said he did not want to publish his ordinance unless he could get his franchise. The motion by Mr. Zimman, to publish the ordinances, carried, and the Heim and Home companies guaranteed the payment for publishing their ordinances and they were published two weeks in two newspapers; and on October 9 the committee on telegraph and telephone reported, recommending passage of the Heim ordinance, and the report was adopted. When the ordinance came up for third reading, a motion was made by Mr. Elsasser, that the ordinance be amended by inserting the words "Provided, that nothing contained in this ordinance shall authorize the construction, maintenance or operation of a conduit system for any purpose other than to maintain therein the telephone wires and cables of said telephone exchange, to be constructed hereunder."

Mr. Zimman arose to a point of order, and objected to Mr. Elsasser's motion, for the reason that the committee report recommending the passage of the ordinance was adopted unanimously, and Mr. Elsasser had no right to amend the ordinance at this time. President Johnson ruled that the point of order was not well taken, and that Mr. Elsasser had a right to amend at this time. Mr. Sheldon appealed from the decision of the chair, and the chair was sustained. Mr. Elsasser then read his proposed amendment, as quoted above, and his motion to amend was lost. A motion was made by Mr. Sheldon, that the ordinance be now read third time by title and placed upon its passage. The motion carried, and the ordinance was read third time by title and roll call upon its passage proceeded with. When Mr. Elsasser's name was called, he said he had several other amendments which he would have liked to have embodied in the ordinance, which were as follows:

The Heim company has had a franchise in South Omaha for five years, and has now only twelve 'phones in use. In our franchise, in the third paragraph of section 5, they must have 3,000 bona fide subscribers in the city of Omaha before making any charge for telephone service. My amendment was that they must also have "500 bona fide subscribers in South Omaha" before making any charge.

In putting conduits under the streets and alleys of the city of Omaha, my amendment was that they be compelled to place them under ground in the district bounded as follows: On the east by the river; Twenty-fourth street on the west; Pacific street on the south; Nicholas street on the north. On Tenth street south to Bancroft street; on Thirteenth street south to Vinton street; on Sixteenth street, from Locust street on the north to Vinton street on the south; on Twenty-fourth street, from Ames avenue on the north to South Omaha on the south; on Leavenworth street to the west city limits; on Farnam street to west city limits; on Fortieth street, Hamilton street and Military avenue; from Fortieth and Cuming streets to the city limits north-west; on Cuming street to Fortieth street. This is practically the same district in which the Nebraska Telephone company has its underground conduits.

Another amendment was that "The city reserves the right to compel the Heim company to remove their poles and conduits, if the council so orders, to some other place, at the expense of said Heim company, at any time."

Another amendment was, "And, provided, further, that this franchise is granted upon the following express conditions, that the city shall have the right, at its option, by proceedings in the district court of Douglas county, Nebraska, at any time after fifteen years, to condemn, appraise and pay for the said telephone plant together with its property and rights under this ordinance, and take possession of the same and operate a telephone system in this city, and in such proceedings the value of the franchise shall not be considered."

Senator La Follette of Wisconsin does not believe in having watered stock. My next amendment was, "Provided, that the par value of the stock issued, together with the bonded indebtedness, shall never exceed the total cost of the plant, and in such proceedings the value of the franchise shall not be considered."

The first telephone franchise ordinance published contained the following provisions, which were omitted from the one passed by the council and now submitted to the voters for their ratification:

In the second paragraph of section 2, after the words "successors and assigns," were the words "when required to do so by the said city."

In section 4, after the words "\$1,000.00" were the words "which sum shall remain on deposit until the exchange herein provided for shall be put into service."

The second paragraph of section 6, after the words "\$25,000.00" contained the words "in cash or city warrants of the city of Omaha, Neb."

Section 9 of the first ordinance published read as follows: "Section 9. The city shall have the right to purchase the property of the telephone company at any time after twenty-five years. If the option is exercised at the end of twenty-five years, or any time thereafter, the city shall pay for the value of the physical property alone, nothing being added thereto for the franchise value or so-called going value. In case an agreement as to the value cannot be reached between the city and the telephone company, the value shall be determined by the district court of Douglas county, Neb. The said telephone company shall file with the city clerk on or before the first day of July of each year report and statement of the value of its property on the first day of April of said year, giving in detail, first, the value of its physical property; second, value of unexpired franchise; third, so-called going value. And in case the city desires to purchase under its option above given, it shall have the right to do so at any time after the expiration of twenty-five years by paying the estimate of value upon its physical property in said report."

If the legislature of the state of Nebraska would pass a law that every telephone company in the state of Nebraska must connect with any other company in the state, and authorize the same board that fixes railroad rates to fix the rates for telephone service, to show what each company should receive, that would cause the independent companies to connect with the Nebraska Telephone company and the rates could be fixed so that every man that had a telephone in the city of Omaha could have access to any other man that had a telephone in the state of Nebraska.

The democratic platform, signed by members of the city council, would be carried out in full if the Nebraska Telephone company would give the city of Omaha 2 per cent of the gross receipts, which they say would be \$10,000.00 per year or over, and make no toll charge for service to South Omaha to individual and two-party and four-party members of the Omaha exchange, or to individual or two-party or four-party members of the South Omaha exchange who pay the Omaha rate for connection with members of the Omaha exchange.

The Omaha Gas company gives the city of Omaha 5 cents for every 1,000 feet of gas consumed in the city. The Heim Telephone company proposes to give us only 2 per cent of the gross earnings, which actually means that the Gas company will give the city 5 cents for every 1,000 feet of gas consumed and will then pay their help afterwards; the Heim Telephone company proposes to pay the help first and then give the city 2 per cent of what is left.

In Minneapolis the telephone franchise provided that the city is to receive 5 per cent of the gross receipts when said company shall have more telephones than the company that is opposing them. For five years the said company has always been 1,500 behind the other company, and the city has never received the per cent.

The city attorney's office was not asked to give an opinion on the Heim franchise. The city council never met in committee of the whole to consider said franchise. I think the city attorney's office should have O. K.'d said franchise and I think the city council should have considered said franchise in the committee of the whole before they passed the ordinance. I do not understand how the Heim Telephone company can cut out four different things from the original franchise and not put it in the franchise which will be voted on in November, nor why the city council in committee of the whole could not adopt the amendments that I had to offer so as to protect the people of the city of Omaha.

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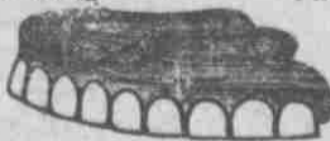
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That on October 2nd, 1906, he purchased of M. E. Smith & Co., manufacturers of the Ideal Brand, three thousand three hundred and forty-three (3343) shirts, and further deponent saith not.

SUBSCRIBED and sworn to before me this 27th day of October, 1906.
B. A. WILCOX,
Notary Public.

The above mentioned shirts will be placed on sale starting tomorrow. They will be divided into two lots. Here is a chance for you to buy Omaha made shirts at less than the original cost of the cloth.

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