

Mr. George A. Carter, Director of Public Works (continued)

3. In cases of street lighting equipment located on Company-owned poles which are also occupied by Company-owned equipment for the supplying of services to others, the City will reimburse the Company only for the costs of relocating the street lighting equipment and the Company shall assume the costs of relocating the pole and the Company's equipment devoted to the service of others.

The final agreement reached, as stated above, changes the position of the City as outlined in the letter from this office to Mr. Straus of October 11, 1954. The changed position was arrived at after a further study of the legal obligations of the City. It is clear that the City is in the same position in respect to the costs of relocating street lights and equipment as is a private individual and the tariff filed by the Company with the Public Service Commission and approved by it places the City in the position of a customer and, accordingly, obligates it to pay the costs of removal as agreed upon at the meeting of August 18, 1958.

Very truly yours,

/s/ HUGO A. RICCIUTI  
Acting City Solicitor

/s/ LLOYD G. McALLISTER  
Assistant City Solicitor

LGMcA:R