

**CITY of NOVI CITY COUNCIL**

**Agenda Item C  
November 10, 2008**

**SUBJECT:** Approval of a Resolution approving a two year extension to the telecommunications permit issued to Michigan Bell Telephone Company, doing business as SBC.

**SUBMITTING DEPARTMENT:** Engineering *R.A.*

**CITY MANAGER APPROVAL:** *PA for @P*

**BACKGROUND INFORMATION:**

The attached document from the Michigan Public Service Commission explains that AT&T will be requesting a 2-year extension to METRO Act right-of-way permits with municipalities in Michigan. The City of Novi received the attached letter from AT&T in September, and the City Attorney's office has prepared the enclosed Resolution authorizing the time extension to the permit, which would have an expiration date of December 31, 2010.

**RECOMMENDED ACTION:** Approval of a Resolution approving a two year extension to the telecommunications permit issued to Michigan Bell Telephone Company, doing business as SBC.

|                         | 1 | 2 | Y | N |
|-------------------------|---|---|---|---|
| Mayor Landry            |   |   |   |   |
| Mayor Pro Tem Capello   |   |   |   |   |
| Council Member Crawford |   |   |   |   |
| Council Member Gatt     |   |   |   |   |

|                         | 1 | 2 | Y | N |
|-------------------------|---|---|---|---|
| Council Member Margolis |   |   |   |   |
| Council Member Mutch    |   |   |   |   |
| Council Member Staudt   |   |   |   |   |

**AT&T Michigan 2 Year Permit Extension**

AT&T Michigan is proposing to extend all METRO permits with Municipalities by a term of two years. Municipalities will be contacted in writing by AT&T Michigan. Attached is AT&T Michigan's proposed letter. For your convenience, below is some relevant information regarding this extension, which may answer some questions you may have.

1. Is AT&T Michigan allowed to extend the METRO permits with the Municipalities?

Yes, pursuant to section 7.1.1 of the Unilateral Permit, AT&T Michigan may file an application to extend the unilateral permit for a period of "[five years or less] from the Date of Issuance"<sup>1</sup>.

2. How long does the Municipality have to act on it?

45 days, PA 48 section 15(3).

3. Who should the Municipality notify of the approval or denial of the unilateral permit extension?

The municipalities should notify the Michigan Public Service Commission of permit extension approvals/denials. A letter indicating the details of the extension of the permit such as who the permit is with, in this case AT&T Michigan, and the date of application as well as the date of approval/denial should be included in the letter along with a contact person and phone number. The letter should be sent to the attention of:

Ms. Robin Ancona, Director  
Telecommunications Division  
Michigan Public Service Commission  
6545 Mercantile Way  
P.O. Box 30221  
Lansing, MI 48909

4. Will the application for an extension to the unilateral permit from AT&T Michigan accompany a \$500 fee?

Pursuant to section 6(4) of PA 48: "Except as otherwise provided by this act, a provider shall file an application for a permit and pay a 1-time \$500.00 application fee to each municipality whose boundaries include public rights-of-way for which access or use is sought by the provider."

If the municipality has an existing unilateral permit with AT&T Michigan, the one-time \$500 fee is not applicable for the application for an extension to the unilateral permit.

If the municipality does not have an existing unilateral permit with AT&T Michigan, the one-time \$500 fee is applicable and it should be accompanied by a complete unilateral permit with the application.

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<sup>1</sup> METRO Act, Unilateral Form, Revised 12/06/02, Section 7.1.1



**at&t**

September 15, 2008

Ms. Mary Anne Cornelius, Clerk  
City of Novi  
45175 West Ten Mile Rd.  
Novi, MI 48375

**Joan C Richards**  
**METRO Act Administrator**  
54 N Mill, Box 32  
Pontiac, MI 48342  
248-972-0239

**METRO ACT RIGHT OF WAY PERMIT EXTENSION**

Dear Ms. Cornelius,

This is a letter agreement which extends the existing METRO Act Permit issued by the City of Novi to Michigan Bell Telephone Company formerly d/b/a SBC Michigan, now d/b/a AT&T Michigan ("AT&T") which expires on 12/15/2008. The extension is for a term to end on December 31, 2010.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the above listed address. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at <http://www.michigan.gov/mpsc>. Please click on Telecommunications, Metro Act-Right of Way, and AT&T Michigan 2 Year Permit Extension.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Joan Richards at 248-972-0239.

Agreed to by and on behalf of the  
**City of Novi**

**Michigan Bell Telephone d/b/a  
AT&T acknowledges receipt of  
this Permit Extension granted by  
the municipality.**

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Its: METRO Act Administrator  
Date: \_\_\_\_\_

SECRET  
SW  
WARDLE

October 14, 2008

CITY OF NOVI  
CITY CLERK'S OFFICE  
200 OCT 20 A 9:27

30903 Northwestern Highway  
P.O. Box 3040  
Farmington Hills, MI 48333-3040  
Tel: 248-851-9500  
Fax: 248-851-2158  
www.secretwardle.com

Clay Pearson, City Manager  
City of Novi  
45175 West Ten Mile Road  
Novi, Michigan 48375

GARY L. DOVRE  
Direct: 248-539-2803  
gdovre@secretwardle.com

**Re: Michigan Bell Telephone Company Metro Act Permit  
Resolution and Amendment to Extend Term  
Our File No. 55142.NOV**

Dear Mr. Pearson:

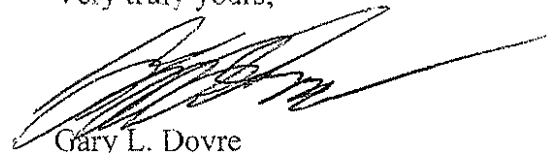
In late 2003, the City issued a Right-of-Way Telecommunications Permit to Michigan Bell Telephone Company, doing business at that time as SBC, for a five (5) year term. In September, the Clerk received a letter from AT&T Michigan, requesting a two (2) year extension of the Permit through December 31, 2010.

While contrary to the information found on the MPSC's website link in AT&T's letter, the original Permit did not provide for such extensions, we are not aware of any legal or factual reason for not approving the request. However, we believe that it should be accomplished by the Right-of-Way Telecommunications Permit Amendment attached to the enclosed approval Resolution.

The new name under which Michigan Bell is doing business is addressed in Section 1.1 with the new PO Box for Notices in Section 12.1 corresponding to the AT&T letter. The amended Section 2.1 is intended to include facilities and rights-of-way not covered by the original Exhibit A Route Map from 2003 for which the METRO Act requires additional Route Map submittals. Finally, the amended Section 7.1.1 extends the term to December 31, 2010, as requested, and recognizes the possibility of future extensions being requested and approved in writing, without the need for another permit amendment.

Approval of the Permit by adoption of the Resolution is recommended.

Very truly yours,



Gary L. Dovre

GLD  
Enclosures

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**CITY OF NOVI**

**RESOLUTION APPLICATING TELECOMMUNICATIONS PERMIT AMENDMENT**

RECITALS:

In December 2003, the City issued a METRO Act (The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002) Unilateral Form of Right-of-Way Telecommunications Permit to Michigan Bell Telephone Company, then doing business as SBC, for a five (5) year Term.

Michigan Bell Telephone Company, now doing business as AT&T Michigan, has requested the City to approve an extension of the Permit to December 31, 2010, by signing a letter agreement.

The City is in agreement with the extension request but has determined that it should be provided for by the Telecommunications Permit Amendment attached to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED THAT** the attached Telecommunications Permit Amendment is hereby approved and the City Manager is authorized and directed to promptly sign and date two (2) originals of the Amendment and provide those to the City Clerk for submission to AT&T's METRO Act Administrator, Joan C. Richards, 54 N. Mill, Box 32, Pontiac, MI 48342 with instructions that AT&T sign and date the Acknowledgment of Receipt and return one (1) original to the Clerk.

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

**CERTIFICATION**

It is hereby certified that this Resolution was adopted by the City Council of the City of Novi at a regular meeting held on \_\_\_\_\_, 2008.

IN WITNESS WHEREOF, I have signed this Certification on \_\_\_\_\_, 2008.

\_\_\_\_\_  
MARYANNE CORNELIUS, City Clerk

**RIGHT-OF-WAY TELECOMMUNICATIONS PERMIT AMENDMENT**

In response to the written request of Permittee, Michigan Bell Telephone Company, now doing business as AT&T Michigan, for an extension of the Metro Act Unilateral Form of Right-of-Way Telecommunications Permit issued by the City of Novi, ("Municipality") in December of 2003, upon the filing with the City Clerk of Permittee's Acknowledgement of Receipt of this Amendment, the following Sections of that Permit are amended to read as follows. Sections and subsections not identified are not changed.

- 1.1 Permittee shall mean Michigan Bell Telephone Company, organized under the laws of the State of Michigan, whose address is 444 Michigan Ave., Detroit, MI 48226, doing business as AT&T Michigan.
- 2.1 Municipality hereby issues a permit under the METRO Act to Permittee for access to and ongoing use of the Public Right-of-Way identified in Exhibit A, and in additional Route Maps complying with and required by the METRO Act that have been or are submitted to Municipality for Facilities not shown on or substantially completed since the preparation of Exhibit A, to construct, install and maintain Telecommunication Facilities on the terms set forth herein.
- 7.1 Term. The term ("Term") of this Permit shall be until the earlier of:
  - 7.1.1 December 31, 2010 or such later date as may be requested by Permittee and approved by Municipality in writing; or
- 12.1 Notices. All notices under this Permit shall be given as follows:
  - 12.1.2 If to Permittee, to 54 N. Mill Street, Box 32, Pontiac, MI 48342.

**City of Novi, Municipality**

\_\_\_\_\_ By: \_\_\_\_\_  
 Date Its:

**Acknowledgement of Receipt:** Permittee acknowledges receipt of this Permit Amendment granted by Municipality.

**Michigan Bell Telephone Company,  
d/b/a AT&T Michigan, Permittee**

\_\_\_\_\_ By: \_\_\_\_\_  
 Date Its:



**at&t**

September 15, 2008

Ms. Mary Anne Cornelius, Clerk  
City of Novi  
45175 West Ten Mile Rd.  
Novi, MI 48375

**Joan C Richards**  
**METRO Act Administrator**  
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By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Its: METRO Act Administrator  
Date: \_\_\_\_\_