



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: June 8, 2022

To: Honorable Mayor and Troy City Council Members

From: Mark F. Miller, City Manager
Robert J. Bruner, Assistant City Manager
Lori Grigg Bluhm, City Attorney

Subject: Renewal of PROTEC Membership



PROTEC is the Michigan Coalition to Protect Rights of Way. This entity was formed over 25 years ago by several Michigan cities which were interested in protecting municipal control over public rights of way and the right to receive fair compensation from telecommunications providers that use public property. PROTEC is requesting that we renew our membership in the organization for the 2022-2023 fiscal year. Municipalities on the PROTEC Board include the cities of Dearborn, Livonia, and Southfield, and there are many other municipal members. Troy was one of the original members, and has continued to be supportive of this organization over the past 25 years. The Michigan Municipal League serves as the fiscal agent for the entity.

The attached documentation highlights some PROTEC accomplishments. PROTEC continues to keep its members informed of telecommunications developments at the state and federal level, and has taken an active role in filing pleadings and/or comments with the Federal Communications Commission that urge protection of municipal interest. PROTEC has also provided municipal support for small cell issues, as well as actively monitored developments that impact municipal rights of way.

PROTEC's annual membership is \$10,475.28 (\$0.0125 per resident). This amount is budgeted in the City Attorney's outside consultant budget.

PROTEC

The Michigan Coalition to Protect Public Rights-of-Way

www.protec-mi.org

May 17, 2022

Ms. Lori Grigg Bluhm
City Attorney, Troy
500 W. Big Beaver Rd.
Troy, MI 48084-5254

Dear Municipal Manager, Finance Director and Attorney:

**Please forgive our revelry. In case you missed it last year -
PROTEC CELEBRATED OUR 25th ANNIVERSARY**



THANKS TO YOU!

AND WE ARE STILL CELEBRATING!!

For 26 years, PROTEC has diligently worked on behalf of local community governments across Michigan to address a variety of rights-of-way issues facing our state, as detailed in PROTEC's 2020/2021 **Annual Report**, available online at www.protec-mi.org.

2022 UPDATE

Our emphasis for a decade and renewed with the 2020 pandemic, remains focused on Broadband Development across Michigan utilizing local, federal and state dollars. We are fighting hard to make sure that local communities like yours have an absolute right to access all the same federal and state dollars for Broadband as the monopoly telecommunications industry. Legislation is being proposed and passed that seeks to stop locals from self-determination on the subject of Broadband. Help us fight back by maintaining your membership and support.

PROTEC and its General Counsel are also actively engaged in helping build and develop municipal led Broadband networks across Michigan. If you

need help building your own, ask for our help. We are local government and serve only local community government. So we have no ties to industry, unlike many consultants claiming to offer similar services.

PROTEC AND THE PANDEMIC

Just when we thought previous years, including unprecedented FCC activity in 2018 and 2019, could not be outdone in terms of challenges to local governance of our own public Rights-of-Way and other public places, 2020 exploded onto the scene with the **Pandemic**. In response, PROTEC has dug in and intensified its efforts and assisted in the many issues arising as a result. Our efforts have included:

- **PROTEC TRACKS COVID ERA FEDERAL RESCUE AID:** PROTEC has been tracking, analyzing and summarizing the various federal aid packages passed and being considered by Congress earmarked for Local Communities and BB in particular. We offer group or individualized special assistance to seek and obtain these funds which require navigating the FCC, NTIA and Treasury Regulations still being finalized. (Individualized assistance may require special retention) See our working summary of these Congressional funds on our website here: <https://www.protec-mi.org/resources.php>
- **PROTEC challenged the Wireless Industry's demands for "priority" during the Pandemic and the Wireless Industry retreated.** PROTEC led several Michigan communities as well as MML and MTA and then was followed by other cities from around the Country, in comments filed at the FCC objecting to the wireless industry request that "notwithstanding" the current **PANDEMIC**, communities must "**prioritize**" cellular applications.

A copy of our Comments letter can be found on the PROTEC Website and FCC website here:

<https://www.fcc.gov/ecfs/filing/10417481429278>

- **Industry back pedals:** In response to our filing, former FCC commissioner and current President of the Wireless Association (WIA), Jonathan Adelstein told the press "*I think we need to cut them [local communities] a lot of slack right now at a time when they are dealing with a*

myriad of issues that are unprecedented and of higher urgency”.

- Telecommunications Reports April 27, 2020

- **PROTEC** also assisted on various Rights-of-Way issues that arose under multiple PANDEMIC orders including virtual meeting compliance with **OMA**, **Miss Dig** related obligations, **Cyber Security** pandemic issues, and clarifying **Homeland Security Guidance** statements on critical operations subject to state and local administration and enforcement.

PROTEC AND THOSE “not very” SMALL CELLS

- **PROTEC fought the Michigan small cell bills singlehandedly. Everyone knows that. Now, PROTEC is also the principal source of informed assistance** to members and supporters across Michigan on Small Cell issues. (We refer to them as ROW Cell Towers)
 - **PROTEC** drafted and updates **small cell ordinance, application, permit and policies** following passage of PA 395. See copies on our website. <https://www.protec-mi.org/resources.php>
- **PROTEC APPEALS FCC:** **PROTEC** and several Michigan communities, as well as MML and MTA, joined hundreds of other local governments and associations from around the country and **appealed** several FCC Orders affecting public rights-of-way including Small Cells expansion, Macro Cell Tower Expansion, Over the Air Reception Device (OTARD) expansion and Cable Franchise Fee reductions.
- **PROTEC WINS!! - in partnership with our allies on Aesthetics concerns regarding Small Cells at the US 9th Cir Ct of Appeals!!**
- **PROTEC is closely watching Appeals of State Small Cell laws in Ohio, Texas and Florida** as we continue to await the opportunity to lead a challenge of the Michigan Small Cell laws. **Our WIN at the US 9th Cir does not directly affect our State statute.** We must address that in our courts or legislature, in order to take full advantage of the 9th Cir win.

- **PROTEC Presents to the Governor's Broadband (BB) Taskforce.** COVID has made it clear that the state of our BB is poor at best. PROTEC has been a big supporter of Municipal BB by assisting virtually every Michigan community that has or is currently building, or considering building their own networks over the last ten years. We are pleased to have been provided the opportunity to address the taskforce on the needs of municipalities to accomplish these projects.
- **PROTEC is researching a possible lawsuit against NETFLIX and other "over the top video providers, for avoiding Video Service (Cable) Franchise and PEG Fees.** Let us know if your community is interested in joining this effort. Legal fees are contingent. No hourly fee.
- **PROTEC** assists federal municipal lobbyists in drafting **Congressional Bills** seeking to undo FCC Orders slashing **Cable Franchise revenues.**
- **PROTEC** is **addressing aging and hazardous gas and liquid pipelines** by filing and monitoring comments at the US Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA). PROTEC is also monitoring the State of Michigan's review of the Enbridge proposal to build a tunnel for its pipelines under the Straits of Mackinac just west of the Mackinac Bridge.

AND THE REST OF WHAT WE DO

- **PROTEC** meets **monthly** and provides timely updates and lends assistance to communities facing immediate rights-of-way issues.
- **PROTEC** is active daily in monitoring, coalition building and promoting positive Rights-of-Way outcomes in the Courts, the FCC and Congress as well as the Michigan Legislature.
- **PROTEC** increased its social media presence on sites such as Facebook, Twitter, LinkedIn to keep members updated on rapidly changing telecommunication matters

These are just a sampling of issues and efforts that PROTEC has taken on. Our mission throughout Michigan is to coordinate actions that protect

local community interests and inform municipal officials of significant developments in public rights-of-way management including on utility poles, in the ground and via the airwaves. PROTEC has taken a proactive approach to the many challenges faced by communities across the state. Now, more than ever, local governments must be diligent in protecting their interests in all rights-of-way issues.

Though we have made great strides in protecting our shared interests, it is crucial to remain committed to these efforts, to protect the gains that have been made, and to continue being a formidable voice in guarding our economic wellbeing.

PROTEC relies completely on its members and contributing communities for its sole support. Your contributions allow PROTEC to participate in judicial, legislative and administrative activities, both on the state and federal levels, to protect local governments' rights concerning the use of public rights-of-way by cable, telecommunications, electric, pipeline and other utility industries.

Even after 25 years, PROTEC has no paid staff. Administrative support for its operations is generously donated by member communities and the Michigan Municipal League. Please consider supporting the work of PROTEC by becoming a member or renewing your community's annual membership. Your dues and contributions will help ensure PROTEC has the resources necessary to continue its strong advocacy on behalf of *all* Michigan municipalities.

Respectfully,



Mayor Maureen Miller Brosnan
City of Livonia



Mayor Kenson J. Siver
City of Southfield

PROTEC

The Michigan Coalition to Protect Public Rights-of-Way

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Application for PROTEC Annual Membership: Fiscal year beginning July 1, 2022.

Membership dues are based on population figures as reported in the 2020 Census (\$.125 per resident, capped at \$12,500).

Dues for the community of
Troy

would be
\$10,475.28

MEMBERSHIP INFORMATION:

Please complete membership information and return with your payment.

Contact Person _____

Title _____

City/Village _____

Address _____

Zip Code _____

10 Digit Phone _____

10 Digit Fax _____

Email Address _____

Checks should be made payable to PROTEC and mailed to:
Michigan Municipal League
P.O. Box 7409
Ann Arbor, MI 48107-7409

Board of Directors: City of Dearborn, City of Livonia, City of Southfield

Fiscal Agent: Michigan Municipal League

* A copy of this statement has also been sent to your municipality's Mayor/President/Administrator/Finance Director (as appropriate).