

PROTEC

The Michigan Coalition to Protect Public Rights-of-Way

www.protec-mi.org

PROTEC Fiscal Agent: Michigan Municipal League

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Dear Friends, Colleagues, and Fellow Community Leaders,

For 27 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 2023 **Annual Report**, available online at www.protec-mi.org.

2023 UPDATE

PROTEC ANNOUNCES IT'S 2023 LEGISLATIVE AGENDA!

Local Communities have a Friendly Majority in Lansing across all branches of state government today. This circumstance raises the potential to reverse industry friendly legislation which dramatically reduced both local control and reimbursement of Right of Way costs.

Over the last several decades, the Courts and Legislature have trampled the rights of communities set forth in the state Constitution and reduced the longstanding rights of Home Rule communities. Our new Legislature has already begun reversing the damage. And our newly constituted Michigan Supreme Court has begun enforcing those Constitutional guarantees. So judicial remedies may be useful, too, but reform Legislation is our first priority.

Here is a list of the laws we are revisiting with the new legislature:

- i. **Broadband: State laws barring local eligibility for \$2 Billion in BB Grants**
See [Act 224 of 2020](#); MCL [484.3251](#) et seq and Appropriations [PA 53 SB 565](#) Sec 359
- ii. **Video Service Act: Limiting local control over Cable/Video Services**
See [Act 480 of 2006](#); MCL [484.3301](#) et seq
- iii. **"Not so" Small Cell Act: Limiting local control over Cell Towers in our ROW**
See [Act 365 of 2018](#); MCL [460.1301](#)

- iv. ZEA Amendment which eliminated local review of significant additions to existing Macro Cell Towers See [Act 110 of 2006](#); MCL [125.3514](#)
- v. Metro Act: Limiting local control and fees for ROW access
See [Act 48 of 2002](#); MCL [484.3201](#) et seq
- vi. Miss Dig Amendment: Eliminated local government immunity for Miss Dig Amendment Operations.
See [Act 174 of 2013](#) Sec 12; MCL [460.732](#) and MCL [691.1407](#) Sub Sec (7)
- vii. Electric Transmission Line Certification Act: Elevating MPSC Rules over Home Rule and Local ROW control See [Act 30 of 1995](#) Sec 10; MCL [460.570](#)
- viii. Continue pushing back on new Anti-Local Legislation
- ix. Promote Regulation of BB at State and Local Levels
- x. Reverse City of Taylor v Detroit Edison Co. Elevating MPSC Rules over Home Rule and Local ROW control
See [City of Taylor v Detroit Edison Co, 475 Mich 109; 715 NW2d 28 \(2006\)](#)

See our annual Report for the details.

The time is now. Join us.

Our annual Report identifies other important matters PROTEC is engaged in.

Broadband (BB) for example, is a major PROTEC emphasis and has been for a decade. Public and Congressional interest in Broadband swelled with the 2020 pandemic and just as Congress sent Billions of dollars in federal BB aid, that's when our Legislature adopted laws to starve public broadband by barring local governments from access to state and federal broadband funds. And so, our efforts have most recently focused on securing local government and university eligibility for the \$2 Billion Dollars of Federal aid which was intended to build better broadband across the state.

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, or working with partners, ask for our help.

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 and 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. 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.

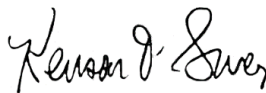
PROTEC relies completely on its members and contributing communities for its sole support. Your contributions allow PROTEC to participate in judicial, legislative and administrative activities, both on the state and federal levels, to protect local governments' rights concerning the use of public rights-of-way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

Even after 27 years, PROTEC has no paid staff. 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



Mayor Abdullah Hammoud
City of Dearborn

