

PROTEC 2025 ANNUAL REPORT



www.protec-mi.org

THE MICHIGAN COALITION TO PROTECT PUBLIC RIGHTS-OF-WAY

“ON GUARD FOR LOCAL COMMUNITIES FOR 29 YEARS - SINCE 1996”

Welcome our Newest Members:

Ecorse, Lathrup Village, Luna Pier, North Muskegon, Redford Twp and
River Rouge

FORGING FORWARD & TAKING BACK OUR ROW PROTEC SUCCESSES AND CHALLENGES

**PROTEC has joined our Members and Partners in Lansing to Take Back Our
ROW, Local Control and Increase Revenue.**

We have enjoyed some success and have more challenges ahead.

Please join us!

Local Communities still have many friends across almost all branches of state government today. This circumstance has already proven invaluable in changing laws that were adversely impacting local government, and it has also helped us prevent new industry friendly legislation which dramatically reduced both local control and Right of Way Revenues. Watch for our Updates, Alerts and Monthly Agenda deep dives into our many issues and initiatives. Share these with your elected leadership and ask them to reach out to State Leadership.

I. PROTEC SUCCESSES FOR LOCAL COMMUNITIES IN 2024/2025 AND OUR IMMEDIATE AGENDA FOR 2025

- A. Holding off Netflix Amendment to Michigan Video Service Law 2006
PA 480: Still Winning!** Just when we were looking to update and modernize this Act as well as the Metro Act, 2002 PA 48, the Video Streaming and Satellite Industry offered another attempt to get a special

exemption from the Act and Franchise and Public Access, Education and government (PEG) fees in the form of HB 4965. This came at a time when cord cutting and video streaming has increased dramatically, causing a 25-30% decrease in Local Revenues. Those revenues have historically been more than \$100 Million Annually across Michigan and \$3 Billion Nationally. We worked hard with our allies, including Michigan Community Media Association (MICMA - PEG Organizations), Michigan Municipal League (MML), Michigan Township Association (MTA) and Conference of Western Wayne (CWW) to defeat HB 4965. Victory in this hard-fought legislative battle was ours when it died December 31, 2024. No new Bill has yet been introduced by the streamers in 2025. We are working with our partners toward a long-term solution on this issue and have successfully encouraged some video industry members to join our push to include “provider originated streaming” video as subject to the Act.

B. PROTEC authorizes financing a Network Engineering, Legal and Policy Report to support our position that the Michigan Video Service Act includes Streaming Video providers and respond to any further attempts by the Industry to seek an exemption and, to prepare for a modernization of Telecommunications ROW Access Regulation and/or updating existing law.

C. PROTEC Returns to an Increased presence in Electric Regulation Policy and Rate Cases via a Potential Partnership with MI-MAUI.

- See <https://mi-maui.org>
- PROTEC has been involved in electric industry ROW Regulatory and Rate cases issues in the past but, due to the high level of activity with the Telecommunications industry, we have been pretty quiet on that front the last decade or so. Our developing affiliation with Mi-Maui provides us with additional resources enabling us to get back into assisting our mutual members on the many issues municipalities have with that industry.

II. ADDITIONAL LOCAL COMMUNITY CHALLENGES FOR 2025

PROTEC has joined MML, MTA, CWW and most recently, the Government Law Section of the State Bar Association to drive our 2024 agenda. This includes maintaining our current successes as well as looking at revising the following laws when the opportunity arises.

A. Metro Act – Limits Local Control and FMV Fees for ROW access

See [Act 48 of 2002](#); MCL [484.3201](#) et seq

1. We need to improve local revenue:

- a. **5 cents/ft** for Telecom ROW Access vs Market:
- b. Oregon Munis at **\$5+ Dollars/ft**
- c. Even the cheapest fees in N. Mexico are at **35 cents/ft rural and \$1.81 Urban**

2. We need to reassert local control over lines and large Boxes in our ROW

B. Reverse City of Taylor V Detroit Edison: This Opinion Elevated MPSC Rules over Home Rule and Local ROW control

See [City of Taylor v Detroit Edison Co, 475 Mich 109; 715 NW2d 28 \(2006\)](#) In this 2006 Opinion, the “Strict constructionist” Michigan Supreme Court reversed 100 years of precedent and ignored clear Constitutional language granting local communities control over local ROW. This opinion must be legislatively or judicially reversed. We are working with multiple members and allies to get this done, along with the full support of the council for the Government Law Section of the State Bar.

C. Continue pushing back on new Anti-Local Legislation as they come up

We are on the ground running with our members and partners to pursue these changes. Join us. Share this Legislative Agenda with elected officials at every level of government and particularly those within the Legislature. Have them reach out to the undersigned or, let us know of their interest, and we will reach out to them.

Tidbit: Did you know that PROTEC’s testimony in opposition to the notorious Small Cell legislation of 2018 has reached over 39,000 viewers on YouTube? See

https://www.youtube.com/watch?v=kp0_zGHH3KA&t=1057s

THE TIME IS NOW. JOIN US.

III. A FEW MORE NOTES ON ISSUES PROTEC IS PURSUING

A. MUNICIPAL BROADBAND NETWORKS

PROTEC and its General Counsel are very actively engaged in helping build and develop municipal Broadband networks across Michigan. BEAD federal funding is limited in it’s application and in its amount and, under the new administration

in Washington, appears to be in trouble. Even if and when BEAD might move forward, it will not solve all of our Broadband issues. Local Municipal Broadband Networks will in many cases be necessary to deliver the internet access quality your residents deserve at prices they can afford. 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 Broadband consultants claiming to offer similar services.

B. THE WHITE HOUSE, CONGRESS & WASHINGTON DC

PROTEC provides updates on the EO's and other developments in Washington since January 20th with inside information from our inside the beltway partners including "Telecommunity", and its National Partners – NATOA, NLC and the U.S. Conference of Mayors. Join us at our monthly meetings to hear the latest.

PROTEC MEMBERSHIP HAS GROWN!!

From the original three over 29 years ago, to over 100 dues paying Michigan communities and, over 400 communities and others nationally, who follow and support us.

WHY JOIN PROTEC?

See link to our Answer on our website: <https://www.protec-mi.org/why-join.php>

JOIN US ON SOCIAL MEDIA:

Facebook –

<http://www.facebook.com/pages/Protec-Michigan/202171746532661>

LinkedIn

<https://www.linkedin.com/company/64739871/admin/>

Twitter –

<https://twitter.com/PROTECMichigan>

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Thank you on behalf of the PROTEC Board; Dearborn, Livonia & Southfield, for your membership in and support of PROTEC. You are the reason we can and, the reason we do the work we do.

Final Note: For the 1st time in 29 years, PROTEC has raised its membership fee. In order to meet the obvious inflationary pressures over 3 decades, as well as the never ending efforts of industry to reduce our ROW control over access and FMV based fees, we have bumped fees up 30%. We don't like doing this, but in order to serve

you effectively, we simply need to do so. We know you will understand and, invite questions and comments to the undersigned or any of our Board Member cities.

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