

PROTEC 2026 ANNUAL REPORT

HAPPY 30TH BIRTHDAY!!



www.protec-mi.org

THE MICHIGAN COALITION TO PROTECT PUBLIC RIGHTS-OF-WAY

“ON GUARD FOR LOCAL COMMUNITIES FOR 30 YEARS - SINCE 1996”

30 YEARS OF POWERFUL ADVOCACY FOR LOCAL CONTROL

FORGING FORWARD & TAKING BACK OUR ROW AND PUBLIC SPACES

PROTEC has represented Local Communities across Michigan in every “contest” for control of our ROW and public lands since 1996.

Please join us!

A Bit of History: https://youtu.be/bzp2P9r50go?si=BPhy_rq31u0nq3Ws

In the warm halls of the Grand Hotel on Mackinaw Island in June of 1996, then Dearborn Mayor Michael Guido huddled with his legal and policy counsel and MML leadership and urged the creation of a new entity that could be a strong voice for local control of our ROW in the face of then recent efforts by the telecommunications industry to install a new kind of communication lines called “optical fiber” in the City Rights Of Way. For Free. And, without regulation. Livonia, Southfield and a dozen other communities joined the effort. Within a few years, over one hundred communities joined up and almost 500 follow PROTEC from across the country.

Our work since then has included battling in the Courts, the MPSC, the FCC and U.S. DOT with AT&T, Verizon, Comcast, Charter, DTE, Consumer’s

Energy, ITC, Detroit Thermal, Wolverine Pipeline and more, as we fought for fair market rates and controlled entry to our ROW.

Legislative, Judicial and Regulatory Proceedings we Initiated or Participated in at State and Federal Courts, the MPSC and FCC we influenced over 30 years include:

- **1996 Electric Transmission Line Certification Act** – Allows Electric Transmission Industry and MPSC to override all local zoning in favor of Industry preference on 100-150' Transmission Tower siting
<https://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-30-of-1995.pdf>
- **Metro Act 2002 PA 48** – PROTEC's role in fighting this Act and massaging it into its current form is legendary. We continue to guide communities in its administration and seeking an increase of the "nickel" per foot for ROW Access. The Act, even at a nickel per foot, presently provides \$30 Million annually to municipal government.
<https://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-48-of-2002.pdf>
- **2003 Michigan Class Action Alleging Cable Franchise Fees Violated Headlee** – PROTEC led the defense of a dozen Michigan Cities facing the loss of all past present and future cable franchise fees due to potential application of the Headlee Act. All Cases were dismissed.
<https://www.michbar.org/file/opinions/appeals/2005/072605/28139.pdf>
- **2005 Michigan Telecommunications Act Amendments** – PROTEC and MML led resistance to the telecommunications industry attempted abrogation of Local Community rights to provide Broadband to their residents under Section 14 of the Metro Act. A much down set of "speed bumps" was all the industry came away with and watered there are now many municipal broadband system across Michigan as a result.
<https://www.legislature.mi.gov/documents/2005-2006/publicact/htm/2005-PA-0235.htm>
- **Video Service Law 2006 PA 365** – PROTEC, MML and MTA fought against the development of the Act for almost two years and as a result, preserved a level playing field for all communities and video service providers, maintained franchise fees and PEG support and, retained some levels of local authority in the face of relentless industry efforts to entirely deregulate cable/video regulation in Michigan.

<https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-act-480-of-2006>

- **2007-2009 Comcast Digitizing and Essentially Ending PEG – PROTEC** Led successful Litigation in Federal Court halting the unilateral change, which led to a Public Apology from Comcast Before Congress' Commerce Committee.
- **2008/2009 Energy Act Amendments** - PROTEC resisted the electric and manufacturing industry's efforts to transfer electric system costs from manufacturing to residential rate payers, reduced the requirements for DTE and Consumers Energy to show "used and useful" actual cost increases to justify rate increases, shortened MPSC time to consider utility rate increase requests to a ridiculous one year, while also reducing MPSC funding and staffing to perform that work and, pressed for other anti-consumer changes to long established law and regulation. Ultimately the industries won that effort. However, in recent years, abuse of the 2009 law changes has begun to raise public awareness of this ill conceived system and PROTEC is returning to the rate cases in order to advance local government interests on behalf of ourselves and our residents as well.

<https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-act-295-of-2008>

- **2012 Zoning Cell Tower Rewrite** - In the Summer of 2012 in a record setting time of less than one month, the wireless industry pushed through a Bill that greatly reduced local zoning authority over Cell tower siting and modification. This Bill mimicked in large part similar federal legislation. PROTEC resisted the changes and now works with local government to address those local rights still available.

<https://www.legislature.mi.gov/documents/2011-2012/publicact/htm/2012-PA-0143.htm>

- **Miss Dig Rewrite 2013 PA 174** – Following the 2010 gas line explosion in San Bruno, Ca., https://en.wikipedia.org/wiki/San_Bruno_pipeline_explosion PG&E, despite overwhelming evidence to the contrary, attempted to divert blame for its failed pipeline onto the City of San Bruno. The Courts and US MDOT dismissed these efforts and levied massive awards to victims and heaped huge penalties on PG&E and, the California PUC, for the failings of all concerned to avoid incinerating a City Block of residents. The industry then sought to amend state

law across the country eliminating local governmental immunity from underground activity. PROTEC raised concerns at the Legislature but, the Act succeeded in eliminating that immunity. PROTEC continues to assist local communities in administering the Act and enforcing compliance with it.

<https://www.missdig811.org/cm/dpl/downloads/content/149/mcl-Act-174-of-2013.pdf>

- **2016 AT&T Unilateral Reduction of Metro Act Payments by some \$10 Million** – PROTEC stepped in and threatened litigation. AT&T paid up.
- **2016 Mobilitie on behalf of Sprint started erecting “Small Cells” on 100 foot poles in City ROW.** PROTEC and a consortium of others fought this development at the FCC and prevailed and stopped these massive cell tower in our ROW.
<https://www.fcc.gov/document/fcc-seeks-comment-mobilitie-petition-small-cell-deployment>
<https://www.fcc.gov/document/fcc-settles-sprint-mobilitie-116-million>
<https://www.fierce-network.com/wireless/sprint-mobilitie-to-pay-11-6m-fine-for-noncompliant-small-cell-installations>
- **2018 Utility ROW Access Amendments** – Hoping to gain the status arbitrarily granted the electric industry in *City of Taylor v. Detroit Edison Co.*, 475 Mich. 109, 715 N.W.2d 28 (2006), the telecommunications industry attempted to shift the cost of moving their lines to Cities where road work was being done at City request. PROTEC and MML successfully fought off this misadventure entirely.
<https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-247-183>
- **Michigan Small Cell Law 2018 PA 365** – Protec fought this horrible legislation tooth and nail and regrettably, without the aid of our usual partners. See our testimony here:
<https://www.youtube.com/watch?v=1ZPhceGoIMg&t=131s&pp=ygUPd2F0emEgdGVzdGltb255>
The Act together with the FCC Order in the same year, eliminates both local regulatory authority and, revenues for local government over the singularly most intrusive and disruptive industry ROW equipment to date. PROTEC is watching for an opportunity to repeal the Act either in the Legislature or the Courts.
<https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-act-365-of-2018>

- **FCC Small Cell Orders spanning 2015-2018** – PROTEC joined a consortium of communities from across Michigan and nationally to fight this FCC over-reach into local zoning. Our appeals reached the US Supreme Court. As a result, we saved the ability of local government to press for aesthetic considerations on a location-by-location basis, versus the FCC vision of one size fits all nationally.
<https://docs.fcc.gov/public/attachments/fcc-18-133a1.pdf>
- **Streaming Exemption Legislation Pending since 2022 (Currently SB 710 AND HB 5123)** – PROTEC has been fighting and winning against this and two previous versions of the streaming industry’s legislation seeking an exemption from video franchising regulation. We continue the resistance, with your help.
<https://www.legislature.mi.gov/Bills/Bill?ObjectName=2025-HB-5123>
- **FCC Landline and Wireless Actions 2025** – In the Fall of 2025, the newly formed FCC once again sought to reach into local community zoning and turn it off in favor of the wireless and wireline telecommunications interests. PROTEC filed responses at the FCC on behalf of its members, MML MTA and the City of Ann Arbor. We await the FCC’s next steps.
<https://www.fcc.gov/document/fcc-aims-remove-barriers-broadband-deployment-and-investment-0>
and
<https://www.fcc.gov/document/wireless-infrastructure-report-and-order>

Our Current Focus has included all the above and:

- **Video Streamers** seeking the same free and uncontrolled use of our ROW which has resulted in the erosion of Cable/Video Franchise Fees across the state risking \$150Million in Local Community Revenue and, Local News and Programming!
- **ROW Utility Cabinets are not only in the ROW under dubious claims of legality but, also in an increasingly unsightly and dangerous state of disrepair.** PROTEC is working with communities to initiate a discussion with the telecommunications industry, whose members have allowed this to happen.

- **Data Centers** are a point of significant local resident concern. There can be significant benefits to local communities however if some of the objections concerning electric rates, water consumption and noise pollution are addressed. PROTEC is working on these issues. It is Critical however, that the State and Federal government NOT preempt local communities from addressing the what, where and how issues related to these centers.
- **Alternative Electric** including:
 - **Solar Fields and Wind Farms** pursuant to 2023 PA 233 minimize local zoning rights. The local resident push back is significant. PROTEC is looking at these issues with an eye toward bridging the gap between preemption and NIMBY issues.
 - **Hydroelectric Systems** including Consumers Energy's recent proposed sale of a dozen hydroelectric Dams across the State is a cause of great concern. PROTEC Counsel are engaged in the Dam Sale matter at the MPSC, looking out for local community and our resident's interests.

Watch for our Updates, Alerts and Monthly Meeting Agenda deep dives into our many issues and initiatives. Share these with your elected leadership and ask them to reach out to State and Federal Leadership.

PROTEC SUCSESSES FOR LOCAL COMMUNITIES IN 2025/2026 AND OUR IMMEDIATE AGENDA FOR 2026/2027

- A. PROTEC provides a Resource Page** on its open website, which provides exemplars of relevant documents and agreements including our Cell Tower License. See <https://www.protec-mi.org/resources/>
- B. Holding off Streamer 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 multiple attempts since 2022, to get a special exemption from Franchise fees 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 \$150 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. We continue the fight with this term's SB 710 and HB 5123, seeking the same exemption.

PROTEC authorizes financing for and has received a Network Engineering, Legal and Policy Report to support our position that the Michigan Video Service Act includes Streaming Video providers delivered in an IP format 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.

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

- See <https://mi-maui.org>
- PROTEC has returned to involvement in electric industry ROW Regulatory, Rate and Siting issues where our growing affiliation with Mi-Maui provides us with additional resources enabling us to get back into assisting our mutual municipal members on the many issues municipalities have with that industry.

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 its 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.

THE WHITE HOUSE, CONGRESS & THE FCC

PROTEC provides updates on the EO's and other developments in Washington since January 20th 2025 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.

A WORD ABOUT PREEMPTION

Perhaps our greatest antagonist in the World of Law and Public Policy the last 30 years is the constant harp by industry and their supporters seeking preemption of local community control of our Rights of Way and other public property. All in the name of expediting the installation of their own particular industry infrastructure in, on or over our public lands. Preemption of local interests lurks at the heart of virtually every law and every order we have fought going back to the 1996 Electric Transmission Line Certification Act <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-30-of-1995.pdf> . PA 30 voids all local zoning related to those 150 foot tall towers ITC is building across our state and right through the heart of so many of our communities. And that was just the beginning, as they are not alone in their coveting of the property we hold in trust for our residents. The wireless telecommunications industry has sought and obtained virtually free access to our ROW with their “Not So Small” Cell Towers which they plan to install on every street in every neighborhood across our entire state. Meanwhile, the telecommunications wireline industry paying their paltry nickel per foot ROW fee, have littered our ROW with their junction boxes serving as a growing menace to public safety and aesthetics, which are so important to the vitality of our beautiful neighborhoods.

All this came about from thirty years of enabling statutes that have allowed these insults to local control. And these and other industries are not done. The recent solar fields legislation - 2032 PA 233, writes local government right out of our own backyards, fields and farms. Meanwhile, the multi-Billion Dollar Video Streaming industry seeks legislation to use our ROW without sharing community costs and without regulation of any kind. And this, just as these increasingly expensive video streamers are looking more and more like our traditional cable partners who DO pay a fair fee for ROW access and submit to rational local regulation.

Our local communities have suffered enough harm from these short-sighted, selfish, preemptive laws. It is time to say, “STOP”. Every industry wants immediate government approval of their particular sacred cow infrastructure. Setting aside long-standing local zoning, which local property owners have relied upon for development of their properties, must come to an end in order to protect what is left of our neighborhoods and communities. Communities WE Constitutionally designed and protected for Centuries.

THE TIME IS NOW. JOIN US.

PROTEC MEMBERSHIP HAS GROWN!!

From the original dozen 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/whv-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>

www.protec-mi.org

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

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.

As always, we invite questions and comments to the undersigned or any of our Board Member cities.

www.kitch.com



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