

Collaborative Process on Implementation of
Article 2A of the Michigan Telecommunications Act.

“Adopt and issue minute dated August 16, 2001 stating as follows:

“On October 24, 2000, the Commission directed its Staff to commence a collaborative process to facilitate the implementation of Article 2A of the Michigan Telecommunications Act regarding the use of public rights-of-way by telecommunications providers. Interested providers, municipalities, and others were asked to participate in the process on a voluntary and non-prejudicial basis to their respective legal positions.

“The Staff convened a series of collaborative meetings, pursuant to the Commission’s direction, which have produced a sample cover letter, an application for a permit, and a unilateral permit and a bilateral permit.

“The Commission hereby endorses and encourages the voluntary use of the model rights-of-way forms, as reasonable compromises created by knowledgeable representatives of the key stakeholders. The Commission believes the model documents to be more consistent with legislative intent than most similar documents currently in use, and it is the Commission’s belief that the utilization of these forms will generally provide a ‘safe harbor’ that is less likely to produce conflict and disputes than the use of other forms.

“The Commission further endorses and encourages the use of these forms in the hopes of standardizing and streamlining the process for telecommunications providers to secure access to and use of public rights-of-way in Michigan, as intended by Article 2A of the Michigan Telecommunications Act.”

MICHIGAN PUBLIC SERVICE COMMISSION

Laura Chappelle, Chairman

David A. Svanda, Commissioner

Robert B. Nelson, Commissioner

Dorothy Wideman, Executive Secretary