

TELECOMMUNICATIONS AND REAL ESTATE

MUNICIPAL ASPECTS - SUPPLEMENTAL OUTLINE

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I. MUNICIPAL REGULATION OF CELLULAR ANTENNA TOWERS

A. Federal Telecommunications Act of 1966 (47 USC 332(c))

3. *MIOP, Inc. v Grand Rapids*, provides an alternate view and analysis of the substantial evidence test from that expressed in *Sprint v Charter Township of West Bloomfield*.

C. Possible State Regulation, (Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, S.B. 880, Introduced 11/29/01)

1. Time limit for municipal action.
2. Fees for right-of-way use.

II. MUNICIPAL RIGHT-OF-WAY REGULATION

D. MPSC Endorsed Permit and Application Forms

E. Possible State Regulation, (Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, S.B. 880, Introduced 11/29/01)

1. Expanded definition of Telecommunication Provider to cable and wireless
2. Uniform statewide fees and distribution by new Authority
3. Legislative approval of MPSC endorsed forms
4. Municipal permit limitations and requirements
5. Complaints and penalties

III. NON-MUNICIPAL LEGISLATION AND PROCEEDINGS AFFECTING TELECOMMUNICATIONS OPTIONS

A. Competition under Federal Telecom Act of 1996 (CLECS, ILECS, RBOCS and the "Last Mile")

B. Michigan CLECS v SBC/Ameritech in MPSC

C. "Tauzin-Dingell" Bill, Federal H.R. 1542

D. Structural Separation, State H.B. 4764