WHEREAS, the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of Public Acts of 2002 ("Metro Act") provides regulations governing the issuance of permits by the Township ("Township") to telecommunication providers for their access to and ongoing use of the public rights-of-way within the Township; and

WHEREAS, telecommunication providers using or seeking to use the public rights-of-way within the Township for their telecommunication facilities are required by the Metro Act to obtain a permit from the Township and pay all required fees; and

WHEREAS, the Metro Act generally requires telecommunication providers to pay the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority ("Authority") an annual fee; and

WHEREAS, the annual fees collected by the Authority are to be distributed to cities, villages and townships with the Township receiving from the Authority its share as allocated under the Metro Act; and

WHEREAS, the Township must comply with the Metro Act in order to be eligible to receive its allocated share of the annual fees collected by the Authority.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. The Township has been in compliance with the Metro Act from its inception on November 1, 2002 and will continue to comply with the Metro Act.

2. The Township, pursuant to the Metro Act, modifies any and all fees applicable to telecommunication providers use of the public rights-of-way to require such telecommunication providers to pay only those fees required under Section 8 of the Metro Act; reserving any rights the Township may have to fees due for the period ending October 31, 2002. If Section 8 is found to be invalid or unconstitutional this modification of fees is void from the date of the modification.

3. The Township shall not hold a cable television operator in default or seek any remedy for failure to satisfy an obligation, if any, to pay after November 1, 2002, a franchise fee or other similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services while reserving any right the Township may have to such fees due for the period ending October 31, 2002.

4. The Township Clerk is directed to send a copy of this Resolution to all telecommunication providers using the public rights-of-way within the Township.

5. All Resolutions or portions of Resolutions in conflict herewith are hereby repealed.

Motion was made by , and supported by , to adopt the foregoing resolution.
Upon roll call vote the following voted "aye": TRUSTEE - Powers  TRUSTEE - Ray
Treasurer Baumgartner  Supervisor - Howe
The following voted "nay":

NONE

The Supervisor declared the motion passed and the Resolution duly adopted.

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a meeting of the Township Board held at the Township Hall on **June 9**, 2003, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

By:
Its: Clerk

[Signature]

Enterprise Township