



Can Your Community Get Connected to Broadband?

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The other day I arrived home after a day at the office and noticed someone had delivered (i.e. tossed in my yard) a recent copy of the yellow book where you can turn the pages in search of businesses who sell products and services that you may need. You know ... the phone book. I chuckled out loud because I view the phone book as a relic that might be useful for starting a bonfire or to be used as a door stop. Not wanting to ignite a fire or in need of a door stop, I promptly picked it up off the grass and deposited it in the recycle bin.

Let's be honest, with access to high speed broadband internet, the phone book has become largely irrelevant for most of us. Need a plumber? Search Google. Want to buy some used sports equipment? Try Craigslist. Need a contractor? Angie's List. Want a car? Autotrader. New house? Zillow. Anyway, you get the point. I haven't needed or used a phone book in years. Unfortunately, that isn't the case for everyone.

As you likely know, we represent many communities all over this state - from the UP to the Indiana border and all points in between; some are large and some very small. Generally, broadband service is available to many of our more suburban clients, but for our more rural communities, broadband service may be hard to come by. Sure, there are local companies that offer dial-up service or maybe even digital subscriber line (DSL) where internet service is provided via existing phone lines, but try watching Netflix with that kind of service. The experience is painful and you will soon become familiar with the term "buffering."

That was the case with one of our clients, Lyndon Township. Lyndon faced a dilemma: its residents wanted broadband service and yet no existing provider would commit to building the infrastructure necessary to provide the service. The township generally got the same answer from providers, "it just doesn't provide the return on investment that we need to see." With our assistance, the Township Board decided to let its electors decide whether broadband service was right for its community and decided to float a bond proposal to fund the

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construction of infrastructure to bring broadband to the township.

The \$7 million dollar bond proposal was placed on the ballot in the fall of 2017 and passed by nearly a two to one margin. As Ben Fineman (Michigan Broadband Cooperative member and Lyndon Township resident) put it, “the fun is just beginning.” He was right. In fact, Lyndon Township may be the first rural township to travel down this path, but may not be the last. The question is whether your community can get connected to broadband.

Apart from the myriad of statutes that apply, like the Metropolitan Extension Telecommunication Rights-of-Way Oversight (METRO) Act and the Michigan Telecommunication Act, there are some additional practical problems to address, such as the cost of building out the infrastructure, who will be served and whether your community can join with other communities to share in the cost of broadband service to provide some economies of scale.

Foster Swift’s municipal attorneys can help you navigate the path to getting broadband internet in your community. We are committed to individualized plans. Maybe a bond deal isn’t right for your community, but we can help craft a solution that is. Contact your Foster Swift attorney to start a discussion today. Mike Homier can be reached at 616.726.2230 or by email at mhomier@fosterswift.com.