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January 22,2009

Ms. Mary Jo Kunkle
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
Lansing, Michigan 489111

Re MPSC Case no. U-15683

Dear Ms. Kunkle:

Enclosed please find a Notice of Official Action taken by the City of Clawson. If you have any questions or concerns, please call me.

Very truly yours,


Lauren Tribble-Laucht

Cc: Michael A. Holmes
Robin E. Dillard

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

In the matter of the Complaint of AT&T Michigan)
for Resolution of a Dispute with the City of)
Clawson Under the Uniform Video Services)
Local Franchise Act)
_____)

Case No. U-15683

Michael A. Holmes
301 E. Liberty, Suite 500
Ann Arbor, Michigan 48104
Attorney for AT&T

Jon H. Kingsepp PLLC
321 Wilcox
Rochester, Michigan 48307
Attorney for City of Clawson

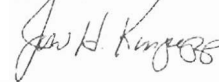
Robin E. Dillard, Asst. Attny. General
6545 Mercantile Way, Suite 15
Lansing, Michigan 48911

NOTICE OF OFFICIAL ACTION TAKEN BY THE CITY OF CLAWSON

On the 20th day of January, 2009 Official Action was taken by the City of Clawson at its regularly scheduled Council meeting in the form of Resolution CM 01-029-09. A sealed copy of said Resolution is attached to this Notice.

Dated: 1/22/09

JON H. KINGSEPP PLLC



Jon H. Kingsepp P15982



Lauren Tribble-Laucht P71936



City of Clawson

425 North Main Street / Clawson, Michigan 48017
(248) 435-4500 FAX (248) 435-0515

CM 01-030-09

CONSIDERATION OF THE AT&T UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT RESOLUTION

MOTION BY: Councilmember Palmer
SUPPORTED BY: Councilmember Moore

WHEREAS, Effective January 1, 2007, the Uniform Video Service Local Franchise Act, Act No. 480 of the Public Acts of 2006 ("Act") went into effect; and

WHEREAS, Section 3 of the Act requires a Video Provider to submit a complete franchise agreement with the local unit of government, prior to offering video services within the boundaries of a local unit of government; and

WHEREAS, Section 3(2) of the Act requires a franchising entity to notify the provider as to whether the submitted franchise agreement is complete as required by the Act within 15 business days after the date that the franchise agreement was filed. If the Agreement is not complete, the franchising entity shall state in its notice the reasons the franchise agreement is incomplete; and

WHEREAS, in the spirit of the Act (Section 13) the parties can voluntarily agree to different provisions of a Uniform Franchise Agreement; and

WHEREAS, Section 3(3) of the Act requires a franchising entity to approve a "complete franchise" within 30 days of the submission of a complete franchise agreement; and

WHEREAS, Section 2 of the Act sets forth all of the provisions and information that a Video Provider must submit to a franchising entity in order to deem the Video Provider's proposed franchise agreement "complete".

WHEREAS, On September 30, 2008 AT&T Michigan, (AT&T) filed its Uniform Video Service Local Franchise Agreement (Agreement) with the City of Clawson (Franchise Entity); and

WHEREAS, certain provisions of the Agreement that are required by the Act to be submitted to the Franchising Entity were missing or ambiguous; and

WHEREAS, on October 20, 2008 the City of Clawson did respond in detail to the provisions it believes required clarification in order to constitute a meaningful agreement; and

WHEREAS, On Friday, October 24, 2008 AT&T Michigan submitted to the Michigan Public Service Commission and the City its complaint against Clawson; and

WHEREAS, by action of the Michigan Public Service Commission an informal dispute resolution process was held in Lansing, Michigan on the 13th day of November, 2008 with representatives of the City of Clawson and AT&T; and

WHEREAS, AT&T elected not to assist Clawson by choosing not to respond to Clawson's questions; and

WHEREAS, based upon AT&T's refusal to cooperate with the City of Clawson in a meaningful way in order to resolve the existing ambiguities in the Franchise Agreement it is essential this Resolution be adopted by the City of Clawson; and

WHEREAS, the Michigan Public Service Commission (MPSC) by its action on December **23, 2008** concluded that Clawson had rejected the Uniform Franchise Agreement which was an incorrect conclusion and assumption; and

WHEREAS, the Michigan Public Service Commission (MPSC) in its order to Show Cause and without any rationale directed an **expedited** contested process as evidenced by the Scheduling Order issued in Case U-15683; and

WHEREAS, Clawson has a responsibility to its residents to avoid the imposition of unjustified fees, sanctions and costs; and

WHEREAS, AT&T has threatened to seek extraordinary legal fees, costs and damages against Clawson if the Uniform Franchise Agreement is not accepted by Clawson; and

NOW, THEREFORE, BE IT RESOLVED:

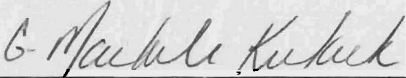
1. The resolution adopted by this body November **18, 2008** being CM **11-182-08** is hereby rescinded.
2. Clawson would hope and request a collaborative effort be pursued by AT&T wherein concerns expressed by Clawson are addressed.
3. The Uniform Franchise Agreement submitted is approved despite the omissions and ambiguities noted by Clawson in its transmission of October **20, 2008**

AYES: Councilmember Airriess, Moore, Palmer and Phillips
NAYS: Mayor Luebs
ABSENT: None
ABSTAINED: None

MOTION CARRIED:

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE COPY OF A RESOLUTION MADE, PASSED AND ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS, **425 N. MAIN STREET, CLAWSON, MICHIGAN** ON TUESDAY JANUARY 20, 2009 AT 7:30 P.M.



G. MACHELE KUKUK, CITY CLERK