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MEMORANDUM

To: Denmark Township
From: Bob Vose and Troy Gilchrist
Date: April 27, 2020
Re: Southeast MN Wifi Fiber Proposal

Southeast MN Wifi previously installed wireless equipment at a tower in the Township on 122nd Street. Apparently, the company is providing internet access to some residents using wireless antennas. In order to expand service to additional residents who do not have “line of sight” access to the company’s wireless service, the company proposes to install fiber in several neighborhoods:

1. Maycrest/131st
2. Panama/Paris
3. Osprey
4. Quadrant
5. Nyberg

Service would be provided by connecting the fiber to a single, new antenna (a microwave backhaul antenna) which would connect wirelessly to the existing antennae on the tower. Accordingly, the service would be provided by a combination of the existing wireless network and new fiber in the neighborhoods. The company indicates it could deliver internet connection speeds of up to 100mbps in this way, and may achieve gigabit speeds if the equipment at the tower is upgraded.

The company would not need a cable franchise to deploy this fiber in the ROW unless it introduces a cable/video service in the future. However, Township-issued ROW permits will be required. The company has asked whether the Township will support or allow the submission of all the needed ROW permit applications in a single “batch,” or would even allow a single application covering all work in the several streets or ROWs that will be impacted.

It is legally permissible to allow either the batching of ROW permit applications, or the submission of a single application seeking a “blanket permit” covering work in several ROWs over a specified period of time. The question is whether that approach will work for the Township as a practical matter.

Regardless, the introduction of internet access services to residents via fiber almost certainly requires a Minnesota Public Utilities Commission authorization. It would be appropriate for the Township to require the company to submit its PUC approval, or an explanation of why such approval is not required, in conjunction with its permit application(s). The PUC has limited authority over the delivery of internet service but typically some state approval and oversight is required.

To summarize, the bottom line for the Township is (assuming cable services are not being proposed):

- There are no approvals the Town Board gives for the overall project;
- Because it appears no changes are being proposed to the tower itself, it appears no Township zoning approvals are required.
- The company is responsible for obtaining any state approvals that may be required; and
- If the company obtains all required state approvals and desires to place lines in the Township's road rights-of-way, it will need to obtain excavation permits from the Township. Whether the Township agrees to issue a general approval or a single permit will be up to the Town Board to decide.