



Gary Reis
Purchasing Agent
greis@lakecountyil.gov
Purchasing Division
18 North County Street, 9th Floor
Waukegan, Illinois 60085-4350
Phone 847-377-2180
Fax 847-984-5889

May 6th, 2009

Marc D. Blakeman
Regional Vice-President,
External Affairs
American Telephone and Telegraph Corporation
1200 N. Arlington Heights Road
Arlington Heights, Illinois 60004

Re: Lake County Resolution, Ordinance and Agreement, No. 31-A, February 9, 1962

Dear Mr. Blakeman:

This letter is intended to provide updated clarification of the original 1962 Resolution, Ordinance and accompanying Agreement granting certain rights to AT & T's predecessor, Illinois Bell Telephone Company, with its accompanying benefits to Lake County, which were related to the provision of general telephone business services. Attached to this letter, for your convenience, is a copy of the original Resolution/Ordinance/Agreement No. 31-A (hereinafter, the "Ordinance").

Please note, initially, that the Ordinance applies to both the County of Lake and to, "...Illinois Bell Telephone Company, its lessees, successors and assigns." (Ordinance, Section 1). The Ordinance also states in Section 9 that, "[w]henver the word 'Company' or the words 'Illinois Bell Telephone Company' are used in this ordinance, they shall be construed to mean the Illinois Bell Telephone Company, its lessees, successors and assigns, and this ordinance shall be [b]inding upon and inure to the benefit of the said Company, its lessees, successors and assigns." It is clear that this Resolution/Ordinance/Agreement No 31-A does apply to AT & T as the successor to Illinois Bell Telephone Company.

In Section 2 of the Ordinance, Lake County agreed to issue permits to Illinois Bell Telephone free of charge for the installation of any of its needed structures in and about Lake County highways. In exchange for waiving permit fees for work within the County highways, Illinois Bell Telephone agreed to grant Lake County a twenty-five per cent (25 %) discount from its regular rates on general telephone business services, as described in Section 5 of the Ordinance. These provisions have been enjoyed by both parties for the several years since enactment of the Ordinance. However, as a result of recent actions by the Lake County Board, an Agreement No. 28092 for General Telecommunication Services has been awarded to an alternate vendor. As a result, Lake County is no longer receiving general telephone services from AT & T. With the absence of AT & T's general telephone services, Lake County will no longer receive the benefit of its, heretofore, 25% discount on rates. This change in services and lack of accompanying discount necessarily obviates Lake County's exchange provision to waive fees for AT & T's roadway work permits. Therefore, these specific provisions in Sections 2 and 5 have been rendered invalid.

The Ordinance does provide a recourse for this type of situation in which changes can render, invalid, certain, distinct sections of the Ordinance. Section 7 provides that, even if certain provisions are declared invalid, "...such invalidity...or change shall in no way effect the remaining provisions of this ordinance." (Ordinance Section 7). So, despite the fact that the 25% discount and the no-charge permit fee are no longer valid, the remainder of the Ordinance remains intact and in effect. In particular, this includes (but is not limited to) all of the standards required for the construction, maintenance, repair, removal and relocation of its equipment for of the work done by Illinois Bell Telephone and AT & T during the pendency of this Ordinance. Also included is the observation of the necessary safety standards to avoid property damage and bodily injury.

Effective May 4th, 2009, Lake County will no longer be receiving any general telephone services, nor the accompanying discount from AT & T; and AT & T will no longer be able to conduct work in and about the Lake County highways/rights-of-way pursuant to no-charge work permits. Any work to be done by AT & T in and about Lake County's highways/rights-of-way will be subject to the provisions of the Lake County Utility and Facility Placement Ordinance (hereinafter, the "UFPO") with its provisions for issuing permits and paying permit fees. The full text of the UFPO can be viewed on the Lake County web page at www.lakecountyil.gov and then further clicking on Transportation Department/Publications/Ordinances, in succession.

The UFPO, enacted in 1990, specifically indicates that it applies to, "...the timely placement, removal, relocation, modification, or abandonment of any utility or facility, owned by any entity, either public or private, located within the right-of-way of any County highway in accordance with 605 ILCS 5/9-113, as amended." (UFPO, paragraph 3.3). The UFPO describes, among other items, the permit process, construction standards and schedule of fees. (UFPO, Chapters 5, 6 and 10).

So, in any case, this current UFPO governs not only future AT & T work in and around Lake County Roadways but, also, any prior, existing (Illinois Bell Telephone-installed) facilities. Therefore, any of the work done pursuant to the no-charge permit fees granted in the 1962 Ordinance will continue to be governed by the provisions of the Ordinance and the UFPO. And, any future AT & T work in and about Lake County highways/rights-of way will be subject to the granting of permits according to the UFPO. Any questions about these procedures may be directed to Ms. Paula Trigg in the Lake County Department of Transportation, 847-377-7400.

Please feel free to contact me if you have any questions about this clarification of the Ordinance. This clarification to the Ordinance will become effective May 15th, 2009.

Sincerely,

Gary Reis
Purchasing Agent
Lake County

American Telephone and Telegraph Corporation

May 6th, 2009

Gary Reis
Purchasing Agent
County of Lake
18 North county Street
Waukegan, Illinois 60085

Dear Mr. Reis:

On behalf of AT & T, the successor to Illinois Bell Telephone Company, I acknowledge the provisions of the above clarification letter to the 1962 Resolution/Ordinance/Agreement No. 31-A that Lake County will no longer be receiving general business telephone services and the 25% discount from AT & T and that AT & T will no longer be issued no-charge work permits. AT & T facilities and work in and about Lake County highways/rights-of-way (including as successor to Illinois Bell Telephone) will be governed by the Lake County Utility and Facility Placement Ordinance and its permit procedures.

Sincerely,

Date

Marc D. Blakeman
Regional Vice-President,
External Affairs, AT & T