



# Lake County Illinois

## Legislation Text

File #: 11-0458, Version: 1

Joint resolution authorizing the termination of the 1962 Ordinance with Illinois Bell Telephone Company/AT&T which granted rights of fee-less permits for Illinois Bell's construction in Lake County's highway rights-of-way in exchange for a discount on telephone rates:

- Agreement Termination with American Telephone and Telegraph, AT&T.
- Approval of the Joint Resolution is requested authorizing the County Board Chair to send the 60 days written termination notification of the attached 1962 Ordinance to Illinois Bell Telephone Company/AT&T.
- In February 1962, the Lake County Board of Supervisors approved a resolution providing for the adoption of an ordinance granting Illinois Bell Telephone Company and its successors and assigns, certain rights to construct, maintain and operate equipment used in the general telephone business in public ways of Lake County in exchange for granting to Lake County a 25% discount from certain of its Illinois Bell Telephone service rates.
- As of February 2009, Lake County no longer has any contracts for telephone service with Illinois Bell/AT&T and, consequently, no longer has the benefit of receiving a discount for telephone services.
- Illinois Bell/AT&T continues to believe, however, that it is entitled to receive the benefit of fee-less permits for construction, maintenance and operation of equipment in Lake County rights-of-way as long as the 1962 Ordinance exists.
- Consequently, there is a need to terminate the 1962 Ordinance that allows AT&T the right to construct, maintain and operate equipment with no obligation to pay permit fees in exchange for the discount on telephone services so that the Lake County Division of Transportation is positioned to begin collecting usual and customary permit fees.

### RESOLUTION

**WHEREAS**, in February 1962, the Lake County Board of Supervisors approved a resolution providing for the adoption of an ordinance granting Illinois Bell Telephone Company and its successors and assigns, certain rights to construct, maintain and operate equipment used in the general telephone business in public ways of Lake County in exchange for granting to Lake County a 25% discount from certain of its Illinois Bell Telephone service rates, the 1962 Ordinance; and

**WHEREAS**, in 2005, SBC Communications, Inc., the sole owner of Illinois Bell Telephone Company, acquired AT&T Corporation. SBC Communications, Inc. thereafter changed its name to AT&T, Inc. Illinois Bell Telephone Company adopted "AT&T Illinois" as an assumed name in Illinois, but its official corporate name remains "Illinois Bell Telephone Company." Besides "AT&T Illinois" the company sometimes uses "AT&T"; and

**WHEREAS** as of February 2009, Lake County no longer has any contracts for telephone service with Illinois Bell/AT&T and, consequently, no longer has the benefit of receiving a discount for telephone services; and

**WHEREAS**, Illinois Bell/AT&T continues to believe, however, that it is entitled to receive the benefit of fee-less permits for construction, maintenance and operation of equipment in Lake County rights-of-way as long as the 1962 Ordinance exists; and

**WHEREAS**, consequently, there is a need to terminate the 1962 Ordinance that allows AT&T the right to construct, maintain and operate equipment with no obligation to pay permit fees in exchange for the discount on telephone services so that the Lake County Division of Transportation is positioned to begin collecting usual and customary permit fees; and

**WHEREAS**, Section 1 of the 1962 Ordinance Granting Illinois Bell Telephone Company these Certain Rights in Lake County provides that either party may terminate the ordinance with 60 days written notice;

**WHEREAS**, pursuant to said Section 1, approval is requested authorizing the County Board Chair to send the 60 days written termination notification of the 1962 Ordinance to Illinois Bell Telephone Company/AT&T; and

**WHEREAS**, upon termination of the 1962 Ordinance, the use of the Lake County controlled rights-of-way will be governed by the Telephone Company Act, 220 ILCS 65/0.01 et seq.; the General Highway Provisions of the Roads and Bridges Act, 605 ILCS 5/9-101 et seq.; the Cable and Video Competition Act, 220 ILCS 5/21-100 et seq.; the Lake County Highway Temporary Closure and Utility and Facility Placement Ordinance, as amended, and other applicable statutes and regulations.

**NOW, THEREFORE BE IT RESOLVED BY** the Lake County Board, that the attached 1962 Ordinance with Illinois Bell Telephone Company/AT&T is hereby terminated and that pursuant to Section 1 of said ordinance the Lake County Board Chair is hereby authorized and directed to send the 60 day written notice to Illinois Bell Telephone Company/AT&T for said termination; and

**BE IT FURTHER RESOLVED** that upon termination of the 1962 Ordinance, the use of the Lake County controlled rights-of-way will be governed by the Telephone Company Act, 220 ILCS 65/0.01 et seq.; the General Highway Provisions of the Roads and Bridges Act, 605 ILCS 5/9-101 et seq.; the Cable and Video Competition Act, 220 ILCS 5/21-100 et seq.; the Lake County Highway Temporary Closure and Utility and Facility Placement Ordinance, as amended, and other applicable statutes and regulations.

**DATED** at Waukegan, Illinois on May 10, 2011.