



MONROE COUNTY ROAD COMMISSION

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December 9, 2025

Elizabeth Drogula
FCC Wireline Competition Bureau
Competition Policy Division
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Also via email: <mailto:elizabeth.drogula@fcc.gov>

Re: FCC 25-66

Dear Ms. Drogula:

This correspondence is in response to Comments submitted by Midwest Energy Cooperative dba Midwest Energy & Communications ("MEC") alleging it experienced delays in Monroe County, Michigan in obtaining approval of applications for permits to install its facilities in road right of ways.

On behalf of the Board of County Road Commission for the County of Monroe ("MCRC"), I first must emphasize that the Comments by MEC dated November 14, 2025, are out-of-date, and no longer valid, if they ever were. MCRC and MEC have now entered into an Agreement, a copy of which is attached, that should accelerate the evaluation of MEC's applications for installations in the road right-of-ways.

Section 253 of the Telecommunications Act of 1966 addresses the state statutes and local laws that might be preempted by federal law. In short, this section says that state statutes, local laws, and other requirements that prohibit or have the effect of prohibiting interstate or intrastate telecommunications service are preempted by the Act. For the reasons explained in this correspondence, the requirements and regulations in Monroe County, Michigan do not prevent or effectively prohibit use of the road right of ways for telecommunications installations.

The County Road Law, Act 283 of 1909, Michigan Compiled Laws Section 224.1 *et seq* requires anyone constructing anything or working in a road right of way to first obtain a permit from the County Road Commission

A person, partnership, association, corporation, or governmental entity shall not construct, operate, maintain, or remove a facility or perform any other work within the right-of-way of a county road, except sidewalk installation and repair, without first obtaining a permit from the county road commission having jurisdiction over the road ...
MCL 224.19b(1).

MEC and other telecommunications providers can use the road right of ways; they merely need to apply for a permit first.

The attached Agreement between MCRC and MEC itself disproves any argument that regulations in Monroe County, Michigan prevent or have the effect of prohibiting telecommunications installations along our roads. Further, the Comments submitted by MEC on November 14, 2025, acknowledges that it has received permits:

“MEC has submitted 45 permit applications in 2025 to local government agencies in Monroe County ... As of the date of this filing, approximately 40% of the 45 submitted have been approved, and 36 have required revision.”
Comments, at page 2.

Therefore, our state statutes and our local policies, procedures and practices are not pre-empted by federal law as they do not prohibit or effectively prevent deployment of the installations.

Finally, we wish to point out that MCRC’s primary responsibility is set forth in Michigan’s County Road Law:

A county shall keep in reasonable repair, so that they are reasonably safe and convenient for public travel, all county roads, bridges, and culverts that are within the county's jurisdiction, are under its care and control, and are open to public travel.
MCL 224.21(2).

MCRC’s application review practices are intended to promote safe and convenient travel, not to hasten or to hinder utility installations.



Philip A. Costello
General Counsel

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