

**CITY OF ROCHESTER HILLS**

**APPLICATION FOR  
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY  
TELECOMMUNICATIONS PROVIDERS**

**By**

**McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services  
("APPLICANT")**

*This is an application pursuant to 2002 Public Act 48 for access to and ongoing usage of the public rights-of-way, including public street, sidewalks, easements, highways, and alleys ("Public Ways") in Municipality for a telecommunications system. Act 48 states that "A municipality shall approve or deny access under this section [§15 of PA 48] within 45 days from the date a provider files an application for a permit for access to a public right-of-way."*

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**1. GENERAL INFORMATION**

- 1.1 Date: August 27, 2009
- 1.2 Applicant's legal name: McLeodUSA Telecommunications Services, Inc.  
d/b/a PAETEC Business Services
- Mailing Address: One Martha's Way  
Hiawatha, IA 52233-2402
- Telephone Number: 319.790.6910
- Fax Number: 319.790.7901
- Corporate Website: [www.paetec.com](http://www.paetec.com)

Name and title of Applicant's local manager (and if different) contact person regarding this application:

	<u>Local Manager:</u>	<u>Contact Persons:</u>
	Greg Serich	Michelle McLaughlin
Mailing Address:	PAETEC 4074 S. Linden Road Flint, MI 48507	PAETEC One Martha's Way Hiawatha, IA 52233-2402
Telephone Number:	810.600.2090	319.790.6910
Fax Number:		319.790.7901
E-mail Address:	<a href="mailto:greg.serich@paetec.com">greg.serich@paetec.com</a>	<a href="mailto:michelle.mclaughlin@paetec.com">michelle.mclaughlin@paetec.com</a>

- 1.3 Type of Entity: (Check one of the following)
- Corporation
- General Partnership
- Limited Partnership
- Limited Liability Company

\_\_\_\_\_ Individual  
\_\_\_\_\_ Other, please describe: \_\_\_\_\_

1.4 Assumed name for doing business, if any: N/A

1.5 Description of Entity:

1.5.1	Jurisdiction of incorporation/formation:	Iowa
1.5.2	Date of incorporation/formation:	July 26, 1993
1.5.3	If a subsidiary, name of ultimate parent company:	PAETEC Holding Corp.
1.5.4	Chairperson:	Arunis A. Chesonis
	President/CEO:	Arunis A. Chesonis
	Secretary:	Mary O'Connell
	Treasurer:	Keith M. Wilson

1.6 Attach copies of Applicant's most recent annual report (with state ID number) filed with the Michigan Department of Consumer and Industry Services and certificate of good standing with the State of Michigan. For entities in existence for less than one year and for non-corporate entities, provide equivalent information.

See [www.paetec.com](http://www.paetec.com)

1.7 Is Applicant aware of any present or potential conflicts of interest between Applicant and Municipality? If yes, describe:

No.

1.8 In the past three (3) years, has Applicant had a permit to install telecommunications facilities in public rights of way revoked by any Michigan municipality?

Circle: Yes No

*If "yes," please describe the circumstances*

1.9 In the past three (3) years, has an adverse finding been made or an adverse final action been taken by any Michigan court or administrative body against Applicant under any law or regulation related to the following:

1.9.1 A felony;

1.9.2 A revocation or suspension of any authorization (including cable franchisees) to provide telecommunications or video programming services;

Circle:        Yes    No

If "yes," please attach a full description of the parties and matters involved, including an identification of the court or administrative body and any proceedings (by dates and file numbers, if applicable), and the disposition of such proceedings.

1.10 [If applicant has been granted and currently holds a license to provide basic local exchange service no financial information needs to be supplied.] (a) If publicly held, provide Applicant's most recent financial statements. If financial statements of a parent company of Applicant (or other affiliate of Applicant) are provided in lieu of those of Applicant, please explain.

1.10.1 If privately held, and if Municipality requests the information within 10 days of the date of this Application, the Applicant and the Municipality should make arrangements for the Municipality to review the financial statements.

*If no financial statements are provided, please explain and provide particulars.*

No financial information is supplied. Applicant holds a license to provide basic local exchange service.

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## **2        DESCRIPTION OF PROJECT:**

2.1 Provide a copy of authorizations, if applicable, Applicant holds to provide telecommunications services in Municipality. If no authorizations are applicable, please explain.

No separate authorizations are applicable.

2.2 Describe in plain English how Municipality should describe to the public the telecommunications services to be provided by Applicant and the telecommunications facilities to be installed by Applicant in the Public Ways.

Applicant may provide telecommunications services set forth in 47 U.S.C. 153(46) and M.C.L. 484.2102(bb). Applicant has or will construct, operate and maintain a fiber optic network.

2.3 Attach maps/plans showing the location (including whether overhead or underground) of Applicant's facilities in the public right-of-way. To the extent known please identify the side of the street on which the facilities will be located. (If construction approval is sought at this time, provide engineering drawings, if available, showing location and depth, if applicable, of facilities to be installed in the public right-of-way).

McLeodUSA's route in Municipality was provided in connection with its existing right-of-way permit, and has not changed.

2.4 Please provide an anticipated or actual construction schedule.

Construction is complete.

2.5 Please list all organizations and entities which will have any ownership interest in the facilities proposed to be installed in the Public Ways.

N/A

2.6 Who will be responsible for maintaining the facilities Applicant places in the Public Ways and how are they to be promptly contacted? If Applicant's facilities are to be installed on or in existing facilities in the Public Ways of existing public utilities or incumbent telecommunications providers, describe the facilities to be used, and provide verification of their consent to such usage by Applicant.

Greg Serich  
810.600.2090

3. **TELECOMMUNICATION PROVIDER ADMINISTRATIVE MATTERS:**

*Please provide the following or attach an appropriate exhibit.*

3.1 Address of Applicant's nearest local office

4074 S. Linden Road  
Flint, MI 48507

3.2 Location of all records and engineering drawings, if not at local office:

Same as above.

3.3 Names, titles, addresses, e-mail addresses and telephone numbers of contact person(s) for Applicant's engineers and their responsibilities for the telecommunications system:

Greg Serich  
Supervisor, Outside Plant  
Greg.serich@paetec.com  
810.600.2090  
Responsible for maintenance of the network in Michigan.

3.3.1 Provide evidence of self-insurance or a certificate of insurance showing Applicant's insurance coverage, carrier and limits for the following:

- 3.4.1 Worker's compensation;
- 3.4.2 Commercial general liability, including at least:
  - 3.4.2.1 Combined overall limits;
  - 3.4.2.2 Combined single limit for each occurrence of bodily injury;
  - 3.4.2.3 Personal injury;
  - 3.4.2.4 Property damage;
  - 3.4.2.5 Blanket contractual liability for written contracts, products, and completed operations
  - 3.4.2.6 Independent contractor liability;
  - 3.4.2.7 For any non-aerial installations, coverage for property damage from perils of explosives, collapse, or damage to underground utilities (known as XCU coverage).
- 3.4.3 Automobile liability covering all owned, hired, and non-owned vehicles used by Applicant, its employees, or agents.

Municipality has this information on file.


- 3.5 Names of all anticipated contractors and subcontractors involved in the construction, maintenance and operation of Applicant's facilities in the Public Ways:

N/A

**4. SECTION 4: CERTIFICATION:**

*All the statements made in the application and attached exhibits are true and correct to the best of my knowledge and belief.*

**McLEODUSA TELECOMMUNICATIONS SERVICES, INC. d/b/a PAETEC BUSINESS SERVICES ("APPLICANT")**

By:   
Michelle McLaughlin  
Right-of-Way Representative II