

January 27, 2006

To the Public Works Committee

Subject: Common Council Resolution File Number 001124

Dear Honorable Members:

Returned herewith is Common Council Resolution File 001124, being a petition from Voicestream PCS II Corporation for a special privilege to allow, formally, the installation and maintenance of underground communication conduit under the northeast-southwest alley bounded by West Elmore Avenue, West Lisbon Avenue, North Tucker Place and North 87<sup>th</sup> Street adjacent to 8814 West Lisbon Avenue. The premises is the location of a City of Milwaukee fire station on the north side of West Lisbon Avenue.

The applicant is requesting formal permission to install and maintain ten underground communications conduits encased in concrete under the northeast-southwest alley bounded by West Elmore Avenue, West Lisbon Avenue, North Tucker Place and North 87<sup>th</sup> Street for a distance of approximately 90 feet. The conduit begins at a point approximately 23 feet east of the eastline of North Tucker Place and extends east, parallel to the south alley line. Said conduits have been installed and are presently in use.

In addition to serving Voicestream, police, fire and Department of Public Works communications are served by some of said conduits. It is likely that some of the petitioned conduit space will be leased to other private entities. Private usage of the aforementioned conduits is regulated under the policy resolution established by Common Council Resolution File Number 960170 entitled: City Personal Communications Services Policy. The Department of Administration is the City's agent in those matters. The applicant has indicated that the network will not be used for the commercial distribution of entertainment and will not be in conflict with Chapter 99 of the Milwaukee Code of Ordinances.

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It should be noted that Voicestream PCS II Corporation is required to obtain a special privilege for these items because it is not recognized as a utility by the Public Service Commission of Wisconsin. Should Voicestream PCS II Corporation be recognized as a utility by the Public Service Commission of Wisconsin, then the aforementioned installations would be permissible without a special privilege.

We are not aware that the presence of said underground communication conduit will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said underground communication conduit to continue to occupy the public rights-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

Martin G. Collins  
Commissioner  
Department of Neighborhood Services

MDL:cjt  
Attachment

c: Mr. Randolph Gschwind