

FW: Planet Networks Resolution - Town Council meeting request - Mansfield Twp

Jeanine Murphy <jeanine@planet.net>

Mon 12/7/2020 2:42 PM

To: Dena Hrebenak <dhrebenak@mansfieldtownship-nj.gov>

Good afternoon Dena,

I haven't received an update from you regarding our request and I want to make sure our intentions are clear to the committee. You mentioned that they tabled our resolution at the August meeting. In New Jersey, the regulation of the use of the public rights-of-way lies outside of the Municipal Land Use Law in the Public Utilities provisions of the New Jersey statutes. New Jersey law is clear that the municipality is compelled to permit our use of the municipal rights of way under N.J.S.A. 54:30A-124. To prohibit us from doing so is discriminatory and illegal under both New Jersey and Federal law. We have provided a model resolution to help facilitate this simple request. To date, our consent resolution has been passed in over 40 municipalities in Sussex, Morris and Warren Counties and we are in the process of ensuring that the consent resolutions are passed in the remaining municipalities.

To date, your municipality has not been responsive to this request. The FCC established a shot clock which compels the municipality to act on and RESOLVE our request within 90 days. ("The Shot Clock Ruling contemplates not just that a local government will take some action on an application within the deadline, but that it will 'resolve [the] application' before the deadline." New Cingular Wireless PCS, LLC v. Town of Stoddard, N.H., 853 E. Supp. 2d 198, 203-04 (D.N.H. 2012) quoting 2009 FCC Order at 11 38).

As previously mentioned, we would be happy to provide additional explanation to the council members to address any questions they may have. This is not 5G. This is not cellular. We are not a cable company and there is no franchise agreement to negotiate with us. We are a competitive phone company regulated by the New Jersey Board of Public Utilities. We are simply looking to engage in a dialogue so we can get the right of way resolution passed so we can bring our high speed fiber Internet services to the businesses and residents of the municipality. We have reached out to you because we have hundreds of people in your municipality who want our services. We do not want to have an adversarial relationship with the municipality, but you are currently violating the law by not granting us access to the right of way in a timely manner. We are prepared to take any and all steps necessary to ensure you comply with the law to ensure access to the right of way is granted so we may provision service to those who wish to subscribe to our services.

Please let me know when our resolution can be added to the agenda for an upcoming town council meeting for passage.

Thank you,

Jeanine Murphy
Executive Assistant
Planet Networks
jeanine@planet.net

From: Jeanine Murphy <jeanine@planet.net>

Sent: Friday, November 6, 2020 12:32 PM

To: Dena Hrebenak <dhrebenak@mansfieldtownship-nj.gov>

Subject: RE: Planet Networks Resolution - Town Council meeting request - Mansfield Twp

Good afternoon Dena,

Just wanted to follow up on this matter. Do you know if the Township Committee has had a chance to revisit our consent resolution yet or an idea of when they plan to do so? We want to make sure the resolution is agreed to and in place as we move forward with our fiber network expansion.

Please let me know when it might be included on an upcoming meeting agenda.

Thank you & have a great weekend.

Jeanine Murphy
Executive Assistant
Planet Networks
jeanine@planet.net

From: Dena Hrebenak <dhrebenak@mansfieldtownship-nj.gov>
Sent: Wednesday, September 16, 2020 12:21 PM
To: Jeanine Murphy <jeanine@planet.net>
Subject: Re: Planet Networks Resolution - Town Council meeting request - Mansfield Twp

http://mansfieldtownship-nj.gov/images/2020/August_26_2020min.pdf

Above are the minutes from the meeting where the resolution was placed before the Committee.

At this time being that the resolution was tabled, it will not be put back on the agenda until the Township Committee requests it be placed on the agenda.

Dena Hrebenak, RMC, CMR

Township of Mansfield

100 Port Murray Road

Port Murray, NJ 07865

(908) 689-6151 x 128

From: Jeanine Murphy <jeanine@planet.net>
Sent: Wednesday, September 16, 2020 12:02 PM
To: Dena Hrebenak <dhrebenak@mansfieldtownship-nj.gov>
Subject: RE: Planet Networks Resolution - Town Council meeting request - Mansfield Twp

Hi Dena,

Could you please clarify this? Your email of August 13th mentioned that the council was to review the presentation that Robert gave and that the resolution, with no changes, would be on the agenda for the next meeting. Will our consent resolution be passed outside of a committee meeting? Or are they just looking to postpone and pass at a later date?

Jeanine Murphy
Executive Assistant

Planet Networks
jeanine@planet.net

From: Dena Hrebenak <dhrebenak@mansfieldtownship-nj.gov>
Sent: Wednesday, September 16, 2020 11:46 AM
To: Jeanine Murphy <jeanine@planet.net>
Subject: Re: Planet Networks Resolution - Town Council meeting request - Mansfield Twp

The Township Committee tabled the resolution and has not requested that it be put back on the agenda.

Dena Hrebenak, RMC, CMR

Township of Mansfield

100 Port Murray Road

Port Murray, NJ 07865

(908) 689-6151 x 128

From: Jeanine Murphy <jeanine@planet.net>
Sent: Wednesday, September 16, 2020 11:18 AM
To: Dena Hrebenak <dhrebenak@mansfieldtownship-nj.gov>
Subject: FW: Planet Networks Resolution - Town Council meeting request - Mansfield Twp

Good morning Dena,

I hadn't heard back from you regarding my email below and once I checked the website, saw that the date I had for the meeting was incorrect. Can you tell me if our consent resolution passed at the meeting on the 9th? Or if it is on the agenda for next week?

Thank you!

Jeanine Murphy
Executive Assistant
Planet Networks
jeanine@planet.net

From: Jeanine Murphy <jeanine@planet.net>
Sent: Monday, August 24, 2020 10:14 AM
To: Dena Hrebenak <dhrebenak@mansfieldtownship-nj.gov>
Subject: FW: Planet Networks Resolution - Town Council meeting request - Mansfield Twp

Good morning Dena,

Hope you had a great weekend. Just following up on the email below. Can you confirm that we are on the agenda on 9/16?

As mentioned below, if any changes are made to the resolution, please forward a copy prior to the meeting so we can review.