

TIMOTHY J. LUNDGREN



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Education

University of Michigan Law School
Ann Arbor, Michigan
J.D., 2002
National Environmental Moot Court

Ohio State University
Columbus, Ohio
Ph.D., English, 1996
National Endowment for the Humanities Dissertation Fellow

University of Colorado, Boulder
Boulder, Colorado
M.A., English, 1991

Wayne State University
Detroit, Michigan
Graduate work in Clinical Psychology, 1985-1987

Hope College
Holland, Michigan
B.A., Psychology, 1985
National Merit Scholar
Michigan Competitive Scholar

Legal Employment

Varnum
Grand Rapids, Michigan 2002
Partner

Practice Areas

Chair of Water Law Specialty Area; General environmental law, site remediation and cleanup, solid and hazardous waste, energy development; Telecommunications law, representing municipalities on cable and telecommunications matters.

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Professional Affiliations

State Bar of Michigan
Grand Rapids Bar Association, Environmental Law Section (Vice President)
National Ground Water Association
Michigan Manufacturers Association (Water Quality Committee)
National Association of Telecommunications Officers and Advisors
Federal Communications Bar Association

Community Service

West Michigan Land Conservancy (Board Member, 2006 - present)

Representative Cases and Matters

Cable TV and Telecommunications

METRO Act Permits (2002-2003): Assist numerous Michigan communities in reviewing applications from telecommunications providers for METRO Act permits, and aid in issuance of such permits.

Laketown Township, MI (2002-2004): Represent the Township in cable franchise renewal with Comcast.

Orleans Township, MI (2002-2003): Assist the Township in granting temporary extension of existing cable franchise.

Cities of Bryan and College Station, Texas (2002-2003): Assist in representing Cities on cable refranchising with Cox Communications

City of Mesa, Arizona (2002-2003): Assist in representing City in cable refranchising with Cox Communications and Cable America.

Model Cable Franchises (2002-2003): Prepare and provide model cable franchises to over one hundred municipalities nationwide.

City of Sunny Isles Beach, Florida (2003-2004): Assist in representing City in reviewing application for transfer of cable franchise from Charter Communications to Atlantic Broadband.

Charter Franchise Renewals, (2003-2004). Represent approximately fifty-nine Michigan municipalities on joint cable franchise renewal with Charter Communications.

CoxCom, Inc. v City of Mesa, (Federal District Court, Arizona, Case #CV '03 1404 PHXSRB), (2003 - 2004). Successfully assist City of Mesa in obtaining dismissal with prejudice of challenge to requirement for local emergency alert system.

TCA Holdings II, L.P. d/b/a Cox Communications v Cities of College Station and Bryan, Texas (Brazos County, TX District Court, Case #03-000617-CV-272), (2003 - 2004). Assist Cities both in challenging claimed automatic renewal

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provision of franchises which violates City Charters, and in resolving dispute by obtaining favorable franchise renewals.

Temple and Byers v City of Westland, (Wayne County Circuit Court, Michigan, Case #03-3308096-CZ), dismissal affirmed on appeal, 2005 WL 1750653 (Mich App 2005), leave to appeal requested. Represent City of Westland in successfully obtaining dismissal of subscriber class action lawsuit claiming the cable franchise fees paid the City are an illegal tax.

Morgan v City of Grand Rapids, 267 Mich. App. 513 (2005); leave to appeal requested. Represent City of Grand Rapids in successfully obtaining dismissal of subscriber class action lawsuit claiming the cable franchise fees paid the City are an illegal tax.

Siegel v City of Muskegon, (Muskegon County Circuit Court, Michigan, Case #03-42792-CZ), dismissal affirmed on appeal, 2005 WL 1750651 (Mich App 2005), leave to appeal requested. Represent City of Muskegon in successfully obtaining dismissal of subscriber class action lawsuit claiming the cable franchise fees paid the City are an illegal tax.

Tiffany Dobson and Jennifer Brogno v City of Ann Arbor, (Washtenaw County Circuit Court, Michigan, Case #03-1282-CZ), appeal pending. Represent City of Ann Arbor in successfully obtaining dismissal of subscriber class action lawsuit claiming the cable franchise fees paid the City are an illegal tax.

In the Matter of the Complaint of McLeodUSA against the City of Saginaw, (Michigan Public Service Commission, Case No U-13981) (2004). Assist in representing City of Saginaw in successfully defeating claim for refund of past fees paid by McLeod under the Michigan Telecommunications Act and request for new permit under the Metro Act.

City of Idaho Falls, ID, (2004-2005). Assist City in cable franchise renewal with Cable One.

City of Auburn, CA, (2004). Represent City of Auburn on sale of cable system serving City from Charter Communications to Boulder Ridge Cable TV d/b/a Starstream Cable and concurrent rewrite of City's cable franchise enabling ordinance and cable franchise.

City of Detroit, Michigan; (2004) Assist City in FCC filing seeking approval for transfer of public safety radio frequencies.

In re Review of the Emergency Alert System, (FCC EB Docket 04-296) (2004-____). Represent National League of Cities, National Association of Telecommunications Officers and Advisors, other state and national municipal organizations and various municipalities in comments opposing proposed FCC rule which would preempt local emergency alert systems and not provide municipalities with an effective substitute.

In re Implementation of Section 621 (a)(1) [Cable franchising rulemaking]. (FCC MB Docket No. 05-311) (2005-____). Represent a group of municipalities and municipal organizations in comments opposing proposed FCC changes to local cable franchising authority.

In re Implementation of Section 621(a)(1) of the Cable Act (FCC National Franchising Rulemaking) (FCC MB Docket No. 05-311) (2005 - ____). In FCC

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Notice of Proposed Rulemaking to set national limits and terms on cable franchises for phone companies, represent NATOA on preparation of suggested template for comments by municipalities. Represent numerous municipalities in rulemaking.

National Video Franchise Legislation, (2005 - ____). Represent municipalities in opposition to proposed Federal legislation such as S. 1504, S. 1349 and H.R. 3146 which would assist phone company entry into the cable television business, such as by establishing a national cable franchise or restrictive national rules and timing constraints for local issuance of cable franchises.

State Video Franchise Legislation, (2005 - ____). Represent municipalities in Michigan and other states in opposition to state legislation to aid phone company entry into the cable television business by having the state (not municipalities) award cable franchises.

Lenexa, KS, (2005 - ____). Represent City on telephone franchising matters with competitive phone companies.

Garden City, MI, (2006). Represent City on proposed change of control of its second cable operator, Wide Open West.

Westland, MI, (2006). Represent City on proposed change of control of its second cable operator, Wide Open West.

Amarillo, Abilene, Bryan, College Station, TX, et al., (2006). Represent 10 Texas Cities on proposed transfer of cable systems serving their Cities from Cox Communications to Cebridge Connections.

Publications and Presentations

Environmental:

Organized and chaired Varnum's Third Annual Water Law Seminar, Frederick Meijer Gardens and Sculpture Park, Grand Rapids, MI (February 2007)

Tim Lundgren, Sarah Brody, Charles M. Denton, "Michigan Water Use Regulations: New Challenges for Water Suppliers," presentation before National Groundwater Association, Groundwater and Environmental Law Conference, Chicago, IL (July 2006)

Tim Lundgren, Sarah Brody, Charles M. Denton, "New Emphasis on Water Withdrawal Regulation in the Great Lakes Region," paper presented to the American Water Works Association, 2006 Annual Conference, San Antonio, TX (June 2006)

Tim Lundgren, "The New Water Legislation," presentation before the Environmental Law Section of the Michigan State Bar Association, Lansing, MI (May 2006)

Tim Lundgren, "Michigan's New Water Withdrawal Laws: New Regulation for Water Suppliers" *Journal of the Public Corporation Law Section*, Michigan State Bar (Spring 2006)

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Co-organized and co-chair of Varnum's first and Second Annual Water Law Seminars, Frederick Meijer Gardens and Sculpture Park, Grand Rapids, MI (February 2005 and February 2006)

Tim Lundgren and Bruce Goodman, "New Guidance Regarding Federally Permitted Release Exemptions to Continuous Release Reporting," *West Michigan Environet* (Newsletter of the West Michigan Air and Waste Management Association) (Fall 2002)

Tim Lundgren and Charles Denton, "Recent Activity Regarding Continuous Release Reporting Requirements," *West Michigan Environet* (Newsletter of the West Michigan Air and Waste Management Association) (Summer 2001)

Telecommunications:

Tim Lundgren "Cable Franchising Update for Michigan," presented at the West Michigan Townships Association Meeting, Muskegon, MI (February 2007)

Tim Lundgren, "Franchising Telecommunications, Cable and the Control of the Local Rights of Way," presented before the Michigan Association of Municipal Attorneys, Lansing, MI (March 2006)

Tim Lundgren, "Federal Legislation: Cable TV and Telecom," presented at the Illinois Municipal Attorneys annual conference, Chicago, IL (February 2006)

John W. Pestle and Tim Lundgren, "Federal Broadband Legislation: Municipal Concerns," *Municipal Lawyer* (International Municipal Lawyers Association), Vol. 47, No. 1 (January/February 2006).

John W. Pestle and Tim Lundgren, "Cable Franchises for Telephone Companies," *NATOA Journal of Municipal Telecommunications Policy*, Vol. 13, No. 3 (Fall 2005).

John W. Pestle and Tim Lundgren, "Insight Cable May 'Go Private': Risks and Opportunities Created for Municipalities," *Journal of Illinois Institute for Local Government Law*, Vol. 2, No. 7 (July 2005).

John W. Pestle and Tim Lundgren, "Franchises Threatened by SBC, Verizon Providing Cable Services," *Journal of the Illinois Institute for Local Government Law*, Vol. 2, No. 2 (February 2005).

John W. Pestle and Tim Lundgren, "The FCC's Emergency Alert System Rulemaking: Challenges and Opportunities," *NATOA Journal of Municipal Telecommunications Policy*, Vol. 12, No. 4 (Winter 2004)