



City of Lawrence

CRAIG S. OWENS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
BRADLEY R. FINKELDEI

COMMISSIONERS
COURTNEY SHIPLEY
STUART BOLEY
LISA LARSEN
JENNIFER ANANDA, JD, MSW

CEASE AND DESIST ORDER

July 15, 2021

AT&T

220 SE 6th Ave

Topeka, Kansas 66603

Michael J. Ruffin or To Whom It May Concern,

The City of Lawrence, Kansas (City), has received, on numerous occasions via ZOOM, telephone, and email, and by AT&T's own admission and other public Utility Companies' complaints, regarding AT&T's continuous reckless, illegal, and discourteous behavior within the City. The main act of improper behavior is:

1. Working without having utility locates being properly performed.

In addition to that being in direct violation of State of Kansas Law, working without proper locates being performed has caused a number of citizens of the City to be without service and have caused or causing other Utility companies to perform emergency work to correct issues created by AT&T and its contractors.

Based on discussions with AT&T, AT&T's representatives, other public Utility Companies, and City residents, the City hereby orders AT&T and its contractors to CEASE AND DESIST all active projects being performed by or for AT&T within the City. In addition, the City hereby notifies AT&T that all right-of-way permits will be denied until such aforementioned behavior is corrected forthwith. Such authority is provided at City Code, §§ 16-813(a)(1) (Jan. 1, 2018), as amended. In pertinent part, the provision is as follows:

16-813(a)(1) - The ROW Permit Holder's use of the Public Right of Way creates a traffic or other safety hazard or will otherwise destroy, damage, or impair the Public Right of Way or use of the Public Right of Way, such that immediate action must be taken to protect the public safety or the Public Right of Way;

. . .



16-815(a) - Except in the case of an emergency or if otherwise exempted by this Article or Article 9 of this Chapter, it shall be unlawful for any person to use a Public Right of Way for any Temporary purpose without first obtaining from the City and having, in their possession, a current, valid ROW permit.

The penalties for violating Sections 16-1815(a) of the City Code are set forth at City of Lawrence, Kan., Code § 16-816 (Jan. 1, 2018), as amended. It provides:

16-816 – Engaging in any of the unlawful acts set forth at Section 16-815 shall be a municipal offense. Each violation shall constitute a separate municipal offense. Each day of violation shall also constitute a separate municipal offense. Any Person violating Section 16-815 shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$1,000.00 and a maximum fine of \$2,500.00 for each municipal offense.

The City may seek prosecution under the City Code or whatever additional recourse may be available to it at law or in equity, if AT&T or its contractors perform work in violation of this Cease and Desist Order, without a proper right-of-way permit, or in violation of law.

If you have any questions or concerns please feel free to call me at 785-832-7884 or email me at evillegas@lawrenceks.org.

Govern yourself accordingly,

A handwritten signature in black ink that reads "Enrico Villegas". The signature is written in a cursive, flowing style.

Enrico Villegas
Program Administrator