



June 12, 2006

Jeffrey Burgoyne  
Board of Selectmen  
65 State Road  
Aquinnah, MA 02535

Re: Enterprise for Cell Phone Towers  
Our File No. 2006-33

Dear Mr. Burgoyne:

This is in reply to your letter asking whether we thought the town could establish an enterprise fund for a municipal wireless communications network. The network would provide infrastructure to wireless phone operators, from whom it would get its revenue. It would not provide services directly to the public.

Although characterizing such an operation as a utility within the meaning of GL Ch.44 §53F<sup>1/2</sup> expands the definition beyond its traditional scope, we do not think it is inconsistent with the purpose of the enterprise fund statute. Traditionally, and when enterprise accounting was first authorized for cities and towns by Ch.306 of the Acts of 1986, municipally operated utilities such as water, sewer and electric light departments provide services directly to the public. However, certain other municipal services such as solid waste disposal sometimes involve facilities that are directly used only by licensed haulers and contractors, rather than by members of the public. The importance of properly accounting for all capital and operating costs of such fee-supported operations has nonetheless seemed to us to justify the use of enterprise accounting.

We offer no comment on other aspects of the proposed network.

Very truly yours,

Kathleen Colleary, Chief  
Bureau of Municipal Finance Law

KC/CH