



RESOLUTION 2025-05

A RESOLUTION SUPPORTING THE OHIO MUNICIPAL LEAGUE'S CHALLENGE OF AT&T'S TARIFF APPLICATION AT THE PUBLIC UTILITIES COMMISSION OF OHIO.

WHEREAS, on December 18, 2024, the Ohio Bell Telephone Company dba AT&T Ohio ("AT&T") filed a Telecommunications Form seeking a change in its tariff for "Construction Charges, Relocation of Facilities" with the Public Utilities Commission of Ohio ("PUCO") in PUCO Case Nos. 24-1132-TP-ATA and 90-5032-TP-TRF, and any future AT&T applications on this issue (collectively referred to as "AT&T's Tariff Application"); and

WHEREAS, AT&T's Tariff Application proposes tariff changes which would require all municipalities in which AT&T is located in the municipality's public right-of-way to pay the full cost of any relocation or undergrounding of AT&T's facilities, regardless of the reason for the relocation, which is in direct contradiction of current Ohio law; and

WHEREAS, AT&T's Tariff Application is subject to a thirty-day automatic approval process, meaning that if the PUCO does not rule on the application, then the application is automatically approved, and the tariff change becomes effective on the thirty-first day after the filing of the application; and

WHEREAS, if AT&T's Tariff Application goes unchallenged and becomes effective, municipalities throughout Ohio (and, subsequently, constituents who may or may not be AT&T customers) would be required to pay for any relocation of AT&T facilities in the public rights-of-way, even if the relocation or undergrounding is required for health, safety, or public welfare purposes; and

WHEREAS, any challenges to AT&T's application must be filed prior to January 17, 2025, to allow the PUCO to pause the automatic approval process, allow challengers to be heard through an evidentiary hearing, and consider legal arguments; and

WHEREAS, to challenge AT&T's Tariff Application, interested stakeholders must file a motion to intervene with the PUCO showing that it has a real and substantial interest in AT&T's Tariff Application and that the intervener is so situated that the disposition of the proceeding may, as a practical matter, impair or impede its ability to protect that interest; and

WHEREAS, the Ohio Municipal League has engaged counsel to challenge AT&T's Tariff Application and the City of Powell desires to support such challenge.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO, AS FOLLOWS:


Section 1. Powell City Council finds that AT&T's Tariff Application directly changes and significantly impacts, to the detriment of the City of Powell how the City manages and administers its public rights-of-way.

Section 2. City Council hereby authorizes the City Manager to take such action, including intervening in the proceeding at the PUCO in order to challenge AT&T's Tariff Application and any subsequent and/or necessary legal, administrative, and legislative efforts determined to be in the best interest of the City.

Section 3. City Council has been advised by the Ohio Municipal League that future financial and/or other support from the City may be necessary to the success of a challenge to AT&T's Tariff Application and any related legal, administrative, or legislation efforts and the City agrees to consider a specific amount or form of such financial or other support at a subsequent meeting of City Council.

Section 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council and that all deliberations of Council and any of the decision-making bodies of the City of Powell, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 5: This Resolution shall be in full force and effect immediately upon adoption.

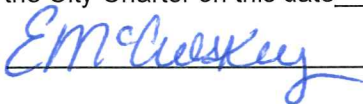


Tom Counts
Mayor
1/21/25
Date



Elaine McCloskey
City Clerk
1/21/25
Date

EFFECTIVE DATE: January 21, 2025

This legislation has been posted in accordance with the City Charter on this date 1/22/25.


City Clerk

