

CITY OF OBERLIN, OHIO

RESOLUTION No. R25-02 CMS

A RESOLUTION SUPPORTING THE OHIO MUNICIPAL LEAGUE'S CHALLENGE OF AT&T'S TARIFF APPLICATION TO THE OHIO PUBLIC UTILITIES COMMISSION AND AUTHORIZING THE PARTICIPATION AND INTERVENTION IN THE PROCEEDINGS IN A CHALLENGE TO AT&T'S TARIFF APPLICATION TO GO INTO IMMEDIATE EFFECT.

WHEREAS, on December 18, 2024, the Ohio Bell Telephone Company dba AT&T Ohio ("AT&T") filed a Telecommunications Form related to a change in its tariff for "Construction Charges, Relocation of Facilities" with the Public Utilities Commission of Ohio (the "PUCO") in PUCO Case Nos. 24-1123-TP-ATA and 90-5032-TP-TRF (collectively referred to as "AT&T's Tariff Application");

WHEREAS, AT&T's Tariff Application proposes tariff changes that will require any 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. This is in direct contradiction of current Ohio law;

WHEREAS, AT&T's Tariff Application is subject to a thirty-day auto-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;

WHEREAS, if AT&T's Tariff Application goes unchallenged and becomes automatically 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;

WHEREAS, any challenges to AT&T's application must be filed before 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. To challenge AT&T's Tariff Application, an interested stakeholder 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 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Oberlin, Ohio that,

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

SECTION 2: This Council hereby authorizes and agrees to participate in and to intervene in the proceeding at the PUCO to challenge AT&T's Tariff Application and any subsequent and/or necessary legal, administrative, or legislative efforts and authorizes the City Law Director to take such actions as necessary to accomplish such participation and intervention.

SECTION 3: This 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 legislative efforts. The City may consider the specific amount or form of such financial and/or other support by subsequent authorizing action.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: To ensure the City's support of and participation in a challenge to the AT&T application before January 17, 2025, and provided that at least five (5) members of Council determine by motion, this Resolution shall go into full force and effect immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: January 13, 2025

2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



EBONI A. JOHNSON
PRESIDENT OF COUNCIL

POSTED: 01/14/2025

EFFECTIVE DATE: 01/13/2025