

OML SAMPLE:

**[ORDINANCE OR RESOLUTION] NO. 2025-[ ]**  
**INTRODUCED BY [GOVERNING BODY]**

**[AN ORDINANCE OR RESOLUTION] OF [JURISDICTION] 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 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 which 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 prior to the 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 OR ORDAINED]** by the **[GOVERNING BODY]** of the **[City Or Village]** of **[LOCATION]**, State of Ohio, that:

**SECTION ONE:** [GOVERNING BODY] finds that AT&T's Tariff Application directly changes and significantly impacts, to detriment to the [CITY OR VILLAGE] how this [CITY OR VILLAGE] manages and administers its public rights-of-way;

**SECTION TWO:** [GOVERNING BODY] hereby authorizes and agrees to participate in and to intervene in the proceeding at the PUCO in order to challenge AT&T's Tariff Application and any subsequent and/or necessary legal, administrative, legislative efforts; and

**SECTION THREE:** [GOVERNING BODY] has been advised by the Ohio Municipal League that future financial and/or other support from the [CITY OR VILLAGE] may be necessary to the success of a challenge to AT&T's Tariff Application and any related legal, administrative, or legislative efforts. [CITY OR VILLAGE] may take under consideration the specific amount or form of such financial and/or other support from [CITY OR VILLAGE] at a subsequent meeting of this [GOVERNING BODY].

[OPTIONAL EMERGENCY LANGUAGE] **SECTION FOUR:** The immediate necessity for this action is declared an emergency for the preservation of public peace, health, and safety, and for the reasons set forth above, and this ordinance shall take effect immediately upon passage.

[PLEASE INSERT SIGNATURE PAGE IMMEDIATELY AFTER.]

RES-0004-2025

..TITLE

**A RESOLUTION OF THE CITY OF GAHANNA SUPPORTING THE OHIO MUNICIPAL LEAGUE'S CHALLENGE OF AT&T's TARIFF APPLICATION AT THE PUBLIC UTILITIES COMMISSION OF OHIO**

..BODY

**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"); and

**WHEREAS**, AT&T's Tariff Application proposes tariff changes which 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 in its public right-of-way, regardless of the reason for the relocation, ~~This is~~ in direct contradiction of current Ohio law; and

**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 if the PUCO does not rule on the application; and

**WHEREAS**, if AT&T's Tariff Application goes unchallenged and becomes automatically effective, municipalities throughout Ohio (and, subsequently, all constituents including those 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 Tariff A application must be filed prior to ~~the~~ 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 GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO, THAT:**

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

**Section 2.** City Council hereby ~~authorizes and~~ agrees to challenge AT&T's Tariff Application by authorizing the City Attorney to participate ~~in~~ and ~~to~~ intervene in the proceeding at the PUCO ~~in order to challenge AT&T's Tariff Application~~ and any subsequent and/or additional necessary legal, administrative, and legislative efforts; and

**Section 3.** City Council has been advised by the Ohio Municipal League that there is no immediate financial support requested; however, future financial and/or other support from the City of Gahanna may be necessary to ~~the success~~fully of a challenge ~~to~~ AT&T's Tariff Application and complete any related legal, administrative, or legislative efforts. The City of Gahanna may ~~take under~~ consider, at a subsequent meeting of this City Council,~~ation~~ the specific amount or form of such financial and/or other support. ~~from the City of Gahanna at a subsequent meeting of this City Council.~~

**Section 4.** That this Resolution shall be in full force and effect upon passage of this City Council and signature of approval by the Mayor.