

Subject: Member Alert: AT&T Proposed Tariff Revision to Require Municipalities to Pay for Relocation of Utilities
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From: The Ohio Municipal League<info@omlohio.org>
To: Council

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Member Alert

Jan. 8, 2025

Urgent Action Required to Prevent AT&T Tariff Revision from Taking Effect

Municipalities Would be Required to Pay for Relocation of Facilities

OML Members:

On Dec. 18, AT&T filed a proposed tariff request with the Public Utilities Commission of Ohio (PUCO) that impacts governmental entities, including municipalities. The revision would require any governmental entity requesting the relocation and undergrounding of communications facilities existing in a public right of way to pay the cost incurred by AT&T for such a relocation.

If unchallenged, this tariff revision will become effective on Jan. 18, 2025. The Ohio Municipal League and other associations plan to intervene, and we need your help.



Background

Under current Ohio law, a municipality can require public utilities to relocate their lines at their own expense in order to accommodate the municipality's governmental function. However, the Ohio Supreme Court has held that if a tariff contains a provision requiring a city to cover costs of relocating utilities, the tariff language supersedes any city ordinance requiring the utility to cover the charges.

If AT&T's tariff change becomes effective, the tariff gives AT&T the ability to charge municipalities in advance when they relocate facilities, even if the relocation is required for safety or public welfare purposes.

This change would shift costs from the company to the taxpayers. Additionally, if AT&T is successful in having Ohio law changed through a tariff revision, then other utilities such as Columbia Gas of Ohio and AEP-Ohio can make the same filing -- further hindering municipalities in their projects and causing their costs to increase.

Take Action

Challengers need to file a Motion to Intervene well in advance of Jan. 18, when the tariff becomes automatically effective, and OML has engaged with Taft Stettinius and Hollister for this purpose.

To avoid any standing issues and to emphasize the importance of this cost shift to municipalities, OML is requesting that our members adopt an ordinance to include your municipality in this effort. Agreeing to participate does not commit your municipality at this time to financial support, although if the matter is not resolved at the PUCO level, a request may be made for financial assistance (your municipality can decide at that point if you want to continue as a party to the proceedings).

Please provide the consent to include your municipality in this very important effort by Tuesday, Jan. 14.

Sign-on Process

You can view this [Sample Ordinance/Resolution \(Word doc\)](#) if your municipality requires council action to participate. Otherwise, you can just let OML Legal Counsel Garry Hunter know you want to participate by emailing ghunter@omaaohio.org and CCing info@omloho.org.

If you want to participate but cannot meet the Jan. 14 deadline, go ahead and get consent and we can amend the filing to add municipalities. We need as many municipalities on the original filing as possible to avoid possible standing issues for OML.

Thank you for your timely response and attention to this issue.



The Ohio Municipal League | omlohio.org

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