

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of AT&T :
Ohio to Include its Relocation of : Case No. 24-1123-TP-ATA
Facilities Requirement :

**MOTION TO INTERVENE OF
OHIO MUNICIPAL LEAGUE, OHIO MAYORS ALLIANCE,
OHIO TOWNSHIP ASSOCIATION, COUNTY COMMISSIONERS ASSOCIATION
OF OHIO, COUNTY ENGINEERS ASSOCIATION OF OHIO, CITY OF
CINCINNATI, CITY OF CLEVELAND, CITY OF COLUMBUS, CITY OF
WORTHINGTON, CITY OF ZANESVILLE, AND SUMMIT COUNTY**

Pursuant to R.C. 4903.221 and Ohio Adm.Code 4901-1-11, the Ohio Municipal League (“OML”) on behalf of itself and its members, the Ohio Mayors Alliance (“OMA”) on behalf of itself and its members, the Ohio Township Association (“OTA”) on behalf of itself and its members, the County Commissioners Association of Ohio (“CCAO”) on behalf of itself and its members, the County Engineers Association of Ohio (“CEAO”), the City of Cincinnati (“Cincinnati”), the City of Cleveland (“Cleveland”), the City of Columbus (“Columbus”), City of Worthington (“Worthington”), City of Zanesville (“Zanesville”), and Summit County (collectively, the “Intervenor Applicants”) hereby respectfully move the Public Utilities Commission of Ohio (the “Commission”) for leave to intervene in the above-captioned proceeding with the full powers and rights granted to intervening parties.

As set forth in the attached Memorandum in Support, the Intervenor Applicants have real and substantial interests in this proceeding that may be adversely affected by the outcome of the proposed tariff modifications, and that interest cannot be and is not currently adequately represented by any other existing party. Accordingly, the Intervenor Applicants satisfy the standard for intervention set forth in Ohio statutes and regulations.

Therefore, the Intervenor Applicants respectfully request that the Commission grant this Motion to Intervene for the reasons stated herein and in the attached Memorandum in Support. The Intervenor Applicants also respectfully request that the Commission (1) suspend the automatic approval process of Applicant's tariff application, (2) issue a procedural schedule that permits additional time for further intervenors to move and appear, and (3) set a full evidentiary hearing in this matter. Finally, the Intervenor Applicants request that they be made full parties of record in these proceedings.

Date: January 15, 2025

Respectfully submitted,

/s Christopher L. Miller

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MEMORANDUM IN SUPPORT

R.C. 4903.221 governs intervention before the Commission, and provides that any person¹ “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. In considering an intervention motion, the Commission is to consider “(1) the nature and extent of the prospective intervenor’s interest, (2) the legal position advanced by the prospective intervenor and its probable relation to the merits of the case, (3) whether the intervention will unduly prolong or delay the proceeding, and (4) whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.” *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 2006-Ohio-5853, ¶ 15, citing R.C. 4903.221(B). Ohio Adm.Code 4901-1-11 provides additional intervention guidance, explaining that intervention shall be allowed “upon timely motion” where the intervenor “has a real and substantial interest in the proceeding and * * * is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person’s interest is adequately represented by existing parties.” *Id.*, quoting Ohio Adm.Code 4901-1-11.

A review of the above factors in light of the following facts supports Intervenor Applicants intervention in this matter.

On December 18, 2024, Applicant, The Ohio Bell Telephone Company dba AT&T Ohio (“AT&T”), filed a Telecommunications Filing Form seeking approval of tariff language directed to “relocation and undergrounding” of its facilities when requested to do so by a

¹ Ohio Adm.Code 4901-1-01(M) defines person as “person, firm, corporation, unincorporated association, government agency, the United States, the state of Ohio or one of its political subdivisions, or any other legal cognizable entity including any entity defined as a ‘person’ in division (A) of Section 4906.01 of the Revised Code.”

governmental entity. Specifically, AT&T requests that the Commission approve the following insertion:

When a governmental entity requests the relocation and undergrounding of communications facilities existing in a public way, as defined in section 4939.01 of the Ohio Revised Code, the governmental entity shall be required to pay the cost incurred by the Company for such relocation and undergrounding of the facilities. Facilities will be relocated underground only if such relocation is technically feasible and if space in the public way is available. Payment of the cost of the relocation and undergrounding must be made prior to the relocation and undergrounding. The affected parties shall agree on a schedule for the relocation and undergrounding.

(Emphasis added.) On January 13, 2025, AT&T filed “Correspondence clarifying the intent of the tariff application,” which stated that “The customary relocation of AT&T’s facilities to accommodate municipal projects such as road widening, adding turn lanes, improving intersections, or similar purposes that fulfill public safety and welfare objectives would not be affected by the proposal.” The language of the tariff Application, however, was not revised and still contains the broad overarching revisions to all relocation and undergrounding of AT&T’s facilities regardless of intent. The Intervenor Applicants seek to intervene in this tariff proceeding.

The OML represents the collective interest of Ohio cities and villages and consists of 732 member municipalities, including but not limited to Intervenor City of Worthington and City of Zanesville. Two out of three Ohio residents live in a city or village, which is approximately eight million people across the state. The OMA is a bipartisan coalition of mayors of Ohio’s largest thirty-one urban and suburban communities, including but not limited to Intervenor Cincinnati, Cleveland, and Columbus. The OTA represents the interests of Ohio’s 1,308 townships. The CCAO represents the interests of Ohio’s 88 counties with 282 members, consisting of elected commissioners, county council members, and county

executives. CEAO is a non-profit Ohio corporation and trade association whose membership is comprised of various Ohio county engineers and whose purpose, *inter alia*, is to promote the best practices and policies in the administration of county government for the benefit of the people of the State of Ohio.

As such, the Intervenor Applicants are or represent “governmental entities” at issue in AT&T’s proposed tariff language. Specifically, the entities listed on the attached **Exhibit A** have expressly acknowledged their interest in this proceeding and have communicated their intent to participate and provide support for this intervention motion given the breadth of AT&T’s application. Given the fact that AT&T filed its application directly before the holiday, we believe there will be additional parties interested in intervention, but have not yet committed due to time constraints.

The Intervenor Applicants have a real and substantial interest that may be adversely affected by this proceeding, and that interest cannot be adequately represented by existing parties. More specifically, the Intervenor Applicants own the majority of public rights-of-way in Ohio and have a strong interest in the management, administration, and governance of their respective rights-of-way as well as public utilities’ access to and use of those rights-of-way. AT&T’s tariff application would represent a marked change to existing Ohio law and shift all costs of “relocation and undergrounding” of AT&T’s facilities in the rights-of-way to the governmental entities—and as such, Ohio taxpayers, many of which do not subscribe to AT&T services but would be paying the costs. The Intervenor Applicants, therefore, have a significant stake in being heard on this issue and ensuring that AT&T’s application does not modify or amend the existing status of law in Ohio to the detriment of the Intervenor Applicants. The Intervenor Applicants have a direct, real, and substantial interest in the issue

raised in this proceeding, and are so situated that the disposition of these proceedings will, as a legal and practical matter, impair or impede their ability to protect those interests. Intervenor Applicants' and their counsels' unique knowledge and perspective will contribute to the full development and equitable resolution of the factual issues in this case. Intervenor Applicants' timely intervention will not unduly delay or prolong these proceedings.

Accordingly, the Intervenor Applicants satisfy the criteria for intervention set forth in R.C. 4903.211 and Ohio Adm.Code 4901-1-11. For all the reasons stated herein, the Intervenor Applicants, therefore, respectfully request that the Commission (1) grant this motion and allow the Intervenor Applicants to intervene with full powers and rights granted by the Commission to intervening parties, making the Intervenor Applicants full parties of record; (2) suspend the automatic approval process of AT&T's application, (3) issue a procedural schedule that allows for additional time for intervention motions to be filed, comment submission period, as well as a full briefing schedule, and (4) set this application matter for a full evidentiary hearing.

Date: January 15, 2025

Respectfully submitted,

[Attorney signatures begin on following page]

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CERTIFICATE OF SERVICE

I certify that on January 15, 2025, the foregoing was served via regular U.S. Mail and email to the following:

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EXHIBIT A

List of Governmental Entities Expressly Supporting Intervention

CITIES

City of Akron	City of Lima
City of Andover	City of Macedonia
City of Ashland	City of Mansfield
City of Athens	City of Marysville
City of Avon	City of Mason
City of Barberton	City of Massillon
City of Bay Village	City of Monroe
City of Beavercreek	City of Montgomery
City of Blue Ash	City of Mount Vernon
City of Brooklyn	City of New Albany
City of Brookville	City of New Carlisle
City of Cambridge	City of New Franklin
City of Canal Winchester	City of Niles
City of Canfield	City of North Royalton
City of Canton	City of Oakwood
City of Carlisle	City of Obetz
City of Centerville	City of Oberlin
City of Cheviot	City of Orrville
City of Cincinnati	City of Perrysburg
City of Cleveland	City of Port Clinton
City of Conneaut	City of Powell
City of Columbus	City of Reminderville
City of Cortland	City of Reynoldsburg
City of Coshocton	City of Riverside
City of Cuyahoga Falls	City of Sandusky
City of Dayton	City of Seven Hills
City of Defiance	City of Sharonville
City of Delaware	City of Shelby
City of Dublin	City of Sidney
City of East Liverpool	City of Springboro
City of Eaton	City of Springdale
City of Englewood	City of Springfield
City of Euclid	City of Stow
City of Fairfield	City of Strongsville
City of Fostoria	City of Struthers
City of Franklin	City of Tiffin
City of Gahanna	City of Tipp City
City of Gallipolis	City of Toledo
City of Garfield Heights	City of Troy
City of Germantown	City of Twinsburg

City of Girard
City of Grandview Heights
City of Green
City of Grove City
City of Hamilton
City of Hilliard
City of Hillsboro
City of Huron
City of Independence
City of Kent
City of Kettering
City of Lakewood
City of Lebanon

City of Union
City of Upper Arlington
City of Vandalia
City of Vermilion
City of Warren
City of Washington Court House
City of Westerville
City of Whitehall
City of Wooster
City of Worthington
City of Xenia
City of Zanesville

TOWNSHIPS

Fox Township, Carroll County
Miami Township, Clermont County

Orange Township, Carroll County
Oxford Township, Butler County

VILLAGES

Village of Ashley
Village of Bluffton
Village of Buckeye Lake
Village of Burbank
Village of Carrollton
Village of Castalia
Village of Chagrin Falls
Village of Chippewa Lake
Village of Crestline
Village of Edgerton
Village of Fort Loramie
Village of Geneva-on-the-Lake
Village of Georgetown
Village of Greenfield
Village of Hartville
Village of Jackson Center
Village of LaGrange
Village of Leetonia
Village of Lithopolis
Village of Lockbourne
Village of Mayfield
Village of McConnelsville

Village of Mingo Junction
Village of Minerva
Village of Minster
Village of New Bremen
Village of Newcomerstown
Village of North Kingsville
Village of North Lewisburg
Village of Northfield
Village of Oakwood
Village of Orwell
Village of Peninsula
Village of Powhatan Point
Village of Put-in-Bay
Village of Quaker City
Village of Racine
Village of Rockford
Village of Roaming Shores
Village of South Amherst
Village of South Bloomfield
Village of South Point
Village of South Russell
Village of Versailles

COUNTIES

Hamilton County

Summit County

TRADE ORGANIZATIONS

The Ohio Municipal Electric Association

The Ohio Municipal League

The Ohio Mayors Alliance

Ohio Township Association

County Commissioners Association of Ohio

County Engineers Association of Ohio

**This foregoing document was electronically filed with the Public Utilities
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Summary: Motion to Intervene electronically filed by Ms. Nicole R. Woods on behalf of Ohio Municipal League and Ohio Mayors Alliance and Ohio Township Association and County Commissioners Association of Ohio and County Engineers Association of Ohio and City of Cincinnati and City of Cleveland and City of Columbus and City of Worthington and City of Zanesville and Summit County.