



City of Gahanna

200 South Hamilton
Road
Gahanna, Ohio 43230

Signature

Resolution: RES-0004-2025

File Number: RES-0004-2025

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

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 municipalities 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, in direct contradiction of current Ohio law; and

WHEREAS, AT&T's Tariff Application is subject to a thirty-day auto approval process 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 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. 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 how the City of Gahanna manages and administers its public rights-of-way;

Section 2. City Council hereby agrees to challenge AT&T's Tariff Application by authorizing the City Attorney to participate and intervene in the proceeding at the PUCO 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 successfully challenge AT&T's Tariff Application and complete any related legal, administrative, or legislative efforts. The City of Gahanna may consider, at a subsequent meeting of this City Council, the specific amount or form of such financial and/or other support.

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.

President Merisa Bowers
Merisa K. Bowers

Date 1/13/25

Attest by Jeremy A. VanMeter
Jeremy A. VanMeter
Clerk of Council

Date 1/13/2025

Approved by the Mayor Laurie A. Jadwin
Laurie A. Jadwin

Date 1.13.2025

Approved as to Form PDTZ
Priya D. Tamilarasan
City Attorney

Date 1/13/25