

ORDINANCE 2025-01

AN ORDINANCE OF THE VILLAGE OF SWANTON 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 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 Village Council of the Village of Swanton of Swanton, State of Ohio, that:

SECTION ONE: The Village Council finds that AT&T's Tariff Application directly changes and significantly impacts, to the detriment to the Village of Swanton how this Village manages and administers its public rights-of-way.

SECTION TWO: Village 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, legislative efforts; and

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

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.

Motion to Suspend:

Moved: Kania Second: Westhoven YEAS: 6 NAYS: 0

Vote on Passage

Moved: Kania Second: Westhoven YEAS: 6 NAYS: 0

Date of Passage: January 13, 2025



Neil Toeppe, Mayor

Attest:

I, Holden Benfield, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Ordinance 2025-01, passed on January 13, 2025.



Holden Benfield, Fiscal Officer