

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____

Passed _____, 20____

CITY OF BELPRE RESOLUTION NO. 20 (2025-26)

A RESOLUTION OF THE CITY OF BELPRE, 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, 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 BY THE COUNCIL FOR THE CITY OF BELPRE OF WASHINGTON COUNTY, STATE OF OHIO, THAT:

SECTION I

The Council for the City of Belpre, Ohio finds that AT&T's Tariff Application directly changes and significantly impacts, to the detriment of the City of Belpre and its citizens within the City of Belpre manages and administers its public rights-of-way for the City of Belpre if approved by PUCO;

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SECTION II

The Council for the City of Belpre, Ohio, 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. The Mayor of the City of Belpre is hereby authorized to take any and all actions necessary for the City of Belpre to object to the AT&T's Tariff Applications.

SECTION III

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

SECTION IV

This Resolution is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health and welfare of the citizens of the City of Belpre, Ohio; and for the further reason that the AT&T Tariff Application allows for immediate approval if no objections are entered in before the Public Utilities Commissions of Ohio. Wherefore, this Resolution shall take effect and be in full force from and immediately after its passage by Council and signing by the Mayor.

PASSED:

January 15, 2025

[Signature]
PRESIDENT OF COUNCIL

ATTEST:

Kimberly S. Meredith

PRESENTED TO MAYOR:

1/15/25

[Signature]
MAYOR

APPROVED BY MAYOR:

1/15/25

CLERK'S CERTIFICATION OF PUBLICATION

The undersigned Clerk of the Council of the City of Belpre, Ohio, does hereby certify that on January 16, 2025, this Resolution was published by posting a copy of the same at the five public places designated by the City Council in Ordinance No. 18 (2006-07).

January 16, 2025
Date

[Signature]
CLERK