

*CITY OF STRUTHERS
Ordinance*

NO. 25-005

INTRODUCED BY STRUTHERS CITY COUNCIL

AN ORDINANCE OF THE CITY OF STRUTHERS, OHIO, MAHONING COUNTY SUPPORTING THE OHIO MUNICIPAL LEAGUE'S CHALLENGE OF AT&T'S TARIFF APPLICATION AT THE PUBLIC UTILITIES COMMISSION OF OHIO AND DECLARING AN EMERGENCY.

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 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 ORDAINED, by the Council of the City of Struthers, State of Ohio, Mahoning County, ³/₄s of all members elected thereto concurring:

SECTION 1: Council finds that AT&T’s Tariff Application directly changes and significantly impacts, to detriment to the City of Struthers how this City manages and administers its public rights-of-way;

SECTION 2: Council 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; and

SECTION 3: Council has been advised by the Ohio Municipal League that future financial

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SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including §121.22 of the Ohio Revised Code.

SECTION 5: 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. This ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health and safety of the inhabitants of the City of Struthers, Ohio. Said emergency exists by reason of the fact that said, and, as such, this ordinance shall take effect immediately upon its passage and approval by the Mayor.

PASSED IN COUNCIL THIS 15th DAY OF January, 2025.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 15th DAY OF January, 2025.


CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 15th DAY OF January, 2025.


MAYOR

POSTED ON STRUTHERS CITY WEBSITE & STRUTHERS SOCIAL MEDIA

DATE: January 16, 2025


CLERK OF COUNCIL