

RESOLUTION NO. 002-25

Introduced by _____ Councilor

Seconded by _____ Councilor

Form Approved APG/JS Director of Law

PUBLICATION: I hereby certify that this Resolution was published in a summary manner according to law in the Lima News on _____

Dana Addis, Clerk

VOTE	1ST		2ND		3RD	
	Y	N	Y	N	Y	N
GORDON						
WILKERSON						
THOMPSON						
EHORA						
JONES						
GLENN						
NEEPER						
DIXON						
TOTAL						

A RESOLUTION OF THE LIMA CITY COUNCIL 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 any municipalities in which AT&T facilities are 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; and,

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; and,

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; and,

WHEREAS, Council supports the Ohio Municipal League in its challenge to AT&T’s application; and,

WHEREAS, the Ohio Municipal League has engaged counsel to challenge AT&T’s Tariff Application; and,

WHEREAS, Council finds that passage of this resolution is necessary because of the immediate need for the action authorized herein to meet administrative operational deadlines, and in order to preserve the public peace, property, health, safety, and welfare of the community and its citizens, and to provide for the efficient and effective operation of the municipal government, and by reason thereof, this resolution constitutes a matter of administrative emergency and shall take effect immediately upon its passage, as set forth in Section 33 of the City Charter; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LIMA, ALLEN COUNTY, OHIO, WITH AT LEAST A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1. Lima City Council finds that AT&T's Tariff Application directly changes and significantly impacts, to the detriment to the City of Lima, how this City manages and administers its public rights-of-way.

Section 2. Lima City 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, or legislative efforts, as determined by the Mayor.

Section 3. Lima City Council has been advised by the Ohio Municipal League that future financial and/or other support from the City may be necessary to the success of a challenge to AT&T's Tariff Application and any related legal, administrative, or legislative efforts. The City of Lima may take under consideration the specific amount or form of such financial and/or other support from the City of Lima at a subsequent meeting of this Lima City Council.

Section 4. That the Clerk of Council is hereby authorized and directed upon adoption of this resolution to provide a copy to the local news media.

Section 5. That the Clerk of Council is hereby authorized to cause publication of this resolution to be made in a summary manner as provided by the City Charter.

Section 6. As an administrative emergency this resolution shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it shall not so pass it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it shall not so pass at second reading then it shall take effect and be in full force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2025

Jamie L. Dixon, President

Approved: _____, 2025

Sharetta T. Smith, Mayor

ATTEST: _____
Dana Addis, Clerk of Council