

# Resolution No. 100-2025

By Council Member Kazy and Howse-Jones

**FOR ADOPTION**  
**January 13, 2025**

**AN EMERGENCY RESOLUTION**  
Opposing AT&T's tariff application at the Public Utilities Commission of Ohio and supporting the Ohio Municipal League's challenge of AT&T's tariff application; and further requesting the Director of Law to participate and intervene in the PUCO proceeding challenging said tariff application.

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 ("PUCO"), PUCO Case Nos. 24-1123-TP-ATA and 90-5032-TP-TRF (collectively, "AT&T's tariff application"); and

WHEREAS, AT&T's tariff application proposes tariff changes that would require any governmental entity requesting the relocation and undergrounding of communications facilities existing in a public right-of-way to pay the cost incurred by AT&T for that relocation; and

WHEREAS, the current law in Ohio is that a municipality can require public utilities to relocate their lines at their own expense in order to accommodate the municipality's governmental function; and

WHEREAS, the Ohio Supreme Court has held that if a tariff contains a provision requiring a city to cover costs of relocating utilities, the tariff language supersedes any city ordinance requiring the utility to cover the charges; and

WHEREAS, AT&T's tariff application, if unchallenged within 30 days, is automatically approved and the tariff change becomes effective on the 31<sup>st</sup> day after the date the application is filed; and

WHEREAS, if AT&T's tariff application goes unchallenged and becomes effective, municipalities would be required to pay for any relocation of AT&T facilities, even if the relocation is required for safety or public welfare; and

WHEREAS, challenges to AT&T's tariff application must be filed prior to January 17, 2025 to pause the automatic approval process; and

WHEREAS, this Council finds that AT&T's tariff application directly changes and significantly impacts, to the detriment of the City, how this City manages and administers its public rights-of-way; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council opposes AT&T's tariff application at the Public Utilities Commission of Ohio.

Section 2. That this Council supports the Ohio Municipal League's challenge of AT&T's tariff application.

Section 3. That this Council further requests the Director of Law to participate and intervene on behalf of the City in the PUCO proceeding challenging said tariff application.

Section 4. That the Clerk of Council is directed to transmit copies of this resolution to Garry Hunter of the Ohio Municipal League and to the appropriate persons at the PUCO.

Section 5. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**Res. No. 100-2025**

**REPORT  
after second Reading**

**By Council Member Kazy and Howse-Jones**

**AN EMERGENCY RESOLUTION**

Opposing AT&T's tariff application at the Public Utilities Commission of Ohio and supporting the Ohio Municipal League's challenge of AT&T's tariff application; and further requesting the Director of Law to participate and intervene in the PUCO proceeding challenging said tariff application.

**READ FIRST TIME**

and referred to

**REPORTS**

**READ FIRST, SECOND AND THIRD TIME**

**CITY CLERK**

**READ SECOND TIME**

**CITY CLERK**

**READ THIRD TIME on JANUARY 13, 2025**

**PRESIDENT**

**CITY CLERK**

**APPROVED**

**MAYOR**

Recorded Vol. **112** Page \_\_\_\_\_

Published in the City Record \_\_\_\_\_