

BOARD OF TRUSTEES
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KENDAL A. TRACY
MARK C. SCHULTE

FISCAL OFFICER
ERIC C. FERRY

ADMINISTRATOR /
PUBLIC SAFETY DIRECTOR
STEPHEN M. KELLY



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MIAMI TOWNSHIP

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RESOLUTION 2025-01

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Center on January 13, 2025, with the following members present: Mark Schulte, Ken Tracy, and Mary Makley Wolff.

A motion was made to adopt the following Resolution:

A RESOLUTION SUPPORTING THE OHIO MUNICIPAL LEAGUE'S CHALLENGE OF AT&T'S TARIFF APPLICATION AT THE PUBLIC UTILITIES COMMISSION OF OHIO, DISPENSING WITH A SECOND READING 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"); and

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; 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, 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 Board of Trustees of Miami Township, Clermont County, Ohio as follows:

SECTION 1: That Board finds that AT&T's Tariff Application directly changes and significantly impacts, to the detriment of Miami Township how the Township manages and administers its public rights-of-way.

SECTION 2: That the Board 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.

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

SECTION 4: The Board does hereby dispense with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and authorizes the adoption of this Resolution upon its first reading.

SECTION 5: That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6: This Resolution shall take effect at the earliest period allowed by law.

First Reading: January 13, 2025

Second Reading: Dispensed with


Effective: January 13, 2025

Trustee WOLFF made the Motion and it was seconded by TRACY. On the roll call being called the vote resulted as follows:

Mr. Schulte X
Mr. Tracy X
Ms. Wolff X

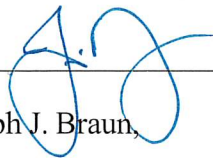
Resolution 2025-01 was adopted January 13, 2025.

ATTEST:



Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:

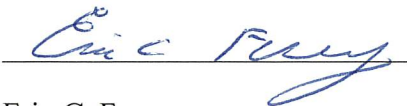


Joseph J. Braun,

Township Law Director

CERTIFICATION OF FUNDS

I hereby certify that at the time of making of this certification the amount required to meet the obligations set forth in this Resolution has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrance.



Eric C. Ferry

Fiscal Officer, Miami Township

