



## Legislation Text

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**File #:** 1837-2014, **Version:** 1

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**BACKGROUND:** The purpose of this legislation is to authorize the Director of Public Utilities to pay the Ohio Power Company dba American Electric Power (AEP) for pole attachment rental fees in accordance with an existing Agreement for the Joint Use of Poles (the "Agreement") executed by the city and Columbus Southern Power dba AEP, Columbus consented to the assignment of the Agreement by Columbus Southern Power to Ohio Power Company as authorized by ordinance number 0550-2013, passed April 22, 2013.

The City of Columbus, Division of Power, and AEP own and operate electric transmission and distribution system facilities throughout Franklin County. Each party owns certain poles which have equipment owned by the other party attached to such poles. The Agreement provides the terms, conditions and rates to be paid for the joint use of poles. Per the terms of the Agreement, an inventory of jointly used poles was conducted in 2012. The Agreement provides that, in the event a pole inventory discloses any attachments that were not previously authorized by the pole owner, the attaching party is to pay annual charges for the attachments for a period of five (5) years or the period from the date of the last inventory, whichever is less, plus six percent interest.

This ordinance authorizes the payment of these charges now due based on this most recent pole inventory. A pending invoice from AEP for a one-time fee for unauthorized pole attachments in the amount not to exceed \$45,800.82 for the period of 1/1/2008 through 12/31/2012 must be paid.

The company is not debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

**COMPANY:** Ohio Power Company dba as the American Electric Power (AEP) contract compliance number is 314271000, expires 07/24/16.

Emergency action is requested in order to process payment in a timely manner.

**FISCAL IMPACT:** There is sufficient budget authority for this expense in the Electricity Operating Fund for this expenditure. In 2012, \$166,830.00 was paid for service dates of 1/1/2012 through 12/31/2012. In 2013, \$168,690.00 was paid for service dates of 1/1/2013 through 12/31/2013.

To authorize the Director of Public Utilities to pay Joint Use of Poles Rental Fees to Ohio Power Company dba AEP in accordance with the terms of an existing agreement and to modify said agreement, to authorize the expenditure not exceeding \$45,800.82 from the Electricity Operating Fund, and to declare an emergency. (\$45,800.82)

**WHEREAS,** the Division of Power and Ohio Power Company dba AEP own and operate electric transmission and distribution system facilities throughout Franklin County; and

**WHEREAS,** each party owns certain poles which have equipment owned by the other party attached to such poles; and

**WHEREAS,** an existing Agreement for Joint Use of Poles was executed between Columbus Southern Power and the City of Columbus and provides the terms, conditions and rates to be paid for the joint use of poles; and

**WHEREAS**, Columbus consented to the assignment of the Agreement for Joint Use of Poles by Columbus Southern Power to Ohio Power Company pursuant to ordinance number 0550-2013 passed April 22, 2013; and

**WHEREAS**, pursuant to the terms of the Agreement for Joint Use of Poles it is necessary to authorize an expenditure to pay Ohio Power Company dba AEP for attachments that were disclosed during a pole inventory and were not previously authorized by AEP for the period of 1/1/2008 through 12/31/2012; and

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Power, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to pay Ohio Power Company dba AEP for Joint Use of Poles Rental Fees in a timely manner and to modify the existing agreement for the immediate preservation of public health, peace, property and safety; now, therefore;

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Public Utilities be and is hereby authorized to modify an existing Agreement for the Joint Use of Poles with Ohio Power Company dba American Electric Power (AEP) to pay rental fees due in accordance with said existing agreement for attachments that were not previously authorized by AEP.

**SECTION 2.** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 3.** That the expenditure not exceeding \$45,800.82, or as much thereof as may be needed, is hereby authorized from the Electricity Operating Fund, Fund 550, Division 60-07, OCA 600783, Object Level Three 3302.

**SECTION 4.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.