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CITY OF MARIETTA

Office of the Law Director
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Paul G. Bertram, III
Law Director

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December 13, 2018

Barcy F. McNeal, Secretary
Tanowa Troupe, Acting Secretary
Susan Patterson, Acting Secretary
Beverly Hoskinson, Acting Secretary
OHIO PUBLIC UTILITIES COMMISSION
180 East Broad Street
Columbus, OH 432150-3793

Re: The East Ohio Gas Company d/b/a/ Dominion Energy Ohio
vs
The City of Marietta, Ohio
CASE NO. 18-0290-GA-PWC

Dear Madames:

On December 21, 2017, the City of Marietta Ohio passed Ordinance Number 316 (16-17) [as amended]. This Ordinance was an Ordinance to enact Chapter 910 of the Codified Ordinances of the City of Marietta, Ohio, relating to the creation of the Comprehensive Right-of-Way Ordinance for the City of Marietta.

On March 30, 2018, The East Ohio Gas Company, d.b.a. Dominion Energy Ohio, filed a "Complaint and Appeal From Public Way Ordinance" with the Public Utilities Commission of Ohio. The case number assigned to this matter was 18-0290-GA-PWC.

The City of Marietta Ohio has now repealed Ordinance Number 316 (16-17). I have enclosed herein for filing with the Ohio Public Utilities Commission a copy of Ordinance Number 103 (18-19) passed on August 22, 2018. Said Ordinance 103 (18-19) verifies that the original Comprehensive Right-of-Way Ordinance (316 (16-17) has been repealed.

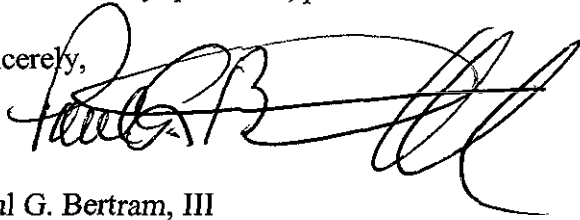
Again, please file the enclosed copy of Ordinance Number 103 (18-19) so as to verify that Ordinance Number 316 (16-17) has been repealed.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician mmm Date Processed 12/17/18

If you have any questions, please don't hesitate to contact me at (740) 373-4171.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul G. Bertram, III", with a large, stylized flourish extending to the right.

Paul G. Bertram, III
Marietta City Law Director

Enc.

cc: Andrew J. Campbell
Attorney at Law
WHITT STURTEVAN LLP
The Key Bank Building, Suite 2590
88 East Broad Street
Columbus, Ohio 43215

ORDINANCE NO. 103 (18-19)

An Ordinance to repeal Ordinance No. 316 (16-17) which enacted Chapter 910 of the Codified Ordinances of the City of Marietta, Ohio, and declaring an EMERGENCY.

WHEREAS, on December 21, 2017, the Council of the City of Marietta, Ohio, adopted Ordinance No. 316 (16-17) which enacted Chapter 910 of the Codified Ordinances of the City of Marietta, Ohio; and,

WHEREAS, on March 29, 2018, Dominion East Ohio Gas filed a Complaint before the Ohio Public Utilities Commission. As a result of said Complaint, Chapter 910 of the Codified Ordinances of the City of Marietta, Ohio were suspended; and,

WHEREAS, on May 2, 2018, Ohio Governor John Kasich signed House Bill 478 which became effective August 1, 2018. As a result of House Bill 478, the City of Marietta's Right-of-Way Ordinance Policy has become essentially ineffective; and

WHEREAS, it is the intention of the City of Marietta, Ohio, to repeal Ordinance No. 316 (16-17) and to enact a new comprehensive Right-of-Way Policy that will encompass tall sites, medium sites and small sites, and solidify municipal authority to regulate its Right-of-Way Policy in accordance with Federal, State and Local laws.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:

Section 1: That Ordinance No. 316 (16-17) which enacted and established Chapter 910 of the Codified Ordinances of the City of Marietta, Ohio, shall be and is hereby REPEALED.

Section 2: That this Ordinance shall be and is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health and safety of the City of Marietta, Ohio, and for the further reason that Chapter 910 needs to be completely redrafted so as to comply with House Bill 478 and Ohio Revised Code 4939. The new,

ORDINANCE NO. 103 (18-19)
PAGE TWO

Chapter 910 which will encompass a new Right-of-Way Policy that is compliant with all Federal, State and Local laws, must be enacted prior to December 31, 2018.

WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Introduced by the Streets and Transportation Committee, Kathy Downer, Chairwoman.

Kathy Downer
Chairwoman

Passed this 22nd day of August, 2018.

[Signature]
President of Council

ATTEST:

Nancy Johnson
Clerk of Council

Approved this 23rd day of August, 2018.

[Signature]
Mayor

First Reading August 22, 2018

Second Reading Suspended

Third Reading Suspended