



CITY OF | **UPPER
ARLINGTON**

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HAND DELIVERY

March 22, 2009

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, OH 43215-3793

**Re: City of Upper Arlington, Ohio: Notice of an Increase of the Public Way Fees
Pursuant to a Public Way Ordinance by a Municipal Corporation**

Case No. 10-0382-AU-UNC Pwn

Dear Sir/Madam:

On behalf of the City of Upper Arlington, Ohio ("City") and pursuant to the requirements of R.C. § 4939.05(E) and the Commission's July 23, 2002 Entry I Case No. 02-1728-AU-UNC, the City hereby serves notice upon the Commission of its consideration and proposed enactment of a proposed increase of the Public Way Fees set forth in the City's current Public Way Ordinance, which is presently captioned as Chapter 933 of the Upper Arlington Codified Ordinances. Additionally, the City shall amend § 401.06 of the Upper Arlington Codified Ordinances to revise its Fee Schedule to reflect the increased Public Way Fees.

Pursuant to Rule 4901-1-02 OAC, attached to this correspondence is one (1) original and eleven (11) copies of an Entry captioned "Notification of a Proposed Public Way Fee Assessment Increase Within the Public Way Ordinance of the City of Upper Arlington, Ohio".

Please provide one (1) time-stamped copy of the attached Entry to the Representative hand-delivering this information.

Very truly yours,

Tom Lindsey
First Assistant City Attorney
City of Upper Arlington

c: Jeanine Hummer, City Attorney

RECEIVED-DOCKETING DIV
2010 MAR 22 PM 1:15
PUCO

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Technician [Signature] Date Processed 3/22/10

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-BOOKKEEPING DIV

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Notification of a Proposed Public Way)
Fee Assessment Increase Within the)
Public Way Ordinance of the)
City of Upper Arlington, Ohio)

Case No. 10-0382-AU-UNC

**NOTIFICATION OF A PROPOSED PUBLIC WAY FEE ASSESSMENT
CHANGE WITHIN THE PUBLIC WAY ORDINANCE
OF THE CITY OF UPPER ARLINGTON, OHIO**

The City of Upper Arlington, Ohio, ("City"), by and through its legal counsel, hereby notifies the Public Utilities Commission of Ohio, in accordance with R.C. 4939.05(E) and the Commission's Entry of July 23, 2002 in Case No. 02-1728-AU-UNC, of the intention of the City of Upper Arlington as an Ohio Municipal Corporation to consider the enactment of a revision to the Registration Maintenance Fee and Construction Permit Fees contained within Chapter 933 of the Upper Arlington Codified Ordinances, and correspondingly, an amendment of the Public Way Fee Schedule set forth in Chapter 401.

In 2009, the City calculated the Registration Maintenance Fee at \$41.11 per mile of occupancy by a Provider. The Construction Permit Fee was calculated at \$187.00 per permit.

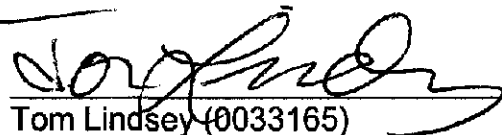
U.A.C.O. § 933.05(8) requires the City to perform an annual calculation of its Registration Maintenance Fees following receipt of the Utility Service Provider's required January 1st mileage report. U.A.C.O. § 933.15(D) requires the City to perform a similar annual calculation of its Construction Permit Fees

based on all the actual and incurred Construction Permit issuance, inspection, oversight, enforcement and regulation costs for the previous calendar year including the value of the degradation and reduction in the useful life of the Rights of Way that will result from Construction that takes place therein.

Based upon the method of calculation set forth in Upper Arlington Codified Ordinance Chapter 933 and the 2009 actual cost figures, the 2010 fees have changed. The Registration Maintenance Fee shall be decreased from \$41.11 to \$35.96 per mile of occupancy by a Provider. The Construction Permit Fee shall be increased from \$187.00 per permit to \$267.00 per permit.

Appended hereto for the Commission's reference is a summary of the specifics of the calculations involved in establishing the City's 2010 public way fees and a copy of the proposed ordinance to establish the fees. Upon passage of the proposed ordinance by the Upper Arlington City Council, it is the intent of the City to assess such fees thirty (30) days after the passage of the above referenced ordinance.

Respectfully submitted,



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First Assistant City Attorney
City of Upper Arlington
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ATTORNEY FOR RESPONDENT
THE CITY OF UPPER ARLINGTON

EXHIBIT A

**2009
CERTIFICATE OF REGISTRATION COSTS (C.O. Section 933.05)**

Name	%	Total Hours	Actual Hours	Rate	2009 Cost
Bales, Charles	12.9%	2080	268.625	\$36.90	\$9,912.26
Sowry, Robin	5.0%	2080	104	\$52.57	\$5,467.28
Lindsey, Thomas	4.0%	2080	83.2	\$74.58	\$6,205.06
Miller, Jenna	1.1%	2080	22	\$26.13	\$574.86
Wehner, Mary	0.4%	2080	8	\$50.54	\$404.32
					<u>\$22,563.78</u>

Total Mgt./ Admin. City Costs	Divided by	Total No. of ROW Miles*	Equals	Per/Mile Cost
\$22,563.78	Divided by	627.46 miles	=	\$35.96
Utility	Per/Mile Cost	ROW Miles		Annual Registration Maintenance Fee
WOW	\$35.96	x 23 miles	=	\$827.09
Time Warner	\$35.96	x 43 miles	=	\$1,546.30
SBC/AT&T	\$35.96	x 35 miles	=	\$1,258.62
AEP	\$35.96	x 24 miles	=	\$863.05
XO	\$35.96	x 10 miles	=	\$359.61
Col. Gas	\$35.96	x 158 miles	=	\$5,681.76

***Total Number of ROW Miles Reported:**

WOW	23.00 miles
Time Warner	43.00 miles
SBC/AT&T	35.00 miles
AEP	24.00 miles
XO	10.00 miles
Columbia Gas	158.00 miles
UA storm sewers	98.00 miles
UA sanitary sewers	47.00 miles
UA traffic signals	5.74 miles
UA street lights	37.72 miles
Cols. Water lines	146.00 miles
TOTAL:	<u>627.46 miles</u>

2009 CONSTRUCTION PERMIT COSTS

2009 PERMITS ISSUED FOR ROW WORK

No. of ROW Work Permits Issued	Description of Permit	Cost Each	Total
12	New Driveway permit	\$75.00	\$900.00
122	Replacement Driveway permit	\$58.00	\$7,076.00
4	Replacement Driveway permit	\$116.00	\$464.00
192	Construction	\$106.00	\$20,352.00
17	Construction -UA Related	\$106.00	\$1,802.00
175	Construction	\$187.00	\$32,725.00
4	Construction -UA Related	\$187.00	\$748.00
52	Tree permits	\$0.00	\$0.00
578 TOTAL PERMITS			\$64,067.00

2009 EMPLOYEE HOURS IN ROW WORK

Name	% Work	Total Hours	Actual Hours	Rate	Cost
Bales, Charlie	38.7%	2,080	805.88	\$36.90	\$29,736.79
Selegue, Paul	0.3%	2,080	5.5	\$39.62	\$217.91
Barnhart, Jeffrey	0.2%	2,080	4.5	\$41.67	\$187.52
Salyer, Jim	1.4%	2,080	30	\$20.30	\$609.00
Palmer Jr., James	0.9%	2,080	18.5	\$42.35	\$783.48
Miller Jr., Emory	0.7%	2,080	14	\$48.62	\$680.68
Williams, Dale	21.8%	2,080	453	\$21.84	\$9,893.52
Reinmann, William	1.3%	2,080	28	\$38.41	\$1,075.48
French, Sebastian	0.2%	2,080	5	\$40.04	\$200.20
Tidd, David	1.8%	2,080	36.5	\$34.68	\$1,265.82
Howard, Rick	0.1%	2,080	3	\$36.52	\$109.56
Klink, Chad	100.0%	2,080	2080	\$33.78	\$70,262.40
Chesser, Mike	0.1%	2,080	3	\$34.23	\$102.69
Cothrel, Steve	2.4%	2,080	50	\$55.80	\$2,790.00
Staats, David	2.8%	2,080	58	\$45.94	\$2,664.52
Fino, Julie	1.2%	2,080	24	\$39.71	\$953.04
Metcalf, Lisa	2.1%	2,080	43	\$31.82	\$1,368.26
Geiger, Robert	3.1%	2,080	65	\$44.90	\$2,918.50
TOTAL:					\$125,819.36

Consultant fees paid for waterline locating and paint	\$28,778.37
	<u>\$154,597.73</u>

2009 CONSTRUCTION PERMIT FEES

2009 Actual Construction Permit Costs	divided by	No. of Permits Issued in 2009	equals	2009 Permit Cost
\$154,597.73	divided by	578	=	\$267.00