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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. 40 -2021

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8 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
9 LICENSE AGREEMENT, WITHOUT COMPETITIVE BIDDING, WITH
10 AMP TRANSMISSION, LLC FOR THE AMPT 69 kV CONVERSION
11 PROJECT, AND DECLARING AN EMERGENCY.
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14 WHEREAS, the City of Cuyahoga Falls, Ohio (City) is a political subdivision organized and
15 existing pursuant to the laws of the state of Ohio which owns and operates an electric utility
16 system for the sale of electric power and associated energy for the benefit of its citizens and
17 taxpayers; and
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19 WHEREAS, AMP Transmission, LLC (AMPT) is a nonprofit transmission owner and affiliate
20 of American Municipal Power, Inc. (AMP), that owns and operates transmission facilities in
21 PJM Interconnection, L.L.C. (PJM); and
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23 WHEREAS, the City’s distribution system is interconnected to and operates in parallel with
24 American Transmission Systems, Incorporated’s (ATSI) transmission system; and
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26 WHEREAS, ATSI has determined that in order for ATSI to resolve outage risks associated
27 with ATSI’s 138 kV double circuit line feeding Valley substation that could result in a loss of
28 the City’s 23 kV network and approximately 80 MWs, ATSI proposed a solution to bring a 138
29 kV delivery to the City’s Substation #5 (Sub #5); and
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31 WHEREAS, to avoid new North American Electric Reliability Corporation (NERC) obligations
32 associated with ownership of 138 kV transmission facilities, the City sold its bulk electric
33 system facilities to ATSI in 2018. The City desires and AMPT agrees that AMPT will undertake
34 the engineering, construction, ownership and operation of a new 138/69/23 kV transformer
35 and 138 kV breaker at the Service Complex area by Sub #5; a new 69 kV transmission path
36 between the Service Complex and Valley Substation; a new 138/69/23 kV transformer and
37 138 kV breaker (if needed) at the Valley Substation; and possibly convert existing substations
38 to take 69 kV delivery (collectively referred to as the AMPT 69kV Conversion Project), as more
39 fully described herein; and
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41 WHEREAS, in order to determine whether the above-proposed AMPT 69 kV Conversion
42 Project is feasible, AMPT needs to undertake a detailed assessment of three possible routes for
43 a 69 kV transmission line east to west through the City; and
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45 WHEREAS, the Parties wish to definitively agree on the respective rights and obligations of
46 each Party relating to the AMPT 69 kV Conversion Project by entering into a License
47 Agreement, Lease Agreement and other related agreements as necessary.
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49 NOW THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County
50 of Summit, and State of Ohio, that:
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52 Section 1. The Mayor is authorized to execute the License Agreement for the AMP
53 Transmission, LLC (AMPT) 69 kV Conversion Project and is further authorized to execute and
54 deliver any and all documents necessary to complete the AMPT 69 kV Conversion Project.
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56 Section 2. The Mayor, Director of Public Service, Director of Finance, Director of Law and
57 any other public officials, individually or collectively as may be appropriate, are authorized to
58 prepare and execute such other documents and do all other things as necessary or incidental
59 to carrying out the intent and/or requirements of the License Agreement and/or the AMPT 69
60 kV Conversion Project

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62 Section 3. Competitive bidding is not required on the City's license of AMPT to undertake
63 the engineering, replacement work, ownership and operation of the AMPT 69 kV Conversion
64 Project.

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66 Section 4. Any ordinances or resolutions or portions of ordinances and resolutions
67 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions
68 not inconsistent herewith and which have not previously been repealed are hereby ratified and
69 confirmed.

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71 Section 5. It is found and determined that all formal actions of this Council concerning and
72 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and
73 that all deliberations of this Council and of any of its committees that resulted in such formal
74 action, were in meetings open to the public, in compliance with all legal requirements, to the
75 extent applicable, including Chapter 107 of the Codified Ordinances.

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77 Section 6. This ordinance is hereby declared to be an emergency measure necessary for the
78 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
79 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of
80 the members elected or appointed to Council, it shall take effect and be in force immediately
81 upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the
82 earliest period allowed by law.

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85 Passed: 6-14-2021



President of Council



Clerk of Council

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92 Approved: 6-15-2021



Mayor

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94 5/24/21

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96 Agreement.docx