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CITY OF CUYAHOGA FALLS, OHIO

ORDINANCE NO. 118 - 2023

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO THE 2023 NPP POWER POOL PARTICIPANT SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC., AND DECLARING AN EMERGENCY.

WHEREAS, the City of Cuyahoga Falls owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and customers; and

WHEREAS, the City of Cuyahoga Falls is located in the PJM Interconnection, LLC ("PJM") transmission system territory and is subject to the PJM transmission system regulations and costs as outlined in the PJM Governing Documents; and

WHEREAS, to satisfy the electric capacity, energy, and other requirements of its electric utility system, the City has purchased economical and reliable capacity, energy and related services from American Municipal Power, Inc. ("AMP"), an Ohio non-profit corporation of which the City is a member; and

WHEREAS, to take advantage of economies of scale and to recognize the joint scheduling, interconnection, operation, and transmission arrangements that AMP Members coordinate and share through AMP, those Members desire to form a combined pool NPP to jointly purchase, manage, and coordinate power supplies and related services for Members executing this Schedule; and

WHEREAS, the City and AMP desire to enter into a Power Pool Schedule ("Schedule") for (i) energy, capacity, related product scheduling, and operations under the PJM Governing Documents and (ii) economic purchases of capacity, energy, and related products for the beneficial use of Pool Participants.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit, State of Ohio, that:

Section 1. The form of the 2023 NPP Power Pool Participant Schedule, including Appendices, on file with the Clerk of Council is hereby approved, together with such modifications and revisions approved by the Director of Public Service, Director of Law or other necessary City officials and which are not substantially adverse to the City.

Section 2. The Director of Public Service is authorized to enter into a power scheduling agreement known as the 2023 NPP Power Pool Participant Schedule with American Municipal Power, Inc.

Section 3. The City authorizes AMP to purchase on the City's behalf, in accordance with the 2023 NPP Power Pool Participant Schedule, and the City agrees to reimburse AMP for costs incurred by AMP for Pool Resources and services plus service fees associated with the purchase of Pool Resources and services.

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Section 4. The Director of Public Service, or designee, is hereby designated as the City's authorized personnel to approve and authorize AMP's acquisition of Pool Resources and to vote on Pool activities according to the 2023 NPP Power Pool Participant Schedule.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances.

Section 6. If any section, subsection, paragraph, clause or provision or any part thereof of this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

Section 7. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed: 11-27-2023



President of Council



Clerk of Council

Approved: 11-27-2023



Mayor

11/13/23