

Ordinance No. 588-2026

By Council Members Kazy and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

To amend Section 523.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1662-09, passed December 7, 2009, relating to net metering service.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Section 523.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1662-09, passed December 7, 2009, is amended to read as follows:

Section 523.26 Net Metering Service Distributed Generation Net Billing

(a) *Applicability.* ~~Net metering shall be available to residential and non-residential customers who:~~ Distributed Generation Net Billing shall be available to residential and non-residential customers who:

(1) Purchase their requirements of electric service from ~~the Division~~ Cleveland Public Power under the applicable rate schedule;

(2) Own and operate distributed generation as defined in Section 523.25 that uses Advanced Energy Resources; and

(3) Are interconnected according to the terms of Section 523.25.

(b) *Definitions.* As used in this section:

(1) “Advanced Energy Resources” means generation produced by fuel cells, waste-to-energy generation, low-impact hydropower, wind power, biomass, solar power, landfill gas, solar photovoltaic, batteries, or solar thermal resources.

(2) ~~“Net energy” is the difference, positive or negative, between the amount of electricity supplied by the Division to the customer through the Division’s electric distribution system and the amount of electricity generated by the customer’s distributed generation which is fed back into the Division’s electric distribution system.~~

(2) “Customer Owned Generation Credit” is the credit Cleveland Public Power shall provide to the owner of distributed generation when the energy supplied by the customer’s distributed generation exceeds the amount of energy consumed by the customer in a billing period.

(3.) ~~“Net metering” is a method of measuring the difference, positive or negative, between the kilowatt hours of electricity supplied by the Division to the customer through the Division’s electric distribution system and the kilowatt hours of electricity generated by the customer’s distributed generation which is fed back into the Division’s electric distribution system.~~

(3) “Distributed Generation Net Billing” is a method of measuring the difference, positive or negative, between the kilowatt hours of electricity supplied

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by Cleveland Public Power to the customer through Cleveland Public Power's electric distribution system and the kilowatt hours of electricity generated by the customer's distributed generation that is fed back into Cleveland Public Power's electric distribution system.

(c) To best operate the utility system, distributed generation should be designed and installed as near as possible to meet the premise load; as the Division deems appropriate for safety and reliability purposes.

(d) ~~(e)~~ Billing and Charges. The customer shall pay for the net energy used in accordance with the following rules:

(1) The customer shall pay Cleveland Public Power for all electric services as identified in the applicable rate schedule. For electricity supplied by the Division to the customer in excess of the electricity generated by the customer during any billing period, the customer shall pay the rates and charges under the applicable rate schedule.

(2) The energy supplied by the customer's distributed generation will reduce the Power Supply Recovery charged as defined in Section 523.21 up to the amount consumed by the customer in the billing period for accounts charged under 523.02 through 523.047. For accounts that are charged under 523.049 through 523.0491, the customer's distributed generation will reduce the embedded purchased power rate, transmission, and other charges due as defined in the applicable rate schedule.

~~(2)~~(3) The energy supplied by the customer's distributed generation in excess of the amount consumed by the customer will be credited to the customer based on the Customer Owned Generation Credit. The Customer Owned Generation Credit will be calculated based on Cleveland Public Power's power costs, which shall not include transmission, capacity, or any other costs to deliver to customer. This rate will be determined and updated at the time the Power Supply Recovery is updated as directed in Section 523.21 for accounts billed under 523.02 through 523.0491. The customer shall receive a credit in kilowatt hours for electricity generated by the customer in excess of the kilowatt hours of electricity supplied by the Division during any billing period. Such credit shall be carried over and applied to offset the customer's consumption during subsequent months until termination of customer's service.

(4) Effective upon passage, any existing kWh credit will be converted to a non-refundable monetary credit calculated in accordance with Section 523.26(d)(3) for Customer Owned Generation Credits, which shall be applied to the customer's account within two years of the Effective Date. If on December 31, 2028, any credit earned prior to the Effective Date remains, said credit shall be forfeited and removed from the customer's account.

(5) If the Customer Owned Generation Credit in any month exceeds the amount of the customer's monthly bill, the surplus will be applied as a non-refundable monetary credit to the customer's account. Any unused credits remaining on December 31st of each calendar year shall not be carried over to the new year and will be removed from the account and forfeited.

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~~(3)~~(6) If a customer terminates service, any remaining credit balance in favor of the customer shall be ~~zeroed out~~ removed and forfeited with no liability to ~~the Division~~ Cleveland Public Power.

Participating customers shall be subject to all other charges, rates, terms and conditions of the applicable rate schedule except as expressly altered by this rate schedule.

~~(d) —~~ *Metering*. Net energy shall be measured using a single meter which shall be installed, owned, and maintained by the Division and shall be capable of registering the flow of electricity in two (2) directions. The Division may offer advanced metering, which shall be supplied at the customer's cost and shall be installed, owned, and maintained by the Division.

(e) *Application*. Customers requesting service under this schedule must submit a written application for interconnection pursuant to Section 523.25.

Section 2. That existing Section 523.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1662-09, passed December 7, 2009, is repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected 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 from and after the earliest period allowed by law.

GB:uo
5-11-26

FOR: Director Keane

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**READ FIRST TIME on MAY 11, 2026 REPORTS
and referred to DIRECTORS of Public Utilities, Finance, and Law;
COMMITTEES on Utilities, Finance, Diversity, Equity and Inclusion**

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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**REPORT
after second Reading**

PASSAGE RECOMMENDED BY
COMMITTEE ON
UTILITIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**FINANCE, DIVERSITY, EQUITY
and INCLUSION**

FILED WITH COMMITTEE
