

Ordinance No. 360-18

Council Members Keane and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the City of Cleveland to participate in the Northeast Ohio Public Energy Council for electric aggregation services and power supply program to serve residential and small commercial customers from the June 2018 through the May 2020 meter read cycle; and approving NOPEC's Plan of Operation and Governance for the City of Cleveland's electric aggregation and power supply program.

WHEREAS, the City of Cleveland (the "City") seeks to participate in the Northeast Ohio Public Energy Council's ("NOPEC") electric aggregation and power supply program established for the benefit of its member communities; and

WHEREAS, Section 4928.20 of the Revised Code permits a municipality to create an electric aggregation and power supply program and thereby combine the electricity loads of its residents and small commercial customers for the purpose of seeking sources of electricity for such customers; and

WHEREAS, on November 7, 2000, the electors of the City voted to authorize such a program in the City; and

WHEREAS, under Section 4928.20 of the Revised Code, the City is authorized to establish an opt-out electric aggregation and power supply program for the benefit of eligible electric customers located within the City; and

WHEREAS, through Ordinance No. 799-03, passed June 2, 2003, the City entered into a membership agreement with NOPEC; and

WHEREAS, under division (C) of Section 4928.20 of the Revised Code, the legislative authority or board of a municipality developing an automatic aggregation program is required to adopt a Plan of Operation and Governance ("POG") for its municipal aggregation program; and

WHEREAS, governmental aggregation provides an opportunity for the City to combine the electric loads of its residents and small commercial customers and offer electrical customers the ability to participate in any benefits of electric deregulation; and

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WHEREAS, this Council previously enacted legislation authorizing the City to join NOPEC's natural gas aggregation program to enable the City to act jointly with other member political subdivisions and maximize any benefits of energy deregulation through group purchasing efforts; and

WHEREAS, on behalf of this Council under Section 4928.20 of the Revised Code, two public hearings have been held on the POG for the NOPEC electric aggregation and power supply program; and

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 this Council finds and determines that it is in the best interest of the City of Cleveland, and certain electric customers within the City, to participate in the opt-out electric aggregation services and power supply program offered by NOPEC, on the basis of the NOPEC proposal dated July 20th, 2017, and re-freshed pricing proposal dated January 4th, 2018, which are placed in File No. 360-18-A.

Section 2. That the Director of Finance, or the City's designee, shall serve as the City of Cleveland's representative to the General Assembly of NOPEC to represent the City and the City's interest. The representative shall serve in his or her official capacity.

Section 3. That the Director of is authorized to make any applications or filings with the Public Utilities Commission of Ohio and execute any documents as may be necessary to implement the governmental aggregation program authorized by this ordinance.

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Section 4. That the Director of Finance is authorized to provide notice to NOPEC of the City's intention to withdraw from NOPEC's electric aggregation services and power supply program no later than six months before the end of the program term if the Director determines withdrawal is in the City's best interest.

Section 5. That this Council adopts the POG in substantially the form contained in the above-mentioned Council File for the implementation and administration of Cleveland's municipal electric aggregation program under Section 4928.20 of the Revised Code.

Section 6. That this Council finds and determines that all formal actions of this Council concerning and relating to the adoption 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 the law.

Section 7. 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.

HAM:GB:nl
3-26-19

FOR: Director Dumas

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READ FIRST TIME on MARCH 26, 2018
and referred to DIRECTORS of Public Utilities, Finance, Law;
COMMITTEES on Utilities, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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COMMITTEE ON
UTILITIES**

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