

Ordinance No. 631-2023 AS AMENDED

By Council Members Kazy and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the City of Cleveland to participate in the Sustainable Ohio Public Energy Council electric aggregation program to serve residential and small commercial customers; and authorizing the Directors of Finance and/or Public Utilities to enter into one or more contracts with the sustainable Ohio Public Energy Council to implement the electrical aggregation program, for a period of one year beginning with the August 2023 meter read cycle, with two one-year options to renew exercisable by the Director of Finance and/or Public Utilities exercisable by additional legislative authority.

WHEREAS, under Section 4928.20 of the Revised Code, the City of Cleveland, Ohio (the “City”) is authorized to establish an opt-out electric aggregation program for the benefit of eligible electric customers located within the City; and

WHEREAS, under R.C. Section 4928.20, the City may exercise such authority jointly with other political subdivisions in the State of Ohio; 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

WHEREAS, the City seeks to participate in the Sustainable Ohio Public Energy Council (“SOPEC”) electric supply aggregation program established for the benefit of its member communities; 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 program offered by SOPEC, on the basis of ~~the SOPEC~~ SOPEC’s proposals dated 5/1/2023 and 5/5/2023.

Section 2. That the Directors of Finance and/or Public Utilities are authorized to enter into one or more contracts with SOPEC to implement the electrical aggregation program for a period of one year beginning with the August 2023 meter read cycle,

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with two one-year options to renew, exercisable by additional legislative authority. This is to provide an opt-out electricity supply program for residential and small commercial customers of FirstEnergy Corp.

Section 3. That the Directors of Finance and/or Public Utilities are 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.

Section 4. That this Council finds and determines that all formal actions of this Council concerning and relating to the approval 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 Ohio law.

Section 5. That the Directors of Finance and/or Public Utilities are authorized to provide notice to SOPEC of the City's intention to withdraw from the SOPEC electric aggregation program at the end of the initial one-year program term beginning with the August 2023 meter read cycle, and any option terms exercised by the Directors of Finance and/or Public Utilities if the Director(s) determine withdrawal is in the City's best interest.

Section 6. 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:nl
5-15-2023
FOR: Directors Abonamah and Keane

