

Ordinance No. 445-17

**Council Members Pruitt and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the City of Cleveland to participate in the Northeast Ohio Public Energy Council electric aggregation program to serve residential and certain electric customers, beginning with the August 2017 meter read cycle.

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, through Ordinance No. 799-03, passed June 2, 2003, the City entered into a membership agreement with the Northeast Ohio Public Energy Council ("NOPEC"); and

WHEREAS, the City seeks to participate in the NOPEC 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 NOPEC, on the basis of the NOPEC proposal dated March 9, 2017, which is placed in File No. 445-17-A.

Section 2. That the Director of Public Utilities, or his 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.

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Section 3. That the Directors of Finance and 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 Public Utilities are authorized to provide notice to NOPEC of the City's intention to withdraw from the NOPEC electric aggregation program at the end of the current program term in December 2019 if the Directors 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.

HAM:GB:nl
4-24-17

FOR: Directors Davis and Dumas

REPORT
after second Reading

Council Members Pruitt and Kelley (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the City of Cleveland to participate in the Northeast Ohio Public Energy Council electric aggregation program to serve residential and small commercial Illuminating Company customers, beginning with the August 2017 meter read cycle.

READ FIRST TIME on APRIL 24, 2017

**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

[illegible]

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE**

FILED WITH COMMITTEE