

Ordinance No. 492-15

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to enter into one or more contracts with Clean Energy Coalition for professional services necessary to administer an Energy Efficiency and Conservation Program for Cleveland Public Power; authorizing the Director to employ one or more professional consultants to provide measurement and verification services to evaluate energy savings, for a period of three years; and to amend Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 567-14, passed 5-19-14, relating to the Energy Adjustment Charge.

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 the Director of Public Utilities is authorized to enter into one or more contracts with Clean Energy Coalition for professional services necessary to administer an Energy Efficiency and Conservation Program for the Division of Cleveland Public Power, Department of Public Utilities, for a period of three years.

Section 2. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide measurement and verification services to evaluate energy savings, for a period of up to three years.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list.

The compensation to be paid for the services shall be fixed by the Board of Control.

The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

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Section 3. That the rates, rules, and regulations of the Division of Cleveland Public Power, Department of Public Utilities, for electrical service, fixed by the Board of Control by Resolution No. _____, adopted _____, are approved.

Section 4. That Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 567-14, passed May 19, 2014, is amended to read as follows:

Section 523.21 Energy Adjustment Charge

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Sections 523.02 to 523.065 and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered calculated under divisions (c)(1) and (c)(2) of this section.

(c) (1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average cost of kilowatt hours purchased from other sources needed to supply the residential customers by the total kilowatt hours distributed to residential customers. The incremental charge calculated herein shall be adjusted by subtracting fifteen (15) mils per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code, and nine and three-quarters (9.75) mils per kilowatt hour for all other residential customers.

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential ratepayers, during the twelve (12) months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power and kilowatt hours from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Sections 523.048 and 523.049. The incremental charge calculated herein shall be adjusted by subtracting three (3.0) mils per kilowatt hour.

(d) The costs of the Division's energy efficiency and conservation programs may be included in the calculation of the applicable power and transmission charges.

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(e) At the end of each month, the Division of Cleveland Public Power shall determine the actual fuel and power costs during such month as herein provided and may adjust the additional incremental charge for future months to defer or over-recover the total cost of power in order to stabilize customer bills.

Section 5. That Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 567-14, passed May 19, 2014, is repealed.

Section 6. The contract or contracts shall be paid from Fund No. 58 SF 001, from funds approved by the Director of Finance, and from funds appropriated in 2016 and 2017 for this purpose.

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.

LW:nl
4-27-15

FOR: Acting Director Dumas

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READ FIRST TIME **REPORTS**

and referred to **DIRECTORS of Public Utilities, Finance, Law;**
COMMITTEES on Utilities, Finance
 by the council **APRIL 27, 2015**

CITY CLERK

READ SECOND TIME

by the council

CITY CLERK

READ THIRD TIME

by the council

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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