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4 CITY OF CUYAHOGA FALLS, OHIO5
6 ORDINANCE NO. 50 - 2011
78 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
9 SERVICE TO ENTER INTO A POWER SCHEDULING
10 AGREEMENT TO BE KNOWN AS THE NORTHERN POOL
11 PARTICIPANT SCHEDULE, WITH AMERICAN MUNICIPAL
12 POWER, INC., AND DECLARING AN EMERGENCY.
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1415 WHEREAS, the City of Cuyahoga Falls, Ohio ("City"), owns and operates an electric utility
16 system for the sale of electric power and associated energy for the benefit of its citizens and
17 taxpayers; and
1819 WHEREAS, in order to satisfy the electric energy requirements of its electric utility system,
20 the City has heretofore purchased electric capacity and energy from American Municipal Power,
21 Inc. ("AMP"), of which the City is a Member; and
2223 WHEREAS, AMP and the City have entered into a Master Services Agreement ("MSA"), which
24 sets forth general terms and conditions under which, among other things, AMP may sell and the
25 City may purchase electric capacity and energy and other services through Schedules to the MSA;
26 and
2728 WHEREAS, the City desires to contract with AMP to pool, arrange and share power supply
29 and transmission operations with other Members pursuant to the Northern Pool Participant
30 Schedule referenced in Section 1, below; and
3132 WHEREAS, as of midnight on May 31, 2011, the Northern Pool Participant Schedule will
33 replace and supercede the current Northeast and Northern Power Pool Schedules in which the
34 City currently participates,
3536 NOW THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of
37 Summit, State of Ohio, that:
3839 Section 1. The Director of Public Service is authorized to enter into a power scheduling
40 agreement to be known as the Northern Pool Participant Schedule, with American Municipal
41 Power, Inc., on the basis of its proposal dated March 2, 2011.
4243 Section 2. The Director of Public Service is hereby authorized to approve and authorize in
44 writing AMP's acquisition of Long Term Pool Power on behalf of the City in accordance with the
45 approval procedures set forth in the Northern Pool Participant Schedule.
4647 Section 3. The City approves the inclusion of AMP's purchase of up to 30 MW of peaking
48 capacity and associated energy from member-owned generation connected to the electric systems
49 of the Northern Pool Participants as Long Term Pool Power for the period from June 1, 2011
50 through May 31, 2016, the cost of which shall be included in the charges to be incurred by the
51 City under the Northern Pool Participant Schedule.
5253 Section 4. The NEASG Pool Participant Schedule dated September 1, 1990 and any
54 amendments thereto shall terminate on midnight May 31, 2011 and shall no longer be of any
55 force or effect after the effective date of the Northern Pool Participant Schedule except to the
56 extent billing or like matters remain outstanding.
5758 The Northern Power Pool Participant Schedule dated October 1, 2000 and any amendments
59 thereto shall terminate on midnight May 31, 2011 and shall no longer be of any force or effect
60 after the effective date of the Northern Pool Participant Schedule except to the extent billing or
61 like matters remain outstanding.

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63 The AMPCT Sale to AMP for the NEASG Pool (Schedule NECT1) dated January 1, 2006 and
64 any amendments thereto shall terminate on midnight May 31, 2011 and shall no longer be of any
65 force or effect after the effective date of the Northern Pool Participant Schedule except to the
66 extent billing or like matters remain outstanding.

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68 The AMPCT Sale to AMP for the NWSAG Pool (Schedule NWCT1) dated January 1, 2006 and
69 any amendments thereto shall terminate on midnight May 31, 2011 and shall no longer be of any
70 force or effect after the effective date of the Northern Pool Participant Schedule except to the
71 extent billing or like matters remain outstanding.

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73 The AMPCT Sale to AMP for the Gorsuch Project (Schedule RHCT1) dated January 1, 2006
74 and any amendments thereto shall terminate on midnight May 31, 2011 and shall no longer be of
75 any force or effect after the effective date of the Northern Pool Participant Schedule except to the
76 extent billing or like matters remain outstanding.


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78 Section 5. Any other ordinances and resolutions or portions of ordinances and resolutions
79 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
80 ordinances and resolutions not inconsistent herewith and which have not previously been
81 repealed are hereby ratified and confirmed.

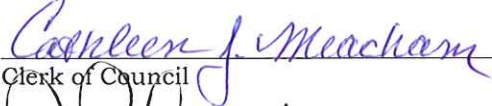
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83 Section 6. It is found and determined that all formal actions of this Council concerning and
84 relating to the passage of this ordinance were taken in an open meeting of this Council and that
85 all deliberations of this Council and of any committees that resulted in those formal actions were
86 in meetings open to the public, in compliance with all legal requirements including Chapter 107
87 of the Codified Ordinances.

88
89 Section 7. If any section, subsection, paragraph, clause or provision or any part thereof of
90 this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the
91 remainder of this ordinance shall be unaffected by such adjudication and all the remaining
92 provisions of this ordinance shall remain in full force and effect as though such section,
93 subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had
94 not, to the extent of such invalidity, been included herein.

95
96 Section 8. This ordinance is hereby declared to be an emergency measure necessary for the
97 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
98 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds of the
99 members elected or appointed to Council, it shall take effect and be in force immediately upon its
100 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
101 period allowed by law.

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104 Passed: 5-23-11


President of Council


Clerk of Council

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112 Approved: 5/24/11


Mayor

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114
115 5/9/11
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