

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO 32 - 2017
7

8 AN ORDINANCE AMENDING SECTION 933.123 OF TITLE
9 FIVE, PART NINE OF THE CODIFIED ORDINANCES,
10 RELATING TO DEMAND RESPONSE OF RETAIL
11 ELECTRIC CUSTOMERS OF THE CITY'S ELECTRIC
12 DEPARTMENT, AUTHORIZING THE DIRECTOR OF
13 PUBLIC SERVICE TO APPROVE OR DISAPPROVE
14 CUSTOMER REQUESTS TO ENROLL WITH A THIRD-
15 PARTY CURTAILMENT SERVICE PROVIDER AND/OR
16 PJM INTERCONNECTION, LLC ("PJM") FOR PJM'S
17 CAPACITY ONLY OPTION DEMAND RESPONSE
18 PROGRAM, AND DECLARING AN EMERGENCY.
19

20
21 WHEREAS, the City of Cuyahoga Falls ("City") owns and operates an electric
22 utility system for the sale of electric power and associated energy for the benefit of its
23 citizens and customers; and
24

25 WHEREAS, currently only American Municipal Power, Inc. ("AMP") and
26 Comverge, Inc. dba Enerwise Global Technologies Inc. are authorized on the City's
27 behalf to ~~aggregate retail electric customers' demand response and bid demand~~
28 ~~response~~ on behalf of retail electric customers of the City directly into any independent
29 system operator's or regional transmission organization's organized electric markets, as
30 approved by the Federal Energy Regulatory Commission ("FERC"); and
31

32 WHEREAS, due to changing market conditions and to assist local businesses
33 with making important financial decisions, the City desires to consider other third party
34 curtailment service providers to participate in the above program; and
35

36 WHEREAS, the City of Cuyahoga Falls is located within the PJM
37 Interconnection, LLC's ("PJM") regional transmission organization; and
38

39 WHEREAS, PJM has an Emergency Load Response Program (inclusive of the
40 Pre-Emergency Load Response Program), as defined by the PJM tariff, manuals and
41 other governing documents, designed to provide a method by which end-use customers
42 may be compensated by PJM for reducing load during a pre-emergency or an emergency
43 event and this program includes a Capacity Only Option; and
44

45 WHEREAS, City is the relevant electric retail regulatory authority ("RERRA") over
46 its own distribution systems and may approve or disapprove customer requests to
47 enroll with a third-party curtailment service provider and/or PJM for PJM's Capacity
48 Only Option demand response program to assist the grid during emergency conditions
49 while receiving capacity payments from the third-party curtailment service provider or
50 PJM.
51

52 NOW THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
53 Falls, County of Summit and State of Ohio, that:
54

55 Section 1. Section 933.123 of the Cuyahoga Falls Code of Ordinances is hereby
56 amended to read in full as follows (new text underlined; deleted text in ~~strikethrough~~):
57

58 933.123 RETAIL DEMAND RESPONSE-AGGREGATION
59

60 (a) The City or its authorized designees shall be ~~the sole entity~~ permitted to
61 ~~aggregate retail electric customers' demand response and bid~~ demand response on
62 behalf of retail electric customers of the City directly into any independent system
63 operator's or regional transmission organization's organized electric markets, as
64 approved by the Federal Energy Regulatory Commission ("FERC").
65

66 (b) The Director of Public Service is authorized to approve or disapprove retail
67 electric customers' request to enroll with a third-party curtailment service provider
68 and/or PJM Interconnection, LLC's ("PJM") for PJM's Capacity Only Option demand
69 response program. If approved by the Director of Public Service, the third-party
70 curtailment service provider and/or PJM would be an authorized designee of the City.
71

72 (c~~b~~) Retail electric customers on the City's electric system desiring to bid their
73 demand response into a FERC-approved independent system operator's or regional
74 transmission organization's organized electric markets may do so only by participating
75 in the Demand Response Aggregation program established by the City or its authorized
76 designees.
77

78 (d~~e~~) The City or its authorized designees is ~~the sole entity~~ permitted to bid
79 demand response on behalf of retail customers of the City directly into any FERC-
80 approved independent system operator's or regional transmission organization's
81 organized markets for energy imbalance, spinning reserves, supplemental reserves,
82 reactive power and voltage control, or regulation and frequency response ancillary
83 services (or its functional equivalent in the FERC-approved independent system
84 operator's or regional transmission organization's tariff).
85

86 (e~~d~~) Retail customers of the City's electric system desiring to bid their demand
87 response into a FERC-approved independent system operator's or regional transmission
88 organization's organized markets for energy imbalance, spinning reserves, supplemental
89 reserves, reactive power and voltage control, or regulation and frequency response
90 ancillary services (or its functional equivalent in the FERC-approved independent
91 system operator's or regional transmission organization's tariff) may do so only by
92 participating in the program established by the Municipality or its authorized designees.
93

94 (f~~e~~) The Director of Public Service is authorized to enter into agreements with
95 retail electric customers of the City's Electric System for the purpose of bidding such
96 customers' load into Demand Response markets, either individually or on an aggregate
97 basis. The Director is also authorized to promulgate any regulations necessary to
98 implement this Section.
99

100 Section 2. Any other ordinances or resolutions or portions of ordinances and
101 resolutions inconsistent herewith are hereby repealed, but any ordinances and
102 resolutions not inconsistent herewith and which have not previously been repealed are
103 hereby ratified and confirmed.
104

105 Section 3. It is found and determined that all formal actions of this Council
106 concerning and relating to the adoption of this ordinance were adopted in an open
107 meeting of this Council, and that all deliberations of this Council and of any of its
108 committees that resulted in such formal action, were in meetings open to the public, in

109 compliance with all legal requirements, to the extent applicable, including Chapter 107
110 of the Codified Ordinances.

111
112 Section 4. This ordinance is hereby declared to be an emergency measure
113 necessary for the preservation of the public peace, health, safety, convenience and
114 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
115 receives the affirmative vote of two thirds of the members elected or appointed to
116 Council, it shall take effect and be in force immediately upon its passage and approval
117 by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed
118 by law.

119
120
121 Passed: 4-24-17

Mary Ellen Pyke
President of Council

122
123
124

[Signature]
Clerk of Council

125
126
127 Approved: 4-25-17

[Signature]
Mayor

128
129
130 4/10/17
131 O:\2017ords\Demand Response Ordinance-.doc