

FILE

Brooklyn Heights Village
345 Tuxedo Avenue
Brooklyn Heights, Ohio 44131

Michael S. Procuk
Mayor

Office: (216) 749-4300
Fax: (216) 741-8758

December 8, 2008

Public Utilities Commission of Ohio
Attn: Docketing Division
180 E. Broad Street
Columbus, OH 43215

To Whom It May Concern:

Enclosed is a copy of the Emergency Resolution requesting that PUCO order First Energy to continue and/or extend the NOPEC generation discount, etc., which was passed by our Council on Tuesday, December 2, 2008.

If there is anything else that you may need, please don't hesitate to contact me.
Thank you.

Sincerely,

Mike S. Procuk
Michael S. Procuk, Mayor
Village of Brooklyn Heights

MSP/ksb

PUCO

2008 DEC -9 AM 11:35

RECEIVED-DOCKETING DIV

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician 777 Date Processed 12/9/2008

- C) that the PUCO eliminate or establish a credit for NOPEC customers for the proposed generation deferral to allow NOPEC to provide generation services to our residents after January 1, 2009; and
- D) that the PUCO prevent FirstEnergy from making excessive profits at the expense of economically-challenged, hard-working Ohioans.

Section 2. That the Clerk of Council is authorized to transmit a certified copy of this Resolution to PUCO, Governor Ted Strickland, Mark Shanahan, and all legislators in the Ohio Senate and House.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public health, safety and welfare of the Village of Brooklyn Heights, and this Resolution shall become effective upon receiving the affirmative vote of five (5) members of Council and approval of the Mayor and/or Clerk/Treasurer otherwise from and after the earliest period allowed by law.

PASSED: Dec 2, 2008

ATTEST: _____

James J. Vavrek,
Clerk/Treasurer

APPROVED: _____

Michael Proczak,
Mayor

**RESOLUTION RECORD
COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS**

Resolution No. 18 - 2008

By ALL OF COUNCIL

**AN EMERGENCY RESOLUTION REQUESTING THAT
PUCO ORDER FIRSTENERGY TO CONTINUE AND/OR
EXTEND THE NOPEC GENERATION DISCOUNT, ETC.**

WHEREAS, the Northeast Ohio Public Energy Council ("NOPEC") is a regional council of government under Ohio law comprised of 126 member Ohio municipalities, counties and townships in eight (8) Northeast Ohio counties; and

WHEREAS, NOPEC currently operates governmental energy aggregation purchasing programs for electricity and natural gas and has arranged for the electric generation supply for about 450,000 retail electricity consumers whose distribution service is provided by The Cleveland Illuminating Company and Ohio Edison Company, both FirstEnergy Corporation companies; and

WHEREAS, NOPEC's customers currently all take SSO service from the Ohio Edison Company and Cleveland Electric Illuminating Company, and are captive customers of FirstEnergy; and

WHEREAS, this community is a member of NOPEC; and

WHEREAS, FirstEnergy has filed applications with the Public Utilities Commission of Ohio (PUCO) to establish an electric security plan or market rate offer as provided for in Amended Substitute Senate Bill 221; and

WHEREAS, FirstEnergy refuses to extend the current NOPEC generation discount from December 31, 2008 until FirstEnergy's permanent electric rate plan is approved by the PUCO; and

WHEREAS, losing the current 5% NOPEC generation discount in these troubling and unstable financial times will result in undue hardship for our residents.

THE VILLAGE OF BROOKLYN HEIGHTS ORDAINS THAT:

Section 1. The Village of Brooklyn Heights is requesting as follows:

- A.) that the PUCO order FirstEnergy to continue and/or extend the NOPEC generation discount from December 31, 2008 until FirstEnergy's permanent rate plan is approved;
- B.) that the PUCO adopt NOPEC's recommendations in the FirstEnergy Electric Security Plan case to eliminate the 1 cent/kwh minimum default service rider for NOPEC customers;