

FILE



**OFFICE OF THE COUNCIL  
CITY OF BROOK PARK**

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PRESIDENT OF COUNCIL

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Ward 2

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Ward 3

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Ward 4

RECEIVED-DOCKETING DIV  
2008 DEC 19 PM 1:27  
PUCO

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At Large

**DANNY V. COLONNA**  
At Large

**RICHARD A. SALVATORE**  
At Large

**ROSEANN ARMSTRONG, CMC**  
Clerk of Council

December 17, 2008

Public Utilities Commission  
Attention Docketing Division  
180 East Broad Street  
Columbus, OH 43215

08-935-EC-SSO

08-936-EC-SSO

Dear Sir/Madam:

Enclosed please find a certified copy of Resolution No. 36-2008, adopted by Brook Park City Council on December 16, 2008, proposing that the PUCO order First Energy to extend the current NOPEC generation discount.

Any assistance you can provide would be greatly appreciated.

Sincerely,

*Michelle Blazak*  
Michelle Blazak  
Assistant Clerk of Council

Enclosure

This is to certify that the images appearing are an  
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**CITY OF BROOK PARK, OHIO**

**RESOLUTION NO. 36-2088**

**INTRODUCED BY: MAYOR ELLIOTT**

**A RESOLUTION  
PROPOSING THAT THE PUBLIC UTILITIES COMMISSION ('PUCO')  
ORDER FIRST ENERGY TO EXTEND THE CURRENT  
NORTHEAST OHIO PUBLIC ENERGY COUNCIL'S ('NOPEC')  
GENERATION DISCOUNT,  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the Northeast Ohio Public Energy Council ("NOPEC") is a regional council of governments 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 general 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 First Energy; and

**WHEREAS**, the City of Brook Park is a member of NOPEC; and

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

**WHEREAS**, First Energy's refusal to extend the current NOPEC general discount until First Energy's permanent electric rate plan is approved by the PUCO means that our residents will lose the current 5% NOPEC generation discount beginning January 1, 2009; and

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

**NOW THEREFORE BE IT RESOLVED**, by the Council of the City of Brook Park, State of Ohio that:

**SECTION 1:** The City of Brook Park hereby proposes that PUCO order First Energy to continue and/or extend the NOPEC generation discount from December 31, 2008 until First Energy's permanent rate plan is approved.

**SECTION 2:** That PUCO adopt NOPEC's recommendations in the First Energy Electric Security Plan case to eliminate the 1 cent/kwh minimum default service rider for NOPEC customers.

**SECTION 3:** That 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.

**SECTION 4:** The Clerk of Council is hereby authorized to furnish a certified copy of this Resolution to the Public Utilities Commission, Attention Docketing Division, 180 East Broad Street, Columbus, OH 43215, Governor Ted Strickland, Attention John Haseley, Chief of Staff, Riffe Center, 30<sup>th</sup> Floor, 77 South High Street, Columbus, OH 43215-6108, Mark Shanahan, Governor's Energy Advisor, 60 W. Broad Street, Suite 1718, Columbus, OH 43215, Senator Dale Miller, Room 048, Ground Floor, Columbus, OH 43215, Representative Mike Foley, 77 S. Highway, 14<sup>th</sup> Floor, Columbus, OH 43215-6111.

**SECTION 5:** It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 6:** This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and to propose that PUCO order First Energy to extend the NOPEC general discount; therefore, this Resolution shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: December 16, 2008

ATTEST: Roseann Armstrong  
Clerk of Council

[Signature]  
PRESIDENT OF COUNCIL  
APPROVED: Mark Miller  
Mayor

12/16/08  
Date

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS

[Signature]  
DIRECTOR OF LAW

CERTIFICATE

Roseann Armstrong, Clerk of Council, of The City of  
Brook Park, Ohio, do hereby certify that the foregoing  
is a true and accurate copy of Ordinance Resolution  
No. 35-2008  
passed on the 16th day of December  
2008 by said council.

Roseann Armstrong  
ROSEANN ARMSTRONG  
Clerk of Council

I, Roseann Armstrong, Clerk of the City of Brook Park,  
State of Ohio, do hereby certify that there is no newspaper of  
general circulation in the municipality and that publication of the  
foregoing ordinances/resolutions was made by posting true copies  
at six of the most public places in said municipality as determined  
by ordinance 4838-1975, passed on August 12, 1975, location  
City Hall, 6161 Engle Road Police Station, 17401 Holland Road,  
#1 Fire Station, 5590 Smith Road, #2 Fire Station, 22530 Ruple  
Road, #3 Fire Station, 17401 Holland Road, Brook Park Library,  
6155 Engle Road, for a period of fifteen days.

commencing December 17, 2008  
Roseann Armstrong  
ROSEANN ARMSTRONG  
Clerk of Council