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RESOLUTION NO. 2008-72

INTRODUCED BY: MAYOR BERYL E. ROTHSCHILD

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PUCO

A RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION OF OHIO (PUCO) TO EXTEND THE CURRENT NOPEC GENERATION DISCOUNT UNTIL FIRST ENERGY'S PERMANENT ELECTRIC RATE PLAN IS APPROVED BY THE PUCO SO RESIDENTS WILL NOT LOSE THE CURRENT 5% NOPEC GENERATION DISCOUNT BEGINNING JANUARY 1, 2009 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 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, 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 the PUCO; and

WHEREAS, First Energy's refusal to extend the current NOPEC generation 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 UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. That the PUCO order FirstEnergy 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 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.

Section 3. 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.

Section 4. That the PUCO prevent FirstEnergy from making excessive profits at the expense of economically-challenged, hard-working Ohioans.

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Section 5. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. This resolution constitutes an emergency measure for the immediate preservation of public peace, health, and safety of the citizens of the City of University Heights, Ohio, and provided it receives the affirmative vote of not less than five (5) member of Council, it shall take effect immediately upon its passage and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

Beryl E. Rothschild
Beryl E. Rothschild, Mayor

PASSED: December 15, 2008

ATTEST: Nancy E. English
Nancy E. English, Clerk of Council

APPROVED AS TO FORM: Kenneth J. Fisher
Kenneth J. Fisher, Law Director

CERTIFICATION

I, Nancy E. English, Clerk of Council of the City of University Heights, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance-Resolution No. 2008-72, passed by the Council of said City at its meeting held on DECEMBER 15, 20 08.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said City this 23RD day of DECEMBER, 20 08.

Nancy E. English
Clerk of Council
City of University Heights