

FILE

# CITY OF TOLEDO

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COUNCILMAN



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June 2, 2011

Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street  
Columbus, Ohio 43215-3793

RECEIVED-DOCKETING DIV  
2011 JUN -8 PM 4:59  
PUCO

**Re: Correspondence regarding case # 11-0411-EL-ACP**

To Whom It May Concern,

Please find enclosed a certified copy of Resolution 102-11 passed by Toledo City Council on May 3, 2011. The resolution's title is as follows:

*Opposing the Toledo Edison Company, The Cleveland Electric Illuminating Company and the Ohio Edison Company's application for a "force majeure" determination and furthermore requesting that the Public Utilities Commission of Ohio either order a compliance payment or increase the companies 2011 Solar Renewable Energy Credit benchmark by the 2010 shortfall.*

The solar industry is an important piece of the economic development plan for the City of Toledo and for Northwest Ohio. Where other utility companies were able to meet the 2010 solar benchmarks by investing in the solar industry, First Energy's failed to do the same.

The City of Toledo, like so many cities in Ohio, is still reeling from the recent economic downturn. As the largest customer of Toledo Edison, The City of Toledo respectfully requests that the PUCO either enforce the compliance payment or increase the companies' 2011 Solar Renewable Energy credit benchmarks by their 2010 shortfall.

Please call my office at 419-245-1052 if you have any questions or would like to further discuss this issue.

Sincerely,

Joe McNamara  
Toledo City Council  
At-Large

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 SM Date Processed JUN 09 2011

**RES. 102-11**

**Opposing the Toledo Edison Company, The Cleveland Electric Illuminating Company and the Ohio Edison Company's application for a "force majeure" determination and furthermore requesting that the Public Utilities Commission of Ohio either order a compliance payment or increase the companies 2011 Solar Renewable Energy Credit benchmark by the 2010 shortfall.**

WHEREAS, Ohio Revised Code § 4928.64 (also known as SB 221) requires all electric distribution utility companies to produce a certain percentage of their energy from renewable resources and further provides that a percentage of that renewable energy come from solar energy; and

WHEREAS, the Ohio Edison Company, The Cleveland Illuminating Company and the Toledo Edison Company (collectively, "the Companies") are electric distribution utilities that are able to meet their annual benchmarks for solar though generation of renewable energy, the purchase of solar renewable energy credits ("SRECs"), or entering into long-term power-purchase agreements; and

WHEREAS, the Companies, pursuant to Ohio Revised Code Section 4928.64(c)(4), have filed with the Public Utilities Commission of Ohio ("PUCO") a request for a "force majeure" exclusion from having to meet their full solar energy requirements for calendar year 2010; and

WHEREAS, the City of Toledo as a customer of Toledo Edison and the many individual and business customers throughout the area would greatly benefit from the investment in solar technologies that would help Toledo Edison meet the requirements of the law and the needs of their customers; and

WHEREAS, the impact of the solar industry to Toledo can be seen in former Governor Ted Strickland designating the area a solar hub in the state, a USA Today article praising Toledo's efforts to reinvent itself as a solar power innovator, the emphasis the University of Toledo has given to renewable energy technologies with its dedication of the Scott Park Campus of Energy and Innovation, and the presence of multiple companies in the development and production of solar panels contributing to the creation of an estimated 5,000 jobs in the region from the solar industry; and

WHEREAS, the effects of the recent economic downturn are felt by the entire region such that partnering in the economic development efforts created by the growing solar industry will benefit both Toledo Edison and the Toledo area by putting more people to work and enlivening the economic prospects of the area; and

WHEREAS, in 2010 the PUCO revised the Companies' SREC requirement to include the shortfall from their required 2009 SREC benchmarks; and

WHEREAS, the PUCO is authorized to impose a renewable energy compliance payment on a utility company that fails to meet its renewable energy benchmarks and furthermore, that such a compliance payment may not be passed through to consumers pursuant to Ohio Revised Code § 4928.64(C)(2)(c); and

WHEREAS, granting exemptions to utility companies on a regular basis dilutes the tenor of the law that seeks to encourage the development of renewable energy resources and, further, such exemptions decrease the value of SRECs as well as decrease the demand for solar power and the economic benefits associated with it; NOW, THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1. That Toledo City Council hereby recognizes that the Solar Renewable Energy Credit benchmarks established by SB 221 make a positive contribution to the solar industry and economic development in the greater Toledo area.

SECTION 2. That Toledo City Council hereby requests that the Public Utilities Commission of Ohio deny the Companies' request for a force majeure determination and instead either require a compliance payment or increase the Companies' 2011 Solar Renewable Energy Credit benchmark by the 2010 shortfall.

SECTION 3. Upon passage of this resolution the Clerk of Council is hereby directed to file it with the Public Utilities Commission of Ohio.

SECTION 4. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted: MAY - 3 2011 : yeas 8, nays 3.

Attest:

[Signature]  
Clerk of Council

Wilma A. Brown  
President of Council

Approved:

MAY - 4 2011

[Signature]  
Mayor

I hereby certify that the above is a true and correct copy of a Resolution adopted by Council MAY - 3 2011.

Attest:

[Signature]  
Clerk of Council