

## ORDINANCE NO. 20-104

**AN ORDINANCE APPROVING A PRICING SCHEDULE ADDENDUM TO THE CUSTOMER SUPPLY AGREEMENT WITH ENERGY HARBOR LLC, FORMERLY KNOWN AS FIRSTENERGY SOLUTIONS CORP., OF AKRON, OHIO, FOR ELECTRIC SERVICE FOR THE CITY'S LARGEST ACCOUNTS LOCATED IN THE CITY OF SANDUSKY FOR THE PERIOD OF JUNE 2021 TO JUNE 2025; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City's largest service accounts are the Court / Police / Prosecutor Building, the Wastewater Treatment Plant, Service Center, Central Fire Station, the Pier Track Sewer Pump Station located on Cedar Point Drive, the Big Island Water Works Plant, and City Hall; and

**WHEREAS**, the City Commission previously approved a Customer Supply Agreement with FirstEnergy Solutions Corp. for electric service for the period of June 2018 to June 2021 for the City's largest accounts at the price of 4.70 cents/kWh by Ordinance No. 18-106, passed on May 29, 2018; and

**WHEREAS**, approval is requested for a Pricing Schedule Addendum to the Customer Supply Agreement with Energy Harbor LLC for the period of June 2021 to June 2025 for the City's largest services accounts at the price of 4.30 cents/kWh, which will provide an estimated 9% savings, or \$175,500.00, over a four (4) year period on these electric accounts; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to execute the Pricing Schedule Addendum and maximize this savings opportunity by locking in the rates; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby approves the Pricing Schedule Addendum to the Customer Supply Agreement with Energy Harbor LLC (formerly known as FirstEnergy Solutions Corp.) for electric service for the period of June 2021 to June 2025 for the City's services located at 222 Meigs Street (Court/Police/Prosecutor Building), 304 Harrison Street (Wastewater Treatment Plant), 1024 Cement Avenue (Service Center), 600 W. Market Street (Central Fire

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Station), 101 Cedar Point Drive (Pier Track Sewer Pump Station), 2425 First Street (Big Island Water Works Plant), and 240 Columbus Avenue (City Hall), substantially in the same form as Exhibit "1", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance, and authorizes and directs the City Manager to execute the Addendum between the City of Sandusky and Energy Harbor LLC on behalf of the City of Sandusky, Ohio.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY  
PRESIDENT OF THE CITY COMMISSION



ATTEST: KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: July 27, 2020

### Pricing Attachment

This Pricing Attachment is entered into on this \_\_\_\_ day of July, 2020 by and between **Energy Harbor LLC**, a Delaware Limited Liability Company with its principal office location in Akron, Ohio (“Supplier”), and **City of Sandusky**, a customer with its principal office located in Sandusky, OH (“Customer”) and is hereby incorporated into the Customer Supply Agreement (“Agreement”) dated 15<sup>th</sup> day of May, 2018 (“Effective Date”). Supplier and Customer are referred to individually as “Party” and collectively as the “Parties.”

Customer Name: City of Sandusky

Billing Address: 240 Columbus Ave. / Sandusky OH 44870

Customer hereby acknowledges that it will be receiving Consolidated Billing from the Electric Utility.

- 1.0 All applicable taxes shall be listed separately on the monthly invoice if required by state and local tax law. Taxes may be altered periodically in accordance with state and local requirements.
- 2.0 Price: For the billing months listed on this Pricing Attachment, all kilowatt-hours (“kWh”) of electric energy metered by the Electric Utility at the Service Address listed hereto shall be billed at the rate per kWh specified.
- 3.0 Enrollment Chart:

Service Address	Electric Utility Account Number	Electric Utility	Electric Utility Rate Code	Interval Meter (Yes or No)	*FCM mm/yy	End Month mm/yy	Sample Meter Read Date / Billing Cycle	**Pricing cents / kWh
1024 Cement Ave	08004831910001480715	OE	GS	No	06/21	06/25	12/11/2020	4.30
304 Harrison St	08004831910000580805	OE	GP	No	06/21	06/25	12/10/2020	4.30
600 W Market St	08004831910001514343	OE	GS	No	06/21	06/25	12/10/2020	4.30
240 Columbus Ave	08004831915001482413	OE	GS	No	06/21	06/25	12/08/2020	4.30
222 Meigs St	08004831910000570026	OE	GS	No	06/21	06/25	12/07/2020	4.30
2425 1st St	08004831910000564893	OE	GP	Yes	06/21	06/25	12/15/2020	4.30
101 Cedar Point Rd	08004831910001543176	OE	GS	No	06/21	06/25	12/04/2020	4.30

\* First Commencement Month (“FCM”)

\*\* By execution of this Pricing Attachment, Customer acknowledges that above Pricing includes a fee for an agent acting on Customer’s behalf. This fee will be paid directly by Supplier to the agent. Customer understands that the agent is not a representative of Supplier.

- 4.0 Pricing Attachment will automatically renew on a month to month basis until terminated by either Party on 30 days' prior written notice at a price per kWh as determined by Supplier on a monthly basis that will include the then current market based price for energy plus all other costs, charges, fees, and taxes.
- 5.0 Irrespective of any terms to the contrary contained in the Agreement, the following revisions apply. The paragraph below shall replace Paragraph 31 of the Agreement in its entirety. Paragraph 32 of the Agreement is intentionally omitted.

**Effect of Regulatory Action:**

**31.** In the event that any change in any statute, rule, regulation, order, law, tariff, or operating procedure promulgated or established by any court, governmental authority, utility, Independent System Operator (“ISO”), Regional Transmission Organization (“RTO”) or other service provider, alters to the detriment of Supplier its costs to perform under this Agreement, Supplier may pass through to Customer such costs or revise the pricing under this Agreement to eliminate the impact of such

changes. Before any such pass through or price revision, Supplier shall provide notice to Customer of the changes and the date upon which such pass through or revised pricing shall be effective. Customer shall pay the pass-through costs or revised price described in such notice, and all other terms and conditions of this Agreement shall remain in full force and effect.

32. Intentionally omitted.

All terms and conditions of the Agreement shall remain in full force and effect unless specifically stated otherwise herein.

**IN WITNESS WHEREOF**, both Parties hereto have caused this Pricing Attachment to be executed and represent that the persons whose signatures appear below are duly authorized to sign the same.

**Energy Harbor LLC**  
(Both Energy Harbor Signatures Required)

**City of Sandusky**

By: \_\_\_\_\_

By: \_\_\_\_\_

Print: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_


Date: \_\_\_\_\_

Energy Harbor LLC Contracts: \_\_\_\_\_ Date: \_\_\_\_\_



Contact Information Form

This Form of Notice for the Customer Supply Agreement between **Energy Harbor LLC** (“Supplier”) and City of Sandusky (“Customer”) is effective until the Customer Supply Agreement is terminated. Customer should contact the applicable Electric Utility to report a service outage or downed wire or other emergency situation. Should any of the Customer-provided information on this Form of Notice change, Customer must notify Supplier of such change.

	<b>Customer: All Formal Notices</b>	
	City of Sandusky	
	Attention: Trevor Hayberger	
	Address: 240 Columbus Ave.	
	Sandusky, OH 44870	
	Telephone: 419-357-6058	
	FAX:	
	Email: thayberger@ci.sandusky.oh.us	
<b>Supplier Sales Representative</b>	<b>Customer’s Representative</b>	
A. Doug Zinno	City of Sandusky	
Energy Harbor LLC	Attention:	
168 East Market Street	Address:	
Akron, Ohio 44308		
Telephone: 330-690-6433	Telephone:	
FAX:	FAX:	
Email: dzinno@energyharbor.com	Email:	
<b>Supplier Accounting Representative</b>	<b>Customer’s Accounting Representative (optional)</b>	
Energy Harbor LLC	City of Sandusky	
Attention: Accounting Department	Attention:	
168 East Market Street	Address:	
Akron, Ohio 44308		
Telephone: 1- 888-254-6359	Telephone:	
FAX: (330) 436-1903	FAX:	
Email:	Email:	
<b>Electric Utility Service Numbers:</b>	<b>Emergency:</b>	<b>Other:</b>
Ohio Edison	(800) 544-4877	(800) 633-4766
Public Utilities Commission of Ohio		(800) 686-7826
<b>Supplier Tax Identification Number: 31-1560186</b>	<b>Customer Tax Identification Number:</b>	
<b>Supplier DUNS Number: 19-247-2751</b>	<b>Customer DUNS Number:</b>	