

SPONSOR: Elliott/Brown

ORDINANCE NO. ¹¹~~07~~-11

AN ORDINANCE TO APPROVE THE PARTICIPATION IN THE PJM DEMAND RESPONSE PROGRAMS AND THE EXECUTION OF A DEMAND RESPONSE SERVICE SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. AND TO DECLARE AN EMERGENCY

WHEREAS, the City of Jackson, Ohio, ("Municipality") owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, American Municipal Power, Inc. ("AMP") is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric power and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis for the mutual benefit of AMP members ("Members"), such Members, including Municipality, being, as of the date hereof, political subdivisions that operate municipal electric utility systems in Ohio, Kentucky, Michigan, Pennsylvania, Virginia and West Virginia; and

WHEREAS, it has been determined by this Council that AMP and Municipality can cooperate to reduce Municipality's responsibility for capacity payment obligations under the PJM Reliability Pricing Model, by utilizing installed behind the meter generation or curtailable load as part of the PJM Interruptible Load for Reliability ("ILR") program and/or the Base Residual Auction program ("BRA") and/or the Incremental Auction ("IA") program (collectively, the ILR, BRA, and IA programs are referred to as the "PJM Demand Response Programs"), resulting in lower costs to the Municipality; and

WHEREAS, PJM is imposing certain deadlines regarding these PJM Demand Response Programs that are fast approaching and immediate action is required to allow the municipality to participate in the Programs through AMP thereby providing savings to the Municipality and its consumers.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, OHIO, as follows:

SECTION 1: That AMP, after consultation with Municipality, is authorized to enroll Municipality in the PJM Demand Response Programs consistent with the Demand Response Service Schedule on file with the Clerk.

SECTION 2. That the Demand Response Service Schedule between Municipality and AMP, substantially in the form on file with the Clerk, including Appendices thereto, are approved, and the Mayor of the City of Jackson, Ohio is hereby authorized to execute and deliver the Demand Response Service Schedule, with such changes as the Mayor may approve as neither inconsistent with this Ordinance nor materially detrimental to the Municipality, his or her execution of the Demand Response Service Schedule to be conclusive evidence of such approval.

SECTION 3. That the Mayor is hereby authorized to take any action necessary for Municipality to fulfill its obligations under the Demand Response Service Schedule.

SECTION 4. That the Mayor may appoint, in writing from time to time as convenient or necessary, another appropriate representative of the Municipality as his or her alternate to carry out the duties set forth in Section 3 hereof.

SECTION 5. Any previous Schedules between municipality and AMP, previously authorizing Municipality to participate in the PJM Demand Response Programs, shall be superseded by the Demand Response Service Schedule and Municipality's participation in the PJM Demand Response Programs shall be governed by the Demand Response Service Schedule.

SECTION 6. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

SECTION 7. If any section, subsection, paragraph, clause or provision or any part thereof of this Ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance shall be unaffected by such adjudication and all the remaining provisions of this Ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 8. For the reasons set forth in the preamble hereto, this Ordinance is declared to be an emergency Ordinance, necessary for the immediate preservation of the public peace, health or safety of the City of Jackson, in that it is necessary to pass this ordinance immediately in order to take part in this program. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Date: 4/11/11


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Approved:

Date: 4-13-11


MAYOR