

ORDINANCE NO. 141-21

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE SECOND AMENDMENT TO MASTER AGREEMENT TO PROVIDE SERVICES TO AN AGGREGATED GROUP BETWEEN THE CITY OF MEDINA AND ENERGY HARBOR LLC.

WHEREAS: Ordinance No. 147-00, passed August 14, 2000, authorized placing on the November 7, 2000 ballot the question of “Shall the City of Medina have authority to aggregate to retail electric loads located in the City, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out?”; and

WHEREAS: On November 7, 2000 the voters of the City of Medina approved said question; and

WHEREAS: Following research by the Service Director and the Economic Development Director of the different licensed suppliers in the State of Ohio, Energy Harbor LLC has been recommended to provide these services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the Mayor is hereby authorized and directed to enter into a Second Amendment to Master Agreement between the City of Medina, Ohio and FirstEnergy Solutions, Corp. to provide competitive retail electric service and related administrative services necessary to fulfill the obligations of said Agreement.

SEC. 2: That a copy of the Second Amendment to Master Agreement is marked Exhibit A, attached hereto and incorporated herein.

SEC. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 4: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: September 13, 2021

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: September 13, 2021

SIGNED: Dennis Hanwell
Mayor



Ord. 141-21
Exh. A

Second Amendment

To Master Agreement To Provide Services To An Aggregated Group

Between

City of Medina, Medina County, Ohio

and

Energy Harbor LLC

This Second Amendment (“Amendment”) is entered into this 13th day of ~~August~~ ^{September}, 2021 (“Effective Date”), by and between **City of Medina, Ohio** (“Community”), an Ohio municipality in the county of Medina and governmental aggregator organized and existing under the laws of the State of Ohio and **Energy Harbor LLC** (“Energy Harbor”), a Delaware Limited Liability Company with its principal place of business at 168 East Market Street, Akron, Ohio 44308 (together, the “Parties”).

RECITALS

WHEREAS, on February 27, 2020, FirstEnergy Solutions Corp. converted from an Ohio corporation to a Delaware limited liability company, changing its name to Energy Harbor LLC;

WHEREAS, Energy Harbor and Community are parties to a certain Master Agreement to Provide Services to an Aggregated Group dated August 16, 2010, as amended by the First Amendment dated November 14, 2017 (together, the “Agreement”); and

WHEREAS, the Parties have mutually agreed to renew the Agreement for the Term beginning with December 2021 meter read dates through December 2024 meter read dates (“Renewal Term”).

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained and other good and valuable consideration, the receipt, sufficiency and adequacy of which are hereby acknowledged, the Parties hereto agree as follows:

1. During the Renewal Term, Participating Customers shall be billed in accordance with the Pricing provisions contained in the Renewal Term’s **Second Amendment Attachment A to Master Agreement Between City of Medina, Ohio and Energy Harbor LLC August 2021** attached.
2. All other provisions of the Agreement shall remain unchanged.

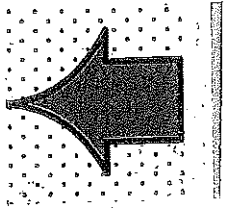
IN WITNESS WHEREOF, the undersigned have caused this Amendment to be duly executed as of the Effective Date.

Energy Harbor LLC:

Signed: _____
Printed: _____
Title: _____
Date: _____

City of Medina, Ohio:

Signed: Dennis Hanwell
Printed: Dennis Hanwell
Title: Mayor
Date: 09-13-2021



Second Amendment Attachment A to Master Agreement

Between

City of Medina, Ohio and Energy Harbor LLC

August 2021

Pricing and Other Conditions to Retail Generation Service Offer

Term:

Beginning with December 2021 meter read dates through December 2024 meter read dates

Pricing:

4.71 ¢ per kWh

EDU:

Ohio Edison (OE)

Eligible Rate Codes:

Standard Residential Rate (RS)

General Service Commercial Rate (GS)

National accounts (e.g. McDonald's, BP, Dollar General) as well as any eligible commercial accounts with annual usage over 700,000 must "opt-in" to the program.

Termination Fee:

None

Civic Grant:

Supplier shall pay a grant to Community on an annual basis in the amount equal to \$5 per Participating Customers enrolled in the program. The grant shall be payable beginning in February 2022 after completion of enrollments and annually thereafter throughout the above Term.

Administrative Services:

- Design, print and mail the Opt-out letter to all eligible participants including a sheet of Frequently Asked Questions to provide assistance.
- Administer the Opt-out process including database preparation, handling of opt-out form information, and final enrollment list compilation.
- Provide a call center to handle information calls.
- Prepare the required PUCO reports and on-going certification documents.
- Conduct supplemental opt-out mailings on a periodic basis.