

RESOLUTION NO. 05-18
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Bill Serr ON THE 22nd
DAY OF January, 2018.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE FIFTH AMENDMENT TO THE AGREEMENT FOR ELECTRIC GENERATION SUPPLY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER.

WHEREAS, the City of Centerville is one of several municipalities currently participating in the Miami Valley Communications Council ("MVCC") electric generation supply agreement with DPL Energy Resources, Inc. ("DPLER") for the provision of electric generation and transmission supply services through December 31, 2019 (collectively referred to as the "Participating Municipalities"); and

WHEREAS, in accordance with the Public Utilities Commission of Ohio rules and regulations, the Participating Municipalities have the opportunity to maximize savings on the generation and transmission portion of their electric service costs through the selection of a competitive retail electric service provider; and

WHEREAS, the Participating Municipalities desire to seek competitive pricing for a new electric generation and transmission supply service agreement ("Agreement") for municipal accounts; and

WHEREAS, the Participating Municipalities desire to authorize MVCC and its Executive Director to act as procuring agents, along with any consultant utilized by MVCC (collectively, the "Procuring Agents") to seek competitive pricing for electric generation and transmission supply services; and

WHEREAS, the Participating Municipalities desire to authorize their respective City Managers to enter into a new amendment to the Agreement with the lowest and best competitive supplier after the Procuring Agents have identified and recommended such supplier; and

WHEREAS, the City of Centerville is authorized as a charter municipality to exercise all powers of local self-government.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

SECTION I MVCC and its Executive Director, along with any consultant utilized by MVCC, are hereby authorized to act as Procuring Agents to identify

a competitive retail electric service provider for electric generation and transmission supply services. However, nothing in this Ordinance shall authorize such Procuring Agents to contractually bind the City of Centerville to accept or enter into an Agreement with any such service provider, or to otherwise bind the City of Centerville.

SECTION II The City Manager is hereby authorized to execute an amendment to the Agreement and any other necessary documents on behalf of the City of Centerville for electric generation and transmission supply services with a competitive retail electric service provider. Attached hereto as Exhibit "A" and incorporated herein is the Fifth Amendment.

SECTION III It is hereby found and determined that all formal actions of this City Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION IV: This Resolution shall be in full force and effect at the earliest date allowed by law.

PASSED THIS 22nd day of January, 2018.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 05-18, passed by the Council of the City of Centerville, Ohio on the 22nd day of January, 2018.

Carin R. Andrew
Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney

Exhibit "A"

GENERATION SUPPLY AGREEMENT

AMENDMENT NO. 5

Customer: City of Centerville
Supplier: Interstate Gas Supply, Inc.
Effective Date: December 14, 2017

Definitions

"Agreement" means the Generation Supply Agreement dated March 1, 2011 between Customer and DPL Energy Resources, Inc. as modified by Amendment No. 1 to the Generation Supply Agreement dated September 9, 2012, Amendment No. 2 to the Generation Supply Agreement dated September 27, 2013, Amendment No. 3: Amendment, Assignment, and Consent to Assignment to the Generation Supply Agreement dated September 1, 2016, and Amendment No. 4 dated September 21, 2017.

Background

Customer and Supplier desire to amend the Agreement as of the Effective Date above.

Agreement

In consideration of the mutual promises below Customer and Supplier agree to the following:

1. **Term:** Section 3 of the Agreement will be amended as follows:

Service will continue from Customer's meter reading date in February 2018 through the Customer's meter reading date in May 2021 (the "Renewal Term").

2. **Price:** The price for the Renewal Term will be \$0.04699 per kWh.

3. **Contract Volumes:** The Contract Volumes on Appendix 2 will be amended as follows:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
159060	143858	160385	156851	183090	216576	243420	234954	187026	162969	155390	159432

For the avoidance of doubt, in the event of any conflict whatsoever between this Amendment (including its Appendix) and the Agreement, then this Amendment will control.

Except as set forth above, nothing else has changed with respect to the Agreement, and all of its provisions remain in full force.

Each individual signing this Amendment on behalf of a Party below represents that he or she has the full authority and power to sign this Amendment on behalf of that Party.

City of Centerville:

Interstate Gas Supply, Inc.:

Name:
Title:

Name: Pat Keeley
Title: Director, C&I Sales