

**CLEVELAND PUBLIC LIBRARY**

**Finance Committee**

December 15, 2020

**RESOLUTION TO RATIFY AGREEMENT FOR PURCHASE OF ELECTRICITY**

WHEREAS, On November 19, 2020, the Board of Library Trustees authorized the Executive Director, CEO or his designee, to enter into a new agreement commencing August 2021 with an electricity supplier that has the best rate for a 24 or 36-month term provided that the rate does not exceed \$3.35 cents per kWh for a capacity pass-through agreement or \$4.4 cents per kWh for a fixed all-in one price agreement; and

WHEREAS, The Cleveland Public Library currently has a contract with Dynegy Energy Services, LLC for the supply of electricity through August 2021 at the rate of \$3.860 cents per kWh; and

WHEREAS, On November 30, 2020, the Library entered into a fixed all-in one price agreement with Energy Harbor LLC at the rate of \$4.120 cents per kWh from August 2021 through August 2024; now therefore be it

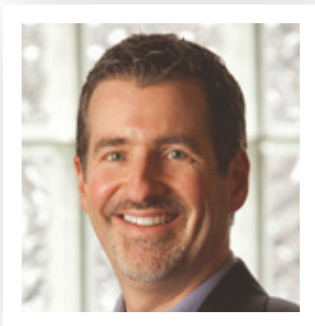
RESOLVED, That the Board of Library Trustees hereby ratifies the agreement entered into by the Library on November 30, 2020 with Energy Harbor LLC for electricity at the rate of \$4.120 cents per kWh for a 36 month term from August 2021 through August 2024.



Thank you for the opportunity to serve you as your energy consultant. Enclosed is your fully executed electric supplier agreement. Please contact us if you have any questions or if you are going to make any changes to your business (expand, move, close or sell).



**Dana Martell**  
**Business Development Manager**  
**North Shore Energy Consulting, LLC**  
**Phone:** (216) 780-3065  
**Fax:** (888) 807-6627  
dana@northshoreenergy.com  
www.northshoreenergy.com



**Scott Rafferty**  
**Director, Energy Consulting Services**  
**North Shore Energy Consulting, LLC**  
**Phone:** (216) 789-2686  
**Fax:** (888) 807-6627  
scott@northshoreenergy.com  
www.northshoreenergy.com



### Pricing Attachment

This Pricing Attachment is entered into on this 30th day of November, 2020 by and between **Energy Harbor LLC**, a Delaware Limited Liability Company with its principal office location in Akron, Ohio (“Supplier”), and Cleveland Public Library, a customer with its principal office located in Cleveland, OH (“Customer”) and is hereby incorporated into the Customer Supply Agreement (“Agreement”) dated 30th day of November, 2020 (“Effective Date”). Supplier and Customer are referred to individually as “Party” and collectively as the “Parties.”

Customer Name: Cleveland Public Library

Billing Address: 325 Superior Ave E / Cleveland OH 44114-1205

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
10200 Superior Ave	08004607261050095671	CEI	GS	No	08/21	08/24	2020-12-09	4.12
2200 E 30th St	08004607261230000974	CEI	GS	No	08/21	08/24	2020-12-15	4.12
525 Superior Ave E	08004607261250001296	CEI	GSU	No	08/21	08/24	2020-12-17	4.12
4421 W 140th St	08004607261350000312	CEI	GS	No	08/21	08/24	2020-12-19	4.12
3805 W 157th St	08004607261400000345	CEI	GS	No	08/21	08/24	2020-12-01	4.12
7910 Detroit Ave	08004607261450000155	CEI	GS	No	08/21	08/24	2020-12-22	4.12
17133 Lake Shore Blvd	08004607261460094095	CEI	GS	No	08/21	08/24	2020-12-01	4.12
7200 Broadway Ave	08004607261490000929	CEI	GS	No	08/21	08/24	2020-12-14	4.12
16918 Harvard Ave	08004607261570000786	CEI	GS	No	08/21	08/24	2020-12-02	4.12
14000 Kinsman Rd	08004607261570001012	CEI	GS	No	08/21	08/24	2020-12-01	4.12
1566 Crawford Rd	08004607261580001118	CEI	GS	No	08/21	08/24	2020-12-10	4.12
3463 E 93rd St	08004607261610000956	CEI	GS	No	08/21	08/24	2020-12-09	4.12
3545 Fulton Rd	08004607261620000179	CEI	GS	No	08/21	08/24	2020-12-19	4.12
850 Jefferson Ave	08004607261670000172	CEI	GS	No	08/21	08/24	2020-12-18	4.12
4303 Pearl Rd	08004607261670000420	CEI	GS	No	08/21	08/24	2020-12-14	4.12
11602 Lorain Ave	08004607261700000161	CEI	GS	No	08/21	08/24	2020-12-22	4.12
3706 Pearl Rd	08004607261710000178	CEI	GS	No	08/21	08/24	2020-12-19	4.12
1980 Stokes Blvd	08004607261910001136	CEI	GS	No	08/21	08/24	2020-12-09	4.12
3830 E 131st St	08004607261960000915	CEI	GS	No	08/21	08/24	2020-12-08	4.12
850 Jefferson Ave	08004607265000036749	CEI	SL	No	08/21	08/24	2020-12-22	4.12
7200 Broadway Ave	08004607265000039831	CEI	SL	No	08/21	08/24	2020-12-09	4.12

4303 Pearl Rd	08004607265000040244	CEI	SL	No	08/21	08/24	2020-12-01	4.12
525 Superior Ave E	08004607265000040862	CEI	GSU	No	08/21	08/24	2020-12-17	4.12
3463 E 93rd St	08004607265000041062	CEI	SL	No	08/21	08/24	2020-12-21	4.12
14000 Kinsman Rd	08004607265000041155	CEI	SL	No	08/21	08/24	2020-12-10	4.12
3545 Fulton Rd	08004607265000041540	CEI	SL	No	08/21	08/24	2020-12-23	4.12
17133 Lake Shore Blvd	08004607265000041544	CEI	SL	No	08/21	08/24	2020-12-01	4.12
10200 Superior Ave	08004607265000042566	CEI	GS	No	08/21	08/24	2020-12-09	4.12
3805 W 157th St	08004607265000043233	CEI	SL	No	08/21	08/24	2020-12-01	4.12
4421 W 140th St	08004607265000043234	CEI	SL	No	08/21	08/24	2020-12-01	4.12
10200 Superior Ave	08004607265000043340	CEI	SL	No	08/21	08/24	2020-12-03	4.12
2200 E 30th St	08004607265000043341	CEI	SL	No	08/21	08/24	2020-12-15	4.12
1980 Stokes Blvd	08004607265000043622	CEI	SL	No	08/21	08/24	2020-12-15	4.12
7910 Detroit Ave	08004607265000044129	CEI	SL	No	08/21	08/24	2020-12-22	4.12
11535 Shaker Blvd	08004607265000341555	CEI	GS	No	08/21	08/24	2020-12-11	4.12

\* 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.

6.0 Fixed Capacity Beyond May 31, 2022. The Pricing in the above Enrollment Chart includes a component based on a fixed Capacity Rate per MW day beyond May 31, 2022. Notwithstanding section 31 of the Customer Supply Agreement, Supplier shall not pass through to Customer any changes in the Capacity Rate or revise the Fixed Price to reflect either of the following: 1) any changes in the auction rules associated with formulating future Capacity Rates, including the outcome of the forthcoming Federal Energy Regulatory Commission (“FERC”) Minimum Offer Price Rule (“MOPR”); or 2) any charges imposed by PJM, Supplier, any ISO, or Electric Utility associated with Capacity Tag, Capacity Performance or Capacity Rates as a result of the forward capacity auction effective June 2022.

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)

**Cleveland Public Library**

By: Chris Barnum

By: Felton Thomas, Jr.

Print: Chris Barnum

Print: Felton Thomas, Jr.

Title: Director

Title: Executive Director, CEO

Date: 12/1/2020


Date: November 30, 2020

Energy Harbor LLC Contracts: Evan Malinowski Date: 12/02/2020



Contact Information Form

This Form of Notice for the Customer Supply Agreement between **Energy Harbor LLC** (“Supplier”) and Cleveland Public Library (“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>energy harbor</b>	<b>Customer: All Formal Notices</b>	
	Cleveland Public Library	
	Attention: Carrie Krenicky	
	Address: 325 Superior Ave E	
	Cleveland, OH 44114-1205	
	Telephone: 216-623-2845	
	FAX:	
	Email: carrie.krenicky@cpl.org	
<b>Supplier Sales Representative</b>	<b>Customer’s Representative</b>	
Mr. Michael Durinsky	Cleveland Public Library	
Energy Harbor LLC	Attention:	
168 East Market Street	Address:	
Akron, Ohio 44308		
Telephone: +1 (330) 592-3922	Telephone:	
FAX: +1 (330) 315-7584	FAX:	
Email: durinskym@energyharbor.com	Email:	
<b>Supplier Accounting Representative</b>	<b>Customer’s Accounting Representative (optional)</b>	
Energy Harbor LLC	Cleveland Public Library	
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>
Cleveland Electric Illuminating	(800) 544-4877	(800) 589-3101
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>	