

AN ORDINANCE 21-123
ENTITLED
AN ORDINANCE APPROVING A RENEWABLE ENERGY
CUSTOMER AGREEMENT TARIFF NO. 1 AND
ASSOCIATED FORM CUSTOMER AGREEMENT;
APPROVING UPDATES TO STANDARD CITY UTILITY
TERMS AND CONDITIONS; REPEALING PRIOR
ORDINANCES IN CONFLICT AND FOR OTHER
PURPOSES.

WHEREAS, the City of Albany, Georgia (the “City”), a municipal corporation of the State of Georgia and is a retail electric service provider; and

WHEREAS, certain retail electric customers of the City and certain other public power providers in Georgia have expressed an interest in solar power resources; and

WHEREAS, City and certain other public power providers in Georgia are participants in, and receive wholesale electric supply from, the Municipal Electric Authority of Georgia (“MEAG Power”); and

WHEREAS, MEAG Power has developed a solar renewable energy initiative project (“Transaction”) and City has determined to participate in such Transaction on behalf of subscribing retail customers by entering into a Power Purchase Contract (“PPC”) respecting the Transaction with a term of 20 years from the date of Commercial Operation of the solar facility; and

WHEREAS, City has caused to be prepared its Renewable Energy Customer Agreement Tariff No. 1, a copy of which is attached hereto as Exhibit A (“RECA Tariff”), to make the Transaction available to its retail customers under the terms provided for therein and in the Renewable Energy Customer Agreement, a draft of which is attached hereto as Exhibit B (“Agreement”), in a manner that allocates Transaction costs to such customers without subsidy by other City customers not participating in the Transaction; and

WHEREAS, the RECA Tariff, PPC and Agreement together contemplate City purchasing certain solar energy, capacity and environment attribute from MEAG Power, and City:

- (a) At its discretion, either retaining such energy, or causing MEAG Power to sell such energy in applicable markets;
- (b) Retaining such capacity for the benefit of the City; and
- (c) Transferring the benefits of such environmental attributes to applicable Customers for certain fees to the City all in accordance with any Agreement(s).

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. The RECA Tariff and Agreement are hereby approved. The Mayor, or Mayor Pro Tem, and the Clerk of the City be and are hereby authorized and directed to execute and deliver the Agreement. The Agreement will be in substantially the form attached hereto, subject to such changes, insertions and omissions as may be approved by the Mayor, or Mayor Pro Tem, of the City. The execution of the Agreement by the Mayor, or Mayor Pro Tem, as herein authorized will be conclusive evidence of any such approval.

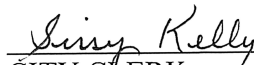
SECTION 2. The Standard Utility Terms and Conditions attached hereto are hereby approved in the form attached hereto as Exhibit C and incorporated hereby into all utility service arrangement whether provided by ordinance, tariff, contract, or otherwise provided, and City officers with advice of the City Attorney are hereby directed to take all additional steps and action as recommended or necessary to cause such Standard Utility Terms and Conditions to be fully effective.

SECTION 3. All actions of the City, its officers and staff in connection with the execution, delivery and performance of the Agreement and otherwise implementing the intent of this Ordinance is hereby approved, ratified and confirmed, including without limitations accepting or executing agreements in substantially to form of the Agreement prior to adoption of this Ordinance. In order to carry out the transactions contemplated by the Agreement the Mayor, or Mayor Pro Tem, and the Clerk are hereby authorized and directed to execute and deliver any closing papers and certificates, or to take any other actions as may be necessary to effect performance of the Agreement consistent with the terms of the Agreement and this Ordinance.

SECTION 4. This Ordinance will take effect immediately upon its adoption. Any and all ordinances, or parts of ordinances, or any prior proceedings in conflict with this Ordinance this day will be and are repealed, and this Ordinance will be in full force and effect from and after this adoption, the welfare of the City requiring it.


MAYOR

ATTEST:


CITY CLERK, ASST.

Adopted: Aug. 11, 2021



Introduced By: 