

## **CITY OF OBERLIN, OHIO**

### **ORDINANCE NO. 22-62 AC CMS**

**AN ORDINANCE AUTHORIZING A TEMPORARY REDUCTION IN THE LARGE INDUSTRIAL SERVICE RATE MINIMUM BILLING DEMAND FOR BIO ENERGY (OHIO II), LLC AS AN EMERGENCY MEASURE**

WHEREAS, the City of Oberlin owns and operates an electric distribution system and related facilities, including a 69 kV transmission loop; and

WHEREAS, BIO Energy (Ohio II), LLC, (“BEO”) is constructing and will own, and operate a facility, (“Facility”) at 520 Hill Creek Drive, to collect, process, and treat gas emitted as a by-product of the operation of the Lorain County Landfill to produce renewable natural gas (RNG); and

WHEREAS, BEO’s Facility will require certain quantities of electricity for its operation; and

WHEREAS, in April of 2021, City Council approved updated Electric Service and Rate Schedules which included a Large Industrial Service rate under which EDL will be billed; and

WHEREAS, the Large Industrial Service rate provides for a minimum billing demand of 7500 kW; and

WHEREAS, Although the OMLPS Hill Creek switchyard and the RNG facility substation serving the RNG facility are expected to come online at the beginning of November 2022, the commissioning of the switchyard, substation and the RNG Facility to full operation is expected to take approximately three months thereafter; and

WHEREAS, during the commissioning process, the electrical demand for the RNG facility will be significantly less than what will be required for full operation of the Facility; and

WHEREAS, due to the temporarily reduced power requirements, BEO has requested that the minimum billing demand be reduced to 1000 kW for the period November 2022 through January of 2023; and

WHEREAS, the RNG Facility will create environmental benefits to the City and region which are cited in the Oberlin 2019 Climate Action Plan and will provide increased fuel diversity and security, economic development opportunities and local revenue; and

WHEREAS, because the RNG facility will provide significant public benefit to the City of Oberlin and the surrounding environment, Council desires to lessen the financial burden on BOE during the temporary period during which it will come to full operation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, Lorain County, State of Ohio:

SECTION 1. That the minimum billing demand to BOE be reduced to 1000 kW for the period November of 2022 through January of 2023.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: to facilitate the creation of economic and environmental benefits to the City of Oberlin and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: October 17, 2022

2nd Reading: \_\_\_\_\_

3rd Reading: \_\_\_\_\_

ATTEST:



BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL



BRYAN BURGESS  
PRESIDENT OF COUNCIL

POSTED: 10/18/2022

EFFECTIVE DATE: 11/16/2022