

BOROUGH OF EAST CONEMAUGH, PENNSYLVANIA,

[ORDINANCE/RESOLUTION] NO. _____

**[ORDINANCE/RESOLUTION] AUTHORIZING THE EXECUTION
OF REMAINING REQUIREMENTS ENERGY SUPPLY SCHEDULE
WITH AMERICAN MUNICIPAL POWER, INC. ("AMP")**

WHEREAS, the Borough of East Conemaugh, Pennsylvania (the "Municipality") is a political subdivision organized and existing pursuant to the laws of the Commonwealth of Pennsylvania, which owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and customers;

WHEREAS, in order to satisfy the electric energy requirements of its electric utility system, the Municipality has heretofore purchased economical and reliable energy from AMP, an Ohio non-profit corporation, of which the Municipality is a member, or has heretofore purchased energy arranged by AMP;

WHEREAS, the Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP, endeavors to arrange for reliable, reasonably priced supplies of electric energy for ultimate delivery to its customers;

WHEREAS, Municipality has executed a Master Services Agreement with AMP which sets forth the general terms and conditions for the provision of power supply and other services by AMP to the Municipality;

WHEREAS, AMP will negotiate with one or more reputable and financially sound third party power suppliers to enter into an agreement(s) to purchase electric energy for a term beginning on January 1, 2024 and ending no later than December 31, 2025, which will provide an economical source of electric energy (herein "Long Term Energy Purchase(s)") for Municipality and other AMP Members;

WHEREAS, AMP, on behalf of the Municipality, desires to purchase from third party supplier(s) and then to resell the energy available from these Long Term Energy

Purchase(s) on a long term basis to Municipality at contract cost (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs or AMP service fees) not to exceed \$45.00 per MWh;

WHEREAS, AMP has prepared and delivered to the Municipality the form of a Remaining Requirements Energy Supply Schedule, pursuant to which the Municipality may purchase electric energy;

WHEREAS, AMP has provided and will continue to provide appropriate personnel and information regarding the Long Term Energy Purchase(s) to the Municipality, as such officers and representatives of the Municipality deem necessary or appropriate, to enable the Municipality to evaluate the benefits and risks of the Long Term Energy Purchase(s), to take actions contemplated by the resolution hereinafter set forth and to determine that the same are in the public interest; and

WHEREAS, in recognition of the unique nature of the Purchases described herein, competitive bidding is not required on the Municipality's purchase of energy, through the Remaining Requirements Energy Supply Schedule, however, any competitive bidding requirement that might otherwise be applicable for the purchase of any energy through the execution of the Remaining Requirements Energy Supply Schedule authorized by this resolution, should be waived.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF EAST CONEMAUGH, PENNSYLVANIA.

SECTION 1. That the form of the Remaining Requirements Energy Supply Schedule between this Municipality and AMP, substantially in the form attached hereto as Exhibit 1, is approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the President of Borough Council is hereby authorized to execute the Remaining Requirements Energy Supply Schedule and to acquire the Municipality's energy from Long Term Energy Purchase(s), with a term beginning on January 1, 2024 and ending no later than December 31, 2025, and with a third party

contract price (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed \$45.00 per MWh, and is further authorized to execute and deliver any and all documents necessary to participate in Long Term Energy Purchase, pursuant to the conditions set forth herein, as set forth in the Remaining Requirements Energy Supply Schedule.

SECTION 3. That competitive bidding is not required on the Municipality's acquisition of its right to secure energy under the Remaining Requirements Energy Supply Schedule, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirement that might otherwise be applicable, are hereby waived.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION 5. If any section, subsection, paragraph, clause or provision or any part thereof of this resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this resolution shall be unaffected by such adjudication and all the remaining provisions of this resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

[PA ONLY] SECTION 6. Pursuant to 8 Pa.C.S.A. § 1402, competitive bidding is not required on the Municipality's purchase of power and energy, through the Schedule.

SECTION 6. That this resolution shall take effect at the earliest date allowed by law.