



## Legislation Details (With Text)

**File #:** 0041-2012      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 1/5/2012      **In control:** Public Utilities Committee

**On agenda:** 4/2/2012      **Final action:** 4/4/2012

**Title:** To authorize the Director of Public Utilities to amend the existing contract with American Electric Power Service Corporation by modifying the definition of "AEP Operating Companies" and to delete all references to Columbus Southern Power Company, Public Service Company of Oklahoma and Southwestern Electric Power Company. (0)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/4/2012	1	CITY CLERK	Attest	
4/3/2012	1	MAYOR	Signed	
4/2/2012	1	COUNCIL PRESIDENT	Signed	
4/2/2012	1	Columbus City Council	Approved	Pass
3/26/2012	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** This ordinance authorizes the **FIRST AMENDMENT TO THE EEI MASTER POWER PURCHASE AND SALE AGREEMENT** between American Electric Power Service Corporation ("AEPSC") acting as agent for AEP Operating Companies ("Party A") and the City of Columbus, Ohio ("Party B").

The Parties have previously entered into a EEI Master Power Purchase and Sale Agreement ("Master Agreement"), dated as of October 19, 2006, together with the exhibits, schedules and any written supplements hereto, the Party A Tariff, if any, and the Party B Tariff, if any, any designated collateral, credit support or margin agreement or similar arrangement between the Parties and all Transactions (including any confirmations accepted in accordance with Section 2.3 of the Master Agreement) shall be referred to as the "Agreement."

This Amendment will: a) delete the definition of "AEP Operating Companies" in its entirety and will replace it with the following: "AEP Operating Companies" means the electric utility subsidiaries of American Electric Power Company, Inc., consisting of Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, and Ohio Power Company. "AEP Operating Companies" may include fewer than all of the listed companies or may include AEPSC, where the context requires such interpretation." b) the Agreement shall be amended to delete all references to Columbus Southern Power Company, Public Service Company of Oklahoma and Southwestern Electric Power Company.

**Amount of additional funds to be expended:** \$0

**Contract Compliance Number:** 134922641, expires 04/04/2013.

**FISCAL IMPACT:** This modification will not have any fiscal impact on the existing budget.

To authorize the Director of Public Utilities to amend the existing contract with American Electric Power Service Corporation by modifying the definition of "AEP Operating Companies" and to delete all references to Columbus Southern Power Company, Public Service Company of Oklahoma and Southwestern Electric Power Company. (0)

**WHEREAS**, Ordinance Number 0837-2006, passed May 22, 2006, waived the provisions of Columbus City Code Article 329.14, to authorize the Director of Public Utilities to negotiate and enter into contract for purchase power; and

**WHEREAS**, Contract DL012676 was established with American Electric Power Service Corporation (AEPSC) based upon the lowest responsive proposal received; and

**WHEREAS**, the Parties have previously entered into a EEI Master Power Purchase and Sale Agreement ("Master Agreement"), dated as of October 19, 2006, together with the exhibits, schedules and any written supplements hereto, the Party A Tariff, if any, and the Party B Tariff, if any, any designated collateral, credit support or margin agreement or similar arrangement between the Parties and all Transactions (including any confirmations accepted in accordance with Section 2.3 of the Master Agreement) shall be referred to as the "Agreement"; and

**WHEREAS**, the Parties desire to amend the Agreement as hereinafter provided; and

**WHEREAS**, it has become necessary in the usual daily operation of the Division of Power and Water, of the Department of Public Utilities, in that it is immediately necessary to amend the existing agreement by replacing the definition of "AEP Operating Companies" in its entirety and delete all references to Columbus Southern Power Company, Public Service Company of Oklahoma and Southwestern Electric Power Company for the preservation of the public health, peace, property, safety and welfare; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Public Utilities be and is hereby authorized to amend the existing agreement with American Electric Power Service Corporation by modifying the definition of AEP Operating Companies and to delete all references to Columbus Southern Power Company, Public Service Company of Oklahoma, and Southwestern Electric Power Company.

**SECTION 2.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.