

ORDINANCE NO. 850-96

440/441
50-400/401
50-346

Authorizing the Mayor to execute agreements establishing electric rates and economic development incentives with Toledo Edison, Ohio Edison and Cleveland Electric Illuminating and urging quick approval of the merger of Centerior and Ohio Edison into FirstEnergy.

WHEREAS, on September 13, 1996, Ohio Edison and Centerior Energy, the parent company of Toledo Edison, entered into an agreement to merge into FirstEnergy Corporation; and

WHEREAS, Toledo has negotiated a Stipulation and Recommendation with the merger companies and the Ohio Consumers' Counsel providing for rate decreases to be implemented after the effective date of the merger and a settlement of the Toledo Edison rate case appeal; and

WHEREAS, Toledo has also negotiated an economic development incentive agreement with Toledo Edison providing for grants, loans and donations of property to the City; and

WHEREAS, as a consequence of the rate reductions and economic incentives, all of which are on file with the Clerk of Council, Toledo has agreed to support the merger of Ohio Edison and Centerior Energy into FirstEnergy; NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor and appropriate legal staff are hereby authorized to execute the Stipulation and Recommendation with the merger companies and the Ohio Consumers' Counsel and take all appropriate actions to stay and, after the effective date of the merger, dismiss the City's appeal of the recent Toledo Edison rate increase (Ohio Supreme Court Case No. 96-1886).

SECTION 2. That the Mayor is further authorized to execute the economic incentive agreement with Toledo Edison and enter into contracts for the environmental assessment of the Toledo Edison steam plant and the Acme power plant as provided in the agreement.

SECTION 3. That the City of Toledo hereby urges state and federal regulators to quickly approve the FirstEnergy merger so that its benefits for customers, employees and Toledo can begin as soon as possible.

SECTION 4. That the Clerk of Council is authorized and directed to provide copies of this ordinance and all appropriate documents to Governor George V. Voinovich, Ohio Consumers' Counsel

Robert S. Tongren, members of the Federal Energy Regulatory Commission, members of the Nuclear Regulatory Commission, and members of the Public Utilities Commission of Ohio.

SECTION 5. That this ordinance shall take effect and be in force at the earliest date allowed by law.

PASSED: Decmeber 17 1996: yeas 11, nays 0

ATTEST:

Larry J. Brewer
LARRY J. BREWER
Clerk of Council

Gene Cook
PRESIDENT OF COUNCIL

Approved: DEC 18 =, 1996

[Signature]
MAYOR

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council DEC 17 =, 1996.

ATTEST:

Larry J. Brewer
LARRY J. BREWER
Clerk of Council

PUBLISHED IN TCJ 12-21-96

Law
Utilities
Toledo Edison
Governor George Voinovich
Ohio Consumers' Counsel
Federal Energy Regulatory Commission members
Nuclear Regulatory Commission members
PUCO members
12-18-96

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