

First Reading: November 1, 2010
Second Reading: Dispensed

RESOLUTION NO. 2011 - 104

A RESOLUTION AMENDING A MEMORANDUM OF UNDERSTANDING WITH DUKE ENERGY RETAIL SALES, LLC, DISPENSING WITH THE SECOND READING, AND DECLARING AN EMERGENCY

WHEREAS, the Board of Township Trustees of Sycamore Township has negotiated favorable retail electric rates with Duke Energy Retail Sales, LLC in order to provide significant savings to Township residents and small businesses on their retail electric service; and

WHEREAS, having negotiated such rates, the Board wishes to amend its Memorandum of Understanding with Duke Energy Retail Sales, LLC in order to continue the Preferred Supplier Endorsement Program for electric service rates for residents and small businesses in Sycamore Township;

NOW THEREFORE, BE IT RESOLVED, by the Board of Township Trustees of Sycamore Township, State of Ohio:

SECTION 1. The Board hereby authorizes the attached amendment of the Memorandum of Understanding Between Duke Energy Retail Sales and Sycamore Township to continue to provide for a Preferred Supplier Endorsement Program for the provision of competitive pricing of electric rates to residents and small businesses in Sycamore Township.

SECTION 2. The Township Administrator is hereby authorized and directed to execute the amendment on behalf of the Board.

SECTION 3. The Township Administrator is hereby authorized and directed to sign all other documents and agreements and to take any other actions necessary in order to continue the Preferred Provider Endorsement Program and the Memorandum of Understanding in Sycamore Township.

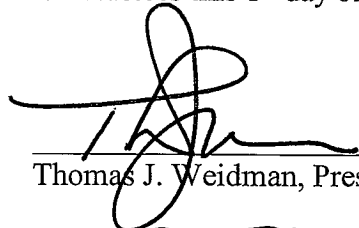
SECTION 4. The Trustees of Sycamore Township, upon at least a majority vote, dispense with the requirement that this Resolution be read on two separate days, and hereby authorize the adoption of this Resolution upon its first reading.

SECTION 5. Upon the unanimous vote of the Sycamore Township Trustees, this Resolution is hereby declared to be an emergency measure necessary for immediate preservation of the public peace, health, safety or welfare of Sycamore Township. The reason for the emergency is to provide lower electric service rates to Township residents and small businesses as soon as possible.

VOTE RECORD:

Mr. Bishop AYE Mr. Connor AYE Mr. Weidman AYE

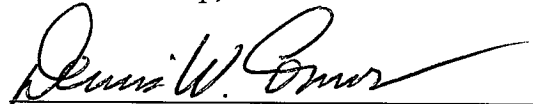
PASSED at the meeting of the Board of Trustees this 1st day of November, 2011.



Thomas J. Weidman, President




Cliff W. Bishop, Vice President



Dennis W. Connor, Trustee


AUTHENTICATION

This is to certify that this Resolution was duly passed, and filed with the Sycamore Township Fiscal Officer, this 1st day of November 2011.



Robert C. Porter, III
Sycamore Township Fiscal Officer

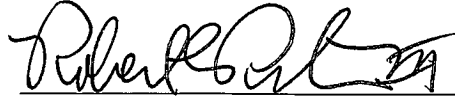
APPROVED AS TO FORM:



R. Douglas Miller, Law Director

PROOF OF PUBLICATION

I hereby certify that I have published this Resolution on _____ by posting in the five most public places as established by the Board of Township Trustees such places being the Sycamore Township Government Complex, Bob Meyer Park, Bechtold Park, the Robert L. Schuler Sports Complex, and the Clete McDaniel Sports Complex.



Robert C. Porter, III, Fiscal Officer

AMENDMENT TO
MEMORANDUM OF UNDERSTANDING
BETWEEN
DUKE ENERGY RETAIL SALES
AND
SYCAMORE TOWNSHIP

This Amendment to Memorandum of Understanding ("Amendment") is made and entered into effective as of the ___ day of October, 2011, by and between Duke Energy Retail Sales, LLC, a Delaware limited liability company ("DERS"), and Sycamore Township, Ohio ("Community").

RECITALS

WHEREAS, DERS and Community entered into that certain Memorandum of Understanding on _____, 2010 (the "Agreement"), which Agreement provided for DERS to make available to certain Community residents and small businesses competitive pricing for competitive retail electric service in return for the Community's endorsement of the program.

WHEREAS FURTHER, DERS and Community desire to amend the Agreement to document their understanding on price and amend the term of the Agreement.

NOW, THEREFORE, DERS and Community hereby agree as follows:

1. Capitalized terms not otherwise defined herein shall have the same meaning as set forth in the Agreement.

2. **Amendment to Agreement.**

a) *Term.* The first paragraph of the Agreement is hereby deleted and replaced in its entirety with the following:

This Memorandum of Understanding (the "MOU") is entered into on _____, 2010, between Duke Energy Retail Sales, LLC, a Delaware limited liability company ("DERS"), and Sycamore Township, Ohio ("Community") (each a "Party" and collectively the "Parties") and shall continue through December 31, 2013.

b) *Price.* The second paragraph of the Agreement is hereby deleted and replaced in its entirety with the following:

DERS has agreed to make available to Community residents and small businesses (those using less than 700,000 KWh annually) that are approved to participate in the Duke Energy-Ohio ("Utility") Choice

Program (“Eligible Customers”), competitive pricing for competitive retail electric service in return for the community’s endorsement of the program. The DERS price to Community residents will be a fixed price of ~~\$0.639~~/KWh for total generation charges.

#0.0639 P.A.R.

3. **Effect of Amendment.** Except as specifically provided in this Amendment, no other amendments, revisions or changes are made to the Agreement. All other terms and conditions of the Agreement remain in full force and effect and DERS and Community hereby ratify and confirm their rights and obligations under the Agreement, as amended hereby.

[Signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to be effective as of the day and year first written above.

SELLER:

DUKE ENERGY RETAIL SALES, LLC

By: _____

Name:

Its:

PURCHASER:

SYCAMORE TOWNSHIP

By: Bruce A. Raabe

Name: BRUCE A. RAABE

Its: ADMINISTRATOR