



**RESOLUTION NO. 15-\_\_\_\_\_**

**WHEREAS**, the City of Huntsville, Alabama (hereinafter referred to as Distributor), and Tennessee Valley Authority (hereinafter referred to as TVA), did heretofore enter into a contract dated May 26, 1980, (which contract, as amended and supplemented, is hereinafter called the Power Contract); and

**WHEREAS**, TVA and Distributor want to amend the Power Contract to modify certain aspects of Distributor's manufacturing credits; and

**WHEREAS**, there is now presented to the City Council of the City of Huntsville, Alabama, an amendatory agreement which changes certain manufacturing credits as provided under the Power Contract numbered TV54501A, Supp. No. 33, dated June 1, 1994, as amended, regarding the dollar amount of Expanded Credit applicable to each Expanded Eligible Account, with the representation that the said amendatory agreement has been approved by the Huntsville Electric Utility Board.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that it does approve the aforesaid amendatory agreement to the Power Contract and Tommy Battle, as Mayor of the City of Huntsville, Alabama, be, and the he is authorized to execute said amendatory agreement for and on behalf of the City of Huntsville, Alabama, and the Clerk-Treasurer be and he is hereby authorized to attest the same and to affix thereto the seal of the City of Huntsville, Alabama, all in as may counterparts as may be necessary.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
President of the City Council of  
The City of Huntsville, Alabama

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

## AMENDMENT

TV-54501A, Supp. No. \_\_\_\_

This Amendment is between the CITY OF HUNTSVILLE, ALABAMA (“**Distributor**”) and TENNESSEE VALLEY AUTHORITY (“**TVA**”).

Distributor purchases all of its power requirements from TVA for resale under contract number TV-54501A, effective May 26, 1980, as amended (“**Power Contract**”).

Distributor and TVA want to amend the Power Contract, as necessary, to modify certain aspects of Distributor’s manufacturing credits.

In consideration of the premises and the agreements below, the parties agree as follows:

### **SECTION 1 - GENERAL MANUFACTURING CREDITS**

**1.1 - Previous Agreement.** Certain manufacturing credits (“**General Manufacturing Credits**”) are provided to Distributor under the agreement numbered TV-54501A, Supp. No. 33, and dated June 1, 1994, as amended (“**Manufacturing Credit Agreement**”). The Manufacturing Credit Agreement continues in effect and is amended as provided below in this section 1.

**1.2 - Revised Firm Energy Credit Amount.** The Manufacturing Credit Agreement is amended as follows:

The dollar amount of the Expanded Credit applicable to each Expanded Eligible Account (as those terms are used in the Manufacturing Credit Agreement) is equal to the sum of:

- (a) \$1.38 per kW multiplied by the first 1,000 kW of metered demand applicable in calculating the firm billing demand determined for the customer’s monthly bill; plus
- (b) \$1.63 per kW multiplied by any amount in excess of 1,000 kW of such metered demand; plus
- (c) 1.076¢ per kWh multiplied by the firm energy determined for the customer’s monthly bill;

provided that no Expanded Credit applies in any month in which the customer’s metered demand for that account does not exceed 1,000 kW.

**1.3 - Resale Schedule MSA.** Customers served under Schedule MSA are considered Expanded Eligible Accounts if the contract demand is greater than 1,000 kW.

**1.4 - Expanded Eligible Account.** An Expanded Eligible Account is a billing account for a delivery point serving any general power customer of Distributor (a) that is served under Part 3 of either Schedule GSA or TGSA or under Schedule MSA and (b) where the major use of electricity for activities conducted at the delivery point serving that customer are classified with a 2-digit Standard Industrial Classification Code between 20 and 39, inclusive, or classified with 2002 North American Industry Classification System (NAICS) code 5181, or 2007 NAICS codes 5182, 522320, and 541214.

**SECTION 2 - TERM**

This Amendment will remain in effect for the term of the Power Contract.

**SECTION 3 - POWER CONTRACT AFFIRMED**

Except as set out above, nothing in this Amendment affects the other terms of the Power Contract.

The parties are signing this Amendment to be effective on the first day of the first full billing month following TVA's signature.

**CITY OF HUNTSVILLE, ALABAMA**

By \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**TENNESSEE VALLEY AUTHORITY**

By \_\_\_\_\_

Senior Manager  
Power Customer Contracts

Date: \_\_\_\_\_