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# CITY OF WILLIAMSPORT, PA RESOLUTION

RESOLUTION # 9268

DATE 3-3-22

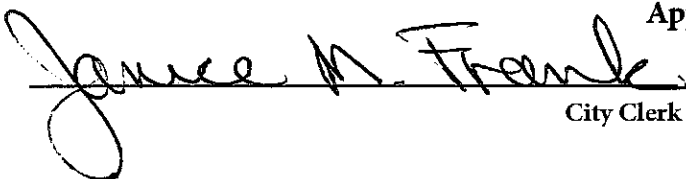
TITLE

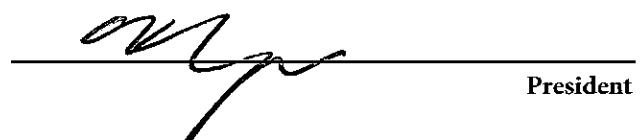
**RESOLUTION AUTHORIZING A PROFESSIONAL  
SERVICES AGREEMENT BETWEEN CITY OF  
WILLIAMSPORT/RIVER VALLEY TRANSIT AND  
CONSTELLATION NEWENERGY-GAS FOR GAS  
SUPPLY SERVICES**

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Williamsport authorizes the City of Williamsport/River Valley Transit to enter into a multi-year professional services agreement for gas supply with Constellation NewEnergy-Gas Division, LLC; not to exceed \$3.74/MMBtu plus applicable taxes, commencing on 12/1/2022 to 11/30/2026.

**HEREBY**, the appropriate City Officials are hereby authorized to execute an agreement between River Valley Transit and Constellation NewEnergy-Gas Division, LLC and any documents necessary to accept the attached agreement.

Approved

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
President



Account Manager: Paul, Tammie J  
(603) 836-7765  
tammie.paul@constellation.com

DEAL NO. TBD

### Transaction Confirmation

This Transaction Confirmation is delivered pursuant to and in accordance with a gas supply agreement ("Gas Supply Agreement"), effective **8/9/2017**, by and between Constellation NewEnergy-Gas Division, LLC ("Constellation") and City of Williamsport ("Customer"), and is subject to and made part of the terms and conditions of such Gas Supply Agreement.

**Special Condition:** This Transaction Confirmation is not effective and binding upon the parties hereto unless signed by both parties.

**Trade Date:** TBD

**Buyer:** City of Williamsport

**Seller:** Constellation NewEnergy - Gas Division, LLC (CNEGAS)

**Facility Name:** River Valley Transit 8103047804 PA

**Delivery Period:** 12/1/2022 - 11/30/2026 (inclusive)

**Nature of Obligation:** Firm - "Firm" means deliveries and receipts may not be interrupted without liability except for reasons of Force Majeure regardless of the capacity type Constellation uses to receive such gas.

**Deal Type:** Physical Fixed Price

**Contract Quantity (MMBtu):** Customer agrees that Constellation will have the exclusive right to determine usage nominations for this Facility.

**Contract Price:** \$3.74000/MMBtu  
US\$ Rounded to five decimal places  
Plus applicable taxes

The price referenced herein is inclusive of fuel to the delivery point.

Buyer acknowledges and understands that, in connection with this transaction, Seller may be paying a fee to a third party. The fee, if any, would be included in Buyer's price and would be charged by a broker/agent representing Buyer, a broker/agent representing Seller, or an association/referrer who helped facilitate this transaction.

**100% Swing:** The rate for all volumes consumed during the Delivery Period shall be the Contract Price listed herein, excluding any quantities fixed under a separate transaction confirmation.

Customer must notify Constellation of any Material Variation in usage. A "Material Variation" is defined as an increase or decrease of twenty (20) percent from the previous twelve (12) months' usage for each respective month. Variations related to weather are not considered a Material Variation. Notwithstanding anything in the



Transaction Confirmation to the contrary, the rate for any Material Variation in consumption may be based on the then-current spot market price, as determined by Constellation in its reasonable discretion.

If Constellation and Customer have previously entered into any commodity transaction(s) for the Facility (the "Previous Transaction") that overlap one or more of the delivery months covered in this Transaction Confirmation (the "Overlapping Month(s)"), the incremental gas pricing in this Transaction Confirmation shall apply to the Overlapping Months instead of any conflicting incremental gas pricing associated with the Previous Transaction.

Should an operational flow order, or other utility or pipeline restrictions occur, Constellation will attempt to adjust Customer's daily nomination to match expected usage as determined by Constellation. The pricing of incremental volumes associated with the nomination adjustment will be based on then current spot market price, as determined by Constellation in its reasonable discretion.

**Pipeline:** UGI

**Delivery Point(s):** CENTRAL LFD POOL

**Utility:** UGI

**LDC Account No(s):** 411007822561

Seller's planned billing method for this facility is to bill Buyer based on: Nomination

**Change In Law:** Constellation may pass through or allocate, as the case may be, to Customer any increase or decrease in Constellation's costs related to the natural gas and related products and services sold to Customer that results from the implementation of new, or changes (including changes to transportation rates) to existing, Laws, or other requirements or changes in administration or interpretation of Laws or other requirements. "**Law**" means any law, rule, regulation, ordinance, statute, judicial decision, administrative order, pipeline or utility business practices or protocol, pipeline or utility tariff, or rule of any commission or agency with federal jurisdiction or jurisdiction in the state in which the facility is located. Such adjusted amounts will be included in subsequent invoices to Customer.

**Default Service :** Should Constellation continue to deliver to Customer beyond the term of this Transaction Confirmation, said deliveries will be made for successive 12 month terms (each an "Extension Term"), until terminated by either party by giving written notice of termination not less than 30 days prior to the expiration of the then-current Extension Term. The price for gas delivered during the Extension Term(s) will be based on market prices as determined by Constellation. Unless otherwise provided by Customer, Constellation will determine Customer's monthly nomination in a commercially reasonable manner based upon Customer's historical usage data.

(SIGNATURE BLOCKS FOLLOW ON NEXT PAGE)



Please return via the DocuSign E-Signature process or email to [CNEGTransactionConfirmations@Constellation.com](mailto:CNEGTransactionConfirmations@Constellation.com).  
Constellation NewEnergy-Gas Division, LLC City of Williamsport

By:  
Name: Nancy H. Fischer  
Title: Vice President- Retail Ops  
Date:

By:  
Name: *Dunk Haughton*  
Title: *Mayor*  
Date: *3/3/22*

Customer ID RG-230328  
Contract No. SCX004066  
Deal No. TBD

*Margaret J. Hoodring*  
*Jeanne M. Frenel*