

**RESOLUTION NO. 2026-25**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF PERKASIE APPROVING THE FORM OF BRIGHT MOUNTAIN SOLAR SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC., AND AUTHORIZING THE BOROUGH MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE BOROUGH OF PERKASIE.**

**WHEREAS**, the Borough of Perkasia, Bucks County, Pennsylvania (“BOROUGH”) owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its customers; and

**WHEREAS**, in order to satisfy the electric capacity and energy requirements of its electric utility system, the Borough has heretofore purchased, or desires to purchase in the future, economical, reliable and environmentally sound capacity and energy and related services from, or arranged by, American Municipal Power, Inc. (“AMP”), of which the Borough is a member; and

**WHEREAS**, AMP is a nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric capacity and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members (“Members”), such Members, including the Borough, being political subdivisions that operate, or whose Members operate, municipal electric utility systems; and

**WHEREAS**, the Borough, acting individually, and through AMP with other political subdivisions of this and other states that own and operate electric utility systems jointly, endeavors to arrange for reliable, environmentally sound and reasonably priced supplies of electric capacity and energy and related services for ultimate delivery to its customers; and

**WHEREAS**, it is efficient and economical to act jointly in such regard; and

**WHEREAS**, the Borough has previously entered into a Master Services Agreement with AMP, AMP Contract No.: C-8-2008-6536 (the “MSA”), which contemplates that the Borough may enter into various schedules for the provision of capacity and associated energy and related services from AMP to the Borough; and

**WHEREAS**, certain Members, including the Borough, have determined that they can utilize additional sources of reliable and economical wind-generated electric capacity and energy

on a long-term basis, and have requested that AMP arrange for the same by acquiring interests through a purchased power agreement (PPA) in certain wind energy facilities; and

**WHEREAS**, in furtherance of this purpose, AMP has entered into a purchase power agreement (“Bright Mountain PPA”) with Bright Mountain, LLC (the “Developer”) under the terms of which AMP will purchase and Developer will supply and sell up to 80 MWac of capacity and associated energy and environmental attributes from the Bright Mountain general project located in Perry County, Kentucky for a period of up to twenty-five (25) years; and

**WHEREAS**, it is necessary and desirable for the Borough to enter into a schedule to the MSA to provide for an additional source of capacity, energy and environmental attributes; and

**WHEREAS**, through approval and execution of the Bright Mountain Solar Schedule authorized below, Members now have the right, but not the obligation, to authorize and request AMP to acquire capacity and energy through the Bright Mountain PPA; and

**WHEREAS**, prior to the adoption of this Resolution AMP has (i) informed the Borough of the terms of the Bright Mountain Solar Schedule; (ii) provided the Borough the opportunity to review the anticipated form of the Bright Mountain PPA; and (iii) offered representatives of the Borough the opportunity to ask such questions, review data and reports, conduct inspections and otherwise perform such investigations with respect to, as applicable, the acquisition of capacity and energy and the terms and conditions of the Bright Mountain Solar Schedule authorized below as the Borough deems necessary or appropriate in connection herewith; and

**WHEREAS**, the Borough requests and authorizes AMP to explore an arrangement whereby AMP may prepay all or a portion of AMP’s obligations to purchase energy, capacity and environmental attributes at some point during the term of the Bright Mountain PPA and finance the prepayment on behalf of the Borough through the issuance of bonds by AMP in order to achieve additional savings on the capacity, energy and environmental attributes derived from the Bright Mountain PPA that AMP can pass through to the Borough (“Prepay Agreement”) subject to the additional requirements set forth in the Bright Mountain Solar Schedule.

**WHEREAS**, after due consideration, the Borough has determined it is reasonable and in its best interests to proceed as authorized herein below and requests and authorizes AMP to acquire capacity and energy from the Developer upon the terms and conditions set forth in the Bright Mountain PPA.

**NOW, THEREFORE,** be it resolved by the Borough Council of Perkasio Borough as follows:

1. **SECTION 1.** That the Bright Mountain Solar Schedule between the Borough and AMP, substantially in the form attached hereto as Exhibit "A", including exhibits thereto, is approved, and the Authorized Representative of the Borough, identified below, is hereby authorized to execute and deliver the Bright Mountain Solar Schedule with such changes as the Authorized Representative may approve as neither inconsistent with this Resolution, nor materially detrimental to the Borough, her execution of the Bright Mountain Solar Schedule to be conclusive evidence of such approval. For purposes of this Resolution, the Borough's Authorized Representative is Andrea Coaxum, Borough Manager.

2. **SECTION 2.** That the Authorized Representative is hereby authorized to (i) acquire under the Bright Mountain Solar Schedule, authorized above, a Contract Amount as defined in that Schedule of up to 3.2 MW, without bid, and (ii) make any determinations and approvals required thereunder, if any, as the Authorized Representative shall deem necessary and advisable.

3. **SECTION 3.** If any section, subsection, paragraph, clause or provision, or any part thereof of this Resolution shall be finally adjudicated by a Court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision, or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

4. **SECTION 4.** That this Resolution shall take effect at the earliest date allowed by law.


5. **SECTION 5.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.


6. **SECTION 6.** Pursuant to 53 P.S. §47402-A and 53 P.S. §47505-A, competitive bidding is not required for the Borough's purchase of capacity and associated energy and environmental attributes through the Bright Mountain Solar Schedule.

**THIS RESOLUTION** was duly adopted this 20<sup>th</sup> day of April, 2026.

**ATTEST:**

**BOROUGH OF PERKASIE:**

By:   
\_\_\_\_\_  
Andrea L. Coaxum, Secretary

By:   
\_\_\_\_\_  
Robin Schilling, Council President