

**TOWN OF CLINTON**  
**RESOLUTION NO. 27 OF 2022**

**RESOLUTION AUTHORIZING THE COMMENCEMENT OF LITIGATION AGAINST  
COLUMBIA UTILITIES, LLC**

WHEREAS, Columbia Utilities, LLC, including any subsidiaries and affiliates, (herein collectively “Columbia”) is an independent retail energy supply company; and  
WHEREAS, the Town of Clinton entered into a Community Choice Aggregation Electricity Supply Agreement (“Supply Agreement”) with Columbia and Joule Assets Inc. (“Joule”), with Joule acting as Community Choice Aggregation Administrator, to provide energy benefits to residents and small non-residential customers within the Town of Clinton (“Residents”); and

WHEREAS, on April 19, 2022, Columbia notified the Public Service Commission that that it intends to transfer these Residents to the utility, which transfer would constitute a breach of the Supply Agreement by terminating service without cause or in accordance with the terms of the Contract; and

WHEREAS, the Town of Clinton desires to retain Hodgson Russ LLP as counsel for the purpose of joining Joule in commencing litigation on behalf of the Town of Clinton to enforce the Supply Agreement;

NOW THEREFORE, BE IT RESOLVED by the Town Board that:

1. Commencement and prosecution of a civil action against Columbia, and any other appropriate party, for the purpose of enforcing the Supply Agreement and protecting the interests of the Residents, including but not limited to preventing any breach, and/or recovery of damages from any responsible

party on behalf of the Town/City/Village and its residents and small nonresidential customers, is hereby authorized and approved.

2. The Town Supervisor and staff are authorized to take all appropriate steps to support the successful prosecution of the proceeding.

3. The retention of Hodgson Russ LLP as outside counsel is hereby authorized for the purpose of commencing and prosecuting this action. Nothing in this Resolution authorizes the expenditure of funds for such purpose.

4. This Resolution shall be effective immediately upon its adoption.

**PASSED AND ADOPTED by the Town of Clinton Town Board on the 19th day of May, 2022.**

A handwritten signature in cursive script, appearing to read "Carol-Jean Mackin".

Carol-Jean Mackin, Town Clerk