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8870 Darrow Road, #F106  
Twinsburg, Ohio 44087  
Buckeyeenergybrokers.com

**PUCO**

January 31, 2008

Chief of Docketing  
Public Utilities Commission of Ohio  
180 East Broad Street, 13<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

Via US MAIL

**RE: Electric Governmental Aggregator Renewal Application Case No. 04-146-EL-GAG**

Buckeye Energy Brokers, Inc. is pleased to submit on behalf of the Miami Valley Communications Council the original and 10 copies of its renewal application for electric governmental aggregator. The original case number is 04-146-EL-GAG.

Should you have any questions or additional needs, please call me at (330) 730-4338.

Sincerely,

Thomas M. Bellish  
President

Enclosure

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician SM Date Processed 2/1/08.



*The Public Utilities Commission of Ohio*

Original GAG Case Number	Version
04 - 114-EL-GAG	August 2004

## RENEWAL APPLICATION FOR GOVERNMENTAL AGGREGATORS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-4 Opt-Out Form). All attachments should bear the legal name of the Applicant and should be included on the electronic copy provided. Applicants should file completed applications and all related correspondence with: Public Utilities Commission of Ohio, Docketing Division, 180 East Broad Street, Columbus, OH 43215-3793.

**This PDF form is designed to be printed on a standard 8.5 x 11 inch sheet of paper.**  
**You may also download the form and save it to your hard drive, if you wish.**

### A. RENEWAL INFORMATION

#### A-1 Applicant's legal name, address, telephone number, PUCO certificate number, and web site address

Legal Name Miami Valley Communications Council  
Address 1195 East Alex-Bell Road, Centerville, Ohio 45459  
PUCO Certificate # and Date Certified 04-114(1) 3/4/04  
Telephone # (937) 438-8887 Web site address (if any) www.mvcc.net

#### A-2 Exhibit A-2 "Authorizing Ordinance" provide a copy of the ordinance or resolution authorizing the formation of a governmental aggregation program adopted pursuant to Section 4928.20(A) of the Revised Code.

#### A-3 Exhibit A-3 "Operation and Governance Plan" provide a copy of the applicant's current plan for operation and governance of its aggregation program adopted pursuant to Section 4928.20(C) of the Revised Code. The Operation and Governance Plan explained in Exhibit A-3 should include:

- Terms and conditions of enrollment including:
  - Rates
  - Charges
  - Switching fees, if any
- Policies associated with customers moving into/out of aggregation area
- Billing procedures
- Procedures for handling complaints and disputes including the toll-free telephone number and address for customer contacts

**A-4** Exhibit A-4 Automatic Aggregation Disclosure-"Opt-out Form" provide a copy of the disclosures/"opt-out" required by Section 4928.20(D) of the Revised Code, if its aggregation program provides for automatic aggregation in accordance with Section 4928.20(A) of the Revised Code. If the opt-out is in draft form, docket the final opt-out (including beginning and ending dates of the 21-day -out period and the selected CRES supplier) with the Commission within 10 days prior to providing or offering service. See #12 in the attached Affidavit .

**A-5** **Contact person for regulatory or emergency matters**

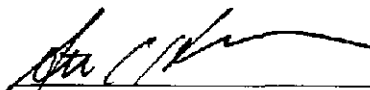
Name Thomas M. Bellish  
Title President  
Business address 8870 Darrow Road, #F106, Twinsburg, Ohio 44087  
Telephone # (330) 730-4338 Fax # (216) 927-4500  
E-mail address (if any) tmbellish@hotmail.com

**A-6** **Contact person for Commission Staff use in investigating customer complaints**

Name Steve Husemann  
Title Executive Director  
Business address 1195 East Alex-Bell Road, Centerville, Ohio 45459  
Telephone # (937) 438-8887 Fax # (937) 438-8569  
E-mail address (if any) shusemann@mvcc.net

**A-7** **Applicant's address and toll-free number for customer service and complaints**

Customer Service address 1195 East Alex-Bell Road, Centerville, Ohio 45459  
Toll-free Telephone # (937) 438-8887 Fax # (937) 438-8569  
E-mail address (if any) shusemann@mvcc.net

 Steve Husemann, Executive Director  
Signature of Applicant & Title

Sworn and subscribed before me this 25<sup>th</sup> day of January, 2008 Year  
Month

 Carol E. Meanor  
Signature of official administering oath

CAROL E. MEANOR, SECRETARY/  
Print Name and Title  
NOTARY

CAROL E. MEANOR, Notary Public  
for and for the State of Ohio  
My Commission Expires Sept. 8, 2009

My commission expires on 9/8/09

# **AFFIDAVIT**

State of Ohio :

\_\_\_\_ ss.  
(Town)

County of Montgomery :

Steve Husemann, Affiant, being duly sworn/affirmed according to law, deposes and says that:

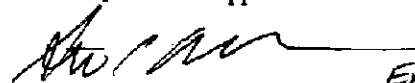
He/She is the Executive Director (Office of Affiant) of Miami Valley Communications Council (Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant,

1. The Applicant herein, attests under penalty of false statement that all statements made in the application for certification renewal are true and complete and that it will amend its application while the application is pending if any substantial changes occur regarding the information provided in the application.
2. The Applicant herein, attests it will timely file an annual report with the Public Utilities Commission of Ohio of its intrastate gross receipts, gross earnings, and sales of kilowatt-hours of electricity pursuant to Division (A) of Section 4905.10, Division (A) of Section 4911.18, and Division (F) of Section 4928.06 of the Revised Code.
3. The Applicant herein, attests that it will timely pay any assessments made pursuant to Sections 4905.10, 4911.18, or Division F of Section 4928.06 of the Revised Code.
4. The Applicant herein, attests that it will comply with all Public Utilities Commission of Ohio rules or orders as adopted pursuant to Chapter 4928 of the Revised Code.
5. The Applicant herein, attests that it will cooperate fully with the Public Utilities Commission of Ohio, and its Staff on any utility matter including the investigation of any consumer complaint regarding any service offered or provided by the Applicant.
6. The Applicant herein, attests that it will fully comply with Section 4928.09 of the Revised Code regarding consent to the jurisdiction of Ohio Courts and the service of process.
7. The Applicant herein, attests that it will comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
8. The Applicant herein, attests that it will use its best efforts to verify that any entity with whom it has a contractual relationship to purchase power is in compliance with all applicable licensing requirements of the Federal Energy Regulatory Commission and the Public Utilities Commission of Ohio.
9. The Applicant herein, attests that it will cooperate fully with the Public Utilities Commission of Ohio, the electric distribution companies, the regional transmission entities, and other electric suppliers in the event of an emergency condition that may jeopardize the safety and reliability of the electric service in accordance with the emergency plans and other procedures as may be determined appropriate by the Commission.
10. If applicable to the service(s) the Applicant will provide, the Applicant herein, attests that it will adhere to the reliability standards of (1) the North American Electric Reliability Council (NERC), (2) the appropriate regional reliability council(s), and (3) the Public Utilities Commission of Ohio. (Only applicable if pertains to the services the Applicant is offering)

11. The Applicant herein, attests that it will inform the Commission of any material change to the information supplied in the renewal application within 30 days of such material change, including any change in contact person for regulatory purposes or contact person for Staff use in investigating customer complaints.
12. The Applicant herein, attests that if the opt-out is in draft form, the Applicant will docket the final opt-out (including beginning and ending dates of the 21-day -out period and the selected CRES supplier) with the Commission within 10 days prior to providing or offering service.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

  
\_\_\_\_\_, Executive Director  
Signature of Affiant & Title

Sworn and subscribed before me this 25<sup>th</sup> day of January, 2008.  
Month Year

  
\_\_\_\_\_  
Signature of official administering oath

CAROL E. MEANOR, SECRETARY/  
\_\_\_\_\_  
Print Name and Title

NOTARY

CAROL E. MEANOR, Notary Public My commission expires on 9/8/09  
in and for the State of Ohio  
My Commission Expires Sept. 8, 2009

Exhibit A-3  
~~Communication Plan~~  
~~Authorization~~

## RECORD OF RESOLUTIONS

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AUTHORIZING Ordinance

Resolution 2003-T

Passed November 10, 2003

### MUNICIPALITY OF BELLBROOK, OHIO

#### RESOLUTION NO. 2003-T

A RESOLUTION ADOPTING THE MIAMI VALLEY COMMUNICATIONS COUNCIL ELECTRIC AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4928.20, OHIO REVISED CODE AND NATURAL GAS AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4929.26, OHIO REVISED CODE.

WHEREAS, the Ohio Legislature has enacted deregulation legislation ("Am. Sub. S.B. No. 3 and H.B. No. 9") which authorizes the legislative authorities of municipal corporations to aggregate the retail electric and natural gas loads located in the respective jurisdictions; and

WHEREAS, such legislative authorities may exercise such authority jointly with any other legislative authorities; and

WHEREAS, the ballot question, authorized by Ordinance No. 2003-1 and Ordinance No. 2003-2, has received at least a majority of the vote cast at the May 6, 2003 election; and

WHEREAS, this Council seeks to adopt the Miami Valley Communications Council Electric Aggregation Program Plan of Operation and Governance and the Miami Valley Communications Council Natural Gas Aggregation Program Plan of Operation and Governance, attached hereto and incorporated herein as if fully reappearing, pursuant to sections 4928.20 and 4929.26, Ohio Revised Code, for the residents, businesses and other energy users in the municipality and in conjunction with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and

NOW, THEREFORE, THE MUNICIPALITY OF BELLBROOK HEREBY RESOLVES:

Section 1. This Council finds and determines that it is in the best interest of the city, its residents, businesses and other electricity and natural gas consumers located within the corporation limits of the City of Bellbrook and who receive commodity sales service and distribution service from Dayton Power & Light and/or Vectren Energy Delivery of Ohio to establish an opt-out Aggregation Program in accordance with law in the City of Bellbrook.

Section 2. This Council finds and determines that it is in the best interest of the City of Bellbrook, its residents, businesses and other electricity and natural gas consumers located within the corporate limits of the City of Bellbrook to adopt the Miami Valley Communications Council Natural Gas Aggregation Program Plan of Operations and Governance and the Miami Valley Communications Council Electric Aggregation Program Plan of Operations and Governance attached hereto and incorporated herein as if fully reappearing, pursuant to Sections 4929.26 and 4928.20, Ohio Revised Code.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Mary C. Graves  
MARY C. GRAVES, MAYOR

ATTEST:

Jill D. Robinette  
JILL D. ROBINETTE, CLERK OF COUNCIL

Passed this 10th day of November 2003.

Exhibit A-3  
Operating  
Governance Plan

RESOLUTION NO. 68-03  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James E. Singer ON THE 15<sup>th</sup> DAY OF December, 2003.

A RESOLUTION ADOPTING THE MIAMI VALLEY COMMUNICATION COUNCIL ELECTRIC AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4928.20, OHIO REVISED CODE AND NATURAL GAS AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4929.26, OHIO REVISED CODE.

WHEREAS, the Ohio Legislature has enacted deregulation legislation ("Am. Sub. S.B. No. 3 and H.B. No. 9") which authorizes the legislative authorities of municipal corporations to aggregate the retail electric and natural gas loads located in the respective jurisdictions; and

WHEREAS, such legislative authorities may exercise such authority jointly with any other legislative authorities; and

WHEREAS, the ballot questions, authorized by Ordinance 04-03 for electric aggregation and Ordinance 02-03 for gas aggregation, have received at least a majority of the vote cast at the May 6, 2003 election; and

WHEREAS, this Council seeks to adopt the Miami Valley Communications Council Electric Aggregation Program Plan of Operation and Governance and the Miami Valley Communications Council Natural Gas Aggregation Program Plan of Operation and Governance, attached hereto and incorporated hereto as if fully reappearing, pursuant to sections 4928.20 and 4929.26, Ohio Revised Code, for the residents, businesses and other energy users in the municipality and in conjunction with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. This Council finds and determines that it is in the best interest of the city, its residents, businesses and other natural gas consumers located within the corporation limits of the City of Centerville and who receive commodity sales service and distribution service from Dayton Power & Light and/or Vectren Energy Delivery of Ohio to establish an opt-out Aggregation Program in accordance with law in the City of Centerville.



**Section 2.** This Council finds and determines that it is in the best interest of the City of Centerville, its residents, businesses and other natural gas consumers located within the corporate limits of the City of Centerville to adopt the Miami Valley Communications Council Natural Gas Aggregation Program Plan of Operations and Governance and the Miami Valley Communications Council Electric Aggregation Program Plan of Operations and Governance attached hereto and incorporated herein as if fully recapsulating, pursuant to Sections 4929.25 and 4928.20, Ohio Revised Code and, therefore, the same is hereby adopted.

**Section 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED THIS 15<sup>th</sup> day of December, 2003.

Sally D. Beale  
Mayor of the City of  
Centerville, Ohio

ATTEST:

Marie McLaughlin  
Clerk of Council  
City of Centerville, Ohio

### CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 68-03, passed by the Council of the City of Centerville, Ohio on the 15<sup>th</sup> day of December, 2003.

Marie McLaughlin  
Clerk of the Council

Approved as to form, consistency with the  
Charter and Constitutional Provisions.  
Department of Law  
Robert N. Farquhar  
Municipal Attorney

Exhibit A-2  
Operating &  
Governance Plan

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**RESOLUTION NO. 03-97**

**A RESOLUTION ADOPTING THE MIAMI VALLEY COMMUNICATIONS COUNCIL ELECTRIC AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4928.20, OHIO REVISED CODE AND NATURAL GAS AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4929.26, OHIO REVISED CODE.**

**WHEREAS,** the Ohio Legislature has enacted deregulation legislation (Am. Sub. S.B. No. 3 and H.B. No. 9") which authorizes the legislative authorities of municipal corporations to aggregate the retail electric and natural gas loads located in the respective jurisdictions; and

**WHEREAS,** such legislative authorities may exercise such authority jointly with any other legislative authorities; and

**WHEREAS,** the ballot question, authorized by Ordinance No. 03-16 and 03-17, has received at least the majority of the vote cast at the May 6, 2003 election; and

**WHEREAS,** this Council seeks to adopt the Miami Valley Communications Council Electric Aggregation Program Plan of Operation and Governance and the Miami Valley Communications Council Natural Gas Aggregation Program Plan of Operation and Governance, attached hereto and incorporated herein as if fully reappearing, pursuant to Section 4928.20 and 4929.26, Ohio Revised Code, for the residents, businesses and other energy users in the municipality and in conjunction with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

**NOW, THEREFORE, THE MUNICIPALITY OF GERMANTOWN, STATE OF OHIO, HEREBY RESOLVES THAT:**

**SECTION 1:** This Council finds and determines that it is in the best interest of the village, its residents, businesses and other electricity and natural gas consumers located within the corporation limits of the Village of Germantown and who receive commodity sales service and distribution service from Dayton Power & Light and/or Vectren Energy Delivery of Ohio to establish and opt-out Aggregation Program in accordance with law in the Village of Germantown.

**SECTION 2:** This Council finds and determines that it is in the best interest of the Village of Germantown, its residents, businesses and other electricity and natural gas consumers located within the corporate limits of the Village of Germantown to adopt the Miami Valley Communications Council Natural Gas Aggregation Program Plan of Operations and Governance and the Miami Valley Communications Council Electric Aggregation Program Plan of Operations and Governance attached hereto and incorporated herein as if fully reappearing, pursuant to Sections 4929.26 and 4928.20, Ohio Revised Code.

**SECTION 3:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION 4:** This measure shall take effect and be in full force from and after the earliest period allowed by law.

**PASSED:** November 17, 2003

**ATTEST:**

**APPROVED:**

  
Timothy R. Warner  
Clerk of Council

  
Theodore E. Landis  
Mayor

First Reading: November 3, 2003  
Public Hearing: November 17, 2003

Exhibit A-2  
Operating &  
Governance Plan

**CITY OF KETTERING, OHIO**

## A RESOLUTION

By: Mr. Swannaker and Mr. Doherty

**File 7639-04**

**ADOPTING AN ELECTRIC AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4923.33, OHIO REVISED CODE, AND ADOPTING A NATURAL GAS AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4923.34, OHIO REVISED CODE**

**Be It Resolved by the Council of the City of Kettering, State of Ohio, that:**

**Section 1.** This Council finds and determines that it is in the best interest of the City of Kettering, its residents, businesses and other natural gas customers located within the corporate limits of the City of Kettering to adopt the Natural Gas Aggregation Program Plan of Operations and Governance and the Electric Aggregation Program Plan of Operations and Governance, attached hereto as Exhibit 1 and Exhibit 2 and incorporated herein as if fully recapturing, pursuant to Sections 4929.26 and 4928.20, Ohio Revised Code.

**Section 2.** This Council's adoption of the plans referred to in Section 1 of this Resolution is conditioned upon and shall require this Council to approve, in advance and by resolution, any contract with any electric supplier, electric light company, electric services company, electric utility, natural gas supplier, natural gas utility or natural gas company for any aggregation pursuant to the provisions of O.R.C. Chapter 4928 and/or O.R.C. Chapter 4923.

**Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.**

**Section 4.** This Resolution shall be effective immediately upon its adoption pursuant to Section 4-8 of the City Charter.

Passed by Council this 13th day of January 2004.

**MARKLOU W. SMITH, Mayor.**

**ATTEST:**

### CERTIFICATE OF APPROVAL

**VIRGINIA J. SCHULKE, CMC,**  
**Clerk of Council**

**DAVID L. EUBANK,**  
Law Director

(Requested by: City Manager's Office)

Exhibit A-3 29  
Operating + 12  
Governance Plan

**RESOLUTION NO. 2552**

**A RESOLUTION ADOPTING THE MIAMI VALLEY COMMUNICATION COUNCIL ELECTRIC AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4928.20, OHIO REVISED CODE AND NATURAL GAS AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, AND DECLARING AN EMERGENCY.**

**WHEREAS, the Ohio Legislature has enacted deregulation legislation ("Am. Sub. S.B. No. 3 and H.B. No. 9") which authorizes the legislative authorities of municipal corporations to aggregate the retail electric and natural gas loads located in the respective jurisdictions; and**

**WHEREAS, such legislative authorities may exercise such authority jointly with any other legislative authorities; and**

**WHEREAS, the ballot question, authorized by Ordinances No. 5679 & 5680, has received at least a majority of the vote cast at the May 6, 2003 election; and**

**WHEREAS, this Council seeks to adopt the Miami Valley Communications Council Electric Aggregation Program Plan of Operation and Governance and the Miami Valley Communications Council Natural Gas Aggregation Program Plan of Operation and Governance, attached hereto and incorporated herein as if fully recappearing, pursuant to sections 4928.20 and 4929.26, Ohio Revised Code, for the residents, businesses and other energy users in the municipality and in conjunction with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and**

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF MIAMISBURG, STATE OF OHIO, ALL THE MEMBERS THERETO CONCURRING THAT:**

**Section 1.**

**This Council finds and determines that it is in the best interest of the city, its residents, businesses and other natural gas and electric consumers located within the corporation limits of the City of Miamisburg and who receive commodity sales service and distribution service from Dayton Power & Light and/or Vectren Energy Delivery of Ohio to establish an opt-out Aggregation Program in accordance with law in the City of Miamisburg.**

Section 2.

This Council finds and determines that it is in the best interest of the City of Miamisburg, its residents, businesses and other natural gas and electric consumers located within the corporate limits of the City of Miamisburg to adopt the Miami Valley Communications Council Natural Gas Aggregation Program Plan of Operations and Governance and the Miami Valley Communications Council Electric Aggregation Program Plan of Operations and Governance attached hereto and incorporated herein as if fully reappearing, pursuant to Sections 4929.26 and 4928.20, Ohio Revised Code.

Section 3.

Any contract award for electric generation services or natural gas supply for the opt-out aggregation program must be reviewed and approved by City Council.

Section 4.

That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5.

This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that Council wishes to proceed with the opt-out electric and gas opt-out aggregation plan at the earliest possible date; therefore, this measure shall take effect and be in force from and after its passage.

Passed: January 6, 2004 Attested:

*Judith E. Barney*

Judith E. Barney, Clerk of Council

Approved:

*Richard C. Church, Jr.*

Richard C. Church, Jr., Mayor

RECORD OF RESOLUTIONS

Resolution No. 5581-04

Passed January 8, 2004

A RESOLUTION ADOPTING THE MIAMI VALLEY COMMUNICATIONS COUNCIL ELECTRIC AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4928.26, OHIO REVISED CODE, AND NATURAL GAS AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4928.26, OHIO REVISED CODE

WHEREAS, the Ohio Legislature has enacted deregulation legislation (Am. Sub. S.B. No. 3 and H.B. No. 67) which authorizes the legislative authorities of municipal corporations to aggregate the retail electric and natural gas loads located in the respective jurisdictions; and

WHEREAS, such legislative authorities may exercise such authority jointly with any other legislative authorities; and

WHEREAS, the ballot question, authorized by Ordinance Nos. 1491-03 (natural gas) and 1492-03 (electricity), has received at least a majority of the vote cast at the May 6, 2003 election; and

WHEREAS, this Council seeks to adopt the Miami Valley Communications Council Electric Aggregation Program Plan of Operation and Governance and the Miami Valley Communications Council Natural Gas Aggregation Program Plan of Operation and Governance, attached hereto and incorporated herein as if fully recappearing, pursuant to sections 4928.26 and 4928.28, Ohio Revised Code, for the residents, businesses and other energy users in the municipality and in conjunction with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Moraine, State of Ohio:

Section 1. This Council finds and determines that it is in the best interest of the city, its residents, businesses and other natural gas located within the corporate limits of the City of Moraine and who receive commodity sales service and distribution service from Dayton Power & Light and/or Veolia Energy Delivery of Ohio to establish an opt-out Aggregation Program in accordance with law in the City of Moraine.

Section 2. This Council finds and determines that it is in the best interest of the City of Moraine, its residents, businesses and other natural gas consumers located within the corporate limits of the City of Moraine to adopt the Miami Valley Communications Council Natural Gas Aggregation Program Plan of Operations and Governance and the Miami Valley Communications Council Electric Aggregation Program Plan of Operations and Governance attached hereto and incorporated herein as if fully recappearing, pursuant to Sections 4928.26 and 4928.28, Ohio Revised Code.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. That this Resolution shall take effect and be in force from and after the date of its passage.

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## RECORD OF RESOLUTIONS

Resolution No. \_\_\_\_\_

Passed \_\_\_\_\_

APPROVED

MAYOR

ATTEST:

*Lisa Johnson*  
CLERK OF COUNCIL

APPROVED AS TO FORM:

*Patrick H. Barry*  
LAW DIRECTOR

### CERTIFICATE OF THE CLERK

I, Lisa Johnson, Clerk of the City of Moraine, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 6581-04, passed by the Moraine City Council on the 8<sup>th</sup> day of January, 2004.

IN TESTIMONY WHEREOF, witness my hand and official seal this 8<sup>th</sup> day of January, 2004.

*Lisa Johnson*  
Lisa Johnson, CMC  
Clerk of Council





**MVCC Certification Application For Electric Governmental Aggregators**

**Exhibit A-3 "Operation and Governance Plan"**



**ELECTRIC  
AGGREGATION  
PROGRAM  
OPERATION  
AND  
GOVERNANCE PLAN**

**For additional information contact Buckeye Energy Brokers, Inc.:**

**Thomas M. Bellish, President**

**phone: (330) 730-4338**

**fax: (216) 927-4500**

**e-mail: [bellish@buckeyeenergybrokers.com](mailto:bellish@buckeyeenergybrokers.com)**

# MVCC Certification Application For Electric Governmental Aggregators

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## **MVCC Certification Application For Electric Governmental Aggregators**

### **(A) Introduction**

This Operation and Governance Plan ("Plan") has been developed in compliance with Ohio Revised Code, Section 4928.20 and 4901:1-21-16(B) of the Ohio Administrative Code regarding governmental automatic aggregation of retail electric service. The Miami Valley Communications Council ("MVCC") Aggregation Program ("Program") seeks to aggregate the retail electric loads of consumers located in program member municipalities to negotiate the best rates.

The Program will be undertaken at two levels. At the customer level, eligible residents and small businesses can participate automatically in the program by utilizing the Program Supplier. At the local government level, Miami Valley municipalities wishing to proceed jointly have authorized the MVCC to perform as their agent for development and administration of the Program. Current Program members are the municipalities of Centerville, Germantown, Kettering, Moraine, Miamisburg and Bellbrook. It has the potential to combine approximately 45,000 residential and small commercial customers into a buying pool that will be attractive to third party suppliers ("Suppliers").

MVCC was formed in 1975 as a council of governments to monitor, regulate, and administer common cable television franchise agreements, manage the operation of the council's cable access television channels, and develop and implement intergovernmental projects. The council is governed by a policy-making body consisting of delegates representing member cities. The Miami Valley Cable Council is a municipal communications organization representing the eight member cities of Centerville, Germantown, Kettering, Miamisburg, Moraine, Oakwood, Springboro and West Carrollton. The council also has affiliate agreements with 18 other Miami Valley cities.

Participation in the Program is voluntary. Any individual customer ("Member") has the opportunity to decline to be a Member of the aggregation program and to return to Dayton Power & Light ("Local Utility") standard offer of service or to enter into a service contract with any competitive retail electric Supplier.

The Miami Valley Communications Council Program member municipalities have passed the necessary ordinance to place the issue of governmental aggregation of electric on the May 2003 ballot. The issue passed and the MVCC will follow the Plan outlined below. This Plan will not be adopted until two public hearings are held in accordance with section 4928.20 (C) of the Ohio Revised Code.

### **(B) Operation and Governance Plan Detail**

#### **(1) Purpose of the Electric Municipal Aggregation Program**

The purpose of the MVCC Program is to provide customer choice and savings to residents and small businesses that would not otherwise benefit from energy deregulation. Additional goals that guide the Executive Director of the MVCC in decision-making are listed below:

## **MVCC Certification Application For Electric Governmental Aggregators**

- To acquire the best energy pricing available, including government-owned accounts;
- To provide timely communication on the Program;
- To protect customers from rapidly increasing energy prices;
- To improve quality and reliability of service;
- To utilize and encourage any mandated renewable energy requirements;
- To advance specific community goals that may be selected, and;
- To utilize local government authority to achieve these goals.

### **(2) Description of Services and Professional Assistance**

The process of governmental aggregation is set forth in Ohio Revised Code Chapter 4928. The chapter defines two different types of aggregation that may be enacted by a governmental entity opt-in aggregation and opt-out aggregation. Opt-in aggregation can occur only with the prior consent of each electric consumer. That is, the consumer must give its consent to be included in the Program. Under the opt-out aggregation provisions, all electric consumers within the boundaries of MVCC municipalities will be automatically included in the Program. However, such customers will be given prior notice entitling them to affirmatively elect not to be part of the Program. These customers can opt-out during a 21-day period. A similar opt-out period will be offered at least every two years during which Members can leave the MVCC's aggregation pool without paying a switching fee. Distribution services (billing, maintenance of the electric system, etc.) will continue as a function of the Local Utility. The Local Utility will continue to own, furnish, install, calibrate, test and maintain all meters and associated equipment used for customer billing and retail energy settlement purposes. The Local Utility shall also be the "provider of last resort" for customers not participating in the Program who have no other competitive Supplier

Due to the complexity of deregulation of the electric utility industry, the MVCC will consult with and obtain the necessary expertise to represent and help administer the Program. The MVCC has passed an ordinance to contract with Buckeye Energy Brokers, Inc. (Buckeye Energy Brokers), a Public Utility Commission of Ohio (PUCO) certified electric and natural gas broker and aggregator with mailing address of 8870 Darrow Road #F106 Twinsburg, Ohio 44087. Buckeye Energy Brokers has advised numerous municipalities on energy aggregation programs and will provide the following energy-consulting services to the MVCC:

- Handle day-to-day administration of program (problem resolution, press releases, PUCO compliance, Supplier & local utility liaison, tariff analysis, contract review, etc.)
- File for PUCO Certification so the MVCC can work with any Supplier
- Administer the Request for Proposal process, analyze responses and provide deal structuring services
- Write and maintain the Operation and Governance Plan
- Hold the required Public Hearings and attend Council meetings
- Review customer data from Local Utility
- Write reports on a quarterly basis to the MVCC and to the PUCO

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The MVCC through its consultants will seek bids and negotiate with Certified Electric Suppliers. The MVCC will not assume title to the electric generation. It will not buy and resell electric to the participants of the program. Instead, the MVCC will competitively bid and negotiate a contract with a competitive retail electric Supplier to provide electric supply to the Members of the aggregation program. Similarly, the MVCC will not handle billing or scheduling of electric loads. Those responsibilities rest with the selected Supplier and Local Utility.

Only Suppliers meeting strict criteria will be considered. Suppliers will need to be certified by the Public Utilities Commission of Ohio and registered with the Local Utility to do business in their service territory. Both the certification and registration ensure that Suppliers are managerially, technically, and financially competent to perform the services they offer.

The successful bidder shall also demonstrate its creditworthiness by possessing an investment grade long-term bond ratings from at least two of the following rating agencies:

Standard & Poors	BBB- or Higher
Moody's Investors' Services	Baa3 or Higher
Fitch ICBA	BBB- or Higher

If the bidder is unable to demonstrate its creditworthiness, the bidder will provide: a Letter of Credit; or a Parental Guaranty from a company that is deemed creditworthy or a Surety Bond. Details of the credit type and amount will be subject to negotiation.

If for any reason the selected Supplier discontinues service or announces plans to discontinue service, the MVCC will attempt to contract with an alternate Supplier. If this attempt fails, customers will default to Local Utility service and tariff rates. In no case will participants be without electric service as a result of the Program Supplier failure to provide uninterrupted service. The selected Supplier shall provide advanced notice to its customers of withdrawal from retail service in accordance with applicable PUCO rulings.

The MVCC will rely on its consultant, Buckeye Energy Brokers, to monitor and report on a quarterly basis. Buckeye Energy Brokers will track the performance of the selected Supplier, report on estimated savings and provide an analysis of current and future market conditions. Reports will be provided to the administration of each Program member municipality. Members wishing to view the reports should make arrangements to do so by contacting the MVCC during normal working hours.

The MVCC and/or its consultants will assist municipalities wishing to establish a governmental aggregation program through the following process:

- Local governing body passes ordinance authorizing an electric "opt-out" aggregation program for customers utilizing the MVCC;

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- The ordinance is submitted to the local Board of Elections not less than 75 days before the day of a special election or the next primary or general election;
- Adopt and submit a electric Operation and Governance Plan to the PUCO
- Insert a public hearing notice on the Operation and Governance Plan once a week for two consecutive weeks before the first public hearing, providing a summary of the Plan and the date, time, and location of each hearing;
- Hold two public hearings on the electric Plan;
- Adopt Operation and Governance Plan;
- Draft and distribute a electric generation request for proposal to potential Suppliers;
- Negotiate and select electric Supplier to enter into service agreement;
- Obtain the necessary electronic list from the Local Utility;
- Notify eligible customers, as outlined in Section B.4. of automatic enrollment, rates, terms, conditions and opt-out period prior to service under the Program through U.S. mail
- Customers participating in the Program will have the opportunity to opt-out of the Program every two years, without paying a switching fee;
- Monitor Supplier service agreement for compliance;
- Report any required information to the PUCO and file to renew municipal aggregator certification every two years.

### **(3) Determination of Rates**

The MVCC shall receive proposals from electric suppliers using a competitive selection process. The Request For Proposal ("RFP") shall require the suppliers to offer an electric rate for each rate code, customer class, load grouping or other appropriate category. It is the responsibility of each Member to compare the rate with others and decide accordingly. The prices to be charged to Members in the Program will be set by the MVCC after negotiations with the selected Supplier. Members will be notified of the rates and terms of the Program as part of the opt-out process, through a direct mailing sent to each resident and business within the MVCC member municipality limits. The following rate comparison will be completed once the Municipality has selected a Supplier.

<b>Customer Class</b>	<b>Rate Code</b>	<b>Supplier Offer (Percent Off)</b>	<b>Term</b>
Residential	111, 141		
Commercial	117, 137		

Members will be responsible for all other billable charges, such as, taxes, transmission and distribution charges, monthly service charge, Federal Phase I Clean Air Act Compliance, late payment, electric fuel component, etc. The contract negotiated with the selected Supplier will fall somewhere in the range of 1-4 years commencing in the first possible billing month.

The MVCC offers its participating municipalities the opportunity to gain market

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leverage, share resources and to reduce administrative and other costs for developing, implementing and providing communication services for the Program. Funding for these activities is anticipated to be provided by the selected Supplier(s) with an appropriate administrative fee to cover the costs of the Program. Such funds will be collected by the Supplier and paid to the MVCC. In the event additional funding for the MVCC Program is required, each participating municipality may be assessed an annual fee pursuant to the agreement with the MVCC. The funding will be utilized for all Program operations activities.

#### **(4) Plan for Providing Opt-out Notice**

The Opt-out notice will be drafted pursuant to 4928.20(D) of the Ohio Revised Code and in conjunction with the MVCC, the selected Supplier and Buckeye Energy Brokers. Buckeye Energy Brokers will also verify the accuracy of the list by using several means, such as, maps, 9-1-1 records, MVCC municipality records, list brokers, etc. Members will have a 21-day period to opt-out by returning a post card to the selected Program Supplier or calling their toll-free number. An updated copy will be provided in Exhibit 4 "Automatic Aggregation Disclosure."

MVCC will disclose to the person owning, occupying or using the load center that the person will be enrolled automatically in the aggregation program and will remain so enrolled unless the person affirmatively elects by the following procedure not to be so enrolled. Any such person that opts out of the aggregation program pursuant to stated procedure shall default to the standard service offer provided by the Local Utility until the person chooses an alternative supplier.

#### **Procedure:**

1. The Supplier will distribute the Opt-Out Form (refer to Exhibit A-4 "Automatic Aggregation Disclosure");
2. Recipients have 21 days to notify the Supplier; and
3. The Supplier will exclude those opting out from the Program.

Customers may opt out of the Program at no charge within a 21-day period following receipt of the Opt-Out notification. Customers who provide the required opt-out notice will remain customers of Local Utility until such time as they select a different generation provider. A similar period in which customers can opt-out of the Program without charge will be offered every two years.

Another means of leaving the program is a rescission letter from the Local Utility. This notice will inform the customer that they are about to be switched to another electric supplier and have 7 days if they wish to rescind the contract.

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### **(5) Process for Determining the Pool of Customers**

The MVCC will provide a letter to the Supplier authorizing the Supplier to obtain the list of Eligible Customers from the Local Utility and will be relying on the Local Utility to provide an accurate list of eligible customers. Buckeye Energy Brokers and the selected Supplier will use that list and remove customer records that are with alternate suppliers, have returned opt-out forms, are PIPP customers or have no offer from the Supplier. This data would be the final basis for the MVCC's pool of customers and would be turned over to the selected Supplier to facilitate switching.

Service under the new Supplier shall begin at the start of the billing period following the transfer. Service under the Program shall include all customer classes in adherence with universal service principles and requirements, and the traditional non-discriminatory practices of local government. Contracts with all Suppliers shall contain provisions to maintain these principles and equitable treatment of all customer classes. Existing customers in the MVCC currently receiving electric through an alternate supplier will become eligible upon contract expiration only.

Customers who meet the following criteria will be considered "eligible" and become members of the aggregation program:

- Are up to date with their bill payment;
- Have not opted-out of the program;
- Have generation and distribution service with the Local Utility;
- Are offered pricing for their rate code;
- Have less than 100kW peak demand in last 12 months;
- Have a "shoppable" rate code defined by the Local Utility;
- Have not exercised their right of rescission;
- Are not on the Percentage of Income Payment Plan (PIPP); and
- New Members may opt-in to the Program upon contract expiration with an alternate supplier. These Members will need to contact the Program Supplier for enrollment information. The Program Supplier has a right of refusal in accordance with Section 8 of this plan.

### **(6) Customer Billing Procedures and Payment**

The MVCC will utilize the coordinated billing services of the Local Utility and the selected Supplier. It is anticipated that all Members will receive a single bill from the Local Utility. This program will not be responsible for late or non-payment on the part of any of its members. Members will maintain options that the Local Utility may provide, such as: budget billing, automatic payments, etc.

### **(7) Credit and Deposit Policies**

Collection and credit procedures remain the responsibility of the Local Utility, the selected Supplier and the individual Member. Members are required to remit and comply with the payment terms of the Local Utility. This Program will not be responsible for late or no payment on the part of any of its members. The MVCC will have no separate credit or deposit policy.



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### (8) Governmental Aggregator's Customer Service Procedures & Dispute Resolution

Members will have multiple means of addressing complaints. As a general rule, concerns regarding service reliability and billing should be directed to the Local Utility. They continue to read meters handle billing and generally have the most information about a customer's account. Questions regarding the Program administration should go to Buckeye Energy Brokers, and any unresolved disputes should be directed to the Public Utilities Commission of Ohio. Listed below is a table of toll-free numbers for members to call for assistance.

Nature of Complaint	Contact	Phone Number
Service interruptions or emergencies; Service turn on/off; Billing disputes	Dayton Power & Light	1-800-433-8500
Joining/Leaving Program	(Program Supplier)	TBA
Aggregation Program Questions	Buckeye Energy Brokers	1-866-302-2237
Unresolved Disputes	Public Utilities Commission	1-800-686-7826 1-800-686-1570 TDD/TTY

If a dispute cannot be resolved, legal action involving any and all disputes arising under or relating to this Program may be brought in a court of the State of Ohio or a Federal District Court. This program shall be interpreted according to the laws of the State of Ohio.

### (9) Members Moving Into/Within the Aggregation

Residents and/or businesses that move into a MVCC Program member municipality will not be automatically included in the program. If this policy changes, residents and/or businesses will be provided an opportunity to opt-out. They may also contact the MVCC or its Supplier at any time to obtain enrollment information. There is however, no guarantee that customers opting-in at a later date will receive the same price, terms and conditions as did the initial participants. Suppliers are unable to hold price offerings for an unlimited amount of time.

Members moving within the aggregation area with new account numbers may cancel the agreement. If the member does not cancel the agreement, the Supplier, is required to automatically continue the offer under a new account number. In addition, Members should request that the Local Utility transfer their same Supplier and offer to their new address.

### (10) Joining the Program at a Later Date (Opting-in)

Residents desiring to join the program at a later date will be treated similar to residents moving into a MVCC Program member municipality. They will need to contact the

## **MVCC Certification Application For Electric Governmental Aggregators**

MVCC or its Program Supplier to obtain enrollment information. They will follow an opt-in approach. There is, however, no guarantee that customers opting-in at a later date will receive the same price, terms and conditions as did the initial participants. Suppliers are unable to hold price offerings for an unlimited amount of time, and if the MVCC asks for such a requirement, the price offering received from suppliers will be higher to reflect the greater risk. Customers opting-in to the Program will be responsible for knowing if there is a switching fee for leaving their current supplier.

### **(11) Switching Fees**

There are no known switching fees.

### **(12) Minimum Stay Requirements**

Any minimum stay requirements with the local utility will be provided for in Local Utility tariffs and communicated to the program members.

## **(C) Availability of Plan of Operation and Governance**

This Plan shall be kept available for public inspection and shall, upon request, be copied for any existing or potential customers of the aggregation.

## **(D) Altering the Plan of Operation and Governance**

A governmental aggregator shall not alter its operation and governance plan in any way that would materially affect the customers of the aggregation without first providing notice to all affected customers and providing these customers the opportunity to opt-out of the aggregation according to the procedures established for the initial opt-out disclosure notice set forth in Section 4928.20 (D) of the Ohio Revised Code. The notice shall set forth the changes to the plan, inform customers of their right to opt-out of the aggregation without penalty, and identify the method and time frame for the customer to opt-out.

## **(E) Certification Prior To Sending Opt-out Notices**

No governmental aggregator shall send an opt-out disclosure notice to potential customers of an aggregation prior to the governmental aggregator being certified by the commission. The certification of governmental aggregators is governed by Chapter 4901:1-21-16 of the Ohio Administrative Code and Section 4928.20 of the Ohio Revised Code. Section 4928.20 of the Ohio Revised Code allows municipalities to join together and combine their resources for development and implementation of a electric aggregation program.

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### **(F) Opt-out Disclosure Policies**

- (1) Prior to including a customer's electric account or accounts in an aggregation, the MVCC with the assistance of the selected Supplier shall provide each eligible customer written notice that the customer's account(s) will be automatically included in the aggregation unless the customer affirmatively opts out of the aggregation. The notice shall, at a minimum, include:
  - (A) A summary of the actions that the MVCC took to authorize the aggregation.
  - (B) A description of the services that the MVCC will be provide under the aggregation.
  - (C) Disclosure of the price that the Supplier will charge customers for competitive retail electric service. The price shall be expressed in dollars and/or cents per kilo-watt hour ("kWh"). If a variable rate is offered, it shall be accompanied by an understandable description of the factors that will cause the price to vary (including any associated shopping credit) and disclosure of how frequently the rate will change. If different rates will be charged to different rate codes within the aggregation, the MVCC shall disclose the applicable rate(s) to customers within the various rate codes.
  - (D) An itemized list and explanation of all fees and charges that are not incorporated into the rates charged for electric that the MVCC or Supplier will charge the customer for participating in the aggregation, including any applicable switching fees or early termination penalties. These switching fees and/or early termination penalties shall not apply to a customer that moves out of the governmental aggregator's territory.
  - (E) Disclosure of the dates covered by the aggregation, including an estimated service commencement date and notice that the customer may opt-out of the aggregation at least every two years without penalty.
  - (F) Disclosure of any credit and/or deposit policies and requirements.
  - (G) Disclosure of any limitations or conditions on customer acceptance into the aggregation.
  - (H) A description of the process and associated time period for customers to opt-out of the aggregation. The process shall include provisions for customers to return a post card or similar notice to the governmental aggregator or its agent. The process may include, in addition, other opt-out methods, such as telephonic or Internet notice, provided that these methods provide for verification of a customer's election to opt-out of the aggregation. The time period for a customer to choose to opt-out of the aggregation shall extend at least twenty-one days from the date of the post mark on the written notice. A customer's return post card or notice that is post marked before the opt-out deadline has elapsed shall be deemed to have opted out.
  - (I) A local or toll-free telephone number that customers can call with questions regarding the formation or operation of the aggregation, including associated calling hours.

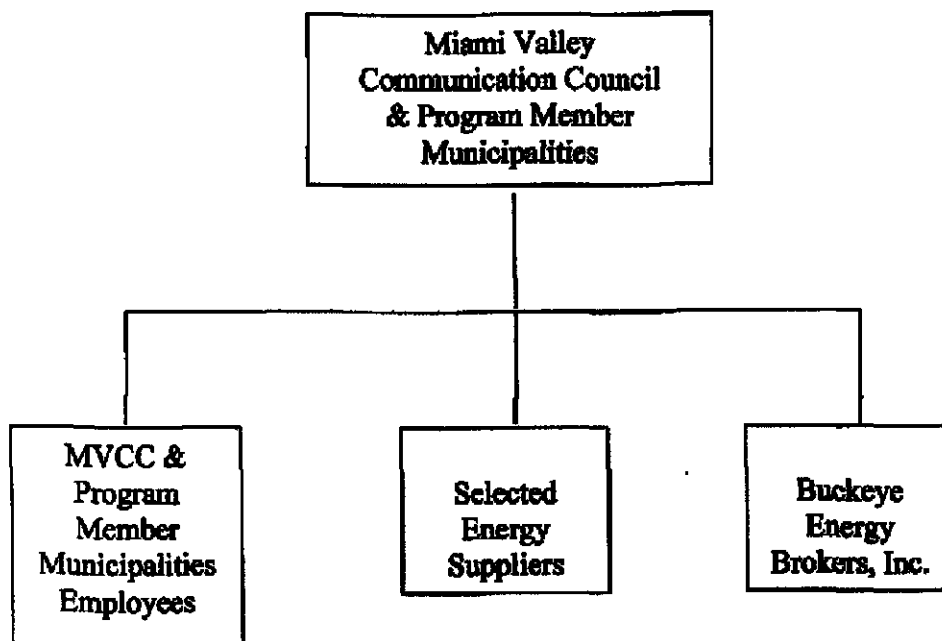
### **MVCC Certification Application For Electric Governmental Aggregators**

- (2) At least every two years from the establishment of its initial aggregation pool, a governmental aggregator shall provide notice to all customers served by the aggregation of their right to opt-out of the aggregation without penalty. This notice shall follow the procedures established for the initial opt-out notice set forth in this rule and shall prominently disclose to customers all changes to the terms and conditions associated with the aggregation.
- (3) No governmental aggregator or retail electric Supplier serving a governmental aggregation shall impose any terms, conditions, fees, or charges on any customer served by a governmental aggregation unless the particular term, condition, fee, or charge was clearly disclosed to the customer at the time the customer chose not to opt-out of the aggregation.
- (4) To assist its preparation and dissemination of required opt-out notices, the MVCC will provide a letter to the Supplier authorizing the Supplier to obtain the list of Eligible Customers from the Local Utility and will be relying on the Local Utility to provide an accurate list of eligible customers consistent with division (D) of rule 4901:1-27-17 of the Administrative Code. The governmental aggregator shall not, without the customer's express written consent, disclose or use for any purpose other than formation and operation of its aggregation a customer's account number or social security number or any customer information regarding customers who had opted-off of a electric company's pre-enrollment list. Before a governmental aggregator releases any customer account number, social security number, or any information related to a customer who has opted off of a electric company's pre-enrollment list, the governmental aggregator shall obtain the customer's signature on a release. The release shall be on a separate piece of paper. The release shall be clearly identified on its face as a release of personal information and all text on the release shall be in at least 16-point type. The following statements shall appear prominently on the release, just prior to the signature, in type larger and darker than the type in the surrounding sentences: **I realize that, under the rules and regulations of the Public Utilities Commission of Ohio, I may refuse to allow (name of aggregator) to release the information set forth above. By my signature, I freely give (name of aggregator) permission to release the information designated above. The information that the governmental aggregator seeks to release shall be specified on the form. Forms requiring a customer to circle or to check off preprinted types of information to be released may not be used.**
- (5) The MVCC shall use its best efforts to ensure that only eligible customer accounts within its governmental boundaries and customers who have not opted-out are included in its aggregation. If ineligible accounts, accounts from outside of the governmental aggregator's governmental boundaries, or accounts for customers who opted-out of the aggregation are switched to the governmental aggregation, the governmental aggregator upon notification of such a switch shall promptly contact the electric company to have the customer switched back to the customer's former supplier. The governmental aggregator shall reimburse the customer for any switching fees that were paid by the customer as a result of the switch. In addition, if the customer's former rate was less than the rate charged by the governmental aggregator, then the governmental aggregator shall reimburse the customer the difference between the customer's former rate and the governmental aggregator's rate multiplied by the customer's usage during the time that the customer was served by the governmental aggregator.

## MVCC Certification Application For Electric Governmental Aggregators

### (G) Organizational Structure of the MVCC Energy Aggregation Program

The MVCC will act as agent to the participating Program member municipalities pursuant to prior agreement to provide communication, technical and financial resources. The MVCC is a firmly based council of governments that will utilize its own employees as well as experienced and highly reputable firms to undertake service acquisition. The following chart represents the organization structure of the MVCC energy aggregation Program:



### (H) Cooperation Between Local Utility and Governmental Aggregators

- (1) Pursuant to O.A.C. Chapter 4901:1-21-17(D) and similar to 4901:1-28-05 for natural gas local utilities, it is expected that the electric Local Utility cooperate with governmental aggregators to facilitate the proper formation and functioning of governmental aggregations. To assist a certified governmental aggregator's compliance with the opt-out disclosure notice requirements established in division (D) of Section 4928.20 of the Revised Code, upon request, the electric company shall provide, on a best efforts basis, an updated list of names, account numbers, service and mailing address, rate schedules (class and subclass), applicable riders, load profile reference category, meter type, interval meter data indicator, budget bill indicator, meter read date or schedule, and historical consumption data for each of the most recent twelve months for all customers residing within the governmental aggregator's boundaries. Except for inclusion of information for customers who have opted-off and account numbers, the customer information contained in such list shall be consistent with any pre-enrollment list that is provided to retail electric suppliers.
- (2) Charges and/or fees for services and information provided to governmental aggregators by electric companies shall be published in an approved tariff filed with the commission.

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Unless the customer notifies the electric company of the customer's intent to not join a governmental aggregation by returning a confirmation notice or providing some other notice as provided by the electric company's tariffs, a electric company shall switch customer accounts to or from a governmental aggregation under the same processes and time frames provided in published tariffs for switching other customer accounts.

**MVCC Certification Application For Electric Governmental Aggregators**

**Exhibit A-4 "Automatic Aggregation Disclosure"**

The Opt-out Notice will be drafted in conjunction with the MVCC, the selected Program Supplier and Buckeye Energy Brokers. Buckeye Energy Brokers will also verify the accuracy of the list by using several means, such as, maps, 9-1-1 records, MVCC records, electric service lists, etc. Members will have a 21-day period to opt-out by returning a post card to the selected supplier or calling their toll-free number.

The MVCC will provide a letter to the supplier authorizing the supplier to obtain the list of Eligible Customers from the Local Utility and will be relying on the Local Utility to provide an accurate list of eligible customers. Buckeye Energy Brokers and the selected Program Supplier will use that list and remove customer records that have returned opt-out forms or are PIPP customers or have non-"shoppable" rate codes. This data would be the final basis for the MVCC's pool of customers and would be turned over to the selected Program Supplier to facilitate switching.

The Local Utility shall notify each affected Member of the pending transfer through a 7-day right of rescission letter. Service under the new Program Supplier shall begin at the start of the billing period following the transfer. Service under the Program shall include all customer classes in adherence with universal service principles and requirements, and the traditional non-discriminatory practices of local government. Contracts with all Suppliers shall contain provisions to maintain these principles and equitable treatment of all customer classes.

Customers who meet the following criteria will become members of the aggregation program:

- Are up to date with their bill payment;
- Have not opted-out of the program;
- Have generation and distribution service with the Local Utility;
- Are offered pricing for their rate code;
- Have less than 100kW peak demand in last 12 months;
- Have a "shoppable" rate code defined by the Local Utility;
- Have not exercised their right of rescission;
- Are not on the Percentage of Income Payment Plan (PIPP); and
- New Members may opt-in to the Program upon contract expiration with an alternate supplier. These Members will need to contact the Program Supplier for enrollment information. The Program Supplier has a right of refusal in accordance with Section 8 of this plan.

A draft Opt-out Notice is shown on the next page. The final Opt-out Notice will include the items enumerated in Administrative Code 4901:1-21-17 Opt-out Disclosure Requirements as shown in Exhibit A-4 Addendum.

## MVCC Certification Application For Electric Governmental Aggregators


**MIAMI VALLEY COMMUNICATIONS COUNCIL  
ELECTRIC AGGREGATION PROGRAM**

&lt;Date.

«REFERENCEID»

«FULLNAME»

«MAA»

«CITY» «ST» «ZIP»

Miami Valley Communications Council  
and Member Communities Of  
Centerville, Germantown, Moraine, Miamisburg,  
Bellbrook and Kettering  
Selects \_\_\_\_\_ as their preferred  
Electric Generation provider.

Dear Electric Customer,

The Miami Valley Communications Council is providing you with the opportunity to join with other residents and businesses to save money on the electricity you use. Savings are possible through a concept called government aggregation, where local government officials bring together citizens to gain group buying power for the purchase of electricity from a retail electric generation provider certified by the Public Utilities Commission of Ohio. Your municipality's voters approved this program in May 2003.

During the past few months, we researched options for competitive electricity pricing for you. We have chosen \_\_\_\_\_, to provide you with electric generation – or the competitive portion of your electric bill – for at least a \_\_\_\_\_-year term starting <Date>. There is no cost for enrollment and you will not be charged a switching fee. You do not need to do anything to participate.

As a member of this program, you are guaranteed to save \_\_\_\_\_ percent on your electric supply. This percentage discount will be taken off your "generation shopping credit," which will appear on your electric bill after you have been enrolled in the MVCC government aggregation program or can be obtained by calling 1-\_\_\_\_\_. The generation shopping credit — which varies each month depending on your usage — represents the amount credited to you if you switch to an alternative supplier.

To estimate what your savings per kilowatt-hour will be by joining this program, locate your price-to-compare on your electric bill. The price-to-compare will help determine the money you'll save by switching to another energy supplier. Multiply your price to compare by .0x (x%) to estimate how much you'll save per kilowatt-hour each month on electric supply.

You'll see your electric savings from \_\_\_\_\_ after your enrollment has been completed and your switch has been finalized. Of course, you are not obligated to participate in the electric government aggregation program. You have until <Date> to return the attached "opt-out" form if you wish to be excluded from the electric government aggregation program and remain a full-service customer of your local utility. You must return the attached "opt-out" form if you don't wish to participate. If you don't opt out at this time, you will receive a notice at least every two years asking if you wish to remain in the program. If your switch back to your local utility, you may not be served under the same rates, terms and conditions that apply to other customers served by the local utility.

**WARNING:** If you are already in contract with a competitive retail electric service provider you may incur a contract termination fee or other charges if you fail to opt out of the aggregation.

After you become a participant in this government aggregation program, your local utility will send you a letter confirming your selection of \_\_\_\_\_ as your electric generation provider. As required by law, this letter will inform you of your option to cancel your contract within seven days of its postmark. To remain in the government aggregation program, you don't need to take any action when this letter arrives.



**MVCC Certification Application For Electric Governmental Aggregators**

In Ohio's electric environment, your local electric utility will continue to maintain the system that transmits and delivers power to your home. You won't see any new poles or wires, and you will continue to receive a single, easy-to-read bill from your electric operating company. The only thing you'll notice is savings.

If you have any questions, call \_\_\_\_\_ toll-free at 1-\_\_\_\_\_, Monday through Friday, x a.m. to x p.m.

Sincerely,

The Miami Valley Communications Council

*P.S. Remember to return the opt-out form only if you do not want to participate in the electric government aggregation program.*

**Opt Out Form - Electric Government Aggregation Program**

By returning this signed form, you will be excluded from the opportunity to join with other residents and businesses in the Electric Government Aggregation Program.

I wish to opt out of the MVCC Electric Government Aggregation Program. ☐ (Check box to opt out.)

Service address (city, state and zip): \_\_\_\_\_

Phone number: \_\_\_\_\_

Account holder's  
signature: \_\_\_\_\_ Date: \_\_\_\_\_

Mail by <Date> to: MVCC Electric Government Aggregation Program, <Address>

**MVCC Certification Application For Electric Governmental Aggregators****Exhibit A-4 "Automatic Aggregation Disclosure" Addendum****4901:1-21-17 Opt-out disclosure requirements.**

(A) Prior to including a customer's electric account or accounts in an aggregation, a governmental aggregator shall provide each customer written notice that the customer's account(s) will be automatically included in the aggregation unless the customer affirmatively opts out of the aggregation. The notice, written in plain language, shall, at a minimum, include:

- (1) A summary of the actions that the governmental entity took to authorize the aggregation.
- (2) A description of the services that the governmental aggregator will provide under the aggregation.
- (3) Disclosure of the price that the governmental aggregator will charge customers for electric generation service. If the price is a fixed rate, the governmental aggregator shall express the price in cents per kilowatt hour. If the governmental aggregator offers a variable rate, the governmental aggregator shall provide an understandable description of the factors that will cause the price to vary (including any associated indices) and disclose how frequently the rate will change. If the governmental aggregator charges different rates to different rate classes within the aggregation, the governmental aggregator shall disclose the applicable rate(s) to customers within each rate class.
- (4) An itemized list and explanation of all fees and charges that are not incorporated into the rates charged for electricity generation that the governmental aggregator will charge to the customer for participating in the aggregation, including any applicable switching fees or early termination penalties. These switching fees and/or early termination penalties shall not apply to a customer that moves out of the governmental aggregator's territory.
- (5) Disclosure of the dates covered by the aggregation, including an estimated service commencement date, and notice that the customer may opt out of the aggregation at least every two years without penalty.
- (6) A statement informing customers that if they switch back to (name of EDU), they may not be served under the same rates, terms, and conditions that apply to other customers served by the EDU.
- (7) Disclosure of any credit and/or deposit policies and requirements.
- (8) Disclosure of any limitations or conditions on customer acceptance into the aggregation.
- (9) A description of the process and associated time period for customers to opt out of the aggregation. The process shall include provisions for customers to return a postcard or similar notice to the governmental aggregator or its agent. The process may include, in addition, other

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opt-out methods, such as telephonic or internet notice, provided that these alternative methods provide for verification of a customer's election to opt out of the aggregation. The time period for a customer to choose to opt out of the aggregation shall extend at least twenty-one days from the date of the postmark on the written notice. If a customer's return postcard or notice is postmarked before the opt-out deadline has elapsed, the customer shall be deemed to have opted out of the aggregation.

(10) A local or toll free telephone number, with the available calling hours, that customers may call with questions regarding the formation or operation of the aggregation.

(B) At least every two years from the establishment of its initial aggregation pool, a governmental aggregator shall provide notice to all customers served by the aggregation of their right to opt out of the aggregation without penalty. This notice shall follow the procedures established for the initial opt-out notice set forth in this rule and shall prominently disclose to customers all changes to the terms and conditions associated with the aggregation. The governmental aggregator shall not send an opt-out notice to the same customer account during the period covered by the aggregation where such customer account has previously opted out.

(C) No governmental aggregator or CRES provider serving a governmental aggregation may impose any terms, conditions, fees, or charges on any customer served by a governmental aggregation unless the particular term, condition, fee, or charge was clearly disclosed to customers at the time the customer chose not to opt out of the aggregation.

(D) To assist in the preparation and dissemination of required opt-out notices, a governmental aggregator that is certified by the commission shall request that an EDU provide it with an updated list of names, addresses, account numbers, rate codes, percentage of income payment plan codes, load data, and other related customer information. The governmental aggregator shall use the list of eligible aggregation customers to distribute its opt-out notices within thirty days of the date the list is generated by the EDU. Such list shall include an identification of customers who are currently in contract with a CRES provider or in a special contract with the EDU. The governmental aggregator shall not, without the customer's expressed written consent, disclose or use for any purpose, other than formation and operation of its aggregation, a customer's account number or social security number or any information regarding customers who opted off of an EDU's pre-enrollment list. Before a governmental aggregator releases any customer account number, service delivery identification number, or social security number or any information related to a customer who has opted off of an EDU's pre-enrollment list, the governmental aggregator shall obtain the signature of the customer on a release. The release shall be on a separate piece of paper. The release shall be clearly identified on its face as a release of personal information and all text appearing on the release shall be in at least sixteen-point type. The following statement shall appear prominently on the release, just prior to the signature, in type darker and larger than the type in surrounding sentences: "I realize that under the rules and regulations of the public utilities commission of Ohio, I may refuse to allow (name of aggregator) to release the information set forth above. By my signature, I freely give (name of aggregator) permission to release the information designated above." The information that the governmental aggregator seeks to release shall be specified on the form. Forms requiring a customer to circle or to check off preprinted types of information to be released may not be used.

(E) Notice of governmental aggregation and opt-out notice.

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- (1) Each governmental aggregator shall ensure that only customer accounts within the governmental aggregator's governmental boundaries, customers who are not in contract with a CRES provider or in a special contract with the EDU and the accounts of customers who have not opted out of the aggregation are included in its aggregation.
- (2) The governmental aggregator must include a bold and highlighted statement on its opt-out notice: "WARNING: If you are already in contract with a competitive retail electric service provider you may incur a contract termination fee or other charges if you fail to opt out of the aggregation."
- (3) If accounts from outside the governmental aggregator's governmental boundaries, accounts of customers who have opted out of the aggregation or accounts of customers in contract with a CRES provider or in a special contract with the EDU who did not opt into the governmental aggregation are switched to the governmental aggregation, the governmental aggregator shall promptly inform the customer and take all necessary actions to have the customer switched back to the customer's former service provider. The governmental aggregator shall reimburse the customer for any switching fees that the customer paid as a result of the switch. In addition, if the customer's former rate was less than the rate charged by the governmental aggregator, then the governmental aggregator shall reimburse the customer the difference between the customer's former rate and the governmental aggregator's rate multiplied by the customer's usage during the time that the customer was served by the governmental aggregator.
- (F) The governmental aggregator shall docket with the commission's docketing division the final opt out and any supplemental opt outs no more than thirty days but no less than ten days prior to sending the opt outs to customers. The notice to the commission shall include the beginning and ending dates of the twenty-one day opt-out period and the identification of the selected CRES supplier.

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Effective: 01/01/2004  
 R.C. 119.032 review dates: 07/30/2003 and 11/30/2007  
 Promulgated Under: 111.15  
 Statutory Authority: 4928.06, 4928.10  
 Rule Amplifies: 4928.10  
 Prior Effective Dates: 4/12/2002