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May 24, 2010

PUCO

Public Utilities Commission of Ohio
Docketing Division, 11th Floor
180 East Broad Street
Columbus, Ohio 43215-3793

RE: Electric Governmental Aggregator Certification Application for the Board of Erie County Commissioners

Enclosed please find an original and ten copies of the application for certification as a Governmental Aggregator of Electricity for the Board of Erie County Commissioners.

Independent Energy Consultants, Inc. is providing aggregation consulting services to the Erie County Commissioners and is filing this certification on their behalf.

If you have any additional needs or questions, please call me at 330 995-2675 or email me at mburns@naturalgas-electric.com.

Thank you for your assistance.

Mark R. Burns
President

Enclosures

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.
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The Public Utilities Commission of Ohio

PUCO USE ONLY		
Date Received	Case Number	Version
	- EL-GAG	August 2004

10-712

CERTIFICATION APPLICATION FOR GOVERNMENTAL AGGREGATORS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-5 Experience). 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 form is designed so that you may input information directly onto the form. You may also download the form, by saving it to your local disk, for later use.

A. APPLICANT INFORMATION

A-1 Applicant's name, address, telephone number, and web site address

Name Board of Erie County Commissioners

Address 2900 Columbus Avenue Sandusky, Ohio 44870

Telephone Number (419) 627-7672

Web site address (if any) www.erie-county-ohio.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 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"** provide a copy of the disclosures 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

A-5 **Exhibit A-5 "Experience"** provide a detailed description of the applicant's experience and plan for providing aggregation services, including contracting with retail generation providers, providing billing statements, responding to customer inquiries and complaints, and complying with all applicable provisions of commission rules adopted pursuant to section 4928.10 of the Revised Code.

A-6 **Contact person for regulatory or emergency matters**


Name Mark Burns
Title President, Independent Energy Consultants, Inc.
Business address 820 Deepwoods Drive Aurora, Ohio 44202
Telephone number (330) - 996 - 2675 Fax # (216) - 274 - 9176
E-mail address mburns@naturalgas-electric.com

A-7 **Contact person for Commission Staff use in investigating customer complaints**

Name Mark Burns
Title President, Independent Energy Consultants, Inc.
Business address 820 Deepwoods Drive Aurora, Ohio 44202
Telephone number (330) - 995 - 2675 Fax # (216) - 274 - 9176
E-mail address mburns@naturalgas-electric.com

A-8 **Applicant's address and toll-free number for customer service and complaints**

Address Independent Energy Consultants, Inc. 820 Deepwoods Drive Aurora, Ohio 44202
Toll-free telephone number (888) - 962 - 6060
Fax # (216) - 274 - 9176

 , County Administrator
Signature of Applicant & Title

Sworn and subscribed before me this 21st day of May , 2010
Month Year


Signature of official administering oath

Donna M. Logan, Secretary
Print Name and Title

My commission expires on 1/6/13

AFFIDAVIT

State of OHIO :

SANDUSKY ss.
(Town)

County of ERIE :

MICHAEL BIXLER, Affiant, being duly sworn/affirmed according to law, deposes and says that:

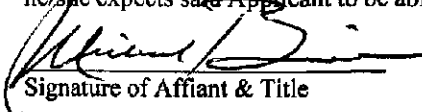
He/She is the ADMINISTRATOR (Office of Affiant) of ERIE COUNTY (Name of Applicant);

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

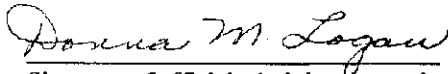
1. The Applicant herein, attests under penalty of false statement that all statements made in the application for certification are true and complete and that it will amend its application while the application is pending if any substantial changes occur regarding the information provided in the application.
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 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 it will docket with the Commission's Docketing Division the final opt-out and any supplemental opt-outs (including beginning and ending dates of the 21-day opt-out period and the selected CRES supplier) at a minimum 10 days prior to sending the opt-outs to customers.

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.

, County Administrator
Signature of Affiant & Title

Sworn and subscribed before me this 21st day of May, 2010
Month Year


Signature of official administering oath

Donna M. Logan, Secretary
Print Name and Title

My commission expires on 1/6/13

ERIE COUNTY EXHIBIT A-2 "AUTHORIZING ORDINANCE"

RESOLUTION NO. 10-214

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF ACKNOWLEDGING THE AUTHORIZATION AND ESTABLISHMENT OF A GOVERNMENT AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE (THE "AGGREGATION PROGRAM") FOR THE RESIDENTS, BUSINESSES AND OTHER ELECTRIC CONSUMERS IN THE ERIE COUNTY TOWNSHIPS OF BERLIN, FLORENCE, GROTON, HURON, MARGARETTA, MILAN, OXFORD, PERKINS AND VERMILION ("THE TOWNSHIPS") AND ADOPTING THE ERIE COUNTY PLAN OF OPERATION AND GOVERNANCE

The Board of County Commissioners of Erie County, Ohio, met this 20th day of May, 2010, in Regular Session with the following members present:

William J. Monaghan and Patrick J. Shenigo.

Mr. Shenigo introduced the following resolution and moved its adoption.

WHEREAS, on May 4, 2010, a majority of the townships' residents voting at the primary election voted in favor of the Board of Erie County Commissioners having the authority to aggregate the retail electric loads located in the townships and to enter into service agreements to facilitate for those loads the sale and purchase of electric with such aggregation to occur automatically except where any person elects to opt out, all in accordance with Section 4928.20 of the Ohio Revised Code; and

WHEREAS, after the passage of ballots in the townships, the Board of Erie County Commissioners held two public hearings as required by Revised Code 4928.20(C) of the Ohio Revised Code to explain customer rights in an "opt-out" aggregation and to adopt a Plan of Operations and Governance for its electric governmental aggregation program; **NOW, THEREFORE,**

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:

THAT, this Board hereby adopts the Erie County Plan of Operation and Governance, (attached hereto and incorporated herein by reference as Exhibit A) for the implementation and administration of the County's electric aggregation program in accordance with Section 4928.20(C) of the Ohio Revised Code; and

THAT, this resolution shall be in full force and effect from and after the earliest period allowed by law; and

ERIE COUNTY EXHIBIT A-2 "AUTHORIZING ORDINANCE"

THAT, this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Monaghan seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Shenigo, Aye; Mr. Monaghan, Aye; Mr. Ferrell, Absent

Adopted: May 20, 2010

CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #177.

Carolyn L. Hauenstein Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator

Michael J. Bixler
Michael J. Bixler

electric aggregation plan of operation-governance/clh

Exhibit A-2 "Authorizing Ordinance

RESOLUTION NO. 10-83

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF BERLIN TOWNSHIP

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, the Board of Erie County Commissioners seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric consumers within the Township of Berlin and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Berlin, its residents, businesses and other electric consumers located within the Township of Berlin limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by

Exhibit A-2 "Authorizing Ordinance"

the electors of the Township of Berlin, pursuant to Section 2 of this resolution, the Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Berlin at the primary election on May 4, 2010:

"Shall the Township of Berlin have the authority to aggregate the retail electric loads located within the Township of Berlin, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-83, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

Adopted: February 16, 2010

CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator

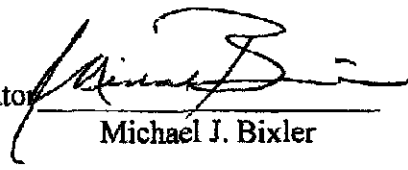

Michael J. Bixler

Exhibit A-2 "Authorizing Ordinance

RESOLUTION NO. 10-84

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF FLORENCE TOWNSHIP

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, the Board of Erie County Commissioners seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric consumers within the Township of Florence and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Florence, its residents, businesses and other electric consumers located within the Township of Florence limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Florence, pursuant to Section 2 of this resolution,

Exhibit A-2 "Authorizing Ordinance"

the Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Florence at the primary election on May 4, 2010:

"Shall the Township of Florence have the authority to aggregate the retail electric loads located within the Township of Florence, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-84, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

Exhibit A-2 "Authorizing Ordinance

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

Adopted: February 16, 2010

CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator


Michael J. Bixler

electric aggregation-Florence twp/clh

Exhibit A-2 "Authorizing Ordinance

RESOLUTION NO. 10-85

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF GROTON TOWNSHIP

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, the Board of Erie County Commissioners seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric consumers within the Township of Groton and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Groton, its residents, businesses and other electric consumers located within the Township of Groton limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Groton, pursuant to Section 2 of this resolution, the Township

Exhibit A-2 "Authorizing Ordinance

is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Groton at the primary election on May 4, 2010:

"Shall the Township of Groton have the authority to aggregate the retail electric loads located within the Township of Groton, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-85, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

Adopted: February 16, 2010

CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator


Michael J. Bixler

electric aggregation-groton twp/ch

Exhibit A-2 "Authorizing Ordinance

RESOLUTION NO. 10-86

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF HURON TOWNSHIP

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, the Board of Erie County Commissioners seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric consumers within the Township of Huron and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Huron, its residents, businesses and other electric consumers located within the Township of Huron limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Huron, pursuant to Section 2 of this resolution, the Township

Exhibit A-2 "Authorizing Ordinance"

is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Huron at the primary election on May 4, 2010:

"Shall the Township of Huron have the authority to aggregate the retail electric loads located within the Township of Huron, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-86, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

Adopted: February 16, 2010

CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator


Michael J. Bixler

electric aggregation-huron twp/clh

Exhibit A-2 "Authorizing Ordinance

RESOLUTION NO. 10-87

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF MARGARETTA TOWNSHIP

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, the Board of Erie County Commissioners seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric consumers within the Township of Margaretta and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Margaretta, its residents, businesses and other electric consumers located within the Township of Margaretta limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Margaretta, pursuant to Section 2 of

Exhibit A-2 "Authorizing Ordinance

this resolution, the Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Margaretta at the primary election on May 4, 2010:

"Shall the Township of Margaretta have the authority to aggregate the retail electric loads located within the Township of Margaretta, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-87, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

Adopted: February 16, 2010

CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator


Michael J. Bixler

electric aggregation-margaretta twp/clh

Exhibit A-2 "Authorizing Ordinance"

RESOLUTION NO. 10-88

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF MILAN TOWNSHIP

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, the Board of Erie County Commissioners seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric consumers within the Township of Milan and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Milan, its residents, businesses and other electric consumers located within the Township of Milan limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Milan, pursuant to Section 2 of this resolution, the Township

Exhibit A-2 "Authorizing Ordinance

is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Milan at the primary election on May 4, 2010:

"Shall the Township of Milan have the authority to aggregate the retail electric loads located within the Township of Milan, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-88, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

Adopted: February 16, 2010

CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator

Michael J. Bixler
Michael J. Bixler

electric aggregation-milan twp/clh

Exhibit A-2 "Authorizing Ordinance

RESOLUTION NO. 10-89

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF OXFORD TOWNSHIP

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, the Board of Erie County Commissioners seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric consumers within the Township of Oxford and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE,**

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Oxford, its residents, businesses and other electric consumers located within the Township of Oxford limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Oxford, pursuant to Section 2 of this resolution,

Exhibit A-2 "Authorizing Ordinance"

the Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Oxford at the primary election on May 4, 2010:

"Shall the Township of Oxford have the authority to aggregate the retail electric loads located within the Township of Oxford, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-89, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

Exhibit A-2 "Authorizing Ordinance

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

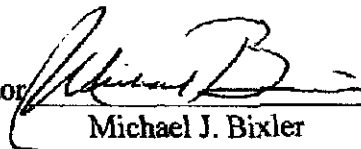
Adopted: February 16, 2010

CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator


Michael J. Bixler

electric aggregation-oxford twp/cdh

Exhibit A-2 "Authorizing Ordinance

RESOLUTION NO. 10-90

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF PERKINS TOWNSHIP

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, the Board of Erie County Commissioners seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric consumers within the Township of Perkins and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Perkins, its residents, businesses and other electric consumers located within the Township of Perkins limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Perkins, pursuant to Section 2 of this resolution,

Exhibit A-2 "Authorizing Ordinance"

the Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Perkins at the primary election on May 4, 2010:

"Shall the Township of Perkins have the authority to aggregate the retail electric loads located within the Township of Perkins, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-90, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

Adopted: February 16, 2010

CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator

Michael J. Bixler
Michael J. Bixler

electric aggregation-perkins twp/clh

Exhibit A-2 "Authorizing Ordinance

RESOLUTION NO. 10-91

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF VERMILION TOWNSHIP

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, the Board of Erie County Commissioners seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric consumers within the Township of Vermilion and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Vermilion, its residents, businesses and other electric consumers located within the Township of Vermilion limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Vermilion, pursuant to Section 2 of this

Exhibit A-2 "Authorizing Ordinance"

resolution, the Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Vermilion at the primary election on May 4, 2010:

"Shall the Township of Vermilion have the authority to aggregate the retail electric loads located within the Township of Vermilion, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-91, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

Adopted: February 16, 2010

CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk
Board of County Commissioners
of Erie County, Ohio

Approved by County Administrator


Michael J. Bixler

electric aggregation-vermillion twp/clh

ERIE COUNTY ELECTRIC AGGREGATION PROGRAM

Plan of Operations and Governance

**For additional information contact:
Mark R. Burns, President
Independent Energy Consultants, Inc.
Ph: (330) 995-2675**



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1. Purpose of Electric Aggregation Program & Services

This aggregation plan has been developed in compliance with Ohio Revised Code, Section 4928.20 regarding governmental aggregation of electric service. That section of the Code defines two different types of aggregation that may be enacted by a governmental entity; opt-in aggregation and opt-out aggregation. Erie County ("the County") will administer an opt-out aggregation program that will automatically include all eligible electric accounts in the Townships of Berlin, Florence, Groton, Huron, Margaretta, Milan, Oxford, Perkins and Vermilion ("the eligible Townships"). Only those accounts receiving a beneficial offer from a Competitive Retail Electric Service Supplier (CRES Supplier) will be included. Those customers will be given prior notice entitling them to affirmatively elect not to be part of the Program.

The County passed the necessary resolutions to administer an electric aggregation program on behalf of the eligible Townships listed above. Each of the eligible Townships placed the issue of Opt-out Governmental Aggregation of electricity on their 5/4/2010 ballots. The ballot issues subsequently passed in these nine communities. The County will follow the Plan of Operation and Governance ("Plan") outlined below. This Plan was adopted after two public hearings were held in accordance with section 4928.20 (C) of the Ohio Revised Code.

The County's Aggregation Program ("Program") seeks to aggregate the retail electric loads of consumers located in the eligible Townships to negotiate the best rates for the generation supply of electric power. With a combined population of approximately 50000 the Program has the potential to aggregate residential and small commercial accounts into a buying group that will be attractive to a Competitive Retail Electric Service Supplier (CRES Supplier). 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 the local utility (Ohio Edison) standard offer of service or to enter into a power supply contract with any CRES Supplier.

Residential and small commercial electric customers often lack the ability to effectively negotiate electric supply services. The County's Program provides them an opportunity to benefit from professional representation and bargaining power achieved through an aggregation program.

The aggregation program is designed to reduce the amount Members pay for electric energy and to gain other favorable terms of service. The County will not buy and resell the power to the Program Members. Instead, the County will competitively bid and negotiate a contract with a CRES Supplier to provide firm, full-requirements generation service to the Members of the aggregation program.

Due to the complexity of deregulation of the electric utility industry, the County has entered into contract with Independent Energy Consultants, Inc. (Independent Energy Consultants), a PUCO certified broker and aggregator of natural gas and electricity. Among other things, Independent Energy Consultants will provide professional assistance which includes these consulting services:

Erie County Exhibit A-3 "Operation and Governance Plan"

- Draft and assist in maintaining this Plan of Operation and Governance
- Lead the required Public Hearings and attend Commissioner meetings
- Assist the County in the day-to-day administration of program (problem resolution, press releases, PUCO compliance, supplier liaison, contract review, etc.)
- Administer the Request for Proposal process, analyze supplier responses and provide recommendations for the supply agreement
- Review customer data provided by Ohio Edison that would serve as the basis for an opt-out notice
- Write/prepare reports on a quarterly/annual basis to the County, PUCO, PUCO's Market Monitoring division, and the Ohio Consumers' Counsel.

2. Determination of Rates and Other Charges

2.1. Rates

Through the efforts of its consultant, Independent Energy Consultants, Inc., the County will seek proposals from CRES suppliers. The request for proposals shall require the suppliers to offer a generation charge for firm, full-requirements supply. CRES Providers will bid by Ohio Edison customer rate classification or customer class. CRES Providers will be encouraged to bid on as many electric accounts as possible, but it is recognized that from a practical standpoint it is not likely that bids will be received for larger commercial and industrial accounts that require interval metering and individual price analysis. Furthermore, a CRES Provider may not be able to beat Ohio Edison's tariff rates for all customer classes and/or rate schedules. The prices to be charged to Members in the Program will be set by County Commissioners, or their designee, after negotiations with the selected CRES Supplier. Members will be notified of the rates and terms of the Program through a direct mailing sent to each eligible resident and business within the County limits. Once offers are found a table similar to the one shown below will be populated to reflect the offer rates.

Ohio Edison Rate Schedule	CRES Supplier Offer
RS – Residential Service	
GS – General Service	
Other	

2.2 Charges

Neither the County nor the selected Supplier will impose any terms, conditions, fees, or charges on any Member served by the governmental aggregation unless the particular term, condition, fee, or charge is clearly disclosed to the Member at the time the Member chose not to opt-out of the aggregation

Ohio Edison will continue to bill for Late Payment, Delivery Charges and Monthly Service Fee, etc. These charges apply whether or not a Member switches to the Program's CRES supplier. Switching generation suppliers will not result in any new charges billed to the Member.

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2.3 Switching Fees

There are no switching fees billed directly to customers and there is no cost to join the aggregation program.

2.4 Early Termination Fee

Members may terminate their agreement without penalty if they relocate outside of the boundaries of an eligible Township. Members that leave for other reasons may be assessed an early termination fee by CRES supplier. Early termination fees are standard in most electric contracts. The County will negotiate with the CRES supplier to ensure that any early termination fee assessed is reasonable and clearly stated in the opt-out disclosure notice.

3. Process for Providing Opt-Out Disclosure Notices

When a successful supply offer is found the County shall order the eligible customer list from Ohio Edison. Ohio Edison shall turn over the list to the County or its consultant upon request. Once the list is obtained, it will be shared with the selected CRES supplier and they will have 30 days from the County's receipt of the data to mail the opt-out notices to all eligible Members receiving an offer.

The selected CRES supplier will be required to pay for printing and mailing of opt-out disclosure notices. The notices will be mailed to the owner or occupant residing at the electric account mailing address shown on Ohio Edison's customer list. The notice will contain the County's name and logo to clearly indicate to the recipient that it is a notice from the County.

Prior to mailing opt-out notices a thorough review will be performed to see that all eligible Members receiving an offer are sent the notice. The review process will include the efforts of numerous parties and utilize a number of resources as specified in section four of this plan.

Following acceptance of an offer by the County, the CRES supplier will mail opt-out notices to eligible Members. Members will have 21 days from the postmark date on the notice to postmark the return opt-out card if they do not wish to participate in the County's program.

In the event that an eligible Member is inadvertently not sent an opt-out notice and is omitted from the Program, the CRES supplier shall, upon request, enroll the eligible Member at the group rate for the remaining term.

4. Determination of Eligible Customer Pool

Under the opt-out aggregation provisions, all eligible electric consumers within the County 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.

Prior to mailing opt-out notices a thorough review will be performed to see that all ineligible customers are excluded. The review process will include the efforts of numerous parties

Erie County Exhibit A-3 "Operation and Governance Plan"

and utilize a number of resources:

- Ohio Edison will query their customer database using best efforts to capture all accounts within the eligible Township limits.
- The County's consultant working with the CRES supplier, available County resources and publicly available material shall screen out customers who are not located within the eligible Township limits. Those resources may include any or all of the following: Property records, water and/or sewer records, fire and/or police department address records, 911 address records, street listings, County maps, internet maps, county parcel mapping databases, and geographical information systems (GIS).
- Ineligible accounts will be screened out based on codes provided in the Ohio Edison data.
- The data shall be reviewed to see that all zip codes have been included, all streets included, all customer classes, all customer rate schedules, and finally that an expected total for a community of this population was turned over.
- Any suspected omissions will be reported to Ohio Edison along with a request to furnish that data.
- Eligibility may be limited by a supplier's offer. For example, a fixed rate might not be offered to an account if their Price-to-Compare indicates they would not save.

5. Opt-Out Process

The County is using an Opt-Out form of Governmental Aggregation pursuant to section 4928.20 of the Ohio Revised Code. Any such person that opts-out of the aggregation program pursuant to stated procedure will default to the standard service offer provided by Ohio Edison until the person chooses an alternative supplier.

When a successful supply offer is found the County shall order the eligible customer list from Ohio Edison. Ohio Edison shall turn over the list to the County or its consultant upon request. Once the list is obtained, it will be shared with the selected CRES supplier and they will have 30 days from the County's receipt of the data to mail the opt-out notices to all eligible Members receiving an offer.

The selected CRES supplier and the County will agree upon the format of the opt-out notice and will docket a sample with the PUCO at least ten days prior to mailing it to eligible Members.

The selected CRES supplier will be required to pay for printing and mailing of opt-out disclosure notices. The notices will be mailed to the owner or occupant residing at the electric account mailing address shown on Ohio Edison's customer list. A County official will sign the notice and it will contain the County's name and logo on the outside to clearly indicate to the recipient that it is a notice from the County.

Prior to mailing opt-out notices a thorough review will be performed to see that all eligible Members receiving an offer are sent the notice. The review process will include the efforts of numerous parties and utilize a number of resources as specified in section four of this plan.

Erie County Exhibit A-3 "Operation and Governance Plan"

Following acceptance of an offer by the County, the CRES supplier will mail opt-out notices to eligible Members receiving an offer. Members will have 21 days from the postmark date on the notice to postmark the return opt-out card if they do not wish to participate in the County's program. If available, Members may also call the CRES supplier's toll-free recorded phone number to opt-out. The selected CRES supplier will not enroll those accounts opting out from the Program.

In the event that an eligible Member is inadvertently not sent an opt-out notice and is omitted from the Program, the CRES supplier shall, upon request, enroll the eligible Member at the group rate for the remaining term.

All members of the Program will also be given an opportunity to opt-out without penalty at least once every three years.

Procedure Steps:

1. The selected CRES supplier and the County will agree upon the format of the opt-out notice and will docket a sample with the PUCO at least ten days prior to mailing it to eligible Members.
2. The selected supplier will distribute an Opt-Out Form to all eligible Members via first class U.S. Mail;
3. Recipients will have 21 days from the postmark on the notice to notify the selected CRES supplier if they do not want to be part of the program;
4. Members will be able to opt out by returning an opt-out card via U.S. Mail to the selected CRES supplier. The supplier may offer additional means of opting out, such as, making a toll-free recorded phone call to the CRES supplier, email notification or fax.
5. Additionally, Members who do not opt-out per step 4 above will receive written notification from Ohio Edison stating that they are about to be switched. That notice will inform them that they have 7 days to rescind the contract by contacting Ohio Edison; and
6. The selected CRES supplier will not enroll those accounts opting out from the Program.

The opt-out notice will clearly notify the Program Members of the rates to be charged for electricity and other terms of the contract with the selected supplier. The notice will also satisfy the requirements for disclosing the environmental impact of the generation sources used to supply the program.

6. Customer Classes Included

All eligible Members are included in the Program but the selected CRES supplier's offer will determine which groups receive an offer and opt-out notice. It is envisioned that residential and small commercial customers supplied by Ohio Edison within the eligible Townships' limits are the most likely to receive an offer. The specific rate schedules will be identified in Section 2 of this Plan of Operation. In addition to having a rate schedule listed in Section 2, the following eligibility requirements apply.

- Customers must be up to date with their bill payment;

Erie County Exhibit A-3 "Operation and Governance Plan"

- Customers must not have Opted-out of the Program;
- Customers must not be on the Do Not Aggregate list;
- Customers must not be supplied generation service from another CRES provider;
- Customers must not be on a special contract with Ohio Edison;
- Customers must not be in the Percentage of Income Payment Program (PIPP);
- Commercial Customers must have a Peak Demand of ≤ 399 kW; and
- Commercial Customers must not have interval metering.
- Customers must not be classified as mercantile.
- Eligibility may be further limited by a supplier's offer. For example, a fixed rate might not be offered to an account if their Price-to-Compare indicates they would not save.

7. Billing Procedures

The County will utilize the coordinated billing services of Ohio Edison and the selected CRES supplier. Most customers are expected to receive a single bill from Ohio Edison that itemizes among other things, the cost of generation provided by the CRES supplier. In some instances, particularly for commercial accounts, the CRES supplier may request that dual billing be used. In this case the supplier would issue a bill for their supply service and Ohio Edison would issue a bill for their delivery services.

Members currently on budget billing will continue to be budget billed. Ohio Edison's process will remain the same. Members wishing to start budget billing should contact Ohio Edison. The process will take place in accordance with Ohio Edison's policy and is not unique to the County's Program. Ohio Edison's policies will dictate what portions of a Member's bill are budgeted and how the budget amount is calculated.

Members are required to remit and comply with the payment terms of Ohio Edison and/or their supplier if dual billing is used. This Program will not be responsible for late or no payment on the part of any of its members. Furthermore, slow or no payment on the part of some Members will not adversely impact the rates charged to other Members. The selected Supplier shall not charge more than 1 ½ percent per month for overdue balances owed to the selected Supplier.

8. Credit/Deposit Requirements

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

9. Procedures for Handling Customer Complaints and Dispute Resolution

Members have multiple means of addressing complaints. As a general rule, concerns regarding service reliability should be directed to Ohio Edison, questions regarding the Program administration should go to the County, billing questions should be directed to Ohio Edison or the selected supplier and any unresolved disputes should be directed to

Erie County Exhibit A-3 "Operation and Governance Plan"

the Public Utilities Commission of Ohio and/or The Ohio Consumers' Counsel. 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	Ohio Edison	1-888-544-4877
Service turn on/off	Ohio Edison	1-800-633-4766
Billing disputes – Delivery charges	Ohio Edison	1-800-633-4766
Billing disputes – Supplier charges	TBA	
Joining/Leaving Program	TBA	
Aggregation Program questions	Erie County Independent Energy Consultants	419-627-7682 1-888-862-6060
Unresolved disputes	Public Utilities Comm. (voice)	1-800-686-7826
Unresolved disputes	Public Utilities Comm. TDD/TTY	1-800-686-1570
General information – residential	Ohio Consumers' Counsel	1-877-742-5622

10. Moving Into/Within the Eligible Townships

Utility rules require that people moving into a different residence, new construction or otherwise, be assigned a new account number and be served for at least one month by the local utility before they can switch to a new supplier. The above-mentioned are examples of utility rules approved by the PUCO that will impact the operation of the County's aggregation program.

Residents and businesses that move into the eligible Townships will not be automatically included in the County's Program. The County cannot guarantee the rates, terms and conditions to Members enrolling after the 21-day opt-out period of the initial enrollees. Members wishing to opt-in to the Program may contact the County or the CRES supplier 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. The selected CRES supplier's decision whether or not to extend an offer will be based, in part, on the market prices at the time of request.

Members who move within the eligible Townships and are assigned a new account number by Ohio Edison will be treated in the same manner as a new resident. They will not be automatically enrolled, but may contact the CRES supplier concerning re-enrollment. Once again, there is no guarantee that the CRES Supplier will extend an offer, or an offer that is the same as that of the initial enrollees.

11. Moving Within the Eligible Townships and Maintaining the Same Account Number

The selected CRES Supplier shall continue service at the same rate and under the same terms and conditions for any Member who relocates within the eligible Townships prior to the expiration of the contract term, providing that the Member notifies the CRES Supplier of their desire to do so with thirty (30) days written notice. Moving within the eligible

Erie County Exhibit A-3 "Operation and Governance Plan"

Townships may cause the Member to be served for a brief period of time by the local utility. The CRES supplier shall have the right to bill the participant for any associated switching fee imposed by Ohio Edison. Members may also opt-out without penalty under these circumstances.

12. Joining the Aggregation Group after Opting-Out

Members who have left the aggregation group and wish to rejoin at a later date are treated in the same manner as new residents moving into the eligible Townships. These customers may contact the County or the CRES 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.

13. Reliability of Power Supply

The Program will only affect the generation source of power. Ohio Edison will continue to deliver power through their transmission and distribution systems. Responsibility for maintaining system reliability continues to rest with Ohio Edison. If Members have service reliability problems they should contact Ohio Edison for repairs. The PUCO has established "Minimum Reliability Standards" for all utilities operating distribution systems in Ohio. Customer outages, duration of outages, interruptions, etc., are monitored to ensure reliability remains at satisfactory levels.

In addition to maintaining the "wires" system, Ohio Edison is required to be the "Provider of Last Resort." This means, should the selected CRES supplier fail for any reason to deliver any or all of the electricity needed to serve the Members needs, Ohio Edison will immediately provide for the shortfall. Ohio Edison would then bill the supplier for the power provided on their behalf. The Members would incur no additional cost.

14. Supplier Qualification Selection Criteria

Only Suppliers meeting strict criteria will be considered.

- Suppliers will need to be certified by the Public Utilities Commission of Ohio
- Registered with Ohio Edison to do business in their service territory. Both the certification and registration ensure that Suppliers possess the managerial, technical, and financial competence to perform the services they offer.
- Successfully completed Electronic Data Interchange (EDI) computer system testing with Ohio Edison to support Governmental Aggregation Program transactions.
- Agree to hold harmless the County from any financial obligations arising from the Program.
- The selected CRES supplier will need to agree to notify the County and negotiate with the County at least 60 days in advance of attempting to terminate the agreement for any reasons other than (i) the scheduled end date or (ii) Force Majeure.
- The selected CRES supplier shall demonstrate its creditworthiness by possessing an investment grade long-term bond ratings from at least two of the following rating agencies:

Erie County Exhibit A-3 "Operation and Governance Plan"

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

Should the CRES supplier be unable to demonstrate its creditworthiness, the supplier will be required to 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.

15. Miscellaneous

The County will maintain a copy of this Plan of Operation and Governance on file at its Administrative office. This Plan will be kept available for public inspection. It will, upon request, be copied for any existing or potential Members of the aggregation in accordance with the County rules for copying public documents.

The County will not materially alter this Plan of Operation and Governance without first notifying its Members.

The County or the selected CRES supplier will not issue an opt-out notice before the County has obtained its certification as a Governmental Aggregator of electricity from the Public Utilities Commission of Ohio.

The success of the County's Aggregation Program relies in part to the cooperation it receives from Ohio Edison. In addition to other tasks, Ohio Edison must turn over accurate customer data and perform the customer switching process in a timely manner. The County will comply with PUCO rules, and will hold Ohio Edison to its obligations under the same.

The Electric Aggregation Program may be terminated upon the termination or expiration of the supply contract without any extension, renewal or subsequent supply contract being negotiated. Each individual Member receiving electric supply service under the Program will receive notification 45-90 days prior to termination of the Program. In the event of termination, Members in the County aggregation program would either return to Ohio Edison supply service or choose a CRES supplier on their own.

If the County is unable to find a satisfactory offer at the end of an existing supply agreement, they have the option of maintaining their status as a Governmental Aggregator while they continue to seek offers for their Members.

Erie County Exhibit A-4 "Automatic Aggregation Disclosure"

<County letterhead and/or logo>

CRES supplier name
CRES supplier address

<Date>

Dear Erie County Resident:

I am pleased to announce that the Erie County Commissioners and I have selected <CRES Supplier> as the electric supplier for our Governmental Aggregation Program. This letter informs you that, pursuant to Ohio Revised Code Section 4928.20, Counties operating Governmental Aggregation Programs of Electricity are required to allow you to opt-out of their program free of charge. At this time you have the following choices concerning your electric supply:

1. You can choose to remain a member of the Erie County program, and enjoy the favorable rates we have negotiated for you. **If you wish to remain in the program you need do nothing;**
2. You can opt-out of the program and shop for and negotiate a contract with a supplier on your own; or
3. You can opt-out of the program and return to Ohio Edison as your supplier of electric.

The terms and conditions of the offer we have negotiated on your behalf are shown on the back of this form. If you have any questions about the Erie County program or your options, please contact <CRES Supplier> at 1-XXX-XXX-XXXX. They are standing by to answer any questions you might have.

Erie County officials are acting on behalf of electric consumers in the eligible townships (Berlin, Florence, Groton, Huron, Margareta, Milan, Oxford, Perkins, and Vermilion) who are participating in the program to negotiate an electric supply contract with eligible suppliers. Both Erie County and <CRES Supplier> are certified by the Public Utilities Commission of Ohio to provide this service. This program has been authorized by our County Commissioners through a resolution and subsequent voter approval. This phase of our aggregation program will begin with your <Month Year> billing cycle and end with your <Month Year> billing cycle.

You will be automatically enrolled in Erie County's Electric Aggregation Program unless you choose to "opt out" – that is, to not participate. There is no cost for enrollment and you do not need to do anything to be included. If you choose to opt-out of this program, you will revert to service by Ohio Edison, unless and until you choose another supplier. If you switch back to Ohio Edison at a later date, you may not be served under the same rates, terms, and conditions that apply to other customers served by Ohio Edison.

Erie County has negotiated a <TBD/kWh> price for Eligible Township residents for the period of <TBD>. More specific information about pricing is contained in the accompanying terms and conditions.

If you want to be excluded from the Erie County Electric Aggregation Program you must return the enclosed "Opt-Out" form to the <CRES Supplier>. The return form must be postmarked no later than 21 days from the postmark on this notice. You may also opt-out by calling <CRES Supplier>, toll free, at 1-XXX-XXX-XXXX. If you do not opt out at this time, you will be enrolled in the program until it expires in <Month Year>. At that time, you will again have the chance to opt out of the program with no penalty. Every participant will be allowed to leave the program at least once every three years without incurring any penalty. Please note that if you remain in the aggregation group, you will receive a letter from Ohio Edison advising you of your impending transfer to <CRES Supplier>, and advising you to contact them if you do not want to be in the Program. Again, if you have not changed your mind about participating in the Aggregation Program, you do not have to do anything with that letter.

Erie County Exhibit A-4 "Automatic Aggregation Disclosure"

Warning: If you are already under 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.

In Ohio's deregulated electric environment, Ohio Edison will continue to maintain the distribution system that delivers electricity to your home or business. You will continue to receive a single bill from Ohio Edison for your electric service, but it will include an electric supply charge from <CRES Supplier> in place of the bundled rate you have been paying Ohio Edison. You will still contact Ohio Edison regarding loss of electric service, downed wires, or for any other concerns or issues having to do with your local service. Budget billing and automatic billing options will continue to be available through Ohio Edison.

If you have any questions, call <CRES Supplier> at 1-XXX-XXX-XXXX from X:XX am to X:XX pm EST, Monday through Friday. For general information on electric deregulation in Ohio, you can also visit the Web Sites of the Ohio Consumer's Counsel (www.pickocc.org) or the Public Utilities Commission of Ohio (www.PUCO.ohio.gov).

Sincerely,

Signature

Erie County Administrator

P.S. Remember to return the "Opt-Out" form or call <CRES Supplier> only if you do not want to participate in the Erie County Electric Aggregation Program.

X

Opt-Out Form - Erie County Electric Governmental Aggregation Program

By returning this signed form, you will be ***excluded*** from the opportunity to join other customers in the Erie County Electric Governmental Aggregation Program.

I wish to opt out of the Erie County Electric Governmental Aggregation Program.

(Check box to opt out.)

☐

Ohio Edison account holder name (please print clearly): _____

Customer number as it appears on your Ohio Edison electric bill: _____

Service address (Address, state and zip): _____

Phone number: (____) _____ Date: _____

Account holder's signature: _____

Mail by <MM/DD/YYYY> to: Erie County Electric Governmental Aggregation Program,
<CRES Supplier Address> Or
call us prior to X pm MMDDYYYY at 1-XXX-XXX-XXXX

Erie County Exhibit A-5 "Experience"

Erie County officials and staff are well versed in negotiating, contracting and providing for common services to the County residents. Some examples of experience as a service provider are:

1. Sheriff Service
2. Sanitary Sewer
3. Numerous Social Service Programs
4. Emergency Management

The Administrator, County Commissioners and County Staff routinely negotiate for services and supplies that benefit the residents of Erie County. However, due to the complexity of Governmental Aggregation, the County has hired Independent Energy Consultants, Inc. on January 28, 2010 to assist them in designing, implementing and maintaining the Program. Independent Energy Consultants are:

- Certified Electric Aggregators and Brokers #04-116(3) in the State of Ohio.
- Certified Natural Gas Aggregators and Brokers #04-078(3) in the State of Ohio.
- Licensed Electric and Natural Gas Aggregators and Brokers #A-17 in the State of Virginia.
- Registered Aggregator #80252 in the State of Texas.

Independent Energy Consultants, Inc. currently manages approximately 50 natural gas and electric aggregation programs that impact approximately 100 communities across Ohio. Contact information for Independent Energy Consultants is:

Independent Energy Consultants, Inc.
820 Deepwoods Drive
Aurora, Ohio 44202
Phone: 330 995-2675
Fax: 216 274-9176
Email: info@naturalgas-electric.com
www.naturalgas-electric.com

Among other services, Independent Energy Consultants, Inc. will:

- Draft and assist in maintaining this Plan of Operation and Governance
- Lead the required Public Hearings and attend County Commissioners' meetings
- Assist the County in the day-to-day administration of program (problem resolution, press releases, PUCO compliance, supplier liaison, contract review, etc.)
- Design and issue the Request for Proposal, analyze supplier responses and provide recommendations for the supply agreement

Erie County Exhibit A-5 "Experience"

- To review customer data provided by Ohio Edison that would serve as the basis for an opt-out notice
- To write/prepare reports on a quarterly/annual basis to the County, PUCO, PUCO's Market Monitoring division, and the Ohio Consumers' Counsel.

Erie County will not take title to electricity, issue bills, read meters or staff a call center for complaints. Those functions will be provided by Ohio Edison and the selected CRES supplier as detailed in Section 9 of its Plan of Operations and Governance. The County will comply with its responsibilities as a Governmental Aggregator (ORC 4928.10) and will respond to questions concerning the Aggregation Program.