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FILE



11-4845-GA-GAG²³

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August 21, 2011

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

RECEIVED-DOCKETING DIV
2011 AUG 23 AM 11:36
PUCO

RE: Natural Gas Governmental Aggregator Certification Application for the City of Findlay.

Enclosed please find an original and ten copies of the application for certification as a Governmental Aggregator of Natural Gas for the City of Findlay.

Independent Energy Consultants, Inc. is providing aggregation consulting services to the City of Findlay and is filing this application on their behalf.

The City of Findlay has a previous case numbered 02-1677-GA-GAG. Based on a discussion with PUCO staff, it is our understanding that this filing will be docketed under a new case number and the former will be closed.

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

Sincerely,

Mark R. Burns
President

Enclosures

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Date Received	Case Number	Certification Number
11-4845	- GA-GAG	

CERTIFICATION APPLICATION OHIO NATURAL GAS GOVERNMENTAL AGGREGATORS

Please **type or print** all required information. Identify all attachments with an exhibit label and title (*Example: Exhibit B-1 – Authorizing Ordinance*). All attachments should bear the legal name of the Applicant. Applicants should file completed applications and all related correspondence with the Public Utilities Commission of Ohio, Docketing Division, 13th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793.

This PDF form is designed so that you may directly input information onto the form. You may also download the form by saving it to your local disk.

SECTION A – APPLICANT INFORMATION

A-1 Applicant information:

Legal Name City of Findlay Ohio
Address 318 Dorney Plaza Findlay, Ohio 45840
Telephone No. 419-424-7117 Web site address www.ci.findlay.oh.us
Current PUCO Certificate Number Effective Dates

A-2 Contact person for regulatory or emergency matters:

Name Mark Burns Title President, Independent Energy Consultants, Inc.
Business Address Independent Energy Consultants, Inc., 215 W. Garfield Road Suite 210, Aurora, Ohio 44202
Telephone No. 888-862-6060 Fax No. 800-574-4508 Email Address mburns@naturalgas-electric.com

A-3 Contact person for Commission Staff use in investigating customer complaints:

Name Mark Burns Title President, Independent Energy Consultants, Inc.
Business address Independent Energy Consultants, Inc., 215 W. Garfield Road Suite 210, Aurora, Ohio 44202
Telephone No. 888-862-6060 Fax No. 800-574-4508 Email Address mburns@naturalgas-electric.com

A-4 Applicant's address and toll-free number for customer service and complaints:

Customer service address Independent Energy Consultants, Inc., 215 W. Garfield Road Suite 210, Aurora, Ohio 44202
Toll-Free Telephone No. 888-862-6060 Fax No. 800-574-4508 Email Address mburns@naturalgas-electric.com

SECTION B - APPLICANT AUTHORITY AND AGGREGATION PROGRAM INFORMATION

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED

- B-1** Exhibit B-1 "Authorizing Ordinance," provide a copy of the adopted ordinance or resolution that reflects voter authorization to form a governmental aggregation program pursuant to Sections 4929.26 and 4929.27 of the Ohio Revised Code.
- B-2** Exhibit B-2 "Operation and Governance Plan," provide a copy of the applicant's plan for operation and governance of its aggregation program adopted pursuant to Sections 4929.26(C) or 4929.27(B) of the Revised Code. The Operation and Governance Plan should include all information pursuant to Rule 4901:1-28-03 of the Ohio Administrative Code.
- B-3** Exhibit B-3 "Automatic Aggregation Disclosure Notification," if the aggregation program provides for automatic aggregation in accordance with Section 4929.26(A) of the Revised Code, provide a copy of the disclosure notification required by Section 4929.26(D) of the Revised Code,
- B-4** Exhibit B-4 "Opt-Out Notice," provide a draft copy of the applicant's opt out notice that comports with the Opt-Out disclosure requirements pursuant to Rule 4901:1-28-04 of the Ohio Administrative Code. (*Ten days prior to public dissemination, the applicant shall docket with the Commission, the finalized Opt-Out notice that provides or offers natural gas aggregation service.*)
- B-5** Exhibit B-5 "Experience," provide a detailed description of the applicant's experience and plan for: providing aggregation services (*including contracting with consultants, broker/aggregators, retail natural gas suppliers*); providing billing statements; responding to customer inquiries and complaints; and complying with all applicable provisions of Commission rules adopted pursuant to Section 4929.22 of the Ohio Revised Code and contained in Chapter 4901:1-29 of the Ohio Administrative Code.

Applicant Signature and Title:

Bruce Hardy, SERVICE DIRECTOR

Sworn and subscribed before me this 17TH day of August

Month 2011

Year

Kathy K. Launder

Signature of official administering oath

Print Name and Title

Kathy K. Launder

Notary Public, State of Ohio

My Commission Expires 11.29.2014

My commission expires on



The Public Utilities Commission of Ohio

Ohio Natural Gas Governmental Aggregation
Affidavit Form
(Version 1.07)

In the Matter of the Application of)

Findlay Ohio)

for a Certificate or Renewal Certificate to Provide)
Natural Gas Governmental Aggregation Service in)
Ohio.)

Case No.

-GA-GAG

County of Hancock
State of Ohio

Bruce Hardy

[Affiant], being duly sworn/affirmed, hereby states that:

- (1) The information provided within the certification or certification renewal application and supporting information is complete, true, and accurate to the best knowledge of affiant.
- (2) The applicant will timely file an annual report of its intrastate gross receipts and sales of hundred cubic feet of natural gas pursuant to Sections 4905.10(A), 4911.18(A), and 4929.23(B), Ohio Revised Code.
- (3) The applicant will timely pay any assessment made pursuant to Section 4905.10 or Section 4911.18(A), Ohio Revised Code.
- (4) Applicant will comply with all applicable rules and orders adopted by the Public Utilities Commission of Ohio pursuant to Title 49, Ohio Revised Code.
- (5) Applicant will cooperate with the Public Utilities Commission of Ohio and its staff in the investigation of any consumer complaint regarding any service offered or provided by the applicant.
- (6) Applicant will comply with Section 4929.21, Ohio Revised Code, regarding consent to the jurisdiction of the Ohio courts and the service of process.
- (7) Applicant will inform the Public Utilities Commission of Ohio of any material change to the information supplied in the certification or certification renewal application within 30 days of such material change, including any change in contact person for regulatory or emergency purposes or contact person for Staff use in investigating customer complaints.
- (8) Affiant further sayeth naught.

Affiant Signature & Title

Bruce Hardy, SERVICE DIRECTOR

Sworn and subscribed before me this 17TH day of August

Month 2011 Year

Kathy K. Launder
Signature of Official Administering Oath

Print Name and Title

Kathy K. Launder

Notary Public, State of Ohio

My Commission Expires 11-29-2014

My commission expires on

ORDINANCE NO. 2001-142

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PROPOSAL TO THE ELECTORS OF THE CITY OF FINDLAY TO AUTHORIZE THE CITY OF FINDLAY TO ACT AS AN AGGREGATOR ON BEHALF OF THE NATURAL GAS CUSTOMERS WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY

WHEREAS, pursuant to Article XVIII, Section 4 of the Ohio Constitution, the City of Findlay has plenary power to contract for the provision of utility services to the residents and businesses located within the City; and

WHEREAS, pursuant to R.C. Section 4929.20 et seq., municipalities may aggregate customers within their jurisdiction in order to secure lower cost natural gas services within the municipality through the collective purchasing of natural gas services; and

WHEREAS, pursuant to the authority conferred by R.C. 4929.26, the City of Findlay desires to submit an ordinance to the Hancock County Board of Elections to submit to the electors of the City of Findlay the question of whether the City should create an aggregation program in accordance with R.C. Section 4929.26;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Findlay, State of Ohio; two thirds (2/3) all members elected thereto concurring:

SECTION 1: Findlay City Council hereby authorizes the submission to the electors of the City of Findlay at the primary election to be held at the usual places of voting of said City on Tuesday, May 7, 2002, of a proposal to authorize the City of Findlay to act as an aggregator on behalf of the natural gas customers within the City for natural gas in accordance with R.C. Section 4929.20, et seq.

SECTION 2: The proposed aggregation authorization, upon receiving at least a majority of the votes cast thereon at the May 7, 2002, election shall become effective immediately upon its adoption, and the City's aggregation program shall thereafter commence in accordance with the plan of operation to be established pursuant to R.C. Section 4929.26, et seq. If the proposed aggregation authorization is so adopted, eligible natural gas customers within the City shall automatically be included in the City's aggregation program, provided, however, that each customer shall have an opportunity to opt out of the City's aggregation program.

SECTION 3: The Clerk of Council is hereby authorized to promptly forward a certified copy of this ordinance to the Board of Elections of the Hancock County by no later than February 21, 2002.

SECTION 4: The Board of Elections of Hancock County shall cause an appropriate notice to be duly given of the election to be held on May 7, 2002, on the foregoing proposal and otherwise to provide for such an election in the manner by the general laws of the State of Ohio.

CITY OF FINDLAY EXHIBIT B-1 "AUTHORIZING ORDINANCE"

SECTION 5: The ballot submitting the question of the adoption of the aforesaid proposal shall read as follows:

A majority affirmative vote is necessary for passage.

Shall the City of Findlay have the authority to aggregate competitive retail natural gas service for the eligible retail natural gas ^{volumes} loads located in the City, and for that purpose, enter into service agreements to facilitate the sale and purchase of natural gas for those ^{volumes} loads, such aggregation to occur automatically except where any person elects to opt out?

SECTION 6: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Findlay; the emergency being in order to timely submit the necessary ballot language to the Hancock County Board of Elections by February 21, 2002.

Wherefore, this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Dale M. Hillegie
PRESIDENT OF COUNCIL

John P. Stozil
MAYOR

PASSED November 20, 2001

ATTEST Martha Stehler
CLERK OF COUNCIL

APPROVED November 20, 2001

CITY OF FINDLAY NATURAL GAS AGGREGATION PROGRAM

PLAN OF OPERATION AND GOVERNANCE

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



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(A) Introduction

This aggregation plan has been developed in compliance with Ohio Revised Code, Section 4929.26 regarding governmental aggregation of natural gas service.

The City of Findlay ("City") passed the necessary resolution to place the issue of Opt-out Governmental Aggregation of natural gas on the 5/7/2002 ballot. The ballot issue subsequently passed. The City will follow the Plan of Operation and Governance ("Plan") outlined below. The Plan was adopted after two public hearings were held in accordance with section 4929.26 (C) of the Ohio Revised Code.

(B) Operation and Governance Plan Detail

(1) Description of Services and Professional Assistance

The City Aggregation Program ("Program") seeks to aggregate the retail natural gas loads of consumers located in the City to negotiate favorable rates for the supply of Natural Gas. Favorable shall mean rates lower than those available to individual residents at the time. The City may also select an offer based on beneficial terms and conditions not available through the regulated utility. Fixed-rate pricing that would provide stability, particularly during the heating season, would be an example of a beneficial condition.

With a City population of approximately 41,000 the Program has the potential to combine residential accounts and small commercial accounts into a buying group that will be attractive to Certified Retail Natural Gas Service (CRNGS) suppliers. Participation in the Program is voluntary. Any individual customer ("Member") has the opportunity to decline to participate in the Program through an opt-out process and to return to Columbia Gas of Ohio (COH) supply or to enter into a service contract with any CRNGS supplier.

The City will administer an opt-out aggregation program that will automatically include all eligible natural gas accounts within the City boundaries.

Residential and small commercial natural gas customers often lack the ability to effectively negotiate natural gas supply services. The City'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 natural gas and to gain other favorable terms of service such as price stability.

Due to the complexity of deregulation of the Natural Gas utility industry, the City 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 these consulting services:

- Draft and assist in maintaining the Plan of Operation and Governance.
- Lead any required Public Hearings and attend City Council meetings upon request.
- Assist the City in the day-to-day administration of program (problem resolution, press releases, PUCO compliance, supplier liaison, contract review, etc.)

City of Findlay Exhibit B-2 "Operation and Governance Plan"

- Administer the Request for Proposal process, analyze supplier responses and provide recommendations for the supply agreement
- Review customer data provided by COH that would serve as the basis for an opt-out notice
- Track the performance of the selected supplier, report on program participation and provide an analysis of current and future market conditions
- Write/prepare reports on a quarterly/annual basis to the City, PUCO and Ohio Consumers' Counsel.

The City through its consultant, Independent Energy Consultants, will seek bids and negotiate with CRNGS suppliers. The City will not assume title to natural gas. It will not buy and resell natural gas to the Members of the program. Instead, the City will competitively bid and negotiate a contract with a Competitive Retail Natural Gas supplier to provide natural gas supply to the Members of the aggregation program. Similarly, the City will not handle billing or scheduling of natural gas. Those responsibilities rest with COH and selected supplier.

Only Suppliers meeting strict criteria will be considered.

- Suppliers will need to be certified by the Public Utilities Commission of Ohio
- Registered with COH 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 COH to support Governmental Aggregation Program transactions.
- Agree to hold harmless the City from any financial obligations arising from the Program.
- The selected CRNGS suppliers will need to agree to notify the City and negotiate with the City 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 CRNGS supplier shall demonstrate its creditworthiness by possessing an investment grade long-term bond ratings from at least two of the following rating agencies:

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

Should the CRNGS 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.

(2) Determination of Rates

Through the efforts of its consultant, Independent Energy Consultants, Inc., the City will seek proposals from CRNGS suppliers. The request for proposals shall require the CRNGS suppliers to offer firm, full-requirements natural gas supply. CRNGS suppliers will bid by COH customer rate schedule or customer class. CRNGS suppliers will be encouraged to bid on as many natural gas 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 individual price analysis. Furthermore, commercial and industrial customers consuming more than 5000 Ccf/year are classified as mercantile customers and are ineligible to participate in a governmental aggregation program.

The prices to be charged to Members in the Program will be set by the Mayor or his/her designee, with prior authorization from the Council. The Mayor will set prices following negotiations with the selected CRNGS supplier and receipt of a favorable offer. 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 City limits. Once offers are found a table similar to the one shown below will be populated to reflect the offer rates.

Customer Class	Rate Schedule	Supplier Offer (\$/Ccf)	Term
Residential Sales Service	RS	TBD	TBD
General Sales Service	GS	TBD	TBD

Neither the City 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.

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

There is no switching fee for Members leaving COH supply service to select a CRNGS supplier. Members will remain responsible for all other billable charges, such as, taxes, COH transportation charges, monthly service charge, etc.

The City of Findlay will not accept a CRNGS supplier offer that is not favorable at the time for the majority of Members of a given customer class or rate schedule. It is, however, the individual Member's responsibility to carefully review the price, terms and conditions of an offer to determine if the offer is in their best interest. The City will not be responsible for any Member's decision to remain in or opt-out of the Program.

(3) Plan for Providing Opt-out Notice

When a successful supply offer is found the City shall order the eligible customer list from COH. COH shall turn over the list to the City or its consultant upon request. Once the list

City of Findlay Exhibit B-2 "Operation and Governance Plan"

is obtained, it will be shared with the selected CRNGS supplier and they will have 30 days from the City's receipt of the data to mail the opt-out notices to all eligible Members receiving an offer.

The selected CRNGS supplier and the City 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 CRNGS 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 natural gas account mailing address shown on COH's customer list. A City official's name will be on the notice and it will contain the City's name and/or logo visible on the outside of the mailer to clearly indicate to the recipient that it is a notice from the City.

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 City, the CRNGS supplier will mail opt-out notices to eligible Members receiving a favorable 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 City's program. Members may also call the CRNGS supplier's toll-free recorded phone number to opt-out. The selected CRNGS 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 CRNGS 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 two years.

(4) Process for Determining the Pool of Customers

Under the opt-out aggregation provisions, all eligible natural gas consumers within the City 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 and utilize a number of resources:

- COH will query their customer database using best efforts to capture all accounts within the City limits.
- The City's consultant working with the CRNGS supplier, available City resources and publicly available material shall screen out customers who are not located within the City limits. Those resources may include any or all of the following: Property records, water and/or sewer records, fire and/or police department address

City of Findlay Exhibit B-2 "Operation and Governance Plan"

records, 911 address records, street listings, City maps, internet maps, county parcel mapping databases, and geographical information systems (GIS).

- Ineligible accounts will be screened out based on codes provided in the COH data.
- The data shall be reviewed to see that all zip codes have been included, all streets included, all customer classes, all customer rate codes, and finally that an expected total for a community of this population was turned over.

Any potential Member who suspects they were inadvertently omitted from the Program will likely have to contact COH for an explanation. The COH customer list provided to the City will not include customers who are already served by a CRNGS supplier, participate in PIPP, are classified as mercantile, or are in arrears with their bill payment. Because of this, the City, its consultant, and CRNGS supplier will not be able to determine if a potential Member is ineligible or was inadvertently omitted.

Customers who have opted-off the standard customer information list are required to be included in an opt-out program assuming they meet the other eligibility requirements. If needed, the City will request a separate list of those customers from COH so they can be given an opportunity to participate in the Program.

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

- Are up to date with their bill payment;
- Have not opted-out of the program;
- Are currently supplied natural gas through COH's Standard Service Offer (SSO)
- Have not chosen a natural gas supplier;
- Are not mercantile customers;
- Have not exercised their right of rescission; or
- Are not part of the Percentage of Income Payment Program (PIPP).

(5) Customer Billing Procedures

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

Members currently on budget billing will continue to be budget billed. COH's process will remain the same. Members wishing to start budget billing should contact COH. The process will take place in accordance with COH's policy and is not unique to the City's Program.

Members are required to remit and comply with the payment terms of COH 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.

(6) Credit and Deposit Policies

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

(7) Governmental Aggregator's Customer Service Procedures and Dispute Resolution

Members will have multiple means of addressing complaints. As a general rule, concerns regarding service reliability and billing should be directed to COH. They continue to read meters, handle billing and generally have the most information about a customer's account. Questions regarding the Program administration should go to the City or Independent Energy Consultants. Unresolved disputes between Members and the supplier or COH should be directed to the Public Utilities Commission of Ohio or the Ohio Consumers' Counsel for residential accounts. Listed below is a table of local or toll-free numbers for Members to call for assistance.

Nature of Complaint	Contact	Phone Number
Service interruptions or emergencies	COH	1-800-282-0157
Service turn on/off	COH	1-800-344-4077
Billing disputes – Delivery charges	COH	1-800-344-4077
Billing disputes – Supplier charges	TBD	TBD
Joining/Leaving Program	TBD	TBD
Aggregation Program questions	City of Findlay Independent Energy Consultants	330-726-4177 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

(8) Members Moving Into/Within the Aggregation (New Customer)

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 is an example of utility rules approved by the PUCO that will impact the operation of Findlay's aggregation program.

Residents and businesses that move into the City will not be automatically included in the City's Program. The City cannot guarantee the rates, terms and conditions to Members enrolling after the initial 21-day opt-out period. Members wishing to affirmatively enroll into the Program may contact the City or the CRNGS supplier to obtain enrollment information. There is, however, no guarantee that customers requesting such enrollment at a date outside of an opt-out enrollment period will receive the same price, terms and conditions

City of Findlay Exhibit B-2 "Operation and Governance Plan"

as did the initial participants. The selected CRNGS 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 City limits and are assigned a new account number by COH will be treated in the same manner as a new resident. They will not be automatically enrolled, but may contact the CRNGS supplier concerning re-enrollment. Once again, there is no guarantee that the CRNGS supplier will extend an offer, or an offer that is the same as that of the initial enrollees.

(9) Members Moving Within the Aggregation (Same Account Number)

The selected CRNGS supplier shall continue service at the same rate and under the same terms and conditions for any Member who relocates within the City prior to the expiration of the contract term, providing that the Member notifies the CRNGS supplier of their desire to do so with thirty (30) days written notice. Moving within the City may cause the Member to be served for a brief period of time by the local utility.

(10) Joining the Program at a Later Date

Members desiring to join the program at a later date during the midst of an ongoing supply agreement will be treated similar to Members moving into the City. They will need to contact the City or its supplier to obtain enrollment information. They will follow a standard enrollment approach. There is however, no guarantee that customers so doing at a later date will receive the same price, terms and conditions as did the initial Members. Suppliers are unable to hold price offerings for an unlimited amount of time, and if the community asks for such a requirement, the price offering received from suppliers will be higher to reflect the greater risk. Residents affirmatively enrolling into the City's program will be responsible for knowing if there is a switching fee for leaving their current supplier.

In the event of a high rate of attrition from the Program or population growth within the City, the City may request the selected CRNGS supplier to conduct a subsequent opt-out campaign during the term of a supply agreement. If this were to occur, the opt-out notice would be sent to newly eligible Members and would not be sent to anyone who had previously opted-out of the current supply agreement.

(C) Availability of Plan of Operation and Governance

The City 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 City rules for copying public documents.

(D) Altering the Plan of Operation and Governance

The City will not alter its Operation and Governance Plan in any way that would materially affect the customers of the aggregation without first providing notice to all affected Members and providing these Members the opportunity to opt-out of the aggregation according to the procedures established for the initial opt-out disclosure notice set forth in rule 4901:1-28-04 of the Administrative Code. In the event of a material change, the City

City of Findlay Exhibit B-2 "Operation and Governance Plan"

will provide a notice explaining the changes to the plan, and informing the Members of their right to opt-out of the aggregation without penalty, and identifying the method and time frame for the customer to opt-out.

(E) Certification Prior to Sending Opt-out Notices

The City will become certified as a Governmental Aggregator of natural gas (by the PUCO) prior to sending opt-out disclosure notices to potential Members of the Aggregation Program.

(F) Opt-out Disclosure Policies

Prior to including a customer's natural gas account or accounts in an aggregation, the City in cooperation with the selected CRNGS supplier, will provide each eligible Member a written opt-out notice conforming to the requirements of Ohio Administrative Code Section 4901:1-21-17.

The City, in cooperation with the selected CRNGS supplier, will provide each Member the opportunity to leave the program, free of charge, at least once every two years. The notice will follow the format and requirements of the initial opt-out notification and will include any changes to the price or terms and conditions of the program.

(G) Cooperation Between Natural Gas Companies and Governmental Aggregators

The success of the City's Aggregation Program relies in part to the cooperation it receives from COH. In addition to other tasks, COH must turn over accurate customer data and perform the customer switching process in a timely manner. The City will comply with O.A.C. section 4901:1-28-05, and will hold COH to its obligations under the same.

(H) Termination of the Aggregation Program

The Natural Gas 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 natural gas 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 City aggregation program would either return to COH supply service or choose a CRNGS supplier on their own.

If the City 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.

The selected CRNGS suppliers will need to agree to notify the City and negotiate with the City 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.

City of Findlay Exhibit B-3 "Automatic Aggregation Disclosure Notification"

Section 4929.26 (D) of the Ohio Revised Code states that "no legislative authority or board, pursuant to an ordinance or resolution under divisions (A) and (B) of this section, shall aggregate any retail natural gas load located within its jurisdiction unless it in advance clearly discloses to the person whose retail natural gas load is to be so aggregated that the person will be enrolled automatically in the aggregation and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be 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 the opportunity to opt out of the aggregation every two years, without paying a switching fee. Any such person that opts out of the aggregation pursuant to the stated procedure shall default to the natural gas company providing distribution service for the person's retail natural gas load, until the person chooses an alternative supplier."

The Opt-Out Notification for Findlay's program will include language similar to the following and proceed as shown below.

City of Findlay officials are acting on behalf of natural gas consumers who are participating in the program to negotiate a gas supply contract with eligible suppliers. Both Findlay and <CRNGS Supplier> are certified by the Public Utilities Commission of Ohio to provide this service. This program has been authorized by our Council through an ordinance and voter approval on May 7, 2002. 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 Findlay's Natural Gas 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 Columbia Gas of Ohio, unless and until you choose another supplier.

If you want to be excluded from the Findlay Natural Gas Aggregation Program you must return the enclosed "Opt-Out" form to the <CRNGS 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 <CRNGS 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 two years without incurring any penalty.

Please note that newly eligible members remaining in the aggregation group, will receive a letter from Columbia Gas of Ohio advising you of your impending transfer to <CRNGS Supplier>, and advising you to contact Columbia Gas of Ohio within 7 days 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.

Warning: If you are already under contract with a competitive retail natural gas service provider you may incur a contract termination fee or other charges if you fail to opt-out of the aggregation.

Under the opt-out aggregation provisions, all eligible natural gas consumers within the City 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.

City of Findlay Exhibit B-3 "Automatic Aggregation Disclosure Notification"

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 and utilize a number of resources:

- Columbia Gas of Ohio will query their customer database using best efforts to capture all accounts within the City limits.
- Independent Energy Consultants working with the CRNGS supplier, available City resources and publicly available material shall screen out customers who are not located within the City 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, City maps, internet maps, county parcel mapping databases, and geographical information systems (GIS).
- Ineligible accounts will be screened out based on codes provided in the Columbia Gas of Ohio data.
- The data shall be reviewed to see that all zip codes have been included, all streets included, all customer classes, all customer rate codes, and finally that an expected total for a community of this population was turned over.

Any potential Member who suspects they were inadvertently omitted from the Program will likely have to contact Columbia Gas of Ohio for an explanation. The Columbia Gas of Ohio customer list provided to the City will not include customers who are already served by a CRNGS supplier, participate in PIPP, are classified as mercantile, are in arrears with bill payment, or who have opted-off the standard customer information list. Because of this, the City, its consultant, and CRNGS supplier will not be able to determine if a potential Member is ineligible or was inadvertently omitted.

Customers who have opted-off the standard customer information list are required to be included in an opt-out program assuming they meet the other eligibility requirements. If needed, the City will request a separate list of those customers from Columbia Gas of Ohio so they can be given an opportunity to participate in the Program.

Customers who meet the following criteria will receive an opt-out notice and be subsequently enrolled following the opt-out period.

- Have received an offer from the selected CRNGS Supplier;
- Are up to date with their bill payment;
- Have not opted-out of the program;
- Are currently supplied natural gas by Columbia Gas of Ohio or are Members of an existing Program;
- Are not mercantile customers;
- Have not exercised their 7 day right of rescission; or
- Are not part of the Percentage of Income Payment Program (PIPP).

City of Findlay Exhibit B-4 "Opt-Out Notice"

<City letterhead and/or logo>

CRNGS supplier name
CRNGS supplier address

<Date>

Dear Findlay Resident:

I am pleased to announce that the Findlay City Council and I have selected <CRNGS Supplier> as the natural gas supplier for our Governmental Aggregation Program. This letter informs you that, pursuant to Ohio Revised Code Section 4929.26, Cities operating Governmental Aggregation Programs of Natural Gas are required to allow you to opt-out of their program free of charge. At this time you have the following choices concerning your natural gas supply:

1. You can choose to remain a member of the Findlay 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 <LDC> as your supplier of natural gas.

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 Findlay program or your options, please contact <CRNGS Supplier> at 1-XXX-XXX-XXXX. They are standing by to answer any questions you might have.

Findlay City officials are acting on behalf of natural gas consumers who are participating in the program to negotiate a gas supply contract with eligible suppliers. Both Findlay and <CRNGS Supplier> are certified by the Public Utilities Commission of Ohio to provide this service. This program has been authorized by our City Council through an ordinance 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 Findlay's Natural Gas 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 <LDC>, unless and until you choose another supplier.

Findlay has negotiated a <TBD/Mcf> price for Findlay 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 Findlay Natural Gas Aggregation Program you must return the enclosed "Opt-Out" form to the <CRNGS 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 <CRNGS 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 two years without incurring any penalty. Please note that if you remain in the aggregation group, you will receive a letter from <LDC> advising you of your impending transfer to <CRNGS 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.

Warning: If you are already under contract with a competitive retail natural gas service provider you may incur a contract termination fee or other charges if you fail to opt-out of the aggregation.

City of Findlay Exhibit B-4 "Opt-Out Notice"

In Ohio's deregulated natural gas environment, <LDC> will continue to maintain the pipeline system that delivers natural gas to your home or business. You will continue to receive a single bill from <LDC> for your natural gas service, but it will include a gas supply charge from <CRNGS Supplier> and sales tax charge on the cost of the gas supply in place of the bundled rate you have been paying <LDC>. You will still contact <LDC> regarding loss of gas service, odor of gas, 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 <LDC>.

If you have any questions, call <CRNGS Supplier> at 1-XXX-XXX-XXXX from X:XX am to X:XX pm EST, Monday through Friday. For general information on natural gas 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

Findlay Mayor

P.S. Remember to return the "Opt-Out" form or call <CRNGS Supplier> only if you do not want to participate in the Findlay Natural Gas Aggregation Program.

X- - - - -

Opt-Out Form – Findlay Natural Gas Governmental Aggregation Program

By returning this signed form, you will be **excluded** from the opportunity to join other customers in the Findlay Natural Gas Governmental Aggregation Program.

I wish to opt out of the Findlay Natural Gas Governmental Aggregation Program.

(Check box to opt out.)

☐

<LDC> account holder name (please print clearly): _____

11-digit account number as it appears on your <LDC> natural gas bill:

--	--	--	--	--	--	--	--	--	--	--

Service address (Address, state and zip): _____

Phone number: (____) _____ Date: _____

Account holder's signature: _____

Mail by <MM/DD/YYYY> to: Findlay Natural Gas Governmental Aggregation Program,
<CRNGS Supplier Address> Or
call us prior to X pm MMDDYYYY at 1-XXX-XXX-XXXX

City of Findlay Exhibit B-4 "Opt-Out Notice"

Enrollment: Customer's service with <CRNGS SUPPLIER> will commence upon the successful completion of the Program's opt-out period and enrollment process with <LDC>, which is expected to commence within one or two billing cycles following completion of the opt-out period.

Rate: Customer price per Mcf will be <TBD> for Customer's flow date beginning MMYYYY through MMYYYY.

Regulatory Jurisdiction: The Governmental Aggregation Program as well as competitive retail access pursuant to which <CRNGS SUPPLIER> shall supply natural gas is subject to ongoing jurisdiction of the Public Utilities Commission of Ohio ("PUCO"). If the Program is terminated by the PUCO, then both you and <CRNGS SUPPLIER> have the right to terminate this Agreement without penalty to either party.

Billing: <CRNGS SUPPLIER> will place its charges for the natural gas delivered on Customer's <LDC> bill <CRNGS SUPPLIER>'s commodity charge will be separately identified among those charges Customer regularly receives from <LDC>. Customer agrees to pay <CRNGS SUPPLIER>'s commodity charges in accordance with the payment procedures implemented by <LDC>.

Customer Service: Should Customer have any questions or comments concerning <CRNGS SUPPLIER>'s services, Customer can call <CRNGS SUPPLIER> toll free at 1-xxx-xxx-xxxx during the hours of Xam to Xpm EST, Monday through Friday, contact <CRNGS SUPPLIER> by mail at <TBD>. Should a dispute arise between Customer and <CRNGS SUPPLIER> that cannot be resolved by a <CRNGS SUPPLIER> Customer Service Representative, then that dispute will be referred to a <CRNGS SUPPLIER> Customer Service Manager for consideration. A determination regarding the dispute will be communicated to Customer either by telephone, regular mail or electronically. If Customer's questions are not resolved after Customer has called <CRNGS SUPPLIER>, Customer may call the Public Utilities Commission of Ohio (PUCO) toll free at 1-800-686-7826 or 1-614-466-3292 or for TDD/TTY toll free at 1-800-686-1570 or 614-466-8180 from 8:00am to 5:00pm weekdays, or visit the PUCO website at www.puco.ohio.gov or as otherwise specified by the Commission. Residential customers may call the Ohio Consumers' Counsel ("OCC") toll free at 1-877-742-5622 from 8:30am to 5:30pm weekdays, or visit the OCC website at www.pickocc.org for general information regarding Customer Choice programs.

Rescission and Cancellation of Contract: <LDC> will send Customer a letter confirming Customer's enrollment with <CRNGS SUPPLIER>. Customer has seven (7) business days from the postmark date of that letter ("rescission period") to change his/her mind and to rescind Customer's enrollment by notifying <LDC> at 1-xxx-xxx-xxxx. If after the rescission period this Agreement is terminated prematurely for any reason attributable to Customer's action or inaction, Customer will incur a \$xx early termination fee, subject to any limitations set forth in the Contract Termination clause below. If Customer voluntarily returns to <LDC> after having selected <CRNGS SUPPLIER> as Customer's marketer, Customer may be charged a price other than the <LDC> GCR rate. Also, should Customer decide to switch from one marketer to another, <LDC> may impose a switching fee if provided for by the <LDC> tariff. Further, should <CRNGS SUPPLIER> intend to terminate this Agreement and to discontinue service to you at the expiration of the Term, <CRNGS SUPPLIER> shall, to the maximum extent possible, provide you thirty (30) days notice.

Contract Termination: This Agreement shall terminate automatically without penalty if a) the requested service location is not served by <LDC>; b) Customer relocates; or c) <CRNGS SUPPLIER> returns Customer to utility service if such termination is permitted by this Agreement. Customer has the right to terminate this Agreement without penalty if: a) Customer relocates; or b) for the same reasons that <CRNGS SUPPLIER> has a right to terminate this Agreement without penalty, if any, other than for non-payment.

Payment Information: Customer has the right to request, without charge, up to twenty-four months of payment history for services performed by <CRNGS SUPPLIER>.

Non-disclosure of Information: <CRNGS SUPPLIER> will not release Customer's account number or Customer's social security number (if Customer provided it) without Customer's affirmative written consent.

Assignment: This contract is assignable by <CRNGS SUPPLIER> without Customer's consent subject only to any regulatory approvals.

Eligibility: This Agreement is for residential and small commercial customers who satisfy PUCO and <LDC> tariff eligibility criteria. Also, <CRNGS SUPPLIER> reserves the right at any time to terminate service to Customer locations that consume more than 5000 Ccf per year and return Customer to <LDC> with no penalty to either party. Further, participation in the program is subject, in part, to the rules implemented by <LDC> and, as a result, customers are sometimes terminated from the competitive retail access program. Regardless of the reason for termination, in no case will the Term be extended for months that Customer was unable to participate nor will <CRNGS SUPPLIER> have any liability for any early termination or for any months that Customer was unable to participate in the program.

Limitation of Liability: <CRNGS SUPPLIER> assumes no liability or responsibility for losses or consequential damages arising from items associated with <LDC>, including, but not limited to: operations and maintenance of their system; any interruption of service; termination of service; or deterioration of service, nor does <CRNGS SUPPLIER> assume responsibility or liability for damages arising from any in-home or building damages and in addition shall not be responsible for any indirect, consequential, special or punitive damages whether arising under contract, tort (including negligence or strict liability) or any other legal theory.

City of Findlay Exhibit B-5 "Experience"

The City of Findlay is well versed in negotiating, contracting and providing for common services to City residents. Some examples of experience as a service provider are:

1. Police Service
2. Fire Service
3. Parks and Recreation
4. Public Works

The Mayor, City Council and City Staff routinely negotiate for services and supplies that benefit the residents of Findlay. However, due to the complexity of Governmental Aggregation, the City hired Independent Energy Consultants, Inc. on August 2, 2011 to assist them in designing, implementing and maintaining the Program. Independent Energy Consultants are:

- Certified Electric Aggregators and Brokers #04-116(4) in the State of Ohio.
- Certified Natural Gas Aggregators and Brokers #04-078(4) in the State of Ohio.
- Licensed Electric and Natural Gas Aggregators and Brokers #A-17 in the State of Virginia.
- Registered Aggregators #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.
215 W Garfield Road Suite 210
Aurora, Ohio 44202
Phone: 330 995-2675
Fax: 800-574-4508
Email: info@naturalgas-electric.com
www.naturalgas-electric.com

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

- Draft and assist in maintaining the Plan of Operation and Governance.
- Lead any required Public Hearings and attend City Council meetings upon request.
- Assist the City 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.
- Review customer data provided by Columbia Gas of Ohio that would serve as the basis for an opt-out notice.

City of Findlay Exhibit B-5 "Experience"

- Write/prepare reports on a quarterly/annual basis to the City, PUCO, and the Ohio Consumers' Counsel.

The City of Findlay will not take title to natural gas, issue bills, read meters or staff a call center for complaints. Those functions will be provided by Columbia Gas of Ohio and the selected CRNGS supplier as detailed in Section 7 of its Plan of Operations and Governance. The City will comply with its responsibilities as a Governmental Aggregator (ORC 4929.20) and will respond to questions concerning the Aggregation Program.