

FILE



**CITY OF FAIRBORN
FINANCE DEPARTMENT**

44 W. Hebble Ave.
Fairborn OH 45324-4999
(937) 754-3005
Fax (937) 754-3115

June 20, 2012

Docketing Division
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43266-0573

Re: *In the Matter of the Application of the
City of Fairborn, for
Re-Certification as a Governmental Aggregator
Case No. 04-1227-EL-GAG*

RECEIVED-DOCKETING DIV
2012 JUL 20 PM 3:27
PUCO

To Whom It May Concern:

Enclosed please find the City of Fairborn's completed **RE-CERTIFICATION APPLICATION FOR GOVERNMENTAL AGGREGATORS**. We have enclosed an original application, notarized and signed by an authorized official and ten conformed copies, including all exhibits, and other attachments.

The material provided includes the following:

- 1) Authorizing ordinance reflecting voter authorization;
- 2) Plan of Operation and Governance;
- 3) Copy of Automatic Aggregation Disclosures;
- 4) Copy of Opt-out Notification;
- 5) Experience statement

Should you have any questions or need additional information, please contact our aggregation program manager, Terry Leach of AMPO, Inc., at tleach@amppartners.org.

Respectfully submitted,

Randall J. Groves
Finance Director
City of Fairborn, Ohio
44 West Hebble Avenue
Fairborn, OH 45324

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician JD Date Processed 7-20-12



The Public Utilities Commission of Ohio

| | |
|-----------------------------|-------------|
| Original GAG Case Number | Version |
| 04-1227-EL-GAG | August 2004 |

RENEWAL APPLICATION FOR GOVERNMENTAL AGGREGATORS

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

**This PDF form is designed 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. RENEWAL INFORMATION

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

Legal Name City of Fairborn
Address 44 West Hebble Avenue
PUCO Certificate # and Date Certified 04-122E (4) September 8, 2010
Telephone # (937) 754-3005 Web site address (if any) www.ci.fairborn.oh.us

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

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

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

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

A-5 Contact person for regulatory or emergency matters


Name Randy Groves
Title Finance Director
Business address 44 West Hebble Avenue, Fairborn, OH 45324
Telephone # (937) 754-3005 Fax # _____
E-mail address (if any) Randy.Groves@ci.fairborn.oh.us

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

Name Randy Groves
Title Finance Director
Business address 44 West Hebble Avenue, Fairborn, OH 45324
Telephone # (937) 754-3005 Fax # _____
E-mail address (if any) Randy.Groves@ci.fairborn.oh.us

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

Customer Service address 44 West Hebble Avenue, Fairborn, OH 45324
Toll-free Telephone # (937) 754-3005 Fax # _____
E-mail address (if any) Randy.Groves@ci.fairborn.oh.us

 , Randy Groves, Finance Director
Signature of Applicant & Title

Sworn and subscribed before me this 20th day of June, 2012 Year
Month
Penny L. Davis Penny L. Davis
Signature of official administering oath Print Name and Title

My commission expires on October 26, 2013

AFFIDAVIT

State of Ohio :

City of
Fairborn ss.
(Town)

County of Greene :

Randy Groves, Affiant, being duly sworn/affirmed according to law, deposes and says that:

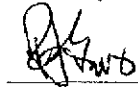
He/She is the Finance Director (Office of Affiant) of City of Fairborn (Name of Applicant);

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

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

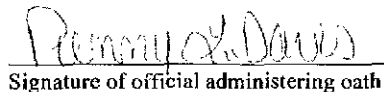
11. The Applicant herein, attests that it will inform the Commission of any material change to the information supplied in the renewal application within 30 days of such material change, including any change in contact person for regulatory purposes or contact person for Staff use in investigating customer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

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



_____, Randy Groves, Finance Director
Signature of Affiant & Title

Sworn and subscribed before me this 20th day of June, 2012
Month Year


Signature of official administering oath

Penny L. Groves, Notary
Print Name and Title

My commission expires on October 26, 2013

EXHIBIT 1

AUTHORIZING ORDINANCE

RESOLUTION NO. 79-03

A RESOLUTION TO FACILITATE COMPETITIVE RETAIL ELECTRIC SERVICE TO PROMOTE ELECTRICAL SAVINGS, LOWER COST ELECTRICITY SUPPLIES AND OTHER BENEFITS FOR CERTAIN ELECTRICITY CONSUMERS, AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN ELECTRIC AGGREGATION PROGRAM PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE AND ARTICLE XVIII SECTION 4 OF THE OHIO CONSTITUTION; DIRECTING THE GREENE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS; AND AUTHORIZING AN AGREEMENT WITH AN AGENT FOR SUCH PURPOSES; AND DECLARING AN EMERGENCY.

WHEREAS, Article XVIII Section 4 of the Ohio Constitution grants the City of Fairborn (the "Municipality") certain authority related to utility service; and

WHEREAS, Pursuant to Chapter 4928 of the Ohio Revised Code, to facilitate competitive retail electric service to promote electricity savings, lower cost electric supplies, and other benefits, certain governmental entities may aggregate certain electricity consumers within their jurisdictions; and

WHEREAS, Pursuant to Section 4928.20, Revised Code, the Municipality is authorized to act as an aggregator by establishing an automatic opt-out governmental aggregation program for the provision of competitive retail electric service ("Electric Aggregation") for the benefit of certain electricity consumers within the Municipality so that the consumers may realize lower cost electricity supplies and other benefits from the aggregation and combined purchasing of electric supplies; and

WHEREAS, Electric Aggregation provides an opportunity for electricity consumers collectively to realize electric savings, lower cost electricity supplies, and other benefits that the consumers may not otherwise be able to realize individually; and

WHEREAS, In the public interest, the Municipality desires to submit to the electors of the Municipality the question of whether the Municipality should create an Electric Aggregation Program to facilitate competitive retail electric service to promote electricity savings, lower cost electric supplies, and other benefits in accordance with Section 4928.20, Revised Code; and

WHEREAS, The Municipality has adopted this Resolution pursuant to the authority conferred by Article XVIII Section 4 of the Ohio Constitution and Section 4928.20, Revised Code.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRBORN HEREBY RESOLVES:

SECTION 1. This Council finds and determines that to facilitate competitive retail

MICHAEL A. MAYER
CITY SOLLICITOR
CITY OF FAIRBORN
510 W. MAIN STREET
FAIRBORN, OH 45324

electric service to promote electric savings, lower cost electricity supplies, and other benefits, it is in the best interest of the Municipality and certain electricity consumers within the jurisdiction of the Municipality to establish an Electric Aggregation Program in the Municipality pursuant to Section 4928.20, Revised Code. Provided that this Resolution and Electric Aggregation Program is approved by the electors of the Municipality in accordance with this Resolution, the Municipality is hereby authorized to take all actions necessary to effect an Electric Aggregation Program pursuant to Section 4928.20, Revised Code. The Municipality may exercise this authority jointly with other entities to the full extent permitted by law. Further, for such purposes, the City Manager of the Municipality is hereby authorized to execute and deliver an agreement with a to-be-named agent ("Agent") to assist the Municipality as its consultant and agent to effect the Electric Aggregation Program. Actions necessary to effect the Electric Aggregation Program include determining and entering into service agreement(s) with suppliers to facilitate the sale and purchase of all electricity, competitive retail electric services, and retail electric generation to serve the enrolled consumers, the Municipality shall be authorized by the electors to be the only entity authorized to act for and on behalf of the enrolled electric consumers to determine and select the provider(s) to supply the Electric Aggregation Program and the enrolled consumers.

SECTION 2. The Electric Aggregation Program shall not apply to persons that are not eligible pursuant to Rules and/or Orders of the Public Utilities Commission of Ohio ("Commission") or not eligible pursuant to the adopted plan of operations and governance ("Plan") for the Electric Aggregation Program.

SECTION 3. The Board of Elections of Greene County is hereby directed to submit the following question to the electors of the Municipality at the election on November 4, 2003:

To facilitate competitive retail electric service to promote electric savings, lower cost electricity supplies, and other benefits, shall the City of Fairborn have the authority to aggregate retail electrical loads and enter into service agreements for the sale and purchase of electricity and other services, such aggregation to occur automatically unless any person affirmatively elects not to be enrolled by a stated procedure?

FOR, the City of Fairborn to facilitate competitive retail electric service to promote electricity savings and other benefits by acting as an aggregator.

NOT FOR, the City of Fairborn to facilitate competitive retail electric service to promote electricity savings and other benefits by acting as an aggregator.

The Clerk of this Council is instructed to file a certified copy of this Resolution and the proposed form of the ballot question with the Greene County Board of Elections not later than August 21, 2003, which is seventy-five (75) days prior to November 4, 2003. The Electric Aggregation Program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question at the election held in accordance with this Resolution and Section 4928.20, Revised Code. Upon approval, the Electric Aggregation shall take effect at

MICHAEL A. MAYER
CITY CLERK FOR
CITY OF FAIRBORN
510 W. MAIN STREET
FAIRBORN, OH 45324

the earliest permissible point in time and continue thereafter in accordance with Section 4928.20, Revised Code, and other requirements of Chapter 4928, Revised Code.

SECTION 4. Upon approval by a majority of the electors voting at the election provided for in this Resolution, the Municipality shall develop and adopt a Plan of Operations and governance for the Electric Aggregation Program. Before adopting such Plan, at least two public hearings on the Plan shall be held. Before the first hearing, notice of the first hearing shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Municipality. The notice shall summarize the Plan and state the date, time, and location of each hearing. Consumers enrolled in the Electric Aggregation Program shall be supplied their electrical requirements and other services in accordance with supply agreement(s) determined and arranged by the Municipality, as opportunities become available to provide benefits to consumers. The Municipality shall be authorized by the electors to be the only entity authorized to act for and on behalf of the consumers that have enrolled in the Electric Aggregation Program to determine and select the supplier(s) to provide the electricity and all other services for the Electric Aggregation Program.

SECTION 5. The adopted Plan shall not aggregate any retail electrical load within the Municipality, unless the person whose electrical load is to be so aggregated is notified in advance that the person will be enrolled automatically in the Electric Aggregation Program and shall remain so enrolled, unless the person affirmatively elects not to be so enrolled by a stated procedure. The disclosure shall state the rates, charges, and other terms and conditions of the enrollment. Once enrolled, the consumer may only opt-out of the Electric Aggregation Program every two years without paying a switching fee. Any such person that opts-out of the Electric Aggregation Program shall default to the standard offer service of the person's electric distribution utility, until the person chooses an alternative supplier.

SECTION 6. That the Greene County Board of Elections shall cause an appropriate notice to be duly given of the election to be held on November 4, 2003, on the foregoing proposal and otherwise to provide for such election in the manner provided by the laws of the State of Ohio.

SECTION 7. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in compliance with the law.

SECTION 8. That this Resolution is hereby declared to be an emergency measure, providing for the immediate preservation of the public peace, property, health, or safety, in that opportunities to coordinate aggregation activities with certain suppliers may become limited.

SECTION 9. That this Resolution shall take effect immediately upon passage.

MICHAEL A. MAYER
CITY SOLICITOR
CITY OF FARBORN
510 W. MAIN STREET
FARBORN, OH 45324

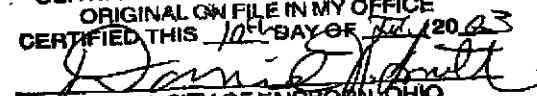

MAYOR

PASSED: JUL 7 2003


EFFECTIVE: JUL 7 2003

ATTEST:


CLERK, CITY OF FAIRBORN, OHIO

CERTIFIED TO BE A TRUE COPY OF THE
ORIGINAL ON FILE IN MY OFFICE
CERTIFIED THIS 10th DAY OF JUL 20 2003

CLERK, CITY OF FAIRBORN, OHIO

FILED
JUL 10 2003

GREENE CO. BOARD OF ELECTIONS
By 120 

MICHAEL A. MAYER
CITY SOLICITOR
CITY OF FAIRBORN
510 W. MAIN STREET
FAIRBORN, OHIO 45324

EXHIBIT 2

OPERATION AND GOVERNANCE PLAN

RESOLUTION NO. 68-04

A RESOLUTION TO APPROVE THE PLAN OF OPERATION AND GOVERNANCE FOR THE CITY OF FAIRBORN'S ELECTRIC AGGREGATION PROGRAM.

WHEREAS, pursuant to Chapter 4928 of the Ohio Revised Code, to facilitate competitive retail electric service to promote electric savings, lower cost electric supplies, and other benefits, certain governmental entities may aggregate certain electric consumers within their jurisdiction; and

WHEREAS, on November 4, 2003, the electors of the City of Fairborn approved of the City's plan to create an aggregation program for customers located within the boundaries of the City; and


WHEREAS, Revised Code 4928.20(C) requires a governmental entity interested in the automatic registration of customers under governmental aggregation, subject to customer rights to "opt-out" of such an aggregation, to adopt a plan of operation and governance for its aggregation program.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRBORN HEREBY RESOLVES:

SECTION 1. That this Council hereby adopts the City of Fairborn Plan of Operation and Governance, (attached hereto and incorporated herein by reference as Exhibit A) for the implementation and administration of the City's municipal electric aggregation program in accordance with Revised Code 4928.20(C).

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in compliance with the Law.

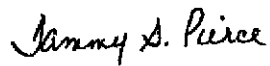
SECTION 3. That said Resolution shall take effect immediately upon passage.


MAYOR

PASSED: JUL 19 2004

EFFECTIVE: JUL 19 2004

ATTEST:



CLERK, CITY OF FAIRBORN, OHIO

MICHAEL A. MAYER
CITY SOLICITOR
CITY OF FAIRBORN
510 W MAIN STREET
FAIRBORN, OHIO 45324

Hearings on city electric planned

Mon. 5-31-04

FAIRBORN — Please be advised the city of Fairborn will hold two public hearings on the city's municipal electric aggregation program Plan of Operation and Governance. The hearings will be held on Thursday, June 10, at 4 p.m. and on Thursday, June 17, at 7 p.m. in the City Council Room at the Fairborn Government Center, 44 W. Hebble Ave. A revised Plan of Operation and Governance will then be finalized and approved by the City Council.

The following summarizes the city's initial Plan of Operation and Governance.

Oversight of the Aggregation Program will be the responsibility of the Executive Assistant, who will report to the City Manager. Through a negotiation process, the City will develop a contract with a Competitive Retail Electric Services Provider (CRES Provider) for firm electric service. The contract will run for a fixed term.

Initially, each eligible customer of Dayton, Power and Light (DP&L) that uses electric within the City's corporation limits will be automatically included in the Aggregation Program on a non-discriminatory basis. However, prior to actual enrollment, each consumer will receive a notice

Continued from Page 1A

from the City detailing the Aggregation Program rates, terms and conditions.

Each consumer will then have a 21-day period to opt out of the Aggregation Program without charge. Consumers opting out of the program will remain on DP&L's Standard General Service Rate until such time as they select an approved CRES Provider. A similar 21-day opt-out period will be offered every two years during which time consumers can leave the Aggregation Program without paying a switching fee.

Participants who leave the Aggregation Program and wish to return, as well as consumers who move into the City

after the initial opt-out period, may enroll in the Aggregation Program. However, the City cannot guarantee rates, terms and conditions to consumers enrolling in the Aggregation Program after the initial 21-day opt-out period.

The Aggregation Program covers the electric supply portion only of a participant's electric bill. DP&L will continue to deliver electric to Aggregation Program participants through its electric distribution system.

The City plans to use DP&L consolidated billing service in which each consumer account receives one bill itemizing the charges. Toll-free telephone numbers will be available to address consumer questions and concerns.

Public hearing gas program s

Mon. 5-

FAIRBORN — Please be advised the city of Fairborn will hold two public hearings on the city's municipal natural gas aggregation program Plan of Operation and Governance. The hearings will be held on Thursday, June 10, at 4 p.m. and on Thursday, June 17, at 7 p.m. in the City Council Room at the Fairborn Government Center, 44 W. Hebble Ave. A revised Plan of Operation and Governance will then be finalized and approved by the City Council.

The following summarizes the city's initial Plan of Operation and Governance:

Oversight of the Aggregation Program will be the responsibility of the Executive Assistant, who will

report to the City Manager. Through a negotiation process, the City will develop a contract with a Competitive Retail Natural Gas Services Provider (CRNGS Provider) for firm natural gas service. The contract will run for a fixed term.

Initially, each eligible customer of Vectren Energy Delivery of Ohio (VEDO) that uses natural gas within the City's corporation limits will be automatically included in the Aggregation Program on a non-discriminatory basis. However, prior to actual enrollment, each consumer will receive a notice from the City detailing the Aggregation Program rates, terms and conditions.

Fairborn to take part in government surplus auction

Sat. 5-29-04

FAIRBORN — On Saturday, June 5, the city of Fairborn will participate in Englewood's 22nd annual Joint Government Surplus Auction.

The auction will be held at the Englewood Service Center,

111 Union Blvd., and begins at 9 a.m.

Bicycles, cars, trucks, etc. will be auctioned at noon. In 2003, the city of Fairborn generated \$13,297 from the sale of fleet vehicles.



Heated debate

A Fairborn police officer listens to be engaged in a verbal dispute on Wine Central officer attempts to check his if the disturbance between the two won

Natural gas

Continued from Page 1

enrolling in the Aggregation Program after the initial 21-day opt-out period.

The Aggregation Program covers the gas supply portion only of a participant's natural gas bill. VEDO will continue to deliver natural gas to Aggregation Program participants through its natural gas distribution system.

The City plans to use VEDO consolidated billing service in which each consumer account receives one bill itemizing the charges. Toll-free telephone numbers will be available to address consumer questions and concerns.

charge. Consumers opting out of the program will remain on VEDO's Standard General Service Rate until such time as they select an approved CRNGS Provider. A similar 21-day opt-out period will be offered every two years during which time consumers can leave the Aggregation Program without paying a switching fee. Participants who leave the Aggregation Program and wish to return, as well as consumers who move into the City after the initial opt-out period, may enroll in the Aggregation Program. However, the City cannot guarantee rates, terms and conditions to consumers.

See Natural gas, Page 2, for more information.

City to hold hearings on electric aggregation program

FAIRBORN — Please be advised the city of Fairborn will hold two public hearings on the city's municipal electric aggregation program Plan of Operation and Governance. The hearings will be held on Thursday, June 10, at 4 p.m. and on Thursday, June 17, at 7 p.m. in the City Council Room at the Fairborn Government Center, 44 W. Hebble Ave. A revised Plan of Operation and Governance will then be finalized and approved by the City Council.

The following summarizes the city's initial Plan of Operation and Governance: Oversight of the Aggregation Program will be the responsibility of the Executive Assistant, who will report to the City Manager. Through a negotiation process, the City will develop a contract with a Competitive Retail Electric Services Provider (CRES Provider) for firm electric service. The contract will run for a fixed term.

Initially, each eligible customer of Dayton Power and

Light (DP&L) that does elect to remain within the City's corporation limits will be automatically included in the Aggregation Program on a non-discriminatory basis. However, prior to actual enrollment, each consumer will receive a notice from the City detailing the Aggregation Program rates, terms and conditions.

Each consumer will then have a 21-day period to opt out of the Aggregation Program without charge. Consumers opting out of the program will

remain on the Standard Program. However, the City General Service Rate, until such time as they select an approved CRES Provider. Aggregating in the Aggregation Program after the initial 21-day opt-out period. The Aggregation Program covers the electric supply portion only of a participant's electric bill. DP&L will continue to deliver electric to

Participants who leave the Aggregation Program and wish to return, as well as consumers who move into the City after the initial opt-out period, may enroll in the Aggregation Program. However, the City cannot guarantee rates, terms and conditions to consumers. See Electric, Page 2, for more information.

Electric

Continued from Page 1

The City plans to use DP&L consolidated billing service in which each consumer account receives one bill itemizing the charges. Toll-free telephone numbers will be available to address consumer questions and concerns.

CITY OF FAIRBORN

PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

**ADOPTED BY CITY COUNCIL
JULY 19, 2004**

FINAL PLAN OF OPERATION AND GOVERNANCE FOR FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

Overview

At the November 4, 2003, general election, local residents authorized the City of Fairborn ("the City") to create a municipal opt-out electric aggregation program ("the Aggregation Program") as provided under Section 4928.20 of the Ohio Revised Code. Under the opt-out electric aggregation program, all eligible electric consumers within the City's corporation limits will be automatically included in the Aggregation Program initially. However, all consumers will also be given the opportunity to opt out of or decline participation in the Aggregation Program as detailed herein.

The City's purpose in creating the Aggregation Program is to represent local consumer interests in emerging competitive electricity markets by aggregating electric loads within the City's corporation limits (including municipal facilities) and negotiating affordable, reliable electric supplies and other related services on behalf of local consumers. The City may pursue this purpose individually or in cooperation with other entities.

Many small commercial and residential electric consumers lack the knowledge and leverage to effectively negotiate power supply rates and services. A governmental aggregation program provides them with an option for professional representation and the bargaining power of a larger, more diverse consumer group that may be more attractive to suppliers, allowing them to effectively participate in the competitive process and potentially achieve benefits.

Description of Services

The Aggregation Program is designed to reduce the amount a consumer pays for electric energy, and to gain other favorable economic and non-economic terms in service contracts. The City will not buy and resell power, but will represent collective consumer interests to set terms and conditions for service. Through a negotiation process, the City will develop a contract with a Competitive Retail Electric Services Provider (CRES Provider) or Providers for firm full-requirements electric service. The contract will run for a fixed term (i.e., one to five years). Once the contract has been finalized, it will be submitted to the Fairborn City Council for approval.

Initially, each eligible consumer within the City's corporation limits will be automatically included in the Aggregation Program. However, prior to actual enrollment, each consumer will receive a notice detailing the rates, terms, and conditions that will apply to that consumer.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

Each consumer will then have a 21-day period to opt out of, or decline to participate in, the Aggregation Program without charge. Consumers opting out of the program will remain on the Standard Offer Generation Service of either Dayton Power and Light (DP&L) or Ohio Edison (O-E), as appropriate, until such time as they select an approved CRES Provider. A similar opt-out period will be offered every two years, during which time consumers can leave the Aggregation Program without paying an early termination fee.

Participants who leave the Aggregation Program and wish to return, as well as consumers who move into the City after the initial opt-out period, will be afforded the opportunity to enroll in the Aggregation Program. However, the City cannot guarantee rates, terms, and conditions to consumers enrolling in the Aggregation Program after the initial 21-day opt-out period.

Participants who relocate within the City limits and retain the same Ohio Edison or DP&L account number will be allowed to continue in the Aggregation Program at their new location under the same terms and conditions as at their former location, provided the DP&L or O-E rate classification is the same at both locations, and subject to any switching fees imposed by DP&L or O-E.

The City will contract with a CRES Provider to implement and operate the Aggregation Program. Contracts for power supply and other related services will be negotiated, recommended, and monitored for compliance by the City on behalf of local consumers.

The Aggregation Program covers the power supply or generation portion only of a participant's electric bill. DP&L or O-E will continue to deliver electricity to Aggregation Program participants' homes and businesses through its electric transmission and distribution system as a monopoly function regulated by the Public Utilities Commission of Ohio (PUCO). DP&L or O-E will also continue to install, operate, and maintain its system of poles, wires, transformers, and other electric distribution components. Aggregation Program participants will continue to call DP&L or O-E if their power goes out or if they have billing questions. The PUCO will continue to oversee electric safety and reliability service standards of DP&L and O-E.

The City developed this Plan of Operation and Governance in compliance with Ohio law regarding municipal opt-out aggregation of electric consumers, including at least two public hearings prior to its adoption.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

Plan of Operation and Governance

The Fairborn City Council shall approve through resolution or ordinance the Aggregation Program's Plan of Operation and Governance in accordance with Ohio Revised Code Section 4928.20. Amendments to the Plan of Operation and Governance may be subject to Fairborn City Council approval and filing with the PUCO.

After adoption of the Plan of Operation and Governance, the City will file with the PUCO for governmental aggregator certification and also register as a governmental aggregator with DP&L and O-E.

Aggregation Program Management

Oversight of the Aggregation Program will be the responsibility of the Executive Assistant who reports to the City Manager. The Executive Assistant will have the authority to develop specifications for the Aggregation Program, to appoint an Aggregation Program Manager, and to select, hire and manage the CRES Provider. The CRES Provider and the Executive Assistant will work under the direction of the City Manager with the advice and counsel of the City Solicitor.

Due to the complexity of the electric utility industry and the uncertainties of its associated restructuring activities, the Executive Assistant may contract with a consultant or consultants to provide the necessary expertise to represent the City's interest in legislative and regulatory matters and/or to serve as the Aggregation Program Manager. Such services may include, but are not limited to facilitating consumer enrollment and opt-out, assisting with consumer education, addressing consumer questions and concerns, providing reports on program operation, enrollment and savings, negotiating future CRES Provider contracts, and representing the City in dealings with CRES Providers, DP&L, O-E, the Ohio Legislature, the PUCO and the OCC.

The CRES Provider's rates may include an administrative fee, which shall (if implemented) be collected on behalf of the City to fund the implementation and administration of the City's Aggregation Program. The administrative fee may be adjusted annually to cover the City's cost of administering the program. The fee will be reviewed annually to ensure that the amounts collected do not exceed the cost of administering the aggregation program.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

Selection of a CRES Provider

The City will not buy and resell power to Aggregation Program participants. The City will negotiate with potential CRES Providers to provide affordable, reliable electric supplies and other electric related services on behalf of local consumers. The City will consider cooperating with other governmental aggregators if it appears beneficial to do so.

Through a negotiation process, the City will develop a contract with a CRES Provider or Providers for firm, all-requirements service. The City will contract only with a CRES Provider or Providers that meet, at a minimum, the following criteria:

1. Certified CRES Provider by the PUCO
2. Registered with DP&L or O-E
3. Have a service agreement under DP&L or O-E or their successor organization's Open Access Transmission Tariff
4. Successfully completed Electronic Data Interchange (EDI) computer system testing with DP&L or O-E, and that CRES Provider's EDI computer system must be capable of effectively processing Aggregation Program EDI transactions in a timely manner
5. Meet standards of creditworthiness established by the City, DP&L or O-E and the PUCO
6. Have a toll-free customer call center and Internet web site capable of effectively handling participants' questions, concerns and disputes in a timely manner
7. Hold the City harmless from any financial obligations arising from offering electricity and/or energy-related services to Aggregation Program participants

The CRES Provider's contract will run for a fixed term (i.e., one to five years) and contain all pricing, charges, switching fees, etc., in clear and easily understood terms.

The City will require any CRES Provider to disclose any subcontractors that it uses in fulfillment of the services described herein.

The Fairborn City Council will approve through resolution or ordinance, the contracts entered into by the City with the CRES Provider.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

Electric Supply Charges

The City will aggregate electric loads within the City's corporation limits (including municipal facilities) and negotiate mutually agreeable price terms with CRES Providers for affordable, reliable electric supplies and other related services on behalf of local consumers. The City may pursue this purpose individually or in cooperation with other entities. CRES Providers will supply information on electric supply charges by DP&L or O-E customer rate classification or other appropriate pricing category as approved by the City. All electric supply charges will be fully and prominently disclosed in consumer enrollment materials and will be subject to approval by the Fairborn City Council.

DP&L's and O-E's Regulated Customer Classifications and Rates

DP&L or O-E assigns customer rate classifications, character of service, and associated regulated rates subject to PUCO approved tariffs. In addition to the CRES Provider's generation charges, consumers will continue to be billed for DP&L's or O-E's service and delivery charges. Although the City may participate in regulatory proceedings and represent the interests of consumers regarding these regulated rates, it cannot assign or alter customer rate classifications.

It is the intention of the city to offer its aggregation program to eligible customers in any and all customer classifications, and in all rate categories, for which the CRES Provider can offer a savings compared to the EDU's generation cost.

Developing the Pool of Eligible Accounts

The City shall request the EDU to provide current customer information for all customers within the municipal boundaries. The provided information shall include:

- Customer name;
- Customer service address;
- Customer billing address;
- EDU customer account number;
- EDU rate code;
- EDU PIPP code;
- Customer load data;
- Whether or not a customer has a present contract with a CRES Provider;
- Whether or not a customer has a special service contract with the EDU.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

From this information, the City and the CRES Provider will develop the pool of customers eligible to participate in the aggregation program, for which the CRES Provider can offer savings.

Initial Consumer Notification and Enrollment

After contract approval by the Fairborn City Council, the CRES Provider will work with the City and DP&L or O-E to identify all eligible consumers within the City's corporation limits.

All eligible consumers will be notified in writing of the rates, charges, and other terms and conditions of participation in the Aggregation Program and that they will be automatically enrolled in the Aggregation Program unless they opt out of, or decline participation in, the program. Consumers will be given twenty-one (21) days from the postmark date of the opt-out letter in which to notify the City that they wish to opt out of, or decline participation in, the Aggregation Program. Consumers opting out of the program will remain on DP&L's or O-E's Standard Offer Generation Service, until such time as they select an approved CRES Provider.

Consumers may use one or more of the following methods to opt out of the program:

1. Returning a postcard or other form provided in the opt-out letter
2. Telephone
3. Internet

After the initial 21-day opt-out period has elapsed, all eligible consumers who have **not** notified the City of their desire to opt out of the Aggregation Program will be enrolled by the CRES Provider at the earliest date practicable.

Consumers ineligible to participate in the Aggregation Program include those customer accounts that are located outside the City's municipal boundaries, customers who are in contract with a CRES provider, or customers in a "special rate" contract with DP&L or O-E.

Consumers enrolled in the Aggregation Program by the CRES Provider will receive a letter from DP&L or O-E notifying them of their enrollment. Consumers will have seven calendar days to notify the electric utility of any objection to their enrollment in the Aggregation Program. DP&L or O-E will notify the CRES Provider of consumer objections or any reason that a consumer was not enrolled in the Aggregation Program and CRES Provider will maintain a list of customers who have opted out under the program rules. The CRES Provider will report to the City the status of Aggregation Program enrollment on at least a monthly basis.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

Leaving the Aggregation Program

Participants who wish to leave the Aggregation Program may do so:

- During the initial 21-day opt-out period
- During subsequent opt-out periods offered by the City at least every two years
- At any other time; however, an early termination fee may be assessed

In addition to the initial 21-day opt-out period described above, each participant will be given an opportunity to opt out of the Aggregation Program every two years without paying an early termination fee. Consumers who choose to opt out of the Aggregation Program at any time other than during the initial 21-day opt-out period or during subsequent opt-out periods offered by the City may be subject to an early termination fee.

Any consumer who opts out of the Aggregation Program will be returned to DP&L's or O-E's Standard Offer Generation Service until such time as the consumer selects another approved CRES Provider.

CRES Provider Responsibilities

The CRES Provider will build and maintain a database of all Aggregation Program participants. The database will include the name, address, and DP&L or O-E service delivery identification (SDI) number and may include other pertinent information as agreed upon by the City and the CRES Provider. Such information may include the CRES Provider's account number (if different from DP&L's or O-E's SDI number), rate code, rider code (if applicable), most recent 12 months of kWh consumption and kW demand, and meter reading cycle. The Aggregation Program database will be updated at least quarterly. The City will have the right to access information in the database for purposes of auditing.

The CRES Provider will provide and maintain the required Electronic Data Interchange (EDI) computer system to effectively process Aggregation Program enrollments, opt-outs, billing, etc., with DP&L or O-E.

The CRES Provider will provide a local or toll free telephone number and Internet website for participant questions and concerns about enrollment, opt-out provisions, billing, and other Aggregation Program issues.

The CRES Provider will develop internal controls and processes to help ensure that the City remains in good standing as a governmental aggregator that complies with all laws, rules, and regulations regarding the same as they may be periodically amended.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

New and Returning Participants

Participants who leave the Aggregation Program and wish to return, participants who initially opt out of the program and later wish to join, and consumers who move into the City after the initial opt-out period will be afforded the opportunity to enroll in the Aggregation Program. However, the City cannot guarantee rates, terms, and conditions to consumers enrolling in the Aggregation Program after the initial 21-day opt-out period. Consumers may contact the CRES Provider to obtain current enrollment information.

Participants who relocate within the City limits and retain the same Ohio Edison or DP&L account number will be allowed to continue in the Aggregation Program at their new location under the same terms and conditions as at their former location, provided the DP&L or O-E rate classification is the same at both locations, and subject to any switching fees imposed by DP&L or O-E.

The CRES Provider will comply with all local, state, and federal rules and regulations regarding discontinuing service to Aggregation Program participants.

Billing

The City initially plans to utilize DP&L's or O-E's consolidated billing service in which each consumer account receives one bill itemizing the CRES Provider's electric supply charges and DP&L's or O-E's delivery, transition, and other PUCO-approved charges. The billing statement will be consistent with applicable PUCO rules and regulations. The City will consider other billing options, including CRES Provider consolidated billing, if and when they become available and if it appears advantageous to do so.

Questions and Concerns

The Aggregation Program only impacts the source of generation or power supply. DP&L or O-E will continue to deliver the electricity purchased through the Aggregation Program to participants' homes and businesses through its electric transmission and distribution system. Participants with questions or concerns regarding service delivery or safety, such as a power outage, a downed power line, sparking power lines or equipment, low voltage, etc., should continue to contact DP&L at 877-468-8243 or Ohio Edison at 888-544-4877, as appropriate. Meter reading or other billing questions should also be directed to DP&L at 937-331-3900 or 800-433-8500, or Ohio Edison at 800-633-4766. Questions regarding Aggregation Program enrollment, opting out, and operation should be directed to the CRES Provider.

**FINAL PLAN OF OPERATION AND GOVERNANCE FOR
FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION**

| Question or Concern | Contact | Phone Number |
|---|--|--|
| Power outage or interruption | DP&L O-E | 877-468-8243 888-544-4877 |
| Turn power on or off | DP&L O-E | 937-331-3900 or 800-433-8500 800-633-4766 |
| Meter reading/billing | DP&L O-E | 937-331-3900 or 800-433-8500 800-633-4766 |
| To enroll in or opt out of the Aggregation Program | CRES Provider Hours: | 800-XXX-XXXX |
| Aggregation Program Questions or concerns | CRES Provider Hours: | 800-XXX-XXXX |
| Unresolved disputes (residential customers) | Ohio Consumer's Counsel | 877-742-5622 (toll free) www.pickocc.org |
| Unresolved disputes (all customers) | Public Utilities Commission of Ohio | (800)-686-7826 (voice) (800)-686-1570 (TDD) www.puco.ohio.gov |

Reliability and Indemnification of Consumers

Electric service reliability is essential to Aggregation Program participants. The City will strive to provide high-quality service and reliability through provisions of the CRES Provider contract, through traditional proceedings related to DP&L's and O-E's regulated transmission and distribution services; and through direct discussions with DP&L or O-E concerning specific or general problems related to quality and reliability of its transmission and distribution system.

If for any reason a CRES Provider fails to provide uninterrupted service, the City will attempt to acquire an alternative power supply. If this attempt fails, participants will default to DP&L's or O-E's Standard Offer Generation Service. In no case will participants be without power as the result of the CRES Provider's failure to provide uninterrupted service. The City will seek to minimize this risk by contracting only with reputable CRES Providers that demonstrate reliable service. The City also intends to include conditions in its CRES Provider contract that will indemnify participants against risks or problems with power supply service and price.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

Participant Rights

All Aggregation Program participants shall enjoy the protections of law afforded to consumers as they currently exist or as they may be amended from time to time. These include rights to question billings, service quality, or service practices. All program participants shall also enjoy the individual right to decline participation in the Aggregation Program subject to the terms and conditions contained herein.

All Aggregation Program participants will be treated equitably. They will be guaranteed the right to raise and resolve disputes with the CRES Provider, be provided all required notices and information, and always retain the right to opt out of the Aggregation Program or switch suppliers subject to the terms and conditions contained herein.

All consumers within the City's corporation limits shall be eligible to participate in the Aggregation Program on a non-discriminatory basis subject to the terms and conditions described herein, Ohio law, PUCO rules and regulations governing electric service, and DP&L's or O-E's approved tariffs.

Service under the Aggregation Program shall include all eligible customer classes in adherence with universal service principles and requirements, and the traditional non-discriminatory practices of local government. CRES Provider contracts shall contain provisions to maintain these principles and equitable treatment of all customer classes.

Low-income consumers shall remain subject to all provisions of Ohio law and PUCO rules and regulations as they may be amended from time to time regarding their rights to return to DP&L's or O-E's Standard Offer Generation Service and participation in the Aggregation Program.

Participant Responsibilities

Aggregation Program participants are subject to the same standards and responsibilities as other electric consumers, including payment of billings and access to metering and other equipment necessary to carry out utility operations.

Termination of the Aggregation Program

The Aggregation Program may be discontinued upon the termination or expiration of the CRES Provider contract without any extension, renewal, or subsequent contract being executed. In the event of Aggregation Program termination, each participant will receive notification at least 90 days prior to such program termination and could return to DP&L's or O-E's Standard Generation Offer Service or select another approved CRES Provider.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

Definitions

Aggregation

Combining the electric loads of multiple customers for the purposes of supplying or arranging for the supply of competitive retail electric service to those customers.

Aggregation Program Manager

The person or entity designated by the City Manager to oversee the operation and management of the City of Fairborn's Municipal Electric Aggregation Program.

Competitive Retail Electric Service (CRES)

A component of retail electric service that is deemed competitive under the Ohio Revised Code or pursuant to an order of the PUCO. This includes, but is not limited to, the services provided by competitive retail electric service providers, power marketers, aggregators, and governmental aggregators.

Competitive Retail Electric Service Provider (CRES Provider)

A person or entity certified by the PUCO and registered with DP&L or O-E who supplies or offers to supply a competitive retail electric service over DP&L's or O-E's electric transmission and/or distribution system. This term does not apply to DP&L or O-E in its provision of standard offer generation service.

Consumer

Any person or entity that is an end user of electricity and is connected to any part of DP&L's or O-E's electric transmission or distribution system within the City of Fairborn's corporation limits.

Delivery Charge

Charge imposed by DP&L or O-E for delivering electricity to a consumer's home or business. The charge includes meter reading, billing, transition costs, maintaining electric system reliability and responding during emergencies and outages (also called the distribution charge).

Distribution

The delivery of electricity to a consumer's home or business over DP&L's or O-E's local poles, wires, transformers, substations, and other equipment. DP&L's or O-E's distribution system operations will remain regulated by the PUCO.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

Electric Related Service

A service directly related to the consumption of electricity at a consumer's home or business. This may include, but is not limited to, the installation of demand side management measures at a consumer's premises, the maintenance, repair or replacement of appliances, lighting, motors, or other energy-consuming devices at a consumer's premises, and the provision of energy consumption measurement and billing services.

Electric Supply Charge

All charges related to the generation of electricity by the CRES Provider.

Governmental Aggregator

An incorporated village or city, township, or county acting as an aggregator for the provision of a CRES under authority conferred under Section 4928.20 of the Ohio Revised Code.

Kilowatt (kW)

A kilowatt is 1,000 watts.

Kilowatt-hour (kWh)

A kilowatt-hour is 1,000 watts of electricity used for one hour. For example, a 1,000-watt appliance operating for one hour or a 100-watt light bulb operating for ten hours will consume one kilowatt-hour of electricity. Consumers are charged for electricity in cents per kilowatt-hour.

Ohio Consumers' Counsel (OCC)

The Ohio Legislature established the Ohio Consumers' Counsel (OCC) in 1976 to represent the interests of Ohio's four million residential utility customers served by investor-owned utilities in proceedings before the PUCO, other regulatory agencies, and in the courts. The OCC also educates consumers about utility issues and resolves complaints individuals have with investor-owned utility companies.

Participant

A consumer enrolled in the City of Fairborn's Municipal Electric Aggregation Program.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR FAIRBORN MUNICIPAL OPT-OUT ELECTRIC AGGREGATION

Public Utilities Commission of Ohio (PUCO)

The state agency charged with assuring all consumers (residential, commercial, and industrial) served by investor-owned utilities have access to adequate, safe, and reliable utility services at fair prices. The PUCO regulates a wide variety of investor-owned utilities, including electric, natural gas, pipeline, heating/cooling, local telephone, long distance telephone, waterworks, wastewater, railroad, household goods carriers, water transportation, hazardous materials carriers, and commercial transportation carriers.

Standard Offer Generation Service

The electric generation service a consumer will receive from DP&L or O-E (the default electric service provider) if the customer does not choose a CRES Provider.

EXHIBIT 3

AUTOMATIC AGGREGATION DISCLOSURE

EXHIBIT 4

OPT-OUT NOTIFICATION

SAMPLE

Dear Resident,

The City of is providing you with the opportunity to join with other residents to save money on the electricity you use. Savings are possible through a concept called government aggregation, where City officials bring together citizens to gain group buying power for the purchase of electricity from a retail electric generation provider certified by the Public Utilities Commission of Ohio. 's voters approved this program in November 200

There is no cost for enrollment and you will not be charged a switching fee. You do not need to do anything to participate. The City has researched options for competitive electricity pricing for you. We have chosen Corp., a subsidiary of Corp., to provide you with electric generation — or the competitive portion of your electric bill for the next two years.

As a member of this program, you are guaranteed to save percent on your electric supply. This percentage discount will be taken off your "generation shopping credit," which will appear on your electric bill after you have been enrolled in the City's government aggregation program. The generation shopping credit — which varies each month depending on your usage — represents the amount credited to you if you switch to an alternative supplier, such as

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

You'll see your electric savings from after your enrollment has been completed and your switch has been finalized. Of course, you are not obligated to participate in 's electric government aggregation program. You have until to return the attached "opt-out" form if you wish to be excluded from the City's electric government aggregation program and remain a full-service customer of . If you don't opt out at this time, you will receive a notice at least every two years asking if you wish to remain in the program. If you leave the program at any other time, you could be subject to a \$25 cancellation fee from . If you switch back to at a later date, you may not be served under the same rates, terms and conditions that apply to other customers served by

WARNING: IF YOU ARE ALREADY IN CONTRACT WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER YOU MAY INCUR A CONTRACT TERMINATION FEE OR OTHER CHARGES IF YOU FAIL TO OPT-OUT OF THE AGGREGATION

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

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

If you have any questions, call toll-free at 1-866- , Monday through Friday, 8 a.m. to 5 p.m. Please do not call the City of with any aggregation program inquiries.

Sincerely,

The City of

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

OFF-OUT FORM - CITY OF

RESIDENTIAL ELECTRIC GOVERNMENT AGGREGATION PROGRAM

RESIDENT

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

I wish to opt out of the City of

Electric Government Aggregation Program.

☐

(Check box to opt out.)

SAMPLE

August __, [REDACTED]

Dear Fairborn Electric Consumer:

At the November 6, 2001 general election, local residents authorized the City of Fairborn to create an "opt-out" Municipal Electric Aggregation Program. The purpose of the Aggregation Program is to represent local consumers in competitive electricity markets by aggregating-or pooling-their electric needs and negotiating for affordable, reliable electric supplies on their behalf. The aggregation program provides Fairborn electric consumers with professional representation and the bargaining power of a larger, more diverse buying group.

The Aggregation Program covers the power supply or generation portion only of your electric bill. The City has selected [CRES Provider name] to provide electricity to Aggregation Program participants for a (length of supplier contract) year term, beginning with the (month) billing period. Dayton Power & Light (DP&L) will continue to read your meter, deliver the electricity to your home or business through its local distribution system and provide the same service you have experienced in the past. You will still call DP&L if you have a billing question or to report a power outage or service problem.

The Aggregation Program offers the customer the ability to save a fixed percentage off the Generation Shopping Credit, which you will see on your electric bill after you have enrolled in the program. The Generation Shopping Credit changes each month depending on your electric usage and is the amount that is credited to the bill when you switch to an alternate generation provider. The discount off the shopping credit will be (____%) for the first (number of years) years of the program.

There is no cost for you to enroll in the Aggregation Program. If you wish to participate, you don't need to take any further action-you will be automatically enrolled. Once enrolled, you will see your electric savings from (CRES Provider name) following the first meter reading after your paperwork has been completed and your switch has been finalized. In addition, you will have the opportunity to leave the Aggregation Program every two years without paying a switching or early termination fee. Customers who become part of the Aggregation Program and choose to switch back to DP&L at a later date may not be served under the same rates and conditions that apply to other customers served by DP&L.

SAMPLE

To estimate your savings per kilowatt-hour by becoming an Aggregation Program member, locate your "price to compare" and your rate classification on your most recent electric bill. Compare this information with the attached pricing chart for your rate classification to determine the amount of savings through the Aggregation Program.

For additional assistance in determining your savings, the Ohio Consumers' Counsel has developed a "price-to-compare calculator" that is available on their Internet web site at www.state.oh.us/cons/electric/price.asp.

You are under no obligation to participate in the Aggregation Program. If you do ***not*** wish to enroll in the Aggregation Program, complete the enclosed opt-out form and return it to the address listed no later than [21 days from postmark date of letter]. ***If you do not return the opt-out form by this date, you will be enrolled in the program, beginning with your (program start month) billing cycle.*** If you choose not to participate in the Aggregation Program, you will continue to receive power from DP&L unless you select an approved alternate electric supplier.

If you have any questions or concerns regarding the pricing and terms of the Aggregation Program, please contact [CRES Provider name] at [CRES Provider toll-free telephone number], Monday through Friday, between the hours of (CRES Provider customer service call center hours).

Remember, return the opt-out form only if you do not wish to participate in the Aggregation Program.

Sincerely,

[Name of local official]

[Title of local official]

**City of Fairborn
Municipal Electric Aggregation Program
Pricing Chart**

| DP&L Rate Classification | Description | Aggregation Program Price |
|-------------------------------------|---|----------------------------------|
| R-R | Residential Service | |
| R-R-1 | Residential Small Use Load Management | |
| RLM | Residential Optional Demand Rate | |
| RS-ES | Residential Energy Storage | |
| RS-TOD | Residential Time-of-Day | |
| GS-1 | General Service – Small | |
| GS-2 | General Service – Low Load Factor | |
| GS-2-TOD | General Service – Time-of-Day | |
| GS-3 | General Service – Medium Load Factor | |
| GS-4 | General Service – Large | |
| IRP | Interruptible Power | |
| IRP-OS | Interruptible Power – Opportunity Sales | |
| IRP-CDB | Interruptible Power – Capacity Deficiency B | |
| IRP-CDA | Interruptible Power – Capacity Deficiency A | |
| IRP-OR | Interruptible Power – Operating Reserve | |
| COGEN/SPP | Cogeneration and/or Small Power Production | |
| SBS | Standby Service | |
| NEMS | Net Energy Metering Service | |
| AL | Private Area Lighting | |
| Supp. No. 6 | Additional Facilities | |
| Supp. No. 6A | Additional Facilities | |
| Supp. No. 18 | Church and School Service | |
| Supp. No. 21 | Public Authority – Delayed Payment | |

**City of Fairborn
Municipal Electric Aggregation Program
Opt-Out Form**

If you do **not** wish to participate in the City of Fairborn Municipal Electric Aggregation Program, complete this form and mail it to [Name of CRES Provider] at [Address of CRES Provider] no later than [21 days after postmark date on letter]. Otherwise, you will be automatically enrolled in the City of Fairborn Municipal Electric Aggregation Program.

By returning this signed form, I choose not to participate in the City of Fairborn Municipal Electric Aggregation Program. By choosing not to participate, I understand that I will forego any benefits of the Aggregation Program including receiving generation services at a reduced cost.

Name on DP&L Electric Account:

Service Address on DP&L Electric Account (Street Address, City, State, Zip Code):

Mailing Address-If different from Service Address (Street Address, City, State, Zip Code):

Telephone number:

Signature

Date

Return Completed Opt-Out Form to:
[Name of CRES Provider]
Fairborn Aggregation Program
[Address of CRES Provider]

EXHIBIT 5

EXPERIENCE STATEMENT

The City of Fairborn has experience in negotiating, contracting and providing for common services for residents of the City. Some examples of experience as a service provider are:

- Water and Sewer Service
- Police and Fire Service
- Parks and Recreation

The Mayor, City Council and City Staff routinely negotiate for services and supplies that benefit the residents of Fairborn.

However, due to the complexity of municipal opt-out aggregation, the City has chosen to retain the services of a consultant to assist them in designing, implementing and maintaining their electric aggregation program.

Contractual Arrangements for Capability Standards

The City of Fairborn states that a valid contract exists with:

AMPO, Inc., A Subsidiary of AMP-Ohio
2600 Airport Drive
Columbus, Ohio 43219

for the purpose of providing consulting services on municipal opt-out electric aggregation.

Detailed summary of the services being provided:

- Assist with developing model ordinances to create opt-in or opt-out electric aggregation programs.
- Coordinate and work with municipal local officials and staff to develop a procurement strategy for reliable and competitive electric supplies and related services for the electric aggregation program.
- Assist with the preparation of a Plan of Operation and Governance for the electric aggregation program.
- Coordinate and assist with the preparation and filing of the required aggregation certification documents with the Public Utilities Commission of Ohio ("PUCO").
- Assist with performing the PUCO requirements for governmental aggregation programs.
- Provide consulting services and administer the process of negotiating with certified electric suppliers, developing and soliciting requests for quotations ("RFQ") or requests for proposals ("RFP").
- Evaluate and manage the ongoing negotiations and/or RFQ or RFP.

- Analyze the negotiations and/or RFQ or RFP's from certified retail electric suppliers and make recommendations to local officials and staff.
- Assist with developing and negotiating the contract with the certified retail electric supplier to serve the aggregation program.
- Assist the municipality in executing and administering agreements with the selected certified retail electric supplier.
- Coordinate the PUCO customer notifications and other requirements for enrolling residents in the municipal electric aggregation program.
- Work with and assist the municipality, the certified retail electric supplier, and the electric local distribution company to facilitate the enrollment of customers in the municipal electric aggregation program at the earliest date practicable.
- Work with the certified retail electric supplier to coordinate and communicate with the municipality regarding enrollments in the municipal electric aggregation program, cost savings to participants, and other related matters.
- Assist the municipality in developing effective consumer education materials to explain the aggregation program and make community presentations as needed.
- Assist with monitoring proceedings of applicable legislative and regulatory bodies and provide analysis and updates on changes that may impact the municipal electric aggregation program, its participants, or the municipality.
- Represent the interests of the municipality at meetings with the certified retail electric supplier and the local distribution company concerning the municipal electric aggregation program rates, terms and conditions of service, customer concerns, etc.
- Assist and work with the municipality to prepare and file annual reports required by the PUCO and Section 4905.10(A) and Section 4911.18(A), Ohio Revised Code.
- Coordinate with municipal legal counsels to facilitate legal reviews and/or opinions that may be needed in connection with the aggregation program. Please note that the performance of any legal work, including but not limited to the legal reviews and/or opinions, are beyond the scope of AMPO's services.
- As the initial term of the certified retail electric supplier contract agreement nears its end, repeat Phase I activities to secure ongoing competitive electric supplies and related services for the municipal electric aggregation program.

Documentation of Contracting Party's Experience in Energy Aggregation:

AMP-Ohio

Founded in 1971, Columbus based American Municipal Power-Ohio (AMP-Ohio) was organized as a nonprofit corporation for the purpose of owning and operating electric facilities or otherwise providing for the generation, transmission and/or distribution of electric power and energy to its member communities. Members include 80 of Ohio's 86 municipally owned electric systems, two West Virginia public power communities and three in Pennsylvania, ranging in size from 116 customers to more than 80,000

customers. Collectively, AMP-Ohio member communities serve approximately 364,000 customers.

AMP-Ohio coordinates, negotiates and develops power supply options and interchange agreements on behalf of its members. AMP-Ohio also owns and operates the Richard H. Gorsuch Generating Station, a 213-megawatt coal-fired facility located in Marietta, Ohio, that provides power to 48 participating communities, and has undertaken an ambitious program of siting distributed generation in member communities throughout Ohio. In addition, AMP-Ohio serves as an independent project manager for Ohio members participating in joint ventures to share ownership of power generation and transmission facilities, including the OMEGA JV5 project, a 42 MW run-of-the-river hydroelectric power station completed on the Ohio River in 1999.

AMP-Ohio also operates a sophisticated 24-hour energy control center that monitors electric loads and transmission availability, dispatches, buys and sells power and energy and controls AMP-Ohio and member-owned generation. A competent in-house engineering, operations, safety, power supply, key accounts, economic development, rate and environmental staff is available at AMP-Ohio's headquarters to assist member communities in addition to performing AMP-Ohio duties and providing support to the joint ventures.

AMP-Ohio's knowledgeable, experienced staff understands the unique challenges faced by local government staff and elected officials. AMP-Ohio is governed by a 16-member Board of Trustees, all of who are local government representatives, and a number of AMP-Ohio staff members—including its president—once worked for local governments.

AMPO, Inc.

Formed in 1998, AMPO, Inc. is a wholly owned, taxable subsidiary of AMP-Ohio whose purpose is to provide direction and service to local governments and other energy consumers in evolving energy markets. This includes the development and implementation of local electric and natural gas aggregation programs, review and negotiation of energy contracts, and the evaluation and implementation of energy supply alternatives for local business, industry and government. AMPO, Inc. has been an approved supplier in the Columbia Gas of Ohio CHOICESM and Dominion East Ohio Energy Choice programs and currently works with over 40 Ohio communities to offer natural gas and/or electric aggregation programs to residential and small commercial customers.