



4067 Treeline Court  
Westerville, OH 43082  
[www.electricsuppliers.org](http://www.electricsuppliers.org)

July 11, 2014

Docketing Division  
Public Utilities Commission of Ohio  
180 East Broad St.  
Columbus, Ohio 43215-3793

**RE: Electric Governmental Aggregator Application — Cross Creek Township, Jefferson County,  
OH**

**CASE # 14-1238**

The Cross Creek Township is pleased to submit its application for electric governmental aggregator. The original application notarized and signed by an authorized official.

Material provided for review:

- Application for Governmental Aggregations and Affidavit
- Exhibit A-2 Authorizing Ordinance reflecting voter authorization;
- Exhibit A-3 Plan of Operation and Governance;
- Exhibit A-4 Automatic Aggregation Disclosure;
- Exhibit A-5 Experience

Should you have any questions or additional needs, please call me at (614) 425.4885.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott R. Belcastro", written over a horizontal line.

Scott R. Belcastro

Principal

614.425.4885

[scott@electricsuppliers.org](mailto:scott@electricsuppliers.org)

Enclosure



*The Public Utilities Commission of Ohio*

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

## **CERTIFICATION APPLICATION FOR GOVERNMENTAL AGGREGATORS**

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-5 Experience). All attachments should bear the legal name of the Applicant and should be included on the electronic copy provided. Applicants should file completed applications and all related correspondence with: Public Utilities Commission of Ohio, Docketing Division, 180 East Broad Street, Columbus, OH 43215-3793.

**This 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. APPLICANT INFORMATION**

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

Name Cross Creek Township (Jefferson County, OH)

Address 251 Airpark Drive, Wintersville, OH 43953

Telephone Number (740) 264-7619

Web site address (if any) \_\_\_\_\_

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

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

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

**A-4 Exhibit A-4 "Automatic Aggregation Disclosure"** provide a copy of the disclosures required by Section 4928.20(D) of the Revised Code, if its aggregation program provides for automatic aggregation in accordance with Section 4928.20(A) of the Revised Code

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

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

Name Scott Belcastro

Title Principal, Trebel, LLC

Business address 4067 Treeline Court, Westerville, OH 43082

Telephone number ( 614 ) - 425 - 4885 Fax # ( 614 ) - 417 - 410

E-mail address scott@electricsuppliers.org

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

Name Scott Belcastro

Title Principal, Trebel, LLC

Business address 4067 Treeline Court, Westerville, OH 43082

Telephone number ( 614 ) 425 - 4885 Fax # ( 614 ) - 417 - 410

E-mail address scott@electricsuppliers.org

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

Address 4067 Treeline Court, Westerville, OH 43082

Toll-free telephone number ( 877 ) - 861 - 2772

Fax # ( 614 ) - 417 - 410

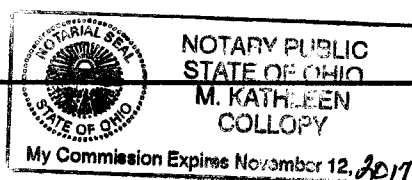
Scott Belcastro Chairman  
Signature of Applicant & Title

Sworn and subscribed before me this 2nd day of June, 2014  
Month Year

M. Kathleen Collopy  
Signature of official administering oath

M. KATHLEEN COLLOPY  
Print Name and Title

My commission expires on 11-12 2017



# AFFIDAVIT

State of OHIO :

WINTERSVILLE  
(Town)

County of JEFFERSON

CHENO MORELL, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the CHAIRMAN (Office of Affiant) of CROSS CREEK TOWN (Name of Applicant);

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

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

11. The Applicant herein, attests that it will inform the Commission of any material change to the information supplied in the application within 30 days of such material change, including any change in contact person for regulatory purposes or contact person for Staff use in investigating customer complaints.
12. The Applicant herein, attests that it will docket with the Commission's Docketing Division the final opt-out and any supplemental opt-outs (including beginning and ending dates of the 21-day opt-out period and the selected CRES supplier) at a minimum 10 days prior to sending the opt-outs to customers.

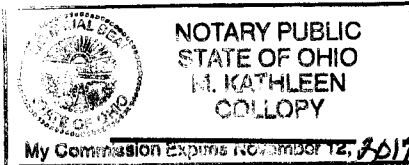
That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

✓ Herbert M. Wall Chairman  
Signature of Affiant & Title

Sworn and subscribed before me this 2nd day of June, 2014  
Month Year

M. Kathleen Collopy  
Signature of official administering oath

M. KATHLEEN COLLOPY  
Print Name and Title



My commission expires on 11-12-2017

## **EXHIBIT A-2**

### **AUTHORIZING ORDINANCE**

CROSS CREEK TOWNSHIP  
JEFFERSON COUNTY, OHIO

Amended Resolution No. 2014-11

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OHIO REVISED CODE AND DIRECTING THE JEFFERSON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF THE UNINCORPORATED AREAS OF THE TOWNSHIP.

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

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

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

WHEREAS, the Board of Trustees of Cross Creek Township ("Trustees") seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code, for the residents, businesses and other electric consumers in the Township, and may be in conjunction with any other legislative authorities in the State of Ohio, as permitted by law (the "Aggregation Program").

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Cross Creek Township, Jefferson County, Ohio that:

Section 1: The Board finds and determines that it is in the best interest of the Township, its residents, businesses and other electric consumers located within the unincorporated limits of Cross Creek Township, which excludes the Villages of Wintersville and New Alexandria to establish an Aggregation Program in the Township. Provided that the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Board is hereby authorized to automatically aggregate, in accordance with Section 4928.20, Ohio Revised Code, the retail electric loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the purchase and sale of electricity. The Board may exercise such authority jointly with any other political subdivision of the State of Ohio to the full extent permitted by law, which may include use of an energy broker/consultant/aggregator, so long as the broker/consultant/aggregator is certified by the Public Utilities Commission of Ohio.

The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

Section 2: The Board of Elections of Jefferson County is hereby directed to submit the following question to the electors of the unincorporated areas of Cross Creek Township, which excludes the Villages of Wintersville and New Alexandria, at the election on May 06, 2014:

Shall the Board of Trustees of Cross Creek Township have the authority to aggregate the retail electric loads located in the unincorporated areas of Cross Creek Township, which excludes the Villages of Wintersville and New Alexandria and for that purpose, enter into services agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 2014-11 adopted by the Board of Trustees?

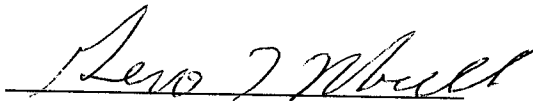
The Fiscal Officer of this Board is instructed to immediately file a certified copy of this Resolution and the proposed form of the ballot question with the Jefferson County Board of Elections not less than ninety (90) days prior to the election to be held May 06, 2014. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20, Ohio Revised Code.

Section 3: Upon approval of a majority of the electors voting at the election provided for in Section 2 of this Resolution, this Board, individually or jointly with any other political subdivision, may develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Board shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board shall aggregate the electric load of any electric load center within the Township unless it, in advance, clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled 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 Program the opportunity to opt-out of the program at least every


three years, without paying a switching fee. Any such person who opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under Section 4928.141 of the Ohio Revised Code, until the person chooses an alternative supplier.

Section 4: It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board and that the deliberations of this Board and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Date: 02/13/2014

  
Trustee

  
Trustee

  
Trustee

## **EXHIBIT A-3**

### **OPERATION AND GOVERNANCE PLAN**

**Cross Creek Township**  
**ELECTRIC AGGREGATION**  
**PROGRAM**

***OPERATION AND GOVERNANCE***  
***PLAN***

**Adopted 07-07-2014**

**Created By:**

**Trebellic** 

## **I. Overview**

At the May 6, 2014 election, a majority of voters authorized the Cross Creek Township ("the Township") to create a form of government electric aggregation known as "opt-out" aggregation and to create an 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 Cross Creek Township's 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 Cross Creek Township's purpose in creating the Aggregation Program is to represent local consumer interests in emerging competitive electricity markets by combining multiple electric loads within the Cross Creek Township's limits and negotiating affordable, reliable electric supplies and other related services on behalf of local consumers. The Cross Creek Township may pursue this purpose individually or in cooperation with other legislative authorities.

Many small commercial and residential electric consumers lack the knowledge, expertise, and bargaining power to effectively negotiate power supply rates and services. A governmental aggregation program provides these consumers with an option for expert 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 achieve the benefits of retail electric competition.

The Aggregation Program is designed to combine multiple electric loads in order to obtain the best electric generation rate available for those who participate in the Aggregation Program, and to gain other favorable economic and non-economic terms in supply contracts. The Cross Creek Township will not buy and resell power, but will act as the agent for the Aggregation Program, representing the collective interests of the consumers in the Cross Creek Township to establish the terms and conditions for service. Through a negotiation process, the Cross Creek Township and its Consultant will develop a contract with a Competitive Retail Electric Services Provider (CRES Provider) or Providers for firm, all-requirements electric service. The contract will run for a fixed term (i.e., one to five years).

The Aggregation Program covers the power supply or generation portion only of a Participant's electric bill. AEP Ohio will continue to deliver electricity to Aggregation Program Participants' homes and businesses through its electric transmission and distribution system as an electric distribution utility function regulated by the Public Utilities Commission of Ohio (PUCO). AEP Ohio will also continue to install, operate and maintain its system of poles, wires, transformers and other electric distribution components. Aggregation Program Participants should continue to call AEP Ohio if their

power goes out or if they have billing questions. The PUCO will continue to oversee AEP Ohio's electric safety and reliability service standards.

## **II. Process**

Under an opt-out aggregation program, each eligible consumer within the Cross Creek Township's boundaries initially will be automatically included in the Aggregation Program on a non-discriminatory basis. However, prior to actual enrollment, each consumer for whom electric rates, terms and conditions have been negotiated will receive a notice from the Cross Creek Township detailing the Aggregation Program's rates, terms, and conditions.

Each consumer will then have a 21-day period to opt out of or decline to participate in the Aggregation Program without additional fees charged. Consumers opting out of the program will remain on AEP Ohio's Standard Offer Generation Service until such time as they select an approved CRES Provider. If the term of the Aggregation Program is longer than three years, a similar opt-out period will be offered every three years during which time consumers can leave the Aggregation Program without paying an early termination fee or penalty.

Participants who leave the Aggregation Program and wish to return, as well as consumers who move into the Cross Creek Township after the initial opt-out period, will be afforded the opportunity to enroll in the Aggregation Program. However, the Cross Creek Township 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 Cross Creek Township limits and retain the same electric 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 utility rate classification is the same at both locations, and subject to any switching fees imposed by the utility.

The Cross Creek Township, through its Consultant, will negotiate a 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 Cross Creek Township's Consultant on behalf of local consumers.

The Cross Creek Township developed this Plan of Operation and Governance in compliance with Ohio law regarding opt-out aggregation of electric consumers, which included holding at least two public hearings prior to its adoption.

After adoption of this Plan of Operation and Governance by resolution or ordinance pursuant to Section 4928.20 of the Ohio Revised Code, the Cross Creek Township will file with the PUCO for governmental aggregator certification and also register as a governmental aggregator with AEP Ohio.

### **III. Plan of Operation and Governance**

#### **A. Definitions**

1. **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.
2. **Aggregation Program Manager or Consultant:** The individual/company retained by Cross Creek Township to oversee the operation and management of the Cross Creek Township's Aggregation Program.
3. **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.
4. **Competitive Retail Electric Service Provider (CRES Provider):** A person or entity certified by the PUCO and registered with an electric distribution utility which supplies or offers to supply a competitive retail electric service over an electric distribution utility's transmission and/or distribution system. This term does not apply to an electric distribution utility in its provision of standard offer generation service.
5. **Consumer:** Any person or entity that is an end user of electricity and is connected to any part of the applicable electric distribution utility's transmission or distribution system within the Cross Creek Township's boundaries.
6. **Delivery Charge:** Charge imposed by the electric distribution utility for delivering electricity to a consumer's home or business. The charge includes meter reading, billing, maintaining electric system reliability and responding during emergencies and outages (also called a distribution charge).
7. **Distribution:** The delivery of electricity to a consumer's home or business over an electric distribution utility's local poles, wires, transformers, substations, and other equipment. Electric distribution utilities' distribution system operations are regulated by the PUCO.
8. **Electric-Related Service:** A service that is 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.

9. **Electric Supply Charge:** All charges related to the generation of electricity by the CRES Provider.
10. **Governmental Aggregator:** An incorporated village or city, township, or county acting as an aggregator for the provision of a CRES under authority conferred by Section 4928.20 of the Ohio Revised Code.
11. **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 will consume one kilowatt-hour of electricity. Consumers are charged for electricity in cents per kilowatt-hour.
12. **Ohio Consumers' Counsel (OCC):** The Ohio Consumers' Counsel (OCC) was established by the Ohio Legislature in 1976 to represent the interests of Ohio's residential utility customers served by investor-owned utilities in proceedings before the PUCO, other regulatory agencies, and in the courts.
13. **Participant:** An eligible consumer enrolled in the Cross Creek Township's Aggregation Program.
14. **Public Utilities Commission of Ohio (PUCO):** The state agency charged with assuring that all residential and business consumers have access to adequate, safe, and reliable utility services at fair prices, while facilitating an environment that provides competitive choices.
15. **Standard Offer Generation Service:** The electric generation service a consumer will receive from its default electric service provider if the customer does not choose a CRES Provider.

#### **B. Aggregation Program Management**

Due to the complexity of the electric utility industry, the Cross Creek Township has entered into an Energy Management and Consulting Agreement with the Consultant to provide the necessary expertise to represent the Cross Creek Township's interest in legislative and regulatory matters and to serve as the Aggregation Program Manager. Such services may include, but are not limited to, overall management of the Aggregation Program, facilitating consumer enrollment and the opt-out process, assisting with consumer education, addressing consumer questions and concerns, providing reports on program

operation, negotiating CRES Provider contracts, providing analysis and review of the Cross Creek Township's energy service usage and costs, and providing consulting services to aggregate and procure energy and/or energy-related services, product, and accounts, and representing the Cross Creek Township in dealings with CRES Providers, the Ohio Legislature, the PUCO, and the OCC.

The CRES Provider's rates will include an administrative fee, which shall be collected on behalf of the Cross Creek Township to fund the implementation and administration of the Cross Creek Township's Aggregation Program, including consulting fees. The administrative fee may be adjusted annually to cover the Cross Creek Township's cost of administering the program.

Oversight of the Aggregation Program will be the responsibility of the Cross Creek Township's Consultant, in consultation with the Cross Creek Township. The Consultant, in consultation with the Cross Creek Township, will have the authority to develop specifications for the Aggregation Program. The CRES Provider will work under the direction of the Consultant with the advice and counsel of the Cross Creek Township.

#### **C. Selection of a CRES Provider and Contract**

The Cross Creek Township will not buy and resell power to Aggregation Program Participants. The Cross Creek Township, through its Consultant, will negotiate with potential CRES providers to provide affordable, reliable electric supplies, and other electric-related services on behalf of local consumers. The Cross Creek Township will consider cooperating with other governmental aggregators if it appears beneficial to do so.

Through a negotiation process driven by its Consultant, the Cross Creek Township will develop a contract with a CRES Provider or Providers for firm, all-requirements service. Each Aggregation Program Participant shall be individually bound by the terms and conditions found in the opt-out notice and the contract and shall be solely responsible for payment and performance. The Cross Creek Township 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 AEP Ohio;
3. Have a service agreement under AEP Ohio's Open Access Transmission Tariff;
4. Successfully completed Electronic Data Interchange (EDI) computer system testing with AEP Ohio and that CRES Provider's EDI computer system is capable of effectively processing Aggregation Program EDI transactions in a timely manner;

5. Will maintain a database of Aggregation Program Participants, which will include all necessary information for the CRES Provider, Cross Creek Township, and Consultant to serve and manage the Aggregation Program;
6. Meet standards of creditworthiness established by the Cross Creek Township;
7. Has or has arranged for a customer call center capable of effectively handling Participants' questions, concerns and disputes in a timely manner using a toll-free telephone number;
8. Hold the Cross Creek Township harmless from any financial obligations arising from offering electricity and/or energy-related services to Aggregation Program Participants; and
9. Will assist the Cross Creek Township and its Consultant with the filing of reports required by Ohio law and the PUCO.

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 understandable terms.

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

#### **D. Electric Supply Charges**

The Cross Creek Township, through its Consultant, will aggregate electric loads within the Cross Creek Township's applicable boundaries and negotiate mutually agreeable pricing, terms, and conditions of service with the CRES Provider for affordable, reliable electric supplies and other related services on behalf of Participants. The Cross Creek Township may pursue this purpose individually or in cooperation with other entities. CRES Providers will supply information on electric supply charges by utility customer rate classification or other appropriate pricing category as approved by the Cross Creek Township. All electric supply charges will be fully and prominently disclosed in consumer enrollment materials, the opt-out notice, and will be subject to approval by the Cross Creek Township.

#### **E. AEP Ohio's Regulated Customer Classifications and Rates**

The applicable electric distribution utility 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 the AEP Ohio's service and delivery charges. Although the Cross Creek Township 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 Cross Creek Township to offer its Aggregation Program to eligible non-mercantile customers in any and all customer classifications, and in all rate categories, for which the CRES Provider can offer a savings compared to the electric distribution utility's avoidable costs or price to compare.

It is also the intention of the Township to offer its Aggregation Program to Mercantile customers on an opt-in basis by contacting the CRES Provider to enter into a contract for electric service. The contract shall establish the rate for the mercantile customer's participation in the Aggregation Program.

**F. Developing the Pool of Eligible Accounts**

The Cross Creek Township or its Consultant shall request the electric distribution utility to provide current customer information for all customers within the Cross Creek Township's boundaries. The provided information shall include the following:

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

From this information, the Cross Creek Township, its Consultant, 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.

**G. Initial Consumer Notification and Enrollment**

After contract approval by the Cross Creek Township and its Consultant, the CRES Provider will work with the Cross Creek Township, its Consultant, and the electric distribution utility to identify all eligible consumers within the Cross Creek Township's boundaries.

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 Aggregation Program. Consumers will be given 21 days from the postmark date of the opt-out letter in which to notify the Cross Creek Township that they wish to opt out of, or decline participation in, the Aggregation Program without penalty fees. Consumers opting out of the program will remain on the applicable utility's Standard Offer Generation Service until such time as they select an approved CRES Provider.

Consumers may opt out of the Aggregation Program by returning a post card or other form provided in the opt-out letter.

After the initial 21-day opt out period has elapsed, all eligible consumers who have not notified the Cross Creek Township of their desire to opt out of the Aggregation Program will be enrolled automatically by the CRES Provider at the earliest date practicable. No other affirmative steps will be required of consumers in order to be included in the Aggregation Program as Participants.

Consumers ineligible to participate in the Aggregation Program include those customer accounts that are located outside the Cross Creek Township's boundaries, customers who are already in contract with a CRES provider, customers in a "special rate" contract with an electric distribution utility, and Percentage of Income Payment Plan (PIPP) consumers and consumers whose accounts are not current with their present electric distribution utility, as appropriate. The aggregation of PIPP customers is under the direction of the State of Ohio.

Consumers enrolled in the Aggregation Program by the CRES Provider will receive a letter from their electric distribution utility notifying them of their enrollment. Consumers will have seven calendar days to notify the electric distribution utility of any objection to their enrollment in the Aggregation Program. The applicable electric distribution utility will notify the CRES Provider of consumer objections or any reason that a consumer was not enrolled in the Aggregation Program and the CRES Provider will maintain a list of customers who have opted out under the Aggregation Program rules.

The CRES Provider will report to the Cross Creek Township the status of the Aggregation Program enrollment on at least a quarterly basis.

#### **H. Leaving the Aggregation Program**

In addition to the initial opt-out period described above, each Participant will be given an opportunity to opt out of the Aggregation Program every three years without paying an early termination fee or penalty as required by law and PUCO rules. 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 Cross Creek Township, may be subject to an early

termination fee and may not be served under the same rates, terms and conditions that apply to other customers served by the electric distribution utility.

Any consumer who opts out of the Aggregation Program during the initial opt-out period or subsequent opt-out periods will be returned to their electric distribution utility's Standard Offer Generation Service until such time as the consumer selects another approved CRES Provider.

#### **I. CRES Provider Responsibilities**

The CRES Provider will build and maintain a database of all Aggregation Program Participants. The database will include the name, address, utility service delivery identification (SDI) number, and other pertinent information as agreed upon by the Cross Creek Township, Consultant, and the CRES Provider. Such information may include the CRES Provider's account number (if different from utility'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 Cross Creek Township 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 computer system to effectively process Aggregation Program enrollments, opt outs, billing, etc., with the applicable electric distribution utility.

The CRES Provider will provide a local or toll-free telephone number for Participant questions or 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 Cross Creek Township 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.

#### **J. 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 Cross Creek Township after the initial opt-out period will be afforded the opportunity to enroll in the Aggregation Program. However, the Cross Creek Township 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 or Cross Creek Township's consultant to obtain current enrollment information.

Participants who relocate within the Cross Creek Township limits and retain the same electric utility 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 electric utility rate classification is the same at both locations, and subject to any switching fees imposed by the consumer's former electric distribution utility.

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

#### **K. Billing**

At this time, the Cross Creek Township plans to utilize the applicable electric distribution utility's consolidated billing service in which each consumer account receives one bill itemizing the CRES Provider's electric supply charges and electric distribution utility's delivery, and other PUCO-approved charges. The billing statement will be consistent with applicable PUCO rules and regulations. The Cross Creek Township will consider other billing options, including CRES Provider consolidated or dual billing, if and when they become available and if it appears advantageous to do so.

#### **L. Questions and Concerns**

The Aggregation Program only impacts the source of generation or power supply. The applicable electric distribution utility 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 question 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 their electric distribution utility. Meter reading or other billing questions should also be directed to AEP Ohio. Questions regarding Aggregation Program enrollment and opting out should be directed to the CRES Provider. Any other general questions regarding the Aggregation Program should be directed to the Cross Creek Township's Consultant.

<b>Question or Concern</b>	<b>Contact</b>	<b>Phone Number</b>
Power outage or interruption	AEP Ohio	800-672-2231
Connect/disconnect service	AEP Ohio	800-672-2231
Meter reading/billing	AEP Ohio	800-672-2231
Enrollment in or opting out of Aggregation Program	CRES Provider	[TOLL-FREE NUMBER]
Aggregation Program Questions or Concerns	Trebel LLC	(877) 861-2772

## Cross Creek Township Operation and Governance Plan - ELECTRIC

Unresolved disputes	Public Utilities Commission of Ohio	(800) 686-7826 (voice) (800) 686-1570 (TDD)
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### **M. Reliability and Indemnification of Consumers**

Electric service reliability is essential to Aggregation Program Participants. The Cross Creek Township will strive to provide high-quality service and reliability through provisions of the CRES Provider contract, through traditional proceedings related to your electric distribution utility's regulated transmission and distribution services, and through direct discussions with your electric distribution utility 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 Cross Creek Township and its Consultant will attempt to acquire an alternative power supply. If this attempt fails, Participants will default to the applicable electric utility's Standard Offer Generation Service. In no case will Participants be without power as a result of the CRES Provider's failure to provide the supply of generation. The Cross Creek Township and its Consultant will seek to minimize this risk by contracting only with reputable CRES Providers that have demonstrated reliable service. The Cross Creek Township, through its Consultant, also intends to include conditions in its CRES Provider contract that will indemnify Participants against risks or problems with power supply service and price.

### **N. 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 or service quality or service practices. All consumers 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 rights 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 Cross Creek Township's boundaries 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 regulation governing electric service, and applicable electric utilities' approved tariffs.

Service under the Aggregation Program shall include all eligible customer classes in adherence with universal service principles and requirements, as well as 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 the applicable electric utility's Standard Offer Generation Service and participation in the Aggregation Program.

**O. 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.

**P. 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 written notification of the termination at least 60 days prior to such program termination and will have the option to return to the applicable electric utility's Standard Generation Offer Service or select another approved CRES Provider.

1311-001.00358022v1

## **EXHIBIT A-4**

### **AUTOMATIC AGGREGATION DISCLOSURE**

# Cross Creek Township

251 Airpark Drive  
Wintersville, OH 43953

Supplier Logo

August, 1, 2014

## Cross Creek Township Electric Government Aggregation Program with XYZ Supplier

Dear Cross Creek Township Resident,

Cross Creek Township is providing you with the opportunity to join with other residents to save money on the Electric you use. Savings are possible through a concept called governmental aggregation, where Township officials bring together citizens to gain group-buying power for the purchase of Electric from a retail supplier certified by the Public Utilities Commission of Ohio. Township voters approved this program in May 2014.

During the past few MONTHs, we have researched options for competitive Electric pricing for you. We have chosen (XYZ SUPPLIER), an Ohio based corporation to provide you with Electric for the term of MONTH 20XX through MONTH 20XX.

**You will be automatically enrolled in the Township's Electric Governmental Aggregation Program unless you choose to "opt out"**—that is, affirmatively choose not to participate. If you wish to be excluded from the program you must return the enclosed "Opt-Out" form by MONTH XX, 20XX. Otherwise, you will be included in the aggregation program. If you do not opt out at this time, you will receive a notice at least once every 3 years asking if you wish to remain in the program. However, you do not need to do anything to participate. There is no cost for the enrollment and you will not be charged a switching fee.

**XYZ SUPPLIER has offered to provide Electric to Aggregation Members a price that is guaranteed X% off the Price to Compare (conveniently located on your monthly electric statement) of AEP Ohio. In addition there are no early termination penalties if you decide to leave this offer.**

After you become a participant in the Townships' Electric aggregation program, AEP Ohio will send a letter confirming your selection of XYZ SUPPLIER as your Electric provider. As required by law, this letter will inform you of your option to cancel your enrollment with XYZ SUPPLIER within seven business days of its postmark date. To remain in the Townships' government aggregation program, you don't need to take any action when this letter arrives. You will be automatically enrolled.

AEP Ohio will always be responsible for ensuring the distribution of Electric to your premises and will continue to maintain your meter, the monthly reads and the lines that deliver Electric to your home. Your Electric bill will also continue to come from AEP Ohio. The only change you'll notice is savings and the name of your new gas supplier, XYZ SUPPLIER, included on your bill.

If you have any questions, please call XYZ SUPPLIER toll free at 1-800-XXX-XXXX, Monday through Friday, 8:30 a.m. to 4:30 p.m.

Regards

Cross Creek Township Trustees

President, XYZ Supplier

*Address*  
*Supplier web address*

Cross Creek Township

251 Airpark Drive  
Wintersville, OH 43953

Supplier Logo

OPT-OUT FORM – RESIDENTIAL ELECTRIC GOVERNMENTAL AGGREGATION PROGRAM

<p><b>Option 1: Do nothing and save.</b></p> <p><i>If you want to participate in this program and save, you do not need to return this form. Your enrollment is automatic.</i></p>	<p><b>OR</b></p>	<p><b>Option 2: Opt out by returning this form.</b></p> <p><i>If you do not want to participate in this program and save, you must return this form before the due date.</i></p>
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☐

I wish to opt out of my community's electric savings program. (Check box to opt out.)

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

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

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

Mail by MONTH XX, 20XX to: Gov. Entity Electric Governmental Aggregation Program, ADDRESS of Supplier

Address  
Supplier web address

# Cross Creek Township

251 Airpark Drive  
Wintersville, OH 43953

Supplier Logo

August, 1, 2014

## Cross Creek Township Electric Government Aggregation Program with XYZ Supplier

Dear Cross Creek Township Business,

Cross Creek Township is providing you with the opportunity to join with other small commercial customers to save money on the Electric you use. Savings are possible through a concept called governmental aggregation, where Township officials bring together citizens and small business to gain group-buying power for the purchase of Electric from a retail supplier certified by the Public Utilities Commission of Ohio. Township voters approved this program in May 2014.

During the past few MONTHs, we have researched options for competitive Electric pricing for you. We have chosen (XYZ SUPPLIER), an Ohio based corporation to provide you with Electric for the term of MONTH 20XX through MONTH 20XX.

**You will be automatically enrolled in the Township's Electric Governmental Aggregation Program unless you choose to "opt out"**—that is, affirmatively choose not to participate. If you wish to be excluded from the program you must return the enclosed "Opt-Out" form by MONTH XX, 20XX. Otherwise, you will be included in the aggregation program. If you do not opt out at this time, you will receive a notice at least once every 3 years asking if you wish to remain in the program. However, you do not need to do anything to participate. There is no cost for the enrollment and you will not be charged a switching fee.

**XYZ SUPPLIER has offered to provide Electric to Aggregation Members a price that is guaranteed X% off the Price to Compare (conveniently located on your monthly electric statement) of AEP Ohio. In addition there are no early termination penalties if you decide to leave this offer.**

After you become a participant in the Townships' Electric aggregation program, AEP Ohio will send a letter confirming your selection of XYZ SUPPLIER as your Electric provider. As required by law, this letter will inform you of your option to cancel your enrollment with XYZ SUPPLIER within seven business days of its postmark date. To remain in the Townships' government aggregation program, you don't need to take any action when this letter arrives. You will be automatically enrolled.

AEP Ohio will always be responsible for ensuring the distribution of Electric to your premises and will continue to maintain your meter, the monthly reads and the lines that deliver Electric to your home. Your Electric bill will also continue to come from AEP Ohio. The only change you'll notice is savings and the name of your new gas supplier, XYZ SUPPLIER, included on your bill.

If you have any questions, please call XYZ SUPPLIER toll free at 1-800-XXX-XXXX, Monday through Friday, 8:30 a.m. to 4:30 p.m.

Regards

Cross Creek Township Trustees

President, XYZ Supplier

*Address*  
*Supplier web address*

Cross Creek Township

251 Airpark Drive  
Wintersville, OH 43953

Supplier Logo

OPT-OUT FORM – COMMERCIAL ELECTRIC GOVERNMENTAL AGGREGATION PROGRAM

<p><b>Option 1: Do nothing and save.</b></p> <p><i>If you want to participate in this program and save, you do not need to return this form. Your enrollment is automatic.</i></p>	<p><b>OR</b></p>	<p><b>Option 2: Opt out by returning this form.</b></p> <p><i>If you do not want to participate in this program and save, you must return this form before the due date.</i></p>
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☐

I wish to opt out of my community’s electric savings program. (Check box to opt out.)

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

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

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

Mail by MONTH XX, 20XX to: Gov. Entity Electric Governmental Aggregation Program, ADDRESS of Supplier

Address  
Supplier web address

## **Electric Aggregation - Frequently Asked Questions**

### **What is governmental aggregation of electricity?**

Ohio's laws allow for communities - such as Village/Township/City/County's, cities and counties - to form aggregated buying groups on behalf of their citizens. Savings are possible through governmental aggregation, where community officials bring together residential and small commercial customers to gain group buying power for the purchase of electricity from a retail electric provider.

### **How is the Village/Township/City/County able to choose a certified electric generation supplier on my behalf?**

In Month 20xx, XXX Village/Township/City/County residents voted to allow the Village/Township/City/County to contract for an electric generation supplier on their behalf.

### **How will I know if I can save money under the Village/Township/City/County's electric governmental aggregation program?**

Under the Village/Township/City/County's governmental aggregation program, the price residential customers pay for electric generation and transmission supply is guaranteed to be 15 percent lower than the AEP's price to compare. For commercial customers, the rate they will pay is guaranteed to be 10 percent lower than AEP's comparable price.

### **If I join the Village/Township/City/County's electric aggregation program, who will deliver my power, read my meter and respond to emergencies, such as power outages?**

Your local electric company will be responsible for the delivery of power to your home or business. Since your local electric utility still owns the wires and poles that deliver power to you, it will continue to read your meter and restore power after an outage.

### **What do I need to do to be included in the aggregation program?**

You do not need to do anything to receive the discounted pricing under this program. You may choose to remain part of the aggregation program and begin receiving your XX percent discount for residential customers and XX percent discount for commercial customer simply by not returning the opt-out form.

### **What if I don't want to participate?**

Since all eligible residential and small commercial customers are automatically enrolled in the governmental aggregation program, those customers who do not want to participate are given the opportunity to opt-out. By returning an opt-out form by the due date, you can choose not to be enrolled as an electric generation and transmission customer of the community's competitive electric generation and transmission supplier.

### **How will billing be handled?**

You will receive one bill from AEP Ohio Power (the utility) that contains your charges for distribution and maintenance service from the utility as well as Border Energy's charges for generation and transmission. You can remain on budget billing; however, the budget billing program does not apply to your charges from XYZ Supplier. Your total charges from XYZ Supplier will fluctuate from month to month according to your usage.

### **Can I still have my payment automatically deducted from my checking account as I do now?**

Yes. How you pay your electric bill will not change.

### **Who do I call if I have a problem with my electric service?**

If you have an outage, see fallen power lines, or require emergency repairs, you will continue to contact AEP Ohio Power Company at 1-800-672-2231.

### **What is the toll-free number for questions?**

If you have any questions, please call XYZ Supplier at 1-888-XXX-XXXX, Monday through Friday between 8am-5pm.

## **EXHIBIT A-5**

## **EXPERIENCE**

## **Exhibit A-5 "Experience"**

### **Applicant's Experience and Plan for Providing Aggregation Services:**

Due to the complexity of municipal aggregation, the applicant Cross Creek Township "Township" will rely on the energy consulting services of Trebel, LLC to assist them in designing, implementing and maintaining the Program. Trebel, LLC is a PUCO certified Electric Aggregator/Broker (certificate #12-537E(1)) and Natural Gas Aggregator/Broker (certificate #12-267G(1)). Trebel, LLC has experience in managing numerous governmental programs in the Ohio market.

Below is a detailed summary of services being provided:

Broker shall provide energy related Services, including but not limited to the following:

- Assist with the preparation and submission of Governmental Aggregation application for the Public Utilities of Ohio ("PUCO");
- Assist with preparation of resolutions, public notices, Plan of Operations and Governance, and communications with residents;
- Evaluate existing electric and natural gas costs and rates and provide market expertise;
- Where applicable prepare Request of Proposal (RFP);
- Assist with usage data collection and verification;
- Pre-screen all energy suppliers and act as point of contact;
- Work directly with suppliers to meet all requirements related to local governments aggregation plan. This includes preparation of all notifications required to be sent to participants;
- Act as an exclusive sourcing agent with the suppliers;
- Assist with preparation of ongoing reporting requirements of the PUCO; and

Trebel, LLC is a national energy consulting company serving commercial, governmental, small business and residential clients primarily throughout the deregulated energy markets. Our primary mission is to help clients by lowering their energy supply cost, increase site efficiency and leverage state and federal incentive opportunities.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**7/11/2014 10:18:43 AM**

**in**

**Case No(s). 14-1238-EL-GAG**

Summary: Application electronically filed by Scott Belcastro on behalf of Cross Creek Township, Jefferson Co., OH