



COLUMBUS | CLEVELAND
CINCINNATI | DAYTON
MARIETTA

BRICKER & ECKLER LLP
1001 Lakeside Avenue East
Cleveland, OH 44114-1142
MAIN: 216.523.5405
FAX: 216.523.7071

www.bricker.com
info@bricker.com

Glenn S. Krassen
216.523.5469
gkrassen@bricker.com

March 1, 2017

Via Electronic Filing

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

**Re: Southeast Ohio Public Energy Council ("SOPEC")
Case No. 14-936-EL-GAG**

Dear Ms. McNeal:

Attached please find for supplemental filing in the above-referenced matter, a copy of the ordinances from the Village of Somerset, in Perry County, joining Southeast Ohio Public Energy Council ("SOPEC") opt-out electric aggregation program.

The attached ordinances authorize the formation of an opt-out electric governmental aggregation program pursuant to Ohio Revised Code Section 4928.20, for the provision of competitive retail electric services, and the Village of Somerset joining SOPEC to conduct such program, including approval of the Plan of Operation and Governance.

If you have any questions concerning this matter, please contact me at the above telephone number.

Sincerely,

Glenn S. Krassen

Attachment

cc: Alla Magaziner-Tempesta, PUCO Staff (w/Attachment)
Eddie Smith, SOPEC (w/Attachment)

VILLAGE OF SOMERSET, OHIO
ORDINANCE NUMBER 16-02

AN ORDINANCE AUTHORIZING THE VILLAGE TO ENTER INTO THE SOUTHEAST OHIO PUBLIC ENERGY COUNCIL ("SOPEC") AND THE EXECUTION AND DELIVERY OF THE AGREEMENT ESTABLISHING SOPEC AND APPROVING THE BYLAWS OF SOPEC, AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Somerset, Ohio (the "Village") wishes to establish an electric aggregation program pursuant to Section 4928.20, of the Ohio Revised Code (the "Electric Program"), for the residents, businesses and other consumers located within the Village, and for that purpose, to act jointly with any other village, city, township, municipal corporation, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, by joining the Southeast Ohio Public Energy Council ("SOPEC"), the Village will be able to act jointly with other members of political subdivisions and thereby maximize the potential benefit of natural electric deregulation through group purchasing efforts.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SOMERSET, COUNTY OF PERRY, AND STATE OF OHIO, THAT:

SECTION 1. The Council of the Village (the "Council") finds and determines that it is in the best interest of the Village, including the electric consumers located within the Village, to join SOPEC and to adopt the SOPEC Bylaws, for the purpose of establishing and implementing the Electric Program within the Village.

SECTION 2. The Mayor of the Council is hereby authorized and directed to execute and deliver the Agreement Establishing the Southeast Ohio Public Energy Council (the "SOPEC Agreement"). The SOPEC Agreement shall be substantially in the form presented to this Board and on file with the Clerk, subject to such changes, insertions and omissions which are consistent with this Ordinance and are not substantially adverse to the Village and as may be approved by the Mayor of the Council, which approval shall be conclusively evidenced by the execution of the SOPEC Agreement.

SECTION 3. The Council hereby approves and adopts the Bylaws of SOPEC (in the form attached to the SOPEC Agreement).

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the Village's Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code. This Ordinance is declared to be an emergency measure necessary for the

immediate preservation of the public health, safety and welfare of the Village, wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Council.

SECTION 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Electric Program provided by SOPEC.

DATED ADOPTED: 12-15, 2016



President of Council


Submitted to the Mayor for his
Approval on this 15 day of
December, 2016

ATTEST:
this 15 day of Dec, 2016



Clerk of Council

Approved by the Mayor
12-15, 2016



Mayor, Village of Somerset

Res. 16-14

A RESOLUTION AUTHORIZING ALL ACTION NECESSARY TO AFFECT AN OPT-OUT ELECTRIC AGGREGATION PROGRAM PURSUANT TO SECTION 4928.20 OF THE REVISED CODE.

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

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

WHEREAS, The Village of Somerset, Ohio, desires to submit a Resolution to the Board of Elections to submit to the electors of the Village of Somerset, Ohio, the question of whether the Village should create an Electric Aggregation program in accordance with Ohio Revised Code No. 4928.20; and

WHEREAS, This Resolution should be presented to the Village Council for consideration in a timely manner in that it must be, certified to the Perry County Board of Election authorities by August 10, 2016, since opportunities to coordinate aggregation activities with certain suppliers of electric may become limited due to market conditions; and

WHEREAS, The Mayor has recommended the passage of this Resolution in order to provide this opportunity for cost savings to the residents of Somerset.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SOMERSET, STATE OF OHIO:

SECTION 1: That this Village Council finds and determines that to facilitate competitive retail electric service to promote electric savings, lower cost electric supplies, and other benefits, it is in the best interests of the Village and certain electric consumers within the jurisdiction of the Village to establish an opt-out Electric Aggregation program in the Village pursuant to Section 4928.20, Revised Code. Provided that this Resolution and the Electric Aggregation program is approved by the electors of the Village in accordance with this Resolution, the Village is hereby authorized to take all actions necessary to affect an Electric Aggregation program pursuant to Section 4928.20, Revised Code. The Village may exercise this authority jointly with other entities to the full extent permitted by law, and for such purposes. Actions necessary to affect the Electric Aggregation program include determining and entering into service agreement(s) with electric suppliers to facilitate the sale and purchase of all electric commodity and services to serve the enrolled consumers. The Village 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 electric supplier(s) to provide the commodity and all other services for the Electric Aggregation program and the enrolled consumers.

SECTION 2: The Electric Aggregation program shall not apply to persons meeting any of the following criteria, as more specifically described in Section 4928.20(H)(1-5) of the Ohio Revised Code: (i) a customer that has opted out of the aggregation, (ii) a customer in contract with a certified electric services company, (iii) a customer that has a special contract with an electric distribution utility, or (iv) a customer that is not located within the governmental aggregator's governmental boundaries, (v) subject to division (C) of section 4928.21 of the Revised Code, a customer who appears on the "do not aggregate" list maintained under that section.

SECTION 3: That this Council hereby authorizes and directs the Perry County Board of Elections to submit to the electors of the Village of Somerset in an election to be held at the usual places of voting of said Village on the 8th day of November, 2016, the following question:

To facilitate competitive retail electric service to promote electric savings, lower cost electric supplies, and other benefits, shall the Village of Somerset have the authority to aggregate retail electric loads located in the Village of Somerset and enter into service agreements for the sale and purchase of electric commodity and other services, such aggregation to occur automatically, except where any person elects to opt-out?

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

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

SECTION 4: That the Fiscal Officer is authorized and directed to file a certified copy of this Resolution with the Perry County Board of Elections not later than August 10, 2016. 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 of the Ohio Revised Code. Upon approval, the Electric Aggregation shall take effect at the earliest permissible point in time and continue thereafter in accordance with the requirements of Chapter 4928.20 of the Ohio Revised Code.

SECTION 5: That the Perry County Board of Elections shall cause an appropriate notice to be given of the election to be held on November 8, 2016 on the foregoing proposal and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 6: Upon approval by a majority of the electors voting at the election provided for by this Resolution, the Village of Somerset shall develop and adopt a plan of operations and governance for the Electric Aggregation program. Consumers enrolled in the Electric Aggregation program shall be their electric requirements and other services in accordance with supply agreement(s) determined and arranged by the Village, as opportunities become available to provide benefits on behalf of the electric consumers enrolled in the Electric Aggregation program and the consumers located within the jurisdiction of the Village. The Village shall be authorized by the electors to be the only entity authorized to act for and on behalf of the electric consumers that have enrolled in the Electric Aggregation program to determine and select the electric supplier(s) to provide the commodity and all other services for the Electric Aggregation program and the enrolled consumers. Before adopting such a 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 Village. The notice shall summarize the Plan and state the date, time, and location of each hearing.

SECTION 7: The adopted Plan shall not aggregate any retail load within the Village, unless the person whose retail electric 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 electric company providing distribution service for the person's retail electric load, until the person chooses an alternative supplier.

SECTION 8: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed this 2nd day of August, 2016

ATTEST:



Tom Johnson, Mayor

Kelly Beem, Fiscal Officer

VILLAGE OF SOMERSET, OHIO
ORDINANCE NUMBER 17-03

APPROVING THE PLAN OF OPERATION AND
GOVERNANCE FOR THE SOPEC ELECTRICITY
AGGREGATION PROGRAM, FOR THE PURPOSE OF
JOINTLY ESTABLISHING AND IMPLEMENTING AN
ELECTRICITY AGGREGATION PROGRAM, AND
DECLARING AN EMERGENCY

WHEREAS, this Council previously enacted legislation authorizing the Village of Somerset to establish an electricity aggregation program pursuant to Section 4928.20, Ohio Revised Code (the "Electricity Aggregation Program"), for the residents, businesses and other electric consumers in the Village, and for that purpose, to act jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, by joining the Southeast Ohio Public Energy Council, the Village will be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of electricity deregulation through group purchasing efforts; and

WHEREAS, this Council, pursuant to Section 4928.20, Ohio Revised Code, has held two (2) public hearings on the Plan of Operation and Governance for the SOPEC Electricity Aggregation Program.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SOMERSET, COUNTY OF PERRY AND STATE OF OHIO, THAT:

SECTION 1. This Council hereby approves and adopts the Plan of Operation and Governance of the SOPEC Electricity Aggregation Program (in the form presented to this Council and on file with the Clerk).

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the Village's Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Electric Program provided by SOPEC.

DATED ADOPTED: February 7, 2017




President of Council

Submitted to the Mayor for his
Approval on this 7th day of
February, 2017

ATTEST:
this 7th day of February, 2017

Approved by the Mayor
February 7, 2017



Clerk of Council

Mayor, Village of Somerset

Village of Somerset
State of Ohio
Resolution No. 2017- 17-04

**RESOLUTION DIRECTING THE MAYOR TO ENTER INTO A LETTER OF
INTEREST WITH SOUTHEAST OHIO PUBLIC ENERGY COUNCIL ALLOWING
SOUTHEAST OHIO PUBLIC ENERGY COUNCIL TO SEEK COMPETITIVE
GENERATION PRICING FOR THE VILLAGE MUNICIPAL ELECTRIC LOAD
THROUGH A PROCUREMENT AUCTION**

BE IT RESOLVED by the Council of the Village of Somerset, State of Ohio, that:

Section one: The Mayor is directed to enter into a letter of interest with Southeast Ohio Public Energy Council authorizing Southeast Ohio Public Energy Council to place the Village of Somerset retail electric load out to bid in a procurement auction in order to secure lower generation rates for the Somerset Village government.

Section two: The Fiscal Officer is directed to supply Eddie Smith of the Southeast Ohio Public Energy Council with a copy of each of the Village's electric utility bills.

PASSED this 7th day of February, 2017.

ATTEST:

ATTEST:




Dave Snider
Council President



Kelly Beam
Fiscal Officer

APPROVED AS TO FORM:

ACKNOWLEDGED:



Will Flautt
Solicitor



Tom Johnson
Mayor

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/1/2017 12:30:45 PM

in

Case No(s). 14-0936-EL-GAG

Summary: Correspondence of Southeast Ohio Public Energy Council Submitting New
Community Ordinance electronically filed by Teresa Orahood on behalf of Glenn S. Krassen