



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

December 28, 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 Chauncey in Athens County, and the villages of New Straitsville, and Shawnee, in Perry County, joining Southeast Ohio Public Energy Council's ("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 Villages of Chauncey, New Straitsville, and Shawnee 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

Attachments

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

VILLAGE OF CHAUNCEY, OHIO
ORDINANCE NUMBER 2017-5

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 Chauncey, 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 CHAUNCEY, COUNTY OF ATHENS, 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 Village 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: 12/19/, 2017

Joe Carter
President of Council

Submitted to the Mayor for his
Approval on this 19th day of
December, 2017

ATTEST:
this 19th day of December, 2017

Kesler Nichols
Clerk of Council

Approved by the Mayor
12/19/, 2017

Joe Carter
Acting Mayor, Village of Chauncey

**AGREEMENT
ESTABLISHING THE
SOUTHEAST OHIO PUBLIC ENERGY COUNCIL**

This AGREEMENT is made and entered into as of October 8, 2014, by and among the political subdivisions identified below.

RECITALS:

WHEREAS, Ohio Revised Code Chapter 167 provides that the governing bodies of two or more political subdivisions may enter into an agreement establishing a regional council of governments for purposes that include promoting cooperative agreements and contracts among members and other governmental agencies and private persons, corporations, or agencies; and

NOW, THEREFORE, in consideration of the services to be made available to and by the Southeast Ohio Public Energy Council, also referred to herein as "SOPEC", it is agreed by and between the Members of SOPEC and any additional political subdivisions that may hereafter become Members as follows:

Section 1. Definitions.

Definitions of terms used in this Agreement and Bylaws are set forth on Exhibit A hereto.

Section 2. Name.

The name of the council of regional governments that comprises all Members shall be the "Southeast Ohio Public Energy Council."

Section 3. Members.

Members of SOPEC shall be set forth on Exhibit B hereto, and shall include any other political subdivisions which become members of SOPEC pursuant to Bylaws established pursuant to Section 6 of this agreement. Each Member shall have one representative to the Assembly, as further set forth in the Bylaws.

Section 4. Purpose; The Aggregation Program; Additional Programs of the Council.

The purpose of this Agreement is to allow Members to collectively pursue the benefits of the Aggregation Program and Additional Programs of the Council that the Council may establish. The Council may negotiate and enter into all necessary programs, contracts and take any necessary and incidental actions to effect and carry out the purposes of the Aggregation Program for the benefit of the Members and their respective electricity consumers. The Members will act jointly through the Council to establish and implement the Aggregation Program and Additional Programs of the Council, as set forth in the Bylaws.

Section 5. Fiscal Year.

The fiscal year for SOPEC shall be the twelve month period beginning July 1 and ending June 30.

Section 6. Adoption of Bylaws.

EXHIBIT A

As used in this Agreement and in the Bylaws the following words shall have the following meanings:

"Additional Program" means any other cooperative program the Council may establish under an Additional Program Agreement.

"Additional Program Agreement" means any agreement among some or all Members establishing an Additional Program in accordance with Section 9 of the Bylaws.

"Additional Program Costs" means, with respect to any Additional Program of the Council, all costs incurred by the Council or the Fiscal Agent of the Council, in connection with the activities and operations of that Additional Program, as defined in the corresponding Additional Program Agreement.

"Advisory Committee" means any committee established by the Board of Directors pursuant to the Bylaws to advise the Board of Directors or the Fiscal Agent with respect to the management and operation of any Program. The Board of Directors shall define the duties of each Advisory Committee.

"Aggregation Costs" means all costs incurred by the Council or by the Fiscal Agent in connection with the activities and operation of the Council for the Aggregation Program.

"Aggregation Fund" means the fund established and maintained by the Fiscal Agent of the Council as a separate fund pursuant to Section 10 of the Bylaws, into which the Fiscal Agent shall deposit any and all moneys contributed by the Members for Aggregation Costs of the Council.

"Aggregation Program" means the cooperative program for the benefit of the Members acting as governmental aggregators to arrange for the purchase of electricity by electric customers in the political subdivisions that join the Southeast Ohio Public Energy Council, pursuant to the terms of Ohio Revised Code Section 4928.20 and this Agreement.

"Agreement" means this agreement, as the same may be amended, modified, or supplemented in accordance with Section 8 hereof.

"Assembly" means the legislative body of the Council established pursuant to, and having those powers and duties enumerated in, the Bylaws.

"Bylaws" means the regulations adopted by the Council pursuant to Ohio Revised Code Section 167.04 and this Agreement, as the same may be amended, modified, or supplemented in accordance with Section 13 thereof.

"Council" means the Southeast Ohio Public Energy Council established by this Agreement.

"Fiscal Agent" means the person or organization designated by the Members of the Council to receive, deposit, invest and disburse funds contributed by the Members or otherwise received by the Council, for the operation of the Council and its Programs, in accordance with this Agreement, the Bylaws and any applicable Program Agreement.

"Fiscal Year" means the twelve (12) month period beginning July 1 and ending June 30.

EXHIBIT B

1. Board of Commissioners of Athens County
2. City of Athens
3. Village of Amesville
4. Village of Trimble
5. Village of Buchtel
6. Village of Somerset
7. Village of New Straitsville

Approved by the Mayor

December 19, 2017

Mayor, Village of Chauncey

VILLAGE OF CHAUNCEY, OHIO
ORDINANCE NUMBER 5017-7

APPROVING THE PLAN OF OPERATION AND GOVERNANCE
FOR THE SOPEC ELECTRIVILLAGE 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 Chauncey 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 CHAUNCEY, COUNTY OF ATHENS 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: 19 December, 2017

On suspension of Rules

Submitted to the Mayor for his

Approval on this 19th day of

December, 2017

Joe Carter
President of Council

ATTEST:
this 19th day of December, 2017

Leslie Nichols
Clerk of Council Fiscal Officer

Approved by the Mayor
December 19, 2017

Joe Carter
Acting Mayor, Village of Chauncey

Approved as to Form

M. Shostak

VILLAGE OF NEW STRAITSVILLE, OHIO
ORDINANCE NUMBER 2017-02

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 New Straitsville, 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 NEW STRAITSVILLE, 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 Village 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: November 13, 2017

Nicholas Reed Standen Patricia A. Spencer
President of Council by Patricia A. Spencer

Submitted to the Mayor for his
Approval on this 13th day of
November, 2017

ATTEST:
this 13th day of November, 2017

Approved by the Mayor
November 13, 2017

Susan L. Miller
Clerk of Council

Patricia A. Spencer
Mayor, Village of New Straitsville
Patricia A. Spencer

**AGREEMENT
ESTABLISHING THE
SOUTHEAST OHIO PUBLIC ENERGY COUNCIL**

This AGREEMENT is made and entered into as of October 8, 2014, by and among the political subdivisions identified below.

RECITALS:

WHEREAS, Ohio Revised Code Chapter 167 provides that the governing bodies of two or more political subdivisions may enter into an agreement establishing a regional council of governments for purposes that include promoting cooperative agreements and contracts among members and other governmental agencies and private persons, corporations, or agencies; and

NOW, THEREFORE, in consideration of the services to be made available to and by the Southeast Ohio Public Energy Council, also referred to herein as "SOPEC", it is agreed by and between the Members of SOPEC and any additional political subdivisions that may hereafter become Members as follows:

Section 1. Definitions.

Definitions of terms used in this Agreement and Bylaws are set forth on Exhibit A hereto.

Section 2. Name.

The name of the council of regional governments that comprises all Members shall be the "Southeast Ohio Public Energy Council."

Section 3. Members.

Members of SOPEC shall be set forth on Exhibit B hereto, and shall include any other political subdivisions which become members of SOPEC pursuant to Bylaws established pursuant to Section 6 of this agreement. Each Member shall have one representative to the Assembly, as further set forth in the Bylaws.

Section 4. Purpose; The Aggregation Program; Additional Programs of the Council.

The purpose of this Agreement is to allow Members to collectively pursue the benefits of the Aggregation Program and Additional Programs of the Council that the Council may establish. The Council may negotiate and enter into all necessary programs, contracts and take any necessary and incidental actions to effect and carry out the purposes of the Aggregation Program for the benefit of the Members and their respective electricity consumers. The Members will act jointly through the Council to establish and implement the Aggregation Program and Additional Programs of the Council, as set forth in the Bylaws.

Section 5. Fiscal Year.

The fiscal year for SOPEC shall be the twelve month period beginning July 1 and ending June 30.

Section 6. Adoption of Bylaws.

EXHIBIT A

As used in this Agreement and in the Bylaws the following words shall have the following meanings:

"Additional Program" means any other cooperative program the Council may establish under an Additional Program Agreement.

"Additional Program Agreement" means any agreement among some or all Members establishing an Additional Program in accordance with Section 9 of the Bylaws.

"Additional Program Costs" means, with respect to any Additional Program of the Council, all costs incurred by the Council or the Fiscal Agent of the Council, in connection with the activities and operations of that Additional Program, as defined in the corresponding Additional Program Agreement.

"Advisory Committee" means any committee established by the Board of Directors pursuant to the Bylaws to advise the Board of Directors or the Fiscal Agent with respect to the management and operation of any Program. The Board of Directors shall define the duties of each Advisory Committee.

"Aggregation Costs" means all costs incurred by the Council or by the Fiscal Agent in connection with the activities and operation of the Council for the Aggregation Program.

"Aggregation Fund" means the fund established and maintained by the Fiscal Agent of the Council as a separate fund pursuant to Section 10 of the Bylaws, into which the Fiscal Agent shall deposit any and all moneys contributed by the Members for Aggregation Costs of the Council.

"Aggregation Program" means the cooperative program for the benefit of the Members acting as governmental aggregators to arrange for the purchase of electricity by electric customers in the political subdivisions that join the Southeast Ohio Public Energy Council, pursuant to the terms of Ohio Revised Code Section 4928.20 and this Agreement.

"Agreement" means this agreement, as the same may be amended, modified, or supplemented in accordance with Section 8 hereof.

"Assembly" means the legislative body of the Council established pursuant to, and having those powers and duties enumerated in, the Bylaws.

"Bylaws" means the regulations adopted by the Council pursuant to Ohio Revised Code Section 167.04 and this Agreement, as the same may be amended, modified, or supplemented in accordance with Section 13 thereof.

"Council" means the Southeast Ohio Public Energy Council established by this Agreement.

"Fiscal Agent" means the person or organization designated by the Members of the Council to receive, deposit, invest and disburse funds contributed by the Members or otherwise received by the Council, for the operation of the Council and its Programs, in accordance with this Agreement, the Bylaws and any applicable Program Agreement.

"Fiscal Year" means the twelve (12) month period beginning July 1 and ending June 30.

EXHIBIT B

1. Board of Commissioners of Athens County
2. City of Athens
3. Village of Amesville
4. Village of Trimble
5. Village of Buchtel
6. Village of Somerset

Approved by the Mayor

Nov. 13, 2017

Patricia A. Spencer

Mayor, Village of New Straitsville

VILLAGE OF NEW STRAITSVILLE, OHIO
ORDINANCE NUMBER 2017-03

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 New Straitsville 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 Villlage, 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.

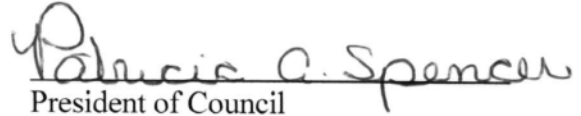
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW STRAITSVILLE, COUNTY OF PERRY AND STATE OF OHIO, THAT:

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: December 11, 2017


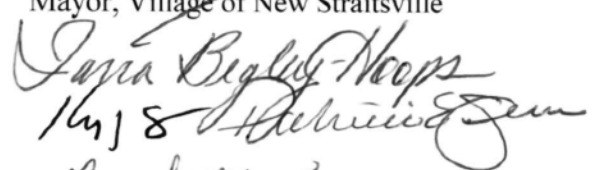
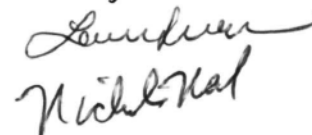

Patricia A. Spencer
President of Council

Submitted to the Mayor for his
Approval on this 11th day of
December, 2017

ATTEST:
this 11th day of December, 2017


Susan Miller
Clerk of Council

Approved by the Mayor
December 11, 2017


Mayor, Village of New Straitsville

Jara Begley-Nepps
16/18

Nick Hal

VILLAGE OF SHAWNEE, OHIO
ORDINANCE NUMBER 11-27-2017A

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 Shawnee, 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 SHAWNEE, 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 Village 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: November 27, 2017

Richard R. Fry II
President of Council

Submitted to the Mayor for her
Approval on this 27th day of
November, 2017

ATTEST:
this 27 day of November, 2017

Wendy Achelo
Clerk of Council

Approved by the Mayor
November 27, 2017

Renee Brunton, Mayor
Mayor, Village of Shawnee

**AGREEMENT
ESTABLISHING THE
SOUTHEAST OHIO PUBLIC ENERGY COUNCIL**

This AGREEMENT is made and entered into as of October 8, 2014, by and among the political subdivisions identified below.

RECITALS:

WHEREAS, Ohio Revised Code Chapter 167 provides that the governing bodies of two or more political subdivisions may enter into an agreement establishing a regional council of governments for purposes that include promoting cooperative agreements and contracts among members and other governmental agencies and private persons, corporations, or agencies; and

NOW, THEREFORE, in consideration of the services to be made available to and by the Southeast Ohio Public Energy Council, also referred to herein as "SOPEC", it is agreed by and between the Members of SOPEC and any additional political subdivisions that may hereafter become Members as follows:

Section 1. Definitions.

Definitions of terms used in this Agreement and Bylaws are set forth on Exhibit A hereto.

Section 2. Name.

The name of the council of regional governments that comprises all Members shall be the "Southeast Ohio Public Energy Council."

Section 3. Members.

Members of SOPEC shall be set forth on Exhibit B hereto, and shall include any other political subdivisions which become members of SOPEC pursuant to Bylaws established pursuant to Section 6 of this agreement. Each Member shall have one representative to the Assembly, as further set forth in the Bylaws.

Section 4. Purpose; The Aggregation Program; Additional Programs of the Council.

The purpose of this Agreement is to allow Members to collectively pursue the benefits of the Aggregation Program and Additional Programs of the Council that the Council may establish. The Council may negotiate and enter into all necessary programs, contracts and take any necessary and incidental actions to effect and carry out the purposes of the Aggregation Program for the benefit of the Members and their respective electricity consumers. The Members will act jointly through the Council to establish and implement the Aggregation Program and Additional Programs of the Council, as set forth in the Bylaws.

Section 5. Fiscal Year.

The fiscal year for SOPEC shall be the twelve month period beginning July 1 and ending June 30.

Section 6. Adoption of Bylaws.

EXHIBIT A

As used in this Agreement and in the Bylaws the following words shall have the following meanings:

"Additional Program" means any other cooperative program the Council may establish under an Additional Program Agreement.

"Additional Program Agreement" means any agreement among some or all Members establishing an Additional Program in accordance with Section 9 of the Bylaws.

"Additional Program Costs" means, with respect to any Additional Program of the Council, all costs incurred by the Council or the Fiscal Agent of the Council, in connection with the activities and operations of that Additional Program, as defined in the corresponding Additional Program Agreement.

"Advisory Committee" means any committee established by the Board of Directors pursuant to the Bylaws to advise the Board of Directors or the Fiscal Agent with respect to the management and operation of any Program. The Board of Directors shall define the duties of each Advisory Committee.

"Aggregation Costs" means all costs incurred by the Council or by the Fiscal Agent in connection with the activities and operation of the Council for the Aggregation Program.

"Aggregation Fund" means the fund established and maintained by the Fiscal Agent of the Council as a separate fund pursuant to Section 10 of the Bylaws, into which the Fiscal Agent shall deposit any and all moneys contributed by the Members for Aggregation Costs of the Council.

"Aggregation Program" means the cooperative program for the benefit of the Members acting as governmental aggregators to arrange for the purchase of electricity by electric customers in the political subdivisions that join the Southeast Ohio Public Energy Council, pursuant to the terms of Ohio Revised Code Section 4928.20 and this Agreement.

"Agreement" means this agreement, as the same may be amended, modified, or supplemented in accordance with Section 8 hereof.

"Assembly" means the legislative body of the Council established pursuant to, and having those powers and duties enumerated in, the Bylaws.

"Bylaws" means the regulations adopted by the Council pursuant to Ohio Revised Code Section 167.04 and this Agreement, as the same may be amended, modified, or supplemented in accordance with Section 13 thereof.

"Council" means the Southeast Ohio Public Energy Council established by this Agreement.

"Fiscal Agent" means the person or organization designated by the Members of the Council to receive, deposit, invest and disburse funds contributed by the Members or otherwise received by the Council, for the operation of the Council and its Programs, in accordance with this Agreement, the Bylaws and any applicable Program Agreement.

"Fiscal Year" means the twelve (12) month period beginning July 1 and ending June 30.

EXHIBIT B

1. Board of Commissioners of Athens County
2. City of Athens
3. Village of Amesville
4. Village of Trimble
5. Village of Buchtel
6. Village of Somerset
7. Village of New Straitsville

Approved by the Mayor

November 27, 2017

Renee Brunton Mayor

Mayor, Village of Shawnee

VILLAGE OF SHAWNEE, OHIO
ORDINANCE NUMBER #12-20-2017A

APPROVING THE PLAN OF OPERATION AND GOVERNANCE
FOR THE SOPEC ELECTRIVILLAGE 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 Shawnee 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 SHAWNEE, 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: DEC. 20, 2017

Richard R. Atoy Jr
President of Council

Submitted to the Mayor for her
Approval on this 20th day of
DECEMBER, 2017

ATTEST:
this 20th day of DECEMBER, 2017

Wendy Michele
Clerk of Council

Approved by the Mayor
DECEMBER 20, 2017

Renee Brunton Mayor
Mayor, Village of Shawnee

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/28/2017 10:20:49 AM

in

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

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