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Ohio

**Public Utilities
Commission**

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Date Received	Case Number	Certification Number
	- GA-GAG	

20-930-GA-GAG

**CERTIFICATION APPLICATION
OHIO NATURAL GAS GOVERNMENTAL AGGREGATORS**

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

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

SECTION A - APPLICANT INFORMATION

A-1 Applicant information:

Note: If filing as a township or village, please include the name of the County where the township or village is located in the applicant name. For example, Miami Township, Hamilton County

Legal Name City of Kenton

Address 111 West Franklin Street, P. O. Box 220, Kenton, OH 43326

Telephone No. 419-674-4850

Web site address www.kentoncity.com

Current PUCO Certificate Number

Effective Dates

County Hardin County

A-2 Contact person for regulatory or emergency matters:

Name Cynthia A. Murray

Title Safety-Service Director

Business Address 111 West Franklin Street, P. O. Box 220, Kenton, OH 43326

Telephone No. 419-674-4850

Fax No. n/a

Email Address safetyservice@kentoncity.com

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

Name Cynthia A. Murray

Title Safety-Service Director

Business address 111 West Franklin Street, P. O. Box 220, Kenton, OH 43326

Telephone No. 419-674-4850

Fax No. n/a

Email Address safetyservice@kentoncity.com

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

Customer service address 111 West Franklin Street, P. O. Box 220, Kenton, OH 43326

Toll-Free Telephone No. 419-674-4850

Fax No. n/a

Email Address safetyservice@kentoncity.com

This is to certify that the above information is accurate and true. (Ohio Natural Gas Governmental Aggregator - Version 1.07) Page 1 of 3
document completed in 180 East Broad Street • Columbus, OH 43215-3793 • (614) 466-3016 • www.PUCO.ohio.gov
The Public Utilities Commission of Ohio is an Equal Opportunity Employer and Service Provider
Technician *[Signature]* Date Received *4/23/26*

SECTION B - APPLICANT AUTHORITY AND AGGREGATION PROGRAM INFORMATION

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED

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


Applicant Signature and Title

Safety Service Director

Sworn and subscribed before me this 10th day of APRIL Month 2020 Year



Signature of official administering oath

BRENDA G. HANNA - CITY CLERK

Print Name and Title

My commission expires on

3-24-23





The Public Utilities Commission of Ohio

Ohio Natural Gas Governmental Aggregation
Affidavit Form
(Version 1.07)

In the Matter of the Application of)

City of Kenton)

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

Case No. [] -GA-GAG

County of [Hardin]
State of [Ohio]

Cynthia A. Murray, Safety-Service Director

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

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

Affiant Signature & Title

Cynthia A. Murray Safety Service Director

Sworn and subscribed before me this

10th

day of

APRIL

Month

2020

Year

Brenda G. Hanna

Signature of Official Administering Oath

BRENDA G HANNA CITY CLERK

Print Name and Title

My commission expires on

3-24-23



City of Kenton

Exhibit B-1

Authorizing Ordinance/Resolution

ORDINANCE NO. 20-007

**AN ORDINANCE ADOPTING THE PLAN OF
OPERATIONS AND GOVERNANCE FOR THE CITY
OF KENTON MUNICIPAL NATURAL GAS
AGGREGATION PROGRAM, AND DECLARING AN
EMERGENCY.**

WHEREAS, pursuant to Chapter 4929 of the Ohio Revised Code permits a municipality to aggregate customers within their jurisdiction in order to facilitate "customer choice" in natural gas suppliers and to promote lower cost natural gas utility services within the City of Kenton;

WHEREAS, on November 8, 2011, the electors of the City of Kenton approved of the City's plan to create an aggregation program for customers located within the boundaries of the City of Kenton;

WHEREAS, Revised Code 4929.26(C) requires a governmental entity interested in the automatic registration of customers under governmental aggregation, subject to customer rights to "opt-out" of such an aggregation, to adopt a plan of operation and governance for its aggregation program;

WHEREAS, the City of Kenton had developed a Plan of Operation and Governance for the natural gas aggregation program and advertised and conducted two public hearings on the plan; and

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that

opportunities to coordinate aggregation activities with certain suppliers of natural gas services may become limited.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kenton, Ohio:

SECTION I. That this Council hereby adopts the City of Kenton's Plan of Operation and Governance, (attached hereto and incorporated herein by reference as Exhibit A) for the implementation and administration of the City's municipal natural gas aggregation program in accordance with Revised Code 4929.26(C).

SECTION II. That this Council affirms that two public hearings were conducted on the proposed plan of operation and governance and the said plan is hereby adopted.

SECTION III. The Mayor is hereby authorized to sign all documents necessary to effectuate the Plan of Operation and Governance and file the Plan of Operation and Governance with the Public Utilities Commission of Ohio in order that the City of Kenton be *authorized/certified as a governmental aggregator*. The *aggregation program* shall thereafter commence in accordance with the adopted Plan of Operation and Governance that has been established pursuant O.R.C. 4929.

SECTION IV. That this ordinance is hereby declared to be an emergency measure and shall become effective immediately upon its adoption, and that the City's aggregation program shall thereafter commence in accordance with the adopted Plan of Operation and Governance that has been established pursuant to Revised Code Chapter 4929; the particular emergency being the need to timely file the above plan with the Public Utilities Commission in a timely manner. Therefore, if passed by the requisite two-thirds of all

members elected to Council, this Ordinance shall be in force and effect from and after its approval by the Mayor; otherwise, from and after the earliest period allowed by law.

Passed this 23rd day of MARCH, 2020.



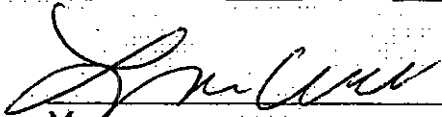
President of Council

Attest:



Clerk

Approved this 23rd day of MARCH, 2020.



Mayor

City of Kenton

Exhibit B-2

**Operation and
Governance Plan**

**THE CITY OF KENTON
NATURAL GAS
AGGREGATION PROGRAM**

**PLAN OF OPERATION
AND GOVERNANCE**

PROPOSED PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL GAS AGGREGATION

Overview

During the November 8, 2011 general election, local residents authorized the City of Kenton (The City), to create a municipal opt-out natural gas aggregation program (the Aggregation Program), in compliance with Section 4929.26 of the Ohio Revised Code. Under the opt-out natural gas aggregation program, all eligible natural gas consumers within the City's corporation limits will be automatically included in the Aggregation Program initially. However, all consumers will also be given the opportunity to opt-out or decline participation in the Aggregation Program as detailed herein.

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

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

Description of Services

The Aggregation Program is designed to reduce the amount a consumer pays for natural gas energy, and to gain other favorable economic and non-economic terms in service contracts. The City will not buy and resell natural gas, but will represent collective consumer interests to set terms and conditions for service. Through a negotiation process, the City will develop a contract with a Competitive Retail Natural Gas Services Provider (CRNGS Provider) or Providers for firm all-requirements natural gas service. Once the contract has been finalized, it will be submitted to the Kenton City Council for approval. Subsequent renewals with the same CRNGS Provider may be approved by the City Auditor.

The Aggregation Program covers only the natural gas supply portion of a participant's natural gas bill. Columbia Gas of Ohio & Dominion Energy Ohio (COH & DEO, hereafter referred to as "COH or DEO" depending on a prospective participant's location) will continue to deliver natural gas to Aggregation Program participants' homes and businesses through its natural gas distribution system as a monopoly function regulated by the Public Utilities Commission of Ohio (PUCO). COH or DEO will also continue to install, operate and maintain its system of pipelines, rights of way, meters and other natural gas distribution components. Aggregation Program participants should continue to call COH or DEO if their natural gas is interrupted or if they have billing questions. The PUCO will continue to oversee COH & DEO natural gas safety and reliability service standards.

Oversight of the Aggregation Program will be the responsibility of the City Auditor, who shall report to City Council. The City Auditor, subject to City Council approval, will have the authority to develop specification for the Aggregation Program, to appoint an Aggregation Program Manager, and to select, hire and manage the CRNGS Provider. The CRNGS Provider and the Aggregation Program Manager will work under the direction of the City Auditor with the advice from the Kenton City Law Director.

Due to the complexity of the natural gas utility industry, the City of Kenton may contract with a consultant or consultants to provide the necessary expertise to represent the City's interest in legislative and regulatory matters and/or to serve as the Aggregation Program Manager. Such services may include , but are not limited to, facilitating consumer enrollment and opt-outs, assisting with consumer education, addressing consumer question and concerns, providing reports on program operation, enrollment and savings, negotiating future CRNGS Provider contracts, and representing the City in dealings with CRNGS Providers, COH & DEO, Ohio Legislature, the PUCO and the Ohio Consumer's Counsel (OCC).

The City deems any and all information related to an eligible customer to be confidential and proprietary trade secret information. The CRNGS Provider shall keep all eligible customer information provided to it by the City or by COH or DEO in supplying eligible customers within the City's corporation limit confidential and shall not disclose such information to any third party, unless such disclosure is required to serve any eligible customer, the third party agrees to keep such eligible customer information confidential, and the City consents to the disclosure of such information to the third party.

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

The CRNGS Provider will provide a local or tollfree telephone number for participant questions and concerns about enrollment, opt-out provisions, billing and other Aggregation program issues.

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

Natural gas service reliability is an essential to Aggregation Program participants. The City will strive to provide high quality service and reliability through provisions of the CRNGS Provider contract, through traditional proceedings related to COH or DEO distribution services; and through direct discussions with COH or DEO concerning specific or general problems related to quality and reliability of its distribution system.

If for any reason a CRNGS Provider fails to provide uninterrupted service, the City will attempt to acquire an alternative natural gas supply. If this attempt fails, participants will default to COH or DEO established tariff rates. In no case will participants be without natural gas as a result of the CRNGS Provider's failure to provide uninterrupted service. The City will seek to minimize this risk by contracting only with reputable CRNGS Providers that demonstrate reliable service. The City also intends to include conditions in its CRNGS Provider contract that will indemnify participants against risks or problems with natural gas supply service and price.

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 program participants shall also enjoy the individual right to decline participation in the Aggregation Program subject to the terms and conditions contained herein.

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

All consumers within the City's corporation limits shall be eligible to participate in the Aggregation Program subject to the terms and conditions described herein, Ohio law, PUCO rules and regulation governing natural gas service, and COH or DEO approved tariffs.

Service under the Aggregation Program shall include all eligible customer classes in adherence with universal service principles and requirements, and the traditional non-discriminatory practices of local government. CRNGS 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 COH or DEO General Service and participation in the Aggregation Program.

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

The Kenton City Council shall approve through resolution or ordinances the Aggregation Program's Plan of Operation and Governance in accordance with Ohio Revised Code Section 4929.26. Amendments to the Plan of Operation and Governance may be subject to Kenton City Council approval and filing with the PUCO.

After adoption of the Plan of Operation and Governance, the City will file with the PUCO for governmental aggregator certification and also register as a governmental aggregator with COH or DEO.

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

The Aggregation Program may be discontinued upon the termination or expiration of the CRNGS Provider contract without any extension, renewal or subsequent contract being executed. In the event of Aggregation Program termination, each participant will receive notification at least 60 days prior to such program termination and could return to COH or DEO General Service Rate or select another approved CRNGS Provider.

Determination of Rates

The City will not buy or resell natural gas to Aggregation Program participants. The City will aggregate natural gas loads within the City's corporation limits including municipal facilities. Through a competitive selection process, the City will develop and negotiate a contract with a CRNGS Provider or Providers for firm, all-requirements service. The contract will contain mutually agreeable price terms

for reliable natural gas supplies and other related services. The City may pursue this purpose individually or in cooperation with other entities. Contracts will be monitored by the City on behalf of participants.

CRNGS Providers will supply information on natural gas supply charges by COH or DEO customer rate classification or other appropriate pricing category as provided by the City. All natural gas supply charges will be fully and prominently disclosed in consumer enrollment materials and will be subject to approval by the Kenton City Council.

The City will contract only with a CRNGS Provider or Providers that meet at a minimum the following criteria:

1. Certified CRNGS Provider by the PUCO
2. Registered with COH & DEO
3. Have a service agreement under COH & DEO Gas Transportation Service Tariff
4. Successfully completed Electronic Data Interchange (EDI) computer system testing with COH & DEO and that CRNGS Provider's EDI computer system is capable of effectively processing Aggregation Program EDI transactions in a timely manner.
5. Meet standards of creditworthiness established by the City.
6. Have a customer call center capable of effectively handling participants' questions, concerns and disputes in a timely manner using a toll-free telephone number.
7. Hold the City harmless from any financial obligations arising from offering natural gas and/or energy-related services to Aggregation Program participants.

The CRNGS Provider's contract will run for a fixed term, (i.e., one to five years) and contain all pricing, charges, early termination fees, etc. in clear and easily understood terms, and it will include a sales tax instead of a gross receipts tax.

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

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

Plan for Providing Opt-Out Notice

Initially, each eligible consumer within the City's corporation limits will be automatically included in the Aggregation Program. However, prior to actual enrollment, each consumer will receive a notice from the City 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 charge. Consumers opting out of the program will remain on Columbia Gas of Ohio & Dominion Energy Ohio's (COH or DEO) established tariff rates until such time as they select an

approved CRNGS Provider. A similar opt-out period will be offered every two years during which time consumers can leave the Aggregation Program without paying an early termination fee.

Process for Determining the Pool of Eligible Customers

After contract approval by the Kenton City Council (or after renewal contract approval by the City Auditor), the CRNGS Provider will work with the City as well as COH & DEO to identify all eligible consumers within the City's corporation limits.

All eligible consumers will be notified 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" or decline participation in the program. Consumers will be given a 21-day period in which to notify the City that they wish to opt out or decline participation in the Aggregation Program.

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

Consumers enrolled in the Aggregation Program by the CRNGS Provider will receive a letter from COH or DEO notifying them of their enrollment. Consumers will have seven calendar days to notify COH or DEO of any objection to their enrollment in the Aggregation Program.

Customers who meet the following criteria will become Participants of the Aggregation Program:

- Are not currently buying gas from another supplier;
- Are up to date with their bill payments;
- Have not opted out of the program;
- Currently have service with COH or DEO;
- Are not classified as a mercantile customer;
- Have not exercised their right of rescission, and;
- Are not on the Percentage of Income Payment Plan (PIPP).

Customers that are not in the Aggregation Program may opt into the Program and become a participant upon contract expiration with an alternate supplier. These customers will need to contact the CRNGS Provider for enrollment information. The CRNG Provider has a right of refusal in accordance with criteria described in this plan.

The CRNGS Provider will build and maintain a database of all Aggregation Program participants. The database will include the name, address and COH or DEO account number and may include other pertinent information as agreed upon by the City and the CRNGS Provider. Such information may include the CRNGS Provider's account number (if different from COH or DEO account number), rate code, rider code (if applicable), most recent 12 months of natural gas consumption, and meter reading cycle. The Aggregation Program database will be updated at least quarterly. The City will have the right to access information in the database for purpose of auditing.

The CRNGS Provider will report to the City the status of Aggregation Program enrollment on at least a monthly basis.

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

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

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

Any participant who opts out of the Aggregation Program will be returned to COH or DEO established tariff rates until such time as the former participant selects another approved CRNGS Provider.

Participant Billing Procedures

The City plans to utilize COH & DEO consolidated billing service in which each participant account receives one bill itemizing the CRNGS Provider's natural gas supply charges and COH or DEO delivery, transition and other PUCO-approved charges. The billing statement will be consistent with applicable PUCO rules and regulations. The City will consider other billing options, including CRNGS Provider consolidated billing, if and when such options become available and it appears advantageous to do so.

Credit and Deposit Policies

Collection, credit and deposit procedures remain the responsibility of COH & DEO, the selected CRNGS Provider and the individual participant. Participants are required to remit and comply with the payment terms of COH or DEO. This Aggregation Program will not be responsible for late or no payment on the part of any of its participants. The City will have no separate credit or deposit policy. The selected CRNGS Provider shall not charge more than 1 ½ percent per month for overdue balances owed to the selected CRNGS Provider.

Governmental Aggregator's Customer Service Procedures and Dispute Resolution

The Aggregation Program only impacts the source of natural gas supply. COH or DEO will continue to deliver the natural gas purchased through the Aggregation Program to participants' homes and businesses through its natural gas distribution system. Participants with questions or concerns regarding service delivery or safety, such as a natural gas outage or odor of gas should continue to contact COH at 1-800-344-4077 or DEO at 1-866-366-4357. Meter reading or other billing questions should also be directed to COH or DEO at the same number. Questions regarding Aggregation Program enrollment or opting out should be directed to the CRNGS Provider. General questions and concerns should be directed to the City Auditor of the City of Kenton. Disputes unresolved by the aforementioned parties,

should be directed to either the Ohio Consumer's Counsel or the Public Utilities Commission of Ohio. The following table gives toll-free telephone numbers for use by consumers.

Question or Concern	Contact	Telephone Number
Natural gas outage or interruption, gas odors or leaks	COH or DEO	COH 1-800-344-4077 DEO 1-866-366-4357
Turn on or off gas service	COH or DEO	COH 1-800-344-4077 DEO 1-866-366-4357
Meter reading and billing	COH or DEO	COH 1-800-344-4077 DEO 1-866-366-4357
Enroll or opt-out of program	CRNGS	To be supplied by selected CRNGS Provider
Program Questions or Concerns	CRNGS	To be supplied by selected CRNGS Provider
Unresolved Disputes (all customers)	Public Utilities Commission of Ohio	1-800-686-7826 (voice) 1-800-686-1750 (TDD)
Unresolved Disputes (residential customers)	Ohio Consumers Council	1-877-742-5622 or occ@occ.state.oh.us

Consumers Moving Into/Participants Moving Within the Aggregation Program Area (New Account Numbers)

Consumers who move into the City after the initial opt-out period will not be automatically included in the Program, but will be afforded an opportunity to enroll. However, the City cannot guarantee that the rates, terms and conditions to consumers enrolling in the Aggregation Program after the initial 21-day opt-out period will match those of the initial enrollees.

The same rule will apply to participants who move within the City after the initial opt-out period, if they are given a new account number by COH or DEO. That is, they will not be automatically included in the Program, but will be given an opportunity to re-enroll, though they may be subject to a new set of rates, terms and conditions.

Participants Moving Within the Aggregation (Same Account Number)

Participants who relocate within the City limits and retain the same COH or DEO 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, subject to any switching fee imposed by COH or DEO.

Joining the Program at a Later Date (Opting-in)

Residents of the City who initially choose to opt-out of the Program, for whatever reason and wish to enroll at a later date, will be treated the same as a new resident. That is, they will not automatically

become part of the existing program, but will be given an opportunity to enroll. However, the City cannot guarantee that rates, terms and conditions to consumers enrolling in the Aggregation Program after the initial 21-day opt-out period will match those of the initial enrollees.

DEFINITIONS

Aggregation

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

Aggregation Program Manager

The person or entity designated by the City to oversee the operation and management of the City of Kenton's Municipal Natural Gas Aggregation Program.

Competitive Retail Natural Gas Service (CRNGS)

A component of retail natural gas service 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 natural gas service providers, natural gas marketers, aggregators and governmental aggregators.

Competitive Retail Natural Gas Service Provider (CRNGS Provider)

A person or entity certified by the PUCO and registered with COH or DEO who supplies or offers to supply a competitive retail natural gas service over the COH or DEO natural gas distribution system. This term does not apply to COH or DEO in its provision of standard choice offer (SCO) natural gas service.

Consumer

Any person or entity that is an end user of natural gas and is connected to any part of the COH or DEO natural gas distribution system within the City of Kenton's corporation limits.

Delivery Charge

Charge imposed by COH or DEO for delivering natural gas to a consumer's home or business. The charge includes meter reading, billing, transition costs, maintaining natural gas system reliability and responding during emergencies and outages (also called the distribution charge).

Distribution

Delivery of natural gas to a home or business through COH or DEO owned pipelines, meters and other equipment. COH or DEO distribution system operations will remain regulated by the PUCO.

Governmental Aggregator

An incorporated Village or City, township or County acting as an aggregator for the provision of a CRNGS under authority conferred under Section 4929.26 of the Ohio Revised Code.

Mercantile Customer

A customer that consumes, other than for residential use, more than five hundred thousand cubic feet of natural gas per year at a single location within the state; or a customer that has three or more locations within the state that consume natural gas, other than for residential use.

Natural Gas Related Service

Service directly related to the consumption of natural gas at a consumer's home or business. This may include, but is not limited to, the installation of metering, remote reading indices, the regulation, maintenance, repair or replacement of such appliances and other energy-consuming devices at a consumer's premises, and the provision of energy consumption measurement and billing services.

Natural Gas Supply Charge

All charges related to the acquisition of natural gas by the CRNGS Provider, and its delivery to the City's distribution system.

Ohio Consumers' Counsel (OCC)

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

Participant

A consumer enrolled in the City of Kenton's Municipal Natural Gas Aggregation Program.

Public Utilities Commission of Ohio (PUCO)

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

City of Kenton

Exhibit B-3 and B-4

Automatic Aggregation

Disclosure

Opt – Out Notice

Sample

OPT-OUT NOTICE

Date: #####

SAMPLE ONLY

Dear City of _____

Resident: _____

The City of _____ is providing you with the opportunity to participate with other residents in a natural gas governmental aggregation program, with ABC Gas Supply Company, Inc. (ABC, Inc.) as your supplier of gas.

Under governmental aggregation, the City of _____ acts on behalf of natural gas consumers in the community, to negotiate a gas supply contract with eligible suppliers. Both _____ and eligible retail natural gas suppliers have to be certified by the Public Utilities Commission of Ohio. _____ City Council passed an ordinance adopting this program and _____ voters approved the implementation of the program. The aggregation program for _____ will begin with your XXXX 200_____ billing period and end with your XXXX 200_____ billing period.

You will be automatically enrolled in _____'s Natural Gas Aggregation Program unless you choose to "opt out" – that is, to not participate. There is no cost for enrollment. You do not need to do anything to be included.

Your price will be determined monthly and may change each month to a higher, or a lower rate, depending on market conditions. Please refer to the pricing section of the attached Terms and Conditions for the formula by which the monthly rate will be determined. When your community chooses to secure a stable rate for you for any period of time through XXXX 200_____, ABC, Inc. will notify you of the new stable rate and you will automatically continue at that rate unless you choose to cancel, with no charge, at that time. See the enclosed agreement (Opt Out DEO existing and new SUMwin 10 2007 VAR) for details.

If you want to be excluded from the City of _____'s Natural Gas Aggregation Program, you must return the enclosed "Opt-Out" Form or contact at 1-800-###-#### by XXXX, 200_____. If you do not cancel or opt-out at this time, you will be enrolled in the program until it expires with your XXXXX 200_____ billing period. If you do nothing you will soon receive a letter from Dominion East Ohio Gas (Dominion) notifying you of your transfer to your community's new program with ABC, Inc. as your supplier.

Under this aggregation, Dominion will continue to maintain the pipeline system that delivers natural gas to your home or business. You will continue to receive a single bill from Dominion for your natural gas service, but it will now include a gas supply charge from ABC, Inc. and sales tax in place of the GCR charge plus gross receipts tax you have been paying to Dominion. You will still contact Dominion regarding loss of gas service, odor of gas, or for any other

Sample

concerns or issues having to do with your local service. Budget billing and automatic billing options will continue to be available through Dominion.

If you have any questions please call 1-800-###-####, weekdays, from 8:00 a.m. to 5:00 p.m. EST. For general information on natural gas deregulation in Ohio, you can also visit the Web Sites of the Ohio Consumer's Counsel (www.pickocc.org) or the Public Utilities Commission of Ohio (www.PUCO.ohio.gov).

Sincerely,

The City of _____ and ABC, Inc.

P.S. Remember to return the "Opt-Out" form only if you do not want to participate in the City of _____ Natural Gas Aggregation Program.

If the home or small business for which you have received this letter is not located within the City limits of _____, you have received this letter in error. Please contact ABC, Inc. at 800-###-#### to be removed from the aggregation list.

You are not eligible to participate in this program if you are currently enrolled in the PIPP program.

Opt-Out Form _____

By returning this signed form, you will be excluded from the opportunity join other residents in the City of _____ Natural Gas Governmental Aggregation Program.

wish to opt out of the City of _____ Natural Gas Governmental Aggregation Program. (Check box to opt out.) ☐

Dominion East Ohio Gas account holder name (please print clearly): _____

3-digit account number as it appears on your current natural gas bill:

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

Service address (city, state and zip): _____

Phone number: () - _____ Date: _____

Account holder's signature: _____

Mail by XXXX, 2006 to: Natural Gas Governmental Aggregation Program,
XXXX###, XXXXXXX, XXx, ####

City of Kenton

Exhibit B-5

Experience

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

- Electric Power purchase, generation and distribution.
- Municipal Opt-in Gas Aggregation
- Water and Sewer Service
- Police and Fire Service
- Parks and Recreation

The City routinely negotiates for services and supplies that benefit the residents of Kenton.

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

Contractual Arrangement for Capability Standards

The City of Kenton states that a valid contract exist with:

AMPO, Inc., a subsidiary of AMP-Ohio
2600 Airport Drive
Columbus, Ohio 43219

Detailed summary of the services being provided:

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

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

Documentation of Contracting Party's Experience in Energy Aggregation:

AMP-Ohio

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

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

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

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

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

AMPO, Inc.

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