

FILE

10-940-EL-GAG

July 6, 2010

Ms. Renee Jenkins
Public Utilities Commission of Ohio
Docketing Division
13th Floor
180 East Broad Street
Columbus, OH 43215-3793

PUCO

2010 JUL - 7 AM 11:08

RECEIVED-DOCKETING DIV

Re: Butler Township Certification

Dear Ms. Jenkins:

Please find enclosed the original and ten copies of the Application for Certification for the Township of Butler. FirstEnergy Solutions is providing aggregation services to Butler Township and, in this capacity, are filing this application on their behalf.

Should there be any questions and/or additional information needs, please contact: Collette Appolito, Government Aggregation Representative, FirstEnergy Solutions, 330-436-2724 or through e-mail at cappolito@fes.com.

Thank You,

Collette Appolito

Collette Appolito
FirstEnergy Solutions

enclosures

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Technician SM Date Processed 7/7/10



The Public Utilities Commission of Ohio

PUCO USE ONLY		
Date Received	Case Number	Version
	KL-GA6	June 2002

10-940

CERTIFICATION APPLICATION FOR GOVERNMENTAL AGGREGATORS

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

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

A. APPLICANT INFORMATION

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

Name Butler Township

Address 29784 Slater Rd, Salem, Ohio 44460

Telephone Number (330) 222-1694

Web site address (if any) N/A

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

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

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

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

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

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

Name Brenda Fargo

Title Government Aggregation Manager, FirstEnergy Solutions

Business address 341 White Pond Dr., Bldg B-3, Akron, OH 44320

Telephone number (330) - 315 - 0600 Fax # (330) - 436 - 1905

E-mail address bargob@fes.com

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

Name Arland Smith

Title Customer Care Manager, FirstEnergy Solutions

Business address 341 White Pond Dr., Bldg B-3, Akron, OH 44320

Telephone number (330) 315 - 0600 Fax # (330) - 436 - 1905

E-mail address smithaj@fes.com

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

Address FirstEnergy Solutions 341 White Pond Dr., Bldg B-3, Akron, OH 44320

Toll-free telephone number (800) - 698 - 3749

Fax # (330) - 436 - 1905

Butler Township
Marlynn L. Wynn, FO
Signature of Applicant & Title

Sworn and subscribed before me this 29th day of June, 2010
Month Year

Janet E. Householder
Signature of official administering oath

JANET E. HOUSEHOLDER
Print Name and Title

My commission expires on JANET E. HOUSEHOLDER, Notary Public
State of Ohio

My commission expires Oct. 27, 2014

AFFIDAVIT

State of Ohio :

Salem ss.
(Town)

County of Columbiana :

Maribel L. Wynn Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the Chief Officer (Office of Affiant) of Butler Township (Name of Applicant);

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

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

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

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

Manila Review, FO
Signature of Affiant & Title

Sworn and subscribed before me this 29th day of June, 2010
Month Year

Janet E. Householder
Signature of official administering oath

JANET E. Householder
Print Name and Title

My commission expires on _____ JANET E. HOUSEHOLDER, Notary Public
State of Ohio
My commission expires Oct. 27, 2014

**Submitted to:
The Public Utilities Commission of Ohio**

**CERTIFICATION APPLICATION
FOR A GOVERNMENTAL
AGGREGATOR**

Butler Township, Ohio

**Butler Township
29784 Slater Road
Salem, OH 44460**

330-222-1594

July 6, 2010

Exhibit A-2

Authorizing Ordinance

AMENDED
RESOLUTION NO. 1-2010

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS, AND DIRECTING THE COLUMBIANA COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

(R.C. 4928.20)

The Board of Trustees of Butler Township, Columbiana County, Ohio, met in Regular session on February 15, 20 10, with the following members present:

Thomas G. Sanor, Chairman

Wayne L. Herron, Vice Chairman

Homer L. Althouse Sr., Trustee

Trustee Sanor moved the adoption of the following resolution:

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub. S.B. 3) which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate the retail electrical loads located within their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity ("Governmental Aggregation"); and

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

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

WHEREAS, this Board of Trustees seeks to establish a Governmental Aggregation program with opt-out provisions pursuant to R.C. Section 4928.20 (the "Aggregation Program") for the residents, businesses and other electric consumers in the unincorporated areas of the Township;

NOW THEREFORE, be it resolved by the Board of Trustees of Butler Township, Columbiana County, Ohio, that:

Section 1. This Board finds and determines that it is in the best interest of the Township, and its residents, businesses and other electric consumers located within the

unincorporated areas of the Township, to establish this Aggregation Program in the Township. Provided that the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Township is hereby authorized to automatically aggregate, in accordance with R.C. Section 4928.20, the retail electric loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the purchase and sale of electricity. The Township may exercise such authority jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

Section 2. The Board of Elections of Columbiana County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the special/primary election on May 4, 2010:

Shall Butler Township have the authority to aggregate the retail electric load located in the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out?

The Fiscal Officer of the Township is instructed to immediately file a certified copy of this Resolution with the County Board of Elections by February 18, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and R.C. Section 4928.20.

Section 3. Upon approval of a majority of the electors voting at the special/primary election provided for in Section 2 of this Resolution, this Board, individually or jointly with any other political subdivision, may develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Board shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board shall aggregate the electric load of any electric load center within the Township unless it, in advance, clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least every three years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard

service offer provided under division (A) of R.C. Section 4928.35, until the person chooses an alternative supplier.

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


Trustee Herron seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

Trustee Sanor voted yes.

Trustee Herron voted yes.

Trustee Althouse voted yes.

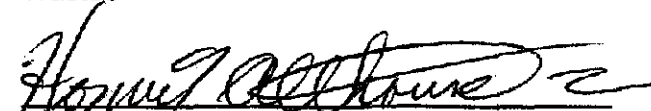
Adopted February 15, 20 10.


Trustee

Attest:


Trustee


Fiscal Officer


Trustee

Prepared by:
Robert L. Herron
Prosecuting Attorney
02/10

State of Ohio, Columbiana County, ss.

I, Marilyn Winn, Fiscal Officer of Butler Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of said Board; that the same has been compared by me with the Resolution on the Record; and that it is a true and correct copy thereof.

Witness my signature, this 15th day of February, 2010.

Marilyn L. Winn
Marilyn Winn, Fiscal Officer

Exhibit A-3

Operation and Governance Plan

**Butler Township Board of Trustees
Resolution 05-2010**

**A RESOLUTION AUTHORIZING THE ADOPTION OF AN ELECTRIC POWER
AGGREGATION PLAN OF OPERATION AND GOVERNANCE FOR THE BUTLER
TOWNSHIP, COLUMBIANA COUNTY, OHIO**

WHEREAS, the electorate of Butler Township has previously authorized the Township to determine the best policy for the community's residents relating to electric power aggregation; and

WHEREAS, the Board of Trustees of Butler Township has previously authorized an agreement with FirstEnergy Solutions to provide a contract for electric services and has held two public hearings on the Plan of Operations and Governance;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Butler Township, Columbiana County, Ohio, that:

Section 1: The Board of Trustees of Butler Township hereby adopts an Electric Power Aggregation Plan of Operation and Governance for the Township of Butler pursuant to PUCO regulations.

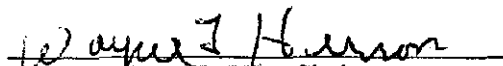
Section 2: A copy of said Plan is hereby attached and marked as "Exhibit A" and is made part of this resolution.

Section 3: This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that immediately adopting the Butler Township Electric Power Aggregation Plan of Operation and Governance for the Butler Township electric aggregation program will allow consumers to reduce their electric bills at the earliest possible time, and provided the resolution receives the affirmative vote of two-thirds of the members elected to the Board of Trustees, it shall take effect and be in force from and after the earliest time allowed by law.

BUTLER TOWNSHIP BOARD OF TRUSTEES

DATE: JUNE 28, 2010


Thomas G. Sanor, Chairman


Wayne L. Herron, Vice Chairman


Homer L. Althouse Sr., Trustee

CLASSIFIEDS

Monday, June 21, 2010

Morning Journal

Antiques & Collectibles

ANTIQUE SIDEBORD
Circ 1930's, five foot long. Has 3 drawers and 2 cabinets. \$135 or best offer.

Please call:
330-386-2105
Anytime or
304-387-3248
after 6pm

AFGHAN
small, shades of green & gold, \$5.
330-385-8799

BABY QUILT
Yellow & white, hand made, nice, \$5.
330-385-8799

COMFORTER
Gold satin, double size, with shams, new, \$25.
304-387-2479

COMFORTER
twin size, white with blue & yellow flowers, \$7.
330-385-2511

DISHES
16 pieces blue willow dishes, service for four, \$25.
330-385-8799

FLOOR LAMP
Brass three-way floor lamp with adjustable shade, very good condition, \$50.
Please call:
330-386-2105
Anytime or
304-387-3248
after 6pm

SHEETS
King set plus 2 sheets & 3 pillow cases.
330-385-8799

SELL YOUR PUPPIES FASTER WITH A PHOTO!



Farm Equipment

KIOTA LK3054 TRACTOR

4WD, 30hp diesel, 3 pt hitch, nice condition! \$5995.

Vernon Dell Tractor in Calcutta
330-386-5757

New Rakes and Tedders in stock.
Call George at
Elder Ag & Turf
800-471-3373

Lawn/Garden Equipment

LAWNMOWER
Black & Decker 18 inch electric lawnmower, \$49.
740-317-8891

TRIMMER
Black & Decker cordless 9" trimmer edger, 12 volt, pd. \$65 will sell for \$49.
330-385-2599

Recreation

Swimming Pools

1987 Viking Tent Trailer
excellent canvas, \$2500/bk
330-446-0101

Boats and Accessories

14' BOAT w/TRAILER
Anchor, new winch, 36lb thrust, Minn Kota motor, bilge \$300
330-532-3887

Magna 4
17,000 original miles, \$2,850/bk.
330-446-0101

2005 Kawasaki Vulcan 800, show room condition, low miles. \$4,000.
330-692-1391

KUBOTA RTV 500
Utility vehicle, bought new 3/10, used 14 hours, roof windshield & bumper. \$7400
330-525-7606

1971 TRIUMPH Bonneville, 650cc show bike. \$4000. or B.O. Must see. Call Mon-Fri, 8-4
330-424-9751

2008 YZ250F
Like new, lots of extras. Asking \$2750.
330-424-7940
330-424-7984

Automobiles

AUTO INSURANCE
Low Monthly Rates
BELTEMPO INSURANCE

2005 DODGE GR
71,000 miles, \$2000. PW. P. 330-337-3131

91 DODGE FLAC FLA WOOD
21,000 miles, \$2000. P. 330-337-3131

BLUE & CHRYSLER CARS WANTED!
We pay top dollar.
Don't Inc.
(1) for Chrysler Cirrus & Dodge Stratus, \$15
330-337-8413

FRONT ROTOR
(1) resurfaced, for 94 Buick Century, \$10
330-337-8413

HEAD
(1) S-10 2.5, \$35
330-337-8413

MOTORCYCLE TIRE
(1) 350-18, good cond, \$6
330-337-8413

TIRE
Goodyear tire, 245/70R 19.5, \$49.
330-272-3872

TIRES
(4) 235/70/16, \$10 each. Leave message will return call.
330-337-3045

TIRES
(4) 215/60/16, \$10 each, leave number will return call.
330-337-3045

TIRES
(2) P195-65-15, \$8 ea.
330-337-8413

WELDERS SHIRT
(1) cotton, fire proof, new, \$20
330-337-8413

Wanted to Buy

AAA FEEZLE'S AUTO WRECKING
Buying cars by the ton. Paying \$100 & more.
Edison Disc, L.P., Etc.
330-337-0517

WANTED TO BUY
Non working Grandfather Clock
330-427-6969

Legals

LEGAL AD NOTICE OF PUBLIC HEARINGS
NOTICE is hereby given that pursuant O.R.C. Section 4928.20 (C) that Butler Township will hold two separate hearings on the Butler Township Electric Power Aggregation Plan of Operation and Governance on June 28, 2010 at 3:00 p.m. and 7:00 p.m. at the Butler Township Administration Room. The Butler Township Electric Power Aggregation Plan of Operation and Governance describes the policies and procedures by which Butler Township will carry out its municipal electric aggregation program. Including those policies and procedures, which relate to rates and customer service. If you have any questions you may call the Township between the hours of 8:00 a.m. and 4:00 p.m. at 330-332-1932. Thomas G. Sanor, Chairman, Butler Township Trustees. (Published in the Morning Journal, Lisbon, Ohio, Columbiana County, on June 14 and 21, 2010)

procedures, which relate to rates and customer service. If you have any questions you may call the Township between the hours of 8:00 a.m. and 4:00 p.m. at 330-332-1932.

Thomas G. Sanor, Chairman, Butler Township Trustees. (Published in the Morning Journal, Lisbon, Ohio, Columbiana County, on June 14 and 21, 2010)

by the firm. Include names and qualifications of members of the assistance team and specific costs for the services. Include the location and number of assisted ballot issues in Ohio and number of successful issues passed during the last 5 years.

6. Provide specific information on cost estimating procedures and actual figures that can be verified on accuracy of cost estimations over the past three years.

7. Explain the firm's experience, approach and expertise in planning the use of educational technology.

8. Explain the firm's position on providing pre-bond issue drawings, sketches and models and costs of such services.

9. List four unique qualities that set your firm apart from others in relationship to our school district and proposed project. For interested firms, a general meeting will be held on Tuesday, June 22 at 10:00AM at United Local in the high school library to answer questions regarding the project. There will be firm tour the building. Individual meetings firms will not be held. All proposals submitted by the deadline be evaluated ranked in an objective manner. The results of completed R will determine the firm for interviews deemed necessary the district. Five copies of proposal should be submitted by the deadline.

answer questions regarding the project. There will be firm tour the building. Individual meetings firms will not be held. All proposals submitted by the deadline be evaluated ranked in an objective manner. The results of completed R will determine the firm for interviews deemed necessary the district. Five copies of proposal should be submitted by the deadline.

SALE

Butler Township

Electric Power Aggregation Plan of Operation and Governance

June 8, 2010

Butler Township Electric Power Aggregation Plan of Operation and Governance

I. INTRODUCTION

Amended Substitute Senate Bill 3 ("S.B. 3") opened Ohio's retail electric market as of January 1, 2001. S.B. 3 authorizes customer choice in the selection of suppliers of retail electric generation and declares electric generation service, aggregation service, power marketing, and power brokering as competitive retail electric services. The legislation gave the Public Utilities Commission of Ohio ("PUCO") authority to adopt rules regarding the development of a competitive retail electric market in Ohio and authority to promulgate rules on governmental aggregation.

Large industrial and commercial consumers with sophisticated electric operations use their size and expertise to obtain lower electric power rates. Individual residential and small commercial consumers are typically unable to obtain significant price reductions since they lack the bargaining power, expertise and the economies of scale enjoyed by larger consumers. Aggregation, the combining of multiple electric loads, provides the benefits of retail electric competition for consumers with lower electric demands.

Government aggregation, the combining of multiple electric loads by a municipality, provides the means through which Butler Township residential consumers may obtain the economic benefits of Ohio's competitive retail electric market. The Butler Township Aggregation Program combines the electric loads of residential customers to form a buying group ("Aggregation Group"). Butler Township will act as Purchasing Agent for the Aggregation Group. This means that Butler Township will be a Governmental Aggregator, as defined by Ohio law and the rules established by the PUCO, and shall act on behalf of Ohio Edison (OE) customers in the Township to obtain the best electric generation rate for consumers who participate in the Aggregation Group.

II. PROCESS

On May 4, 2010, Butler Township voters approved the development of a form of government electric aggregation known as "opt-out" aggregation. Under the opt-out program, all OE residential and business customers in the Township are automatically included as participants in the program unless they opt-out of the program by providing written notice of their intention not to participate. As required by state law, the Township Trustee's passed an Ordinance, which authorized submitting the selection of opt-out aggregation to the Township's voters.

In addition to obtaining necessary Township Trustee's approval, the Township is also required to comply with various PUCO regulations. The Township will file an application with the PUCO for certification as a Government Aggregator as soon as the Township Trustees approve the Plan, on or about June 28, 2010. As required by the regulations, the Township developed this Aggregation Plan of Operation and Governance ("Plan"). On June 14, 2010, and June 21, 2010, the Township advertised the Public hearing dates to discuss the Plan in the *Morning Journal* as required by the PUCO's regulations, two hearings were conducted on June 28, 2010. The Opt-out notice for the Township's Program will be sent to all eligible electric customers in the Township upon approval of this Plan, setting forth the rates, terms and conditions of the program, and giving 21 days to opt out of the Program.

By vote of the Butler Township Trustee's on June 28, 2010, the Township selected FirstEnergy Solutions, Inc. (FES), a subsidiary of FirstEnergy Corp., as its Retail Electric Generation Provider, to provide the electric power for the Butler Township Aggregation Program at this time. Under this program, Ohio Edison (OE) will still deliver the electricity purchased from the Township's provider, FES, to customers, customers will receive only one bill (from OE), and all metering, repairs and emergency service will continue to be provided by OE.

III. DEFINITIONS

In order to clarify certain terminology, the following terms shall have the meanings set forth below:

"Aggregation Program" means the program developed by Butler Township, as a Government Aggregator under Section 4928.20 Ohio Revised Code, to provide OE customers in the Township with retail electric generation services.

"Government Aggregator" means the Township and its legislative authority acting as an aggregator for the provision of a competitive retail electric service under the authority conferred under Section 4928.20 of the Ohio Revised Code.

"Member" means a person enrolled in the Butler Township government Aggregation Group for competitive retail electric services.

"Retail Electric Generation Provider" ("Provider") means an entity certified by the Public Utilities Commission of Ohio ("PUCO") to provide competitive retail electric service(s), and which is chosen by the Township to be the entity responsible to provide the required service related to "Government Aggregation" as defined in Section 4928.20 of the Ohio Revised Code and applicable provisions of the rules of the PUCO.

"Competitive Retail Electric Service" ("CRES") means a component of electric retail service that is deemed competitive pursuant to the Ohio Revised Code or pursuant to an order of the PUCO.

IV. OPERATIONAL PLAN:

A. Aggregation Services

1. **Provider:** Butler Township will use a contractor ("Retail Electric Generation Provider") to perform and manage aggregation services for its Members. The Township has selected FES to be its Provider at this time. The Provider shall provide adequate, accurate, and understandable pricing terms and conditions of service, including any switching fees and the conditions under which a Member may rescind a contract without penalty. The Provider must provide the Township, if requested, an electronic file containing the Members usage, and charges. The Provider must have a local Akron phone number or a toll free number for Members to call.

2. **Database:** The Retail Electric Generation Provider will build and maintain a database of all Members. The database will include the name, address, Ohio Edison account number, and Retail Electric Generation Provider's account number of the Member, and other pertinent information such as rate code, rider code (if applicable), most recent 12 months of usage and demand, and meter read cycle. This database will be updated at least quarterly. Accordingly, the Retail Electric Generation Provider will develop a process to be implemented that will be able to accommodate at a minimum Members who (i) leave the program due to relocation, opting out, etc. (ii) decide to enter the Program; (iii) relocate within the Township, and (iv) move into the Township and desire to enter the Program. This database shall also be capable of eliminating PIPP customers from the Program, should that be necessary, and those who have opted out. The Retail Electric Generation Provider will use this database to perform bill audits for clerical and mathematical accuracy of Member bills.

3. **Member Education:** The Retail Electric Generation Provider will develop, with the assistance of the Township, an educational program that generally explains the Aggregation Program to Members, provides updates and disclosures mandated by Ohio law and PUCO rules, and implements a process to deal with allowing any person enrolled in the Aggregation Program the opportunity to opt out of the program at least every three years, without paying a switching fee to the Township or the Provider. See Appendix A for a detailed description of the Education Process.

4. **Customer Service:** The Retail Electric Generation Provider will develop and administer a customer service process, that at a minimum will be able to accommodate (i) Member inquiries and complaints about billing; and (ii) answer questions regarding the program in general. This process will include at a minimum a description of how telephone inquiries will be handled, either internally or externally, how invoices will be prepared, how remittance of payment will be dealt with, and how collections for delinquent accounts will be addressed. See Appendix B for a detailed description of the Customer Service Plan.

6. **Billing:** Butler Township will use the Retail Electric Generation Provider, or it's designated agent, to provide billing services to each Member for the Competitive Retail

Electric Services, with no additional administrative fee. At this time, Ohio Edison will render the billing statement, which should be consistent with all applicable guidelines issued by the PUCO. As this market develops, Butler Township may, at its option and in consultation with the Provider, change this function to the Retail Electric Generation Provider or a billing agency.

7. Compliance Process: The Retail Electric Generation Provider will develop internal controls and processes to ensure that the Township remains in good standing as a Government Aggregator that complies with all laws, rules and regulations surrounding the same, as they may be amended from time to time. It will be the Retail Electric Generation Provider's responsibility to deliver periodic reports that will include at a minimum (i) the number of Members participating in the Program; and (ii) a savings estimate or increase from the previous year's baseline. The Retail Electric Generation Provider will also develop a process to monitor and provide notification of any changes in laws, rules or regulations.

8. Notification to Ohio Edison: The Township's OE consumers that do not opt-out of the Township's Aggregation Group will be enrolled automatically in the Aggregation Program. Participants in the Township's Aggregation Group will not be asked to take other affirmative steps in order to be included in the Group. To the extent that OE requires notification of participation, the Township will coordinate with its Provider to provide such notice to OE. The Provider will inform OE of any individuals who may have been permitted to join the Aggregation Group after the expiration of the enrollment period.

B. Power Supply Agreement

The Power Supply Agreement will provide for the Provider to serve the Township's Government Aggregation Group. Under the Agreement, the term for power supply to Members will be for nine years from the beginning of service.

C. Butler Township's Retail Electric Generation Provider - FirstEnergy Solutions, Inc. (FES)

FES satisfies each of the following requirements:

- Has sufficient sources of power to provide retail firm power to the residents of Butler Township.
- Is a licensed Federal Power Marketer with the Federal Energy Regulatory Commission.
- Is certified as a CRES by the PUCO.
- Is registered as a generation supplier with OE.
- Has a Service Agreement for Network Integration Transmission Service under FirstEnergy's Open Access Transmission Tariff.
- Has a Service Agreement under FirstEnergy's Market-based Rate Tariff.

- Has the corporate structure to sell retail firm power to the OE customers in the Township.
- Its Electronic Data Interchange computer network is fully functional and capable of handling the OE retail electric customers in Butler Township.
- Has the marketing ability to reach all OE retail electric customers to educate them on the Township's Aggregation Program.
- Has a call center capable of handling the Township's Aggregation Group customer calls.
- Has a toll-free number as required by the PUCO for customer service and complaints related to the Township's aggregation program.
- Will hold the Township financially harmless from any financial obligations arising from supplying power to the OE retail electric customers in the Township.
- Satisfies the State of Ohio's, FirstEnergy's and the Township's credit requirements.
- Will execute the Power Supply Agreement.
- Will assist the Township in filing the annual reports required by the PUCO and Section 4805.10(A), Section 4911.18(A) and Section 4928.06(F) of the Ohio Revised Code.
- Will assist the Township in developing a Consumer Education Plan.

D. Activation of Service

After a notice is sent out to all electric customers in the Township providing 21 days to opt out of the Program, all customers who do not opt out will be automatically enrolled in the Program. Generation service activation will occur thereafter without consumer action beginning on the customer's normal meter read date within the month when power deliveries begin under the Aggregation Program.

E. Changes, Extension or Renewal of Service

The current Agreement for power supply service with FES will provide service for nine years beginning upon activation of service. If the Agreement is extended or renewed, Members will be notified as required by law and the rules of the PUCO as to any change in rates or service conditions. At least every three years all OE customers in the Township will be given an opportunity to opt into or out of the Program, and reasonable notice will be provided as required by law and PUCO rules. Participants will also be notified of their right to select an alternate generation supplier and of their ability to return to OE's Standard Service Offer.

F. Termination of Service

In the event that the Power Supply Agreement is terminated prior to the end of the term, each individual Member of the Aggregation Group will receive written notification of the termination of the Program at least sixty (60) days prior to termination of service. If the Agreement is not extended or renewed, Members will be notified as required by law and the CRES rules of the PUCO in advance of the end of service.

Members will also be notified of their right to select an alternate generation supplier and of their ability to return to OE's Standard Service Offer upon termination.

G. Opt-In Procedures

OE customers will be automatically enrolled in the Program after a 21 day opt out period, unless they return the form to be provided, notifying the Provider that they do not want to participate. OE consumers in the Township may request to join the Aggregation Group after the expiration of the enrollment period by contacting the Provider, who shall determine whether to accept them into the Program, and at what rate, subject to written policies mutually agreed upon by the Township and the Provider. The agreed upon policy shall be consistent with OE's service activation requirements. Aggregation Group participants who move from one location to another within the corporate limits of the Township shall retain their participant status.

H. Opt-out Procedures

OE consumers may opt-out of the Township's Aggregation Group at any time during the opt-out period without additional fees charged by the Provider or the Township. Aggregation Group participants who switch to a different generation supplier after the expiration of the Opt-out period will be allowed to do so in correlation with the consumer's next scheduled meter read date but will be charged a switching fee (\$25 for Residential and \$50 for Small Commercial) to be billed on their final bill from the Provider. Switching to a different generation supplier on the next meter read date, however, will occur when the next meter read date is twelve (12) business days or more from the date of the consumer's notice of intent to opt-out of the Aggregation Group. Notification of intent to opt-out of the Aggregation Group may be made by contacting the Provider by telephone or in writing. Consumers who opt-out of the Aggregation Group will default to OE's Standard Service Offer, until the consumer selects an alternate generation supplier.

Rates

July 2010 – December 2018*:

Rate RS – Standard Residential Rate	Rate GS – General Secondary to 399 KWd
2010 – 6% Discount	2010 – 4% Discount
2011 – 6% Discount	2011 – 4% Discount
2012 – 6% Discount	2012 – 4% Discount
2013 – 6% Discount	2013 – 4% Discount
2014 – 6% Discount	2014 – 4% Discount
2015 – 6% Discount	2015 – 4% Discount
2016 – 6% Discount	2016 – 4% Discount
2017 – 6% Discount	2017 – 4% Discount
2018 – 6% Discount	2018 – 4% Discount
Thru Dec 2018 – 6% Discount	Thru Dec 2018 – 4% Discount

National accounts (e.g. McDonald's, BP, Dollar General) as well as eligible commercial accounts with annual usage over 700,000 will be offered the discounts in either plan selected but they must "opt-in" to the program.

*For the term referenced above, the generation pricing under this Agreement will be calculated as the specified percentage off the generation, generation related and transmission charge (Rider Gen) as set forth in the EDU's applicable tariff. FES reserves the right to terminate service and return members to standard offer service for the period June 2011 – December 2018 if the EDU standard service offer pricing and or tariff structure is modified. As described above, no discount will be given on transmission and ancillary services if they are identified in a separate tariff approved by the PUCO.

J. Universal Service and Low Income Customer Assistance

The Ohio Department of Development (ODOD), under the electric restructuring law, will provide one-stop shopping for low-income assistance programs. There are five low-income assistance programs: 1) Percentage of Income Payment Plan (PIPP); 2) the Home Energy Assistance Program; 3) the Home Weatherization Assistance Program; 4) the Ohio Energy Credit Program; and 5) the Targeted Energy Efficiency and Weatherization Program. Ohio law allows the Director of the Ohio Department of Development to aggregate consumers that participate in PIPP and to competitively auction the generation supply for PIPP customers. Accordingly, PIPP customers may be included in the State's PIPP customer aggregation. To the extent permitted by Ohio law and the PUCO, PIPP customers will be included in the Township's aggregation unless they choose to opt out.

V. MISCELLANEOUS GOVERNANCE GUIDELINES

- A. Township Trustee's shall approve through Resolution or Ordinance the Plan of Operation and Governance for the Aggregation program and any Amendments thereto.
- B. The Township shall contract with only Retail Electric Generation Providers certified by the Public Utilities Commission of Ohio for the provision of Competitive Retail Electric Service to the Aggregation Program Members.
- C. The Township will require any Provider to disclose any subcontractors that it uses in fulfillment of the services described above.
- D. The Township will require the Provider to maintain either a toll free telephone number, or a telephone number that is local to Township residents who are Members.
- E. All costs of the Aggregation Program development/administration will be paid either through the general fund and/or through the inclusion of a percentage adder that will be added to Member bills.

VI. LIABILITY

THE CITY SHALL NOT BE LIABLE TO PARTICIPANTS IN THE AGGREGATION GROUP FOR ANY CLAIMS, HOWEVER STYLED, ARISING OUT OF THE AGGREGATION PROGRAM OR THE PROVISION OF AGGREGATION SERVICES BY THE CITY OR THE PROVIDER. PARTICIPANTS IN THE AGGREGATION GROUP SHALL ASSERT ANY SUCH CLAIMS SOLELY AGAINST THE PROVIDER PURSUANT TO THE POWER SUPPLY AGREEMENT, UNDER WHICH SUCH PARTICIPANTS ARE EXPRESS THIRD-PARTY BENEFICIARIES.

VII. INFORMATION AND COMPLAINT NUMBERS

Copies of this Plan are available from Butler Township free of charge. Call the Butler Township Trustee Office at 330-222-1466 for a copy or for more information.

Any electric customer, including any participant in the Township's Aggregation Program, may contact the Public Utilities Commission of Ohio (PUCO) for information, or to make a complaint against the Program, the Provider or OE. The PUCO may be reached toll free at 1-800-686-7826.

Appendix A -- Education Process

The Provider will develop the educational program in conjunction with the Township. Its purpose will be to explain the aggregation program to its members, provide updates and disclosures as mandated by State law and the rules of the PUCO, and provide the opportunity for the members to opt out of the program. The following are the program components:

1. Each residence within the limits of the Township will receive via U.S. Mail notification of: what government aggregation means, their membership in the government aggregation program, the procedure which must be followed in order to opt out of the program, the price that they can expect to receive as a member of the program, and the deadline for returning the opt out form. See the attached letter.
2. The Provider will work with the Township to provide opportunities for educating residents in the Township about the Program and consumer rights under the law, PUCO rules and this Program. In addition, the Provider and Township will work to provide education about and other opportunities for energy efficiency measures to help consumers reduce energy consumption.
3. The Provider will provide updates and disclosures as mandated by State law and rules of the PUCO.
4. The opt-out opportunity will be provided to the members of the program at least every three years. Should conditions, suppliers, price, or any other component of the program change within the three-year period, participants will be given a notice of their opportunity to opt out of, or into the program.

July 1, 2010

Dear Butler Township Resident,

Butler Township is providing you the opportunity to join other residents to save money on the electricity you use. Savings are possible through governmental aggregation, where Township officials bring together citizens to gain group buying power for the purchase of electricity from a retail electric generation provider certified by the Public Utilities Commission of Ohio. Butler Township voters approved this program in May 2010.

After researching competitive electricity pricing options for you, we have chosen FirstEnergy Solutions Corp., a subsidiary of FirstEnergy Corp., to provide you with savings on your electric generation through May 2013. There is no cost for enrollment and you will not be charged a switching fee. You do not need to do anything to participate.

As a member of this aggregation, you are guaranteed to save 6 percent off your Price to Compare. Your Price to Compare is essentially the price you pay for electric generation from the utility and consists of generation and transmission related components, which are the costs associated with generating the power and delivering it through the transmission system.

To estimate what your savings per kilowatt-hour (KWH) will be through this program, locate your Price to Compare on your electric bill. Divide your Price to Compare by 100, then multiply by 0.06 (6%) to determine your savings per KWH. Multiply that number by your total monthly usage. The final number is how much you can expect to save each month you use the same amount of electricity.

You will see your electric savings from FirstEnergy Solutions after your enrollment has been completed and your switch has been finalized – approximately 30 - 45 days, depending upon your meter read date. Of course, you are not obligated to participate in Butler Township's electric governmental aggregation program. If you wish to be excluded from the program and remain a full-service customer of your local electric utility – Ohio Edison – you have until July 22, 2010 to return the attached "opt-out" form. If you do not opt out at this time, you will receive a notice at least every three years asking if you wish to remain in the program. If you leave the program at any other time, you could be subject to a \$25 cancellation fee from FirstEnergy Solutions – and you might not be served under the same rates, terms and conditions that apply to other customers served by Ohio Edison.

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

Ohio Edison will continue to maintain the system that delivers power to your home – no new poles or wires will be built by FirstEnergy Solutions. You will continue to receive a single, easy-to-read bill from your local electric utility with your FirstEnergy Solutions charges included. The only thing you'll notice is savings.

If you have any questions, please call FirstEnergy Solutions toll-free at 1-866-636-3749, Monday through Friday, 8 a.m. to 5 p.m. Please do not call Butler Township with aggregation program questions.

Sincerely,

Butler Township

P.S. To receive these savings, you **should not respond**. Return the opt-out form only if you do not want to participate in the Township's electric governmental aggregation program.

Option 1: Do nothing and save.

If you want to participate in this program and save, you do not need to return this form. Your enrollment is automatic.

OR

Option 2: Opt out by returning this form.

If you do not want to participate in this program, you must return this form before the due date.

Service address (City, state and zip): _____

Phone
number: _____

Account holder's
signature: _____ Date: _____

**Mail by July 22 to Butler Township Electric Governmental Aggregation Program, 341 White Pond Drive, Bldg.
B-3, Akron, Ohio 44320**

Appendix B --- Customer Service Plan

A. Member Access:

1. FES shall ensure Members reasonable access to its service representatives to make inquiries and complaints, discuss charges on Member bills, and transact any other business.
2. Telephone access shall be toll free and afford Members prompt answer times during normal business hours, as follows:

**FirstEnergy Solutions Corp.
341 White Pond Dr., Bldg B-3
Akron, Ohio 44320
Toll-free telephone number: 1-866-636-3749
Hours: M-F, 8:00 a.m.- 5:00 p.m.**

3. FES shall provide a 24-hour automated telephone message instructing callers to report any service interruptions or electrical emergencies to Ohio Edison.

B. Member Complaints:

1. FES shall investigate Member complaints (including Member complaints referred by Ohio Edison) and provide a status report within five calendar days following receipt of the complaint to:
 - a. The consumer, when the complaint is made directly to FES; or
 - b. The consumer and The Public Utilities Commission of Ohio Staff ("Commission Staff"), when a complaint is referred to FES by the Commission Staff.
2. If an investigation is not completed within 14 calendar days, FES shall provide status reports to the consumer and the Township, or if applicable, to the consumer, the Township and the Commission Staff. Such status reports shall be provided at five-day intervals until the investigation is complete, unless the action that must be taken will require more than five days and the Member has been so notified.
3. FES shall inform the consumer, or the consumer, the Township and Commission Staff, of the results of the investigation, orally or in writing, no later than five calendar days after completion of the investigation. The consumer, the Township, or Commission Staff may request the report in writing.
4. If a residential consumer disputes the FES report, FES shall inform the consumer that the Commission Staff is available to help resolve informal complaints. FES shall provide the consumer with the current address, local/toll

free telephone numbers, and TDD/TTY telephone numbers of the Commission's consumer services department.

5. FES shall retain records of Member complaints, investigations, and complaint resolutions for one year after the occurrence of such complaints, and shall provide such records to the commission staff within five calendar days of request.

6. FES shall make good faith efforts to resolve disputes.

C. Member Billing and Payments

1. FES shall arrange for Ohio Edison or its agent to bill Members for such services according to a tariff approved by the commission. Residential Member bills issued by or for FES shall be accurate and understandable, be rendered at intervals consistent with those of Ohio Edison, and contain sufficient information for Members to compute and compare the total cost of competitive retail electric service (s). Such bills shall also include:
 - a. The Member's name, billing address, service address, the Member's EDU account number, and if applicable, FES account number;
 - b. The dates of service covered by the bill, an itemization of each type of competitive service covered by the bill, any related billing components, the charge for each type of service, and any other information the Member would need to recalculate the bill for accuracy;
 - c. The applicable billing determinants, including beginning meter reading, ending meter reading(s), demand meter reading(s), multipliers, consumption(s), and demands;
 - d. For Member-generators with net metering contracts, a statement of the net metered generation;
 - e. The unit price per kWh charged for competitive service, as calculated by dividing current-period competitive service charges by the current-period consumption;
 - f. An identification of the provider of each service appearing on the bill;
 - g. The amount billed for the current period, any unpaid amounts due from previous periods, any payments or credits applied to the Member's account during the current period, any late payment charges or gross and net charges, if applicable, and the total amount due and payable.
2. The due date for payment to keep the account current. Such due date shall be no less than:
 - a. Fourteen days after the postmark date on the bill for residential Member;

and Twenty-one days after the postmark date or the bill for nonresidential Members;

- b. Current balance of the account, if a residential Member is billed according to a budget plan;
 - c. Options and instructions on how Members may make their payments;
 - d. For each provider whose charges appear on the bill, a listing of the provider's toll-free telephone number and address for Member billing questions or complaints;
 - e. A listing of the toll-free consumer assistance telephone numbers and available hours for applicable state agencies, such as the commission, the Ohio Consumers' Counsel, and the Ohio Attorney General's office;
 - f. The Ohio Edison 24-hour local/toll-free telephone number for reporting service emergencies;
 - g. Identification of estimated bills or bills not based upon actual end-of-period meter readings for the period; and
 - h. An explanation of any codes and abbreviations used.
3. If applicable, FES will, upon request, provide Members with the name and street address/location of the nearest payment center and/or authorized payment agent.
 4. If applicable, when a Member pays the bill at a payment center or to an authorized payment agent, such payment shall be credited to the Member's account as of the day such payment center or agent receives it.
 5. The Township and FES shall establish policies and procedures for handling billing disputes and requests for payment arrangements.

D. Collections for delinquent accounts:

1. Collections for delinquent accounts shall be the responsibility of FES or its agent.
2. The Township shall approve the Collections process utilized by FES.
4. Failure of Members to pay charges for Competitive Retail Electric Services may result in loss of those products and service; and
5. Failure to pay charges for Competitive Retail Electric Services may result in cancellation of the Member's contract with FES, and return the Member to Ohio Edison's Standard Offer.

Exhibit A-4

Automatic Aggregation Disclosure & Customer Education

Opt- Out Letter

July XX, 2010

Dear Butler Township Resident,

Butler Township is providing you the opportunity to join other residents to save money on the electricity you use. Savings are possible through governmental aggregation, where Township officials bring together citizens to gain group buying power for the purchase of electricity from a retail electric generation provider certified by the Public Utilities Commission of Ohio. Butler Township voters approved this program in May 2010.

After researching competitive electricity pricing options for you, we have chosen FirstEnergy Solutions Corp., a subsidiary of FirstEnergy Corp., to provide you with savings on your electric generation through May XXXX. There is no cost for enrollment and you will not be charged a switching fee. You do not need to do anything to participate.

As a member of this aggregation, you are guaranteed to save 6 percent off your Price to Compare. Your Price to Compare is essentially the price you pay for electric generation from the utility and consists of generation and transmission related components, which are the costs associated with generating the power and delivering it through the transmission system.

To estimate what your savings per kilowatt-hour (KWH) will be through this program, locate your Price to Compare on your electric bill. Divide your Price to Compare by 100, then multiply by 0.06 (6%) to determine your savings per KWH. Multiply that number by your total monthly usage. The final number is how much you can expect to save each month you use the same amount of electricity.

You will see your electric savings from FirstEnergy Solutions after your enrollment has been completed and your switch has been finalized – approximately 30 - 45 days, depending upon your meter read date. Of course, you are not obligated to participate in the Butler Township's electric governmental aggregation program. If you wish to be excluded from the program and remain a full-service customer of your local electric utility – Ohio Edison– you have until July XX, 20XX to return the attached "opt-out" form. If you do not opt out at this time, you will receive a notice at least every three years asking if you wish to remain in the program. If you leave the program at any other time, you could be subject to a \$25 cancellation fee from FirstEnergy Solutions – and you might not be served under the same rates, terms and conditions that apply to other customers served by Ohio Edison.

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

Ohio Edison will continue to maintain the system that delivers power to your home – no new poles or wires will be built by FirstEnergy Solutions. You will continue to receive a single, easy-to-read bill from your local electric utility with your FirstEnergy Solutions charges included. The only thing you'll notice is savings.

If you have any questions, please call FirstEnergy Solutions toll-free at 1-866-636-3749, Monday through Friday, 8 a.m. to 5 p.m. Please do not call the Butler Township with aggregation program questions.

Sincerely,

Butler Township

P.S. To receive these savings, **you should not respond**. Return the opt-out form only if you do not want to participate in the Township's electric governmental aggregation program.

OPT-OUT FORM – BUTLER TOWNSHIP RESIDENTIAL ELECTRIC GOVERNMENTAL AGGREGATION PROGRAM

Option 1: Do nothing and save.
If you want to participate in this program and save, you do not need to return this form. Your enrollment is automatic.

OR

Option 2: Opt out by returning this form.
If you do not want to participate in this program, you must return this form before the due date.

By returning this signed form, you will be **EXCLUDED** from the opportunity to join with other residents in the Butler Township's Electric Governmental Aggregation Program.

☐ I wish to opt out of the Butler Township Electric Governmental Aggregation Program. (Check box to opt out.)

Service address (City, state and zip): _____

Phone number: _____

Account holder's signature: _____ Date: _____

Mail by July XX, 20XX to: Butler Township Electric Governmental Aggregation Program, 341 White Pond Drive, Bldg. B-3, Akron, Ohio 44320