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June 20, 2011

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

PUCO

RECEIVED-DOCKETING DIV
2011 JUN 21 PM 4:01

Re: *In the Matter of the Application of the
City of Dublin, for
Re-Certification as a Governmental Aggregator
Case No. 03-1964-GA-GAG*

Docketing Division:

Enclosed please find the City of Dublin's completed **RE-CERTIFICATION APPLICATION FOR GOVERNMENTAL AGGREGATORS**. We have enclosed an original application, notarized and signed by an authorized official and ten conformed copies, including all exhibits, and other attachments.

The material provided includes the following:

- 1) Authorizing ordinance reflecting voter authorization;
- 2) Plan of Operation and Governance;
- 3) Copy of Automatic Aggregation Disclosures;
- 4) Copy of Opt-out Notification;
- 5) Experience statement

Should you have any questions or need additional information, please contact me at 614-410-4618 or dmcdaniel@dublin.oh.us

Respectfully submitted,

Dana McDaniel

Deputy City Manager/Director of Economic Development

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician RA Date Processed JUN 21 2011





The Public Utilities Commission of Ohio

RENEWAL CERTIFICATION FILING INSTRUCTIONS OHIO NATURAL GAS GOVERNMENTAL AGGREGATORS

- I. ***Where to File:*** Applications should be sent to: Public Utilities Commission of Ohio (PUCO or Commission), Docketing Division, 13th Floor, 180 East Broad Street, Columbus Ohio 43215-3793.
- II. ***What to File:*** Applicant must submit one original notarized application signed by a principal officer and ten copies, including all exhibits, affidavits, and other attachments. All attachments, affidavits, and exhibits should be clearly identified. ***For example, Exhibit B-1 should be marked "Exhibit B-1 - Authorizing Ordinance."*** All pages should be numbered and attached in a sequential order.

IMPORTANT REQUIREMENT: The renewal application must be docketed in the applicant's original GA-GAG case number. Therefore, applicant should enter that number on the renewal application form when filing a renewal application.
- III. ***When to File:*** Pursuant to Rule 4901:1-27-09 of the Ohio Administrative Code, renewal applications shall be filed between 30 and 120 days from the prior certificate's expiration date.
- IV. ***Renewal Application Form:*** The renewal application form is available on the PUCO Web site, www.puco.Ohio.gov or directly from the Commission located at: Public Utilities Commission of Ohio, Docketing Division, 13th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793.
- V. ***Confidentiality:*** If any of an applicant's answers require the applicant to disclose what the applicant believes to be privileged or confidential information not otherwise available to the public, the applicant should designate at each point in the application that the answer requires the applicant to disclose privileged and confidential information. Applicant must still provide that privileged and confidential information is (***separately filed and appropriately marked***). Applicant must fully support any request to maintain the confidentiality of the information it believes to be confidential or proprietary in a motion for protective order, filed pursuant to Rule 4901:1-1-24 of the Ohio Administrative Code.
- VI. ***Commission Process for Certification Renewal:*** An application for renewal shall be made on forms approved and supplied by the Commission. The applicant shall complete the appropriate renewal form in its entirety and supply all required attachments, affidavits, and evidence of capability specified by the form at the time an application is filed. The Commission renewal process begins when the Commission's Docketing Division receives and time/date stamps the application. An incomplete application may be suspended or rejected. An application that has been suspended as incomplete will cause delay in renewal.

The Commission may approve, suspend, or deny an application within 30 days. If the Commission does not act within 30 days, the renewal application is deemed automatically approved on the 31st day after the official filing date. If the Commission suspends the renewal application, the Commission shall notify the applicant of the reasons for such suspension and may direct the applicant to furnish additional information. The Commission shall act to approve or deny a suspended application within 90 days of the date that the renewal application was suspended. Upon Commission approval, the applicant shall receive notification of approval and a numbered, renewed certificate that specifies the service(s) for which the applicant is certified and the dates for which the certificate is valid. Unless otherwise warranted, the renewed certification designation will remain consistent with the previously granted certification. For example, a certified Ohio natural gas governmental aggregator will renew as a certified Ohio natural gas governmental aggregator.

Unless otherwise specified by the Commission, the natural gas governmental aggregator's renewed certificate is valid for an additional period of two years, beginning and ending on the dates specified on the certificate. The applicant may renew its certificate in accordance with Rule 4901:1-27-09 of the Ohio Administrative Code.

Ohio natural gas governmental aggregators shall inform the Commission of any material change to the information supplied in a renewal application within thirty (30) days of such material change in accordance with Rule 4901:1-27-10 of the Ohio Administrative Code.

VII. *Contractual Arrangements for Capability Standards:* If the applicant is relying upon contractual arrangements with a third-party, to meet any of the certification requirements, the applicant must provide with its application all of the following:

- The legal name of any contracted entity;
- A statement that a valid contract exists between the applicant and the third-party;
- A detailed summary of the contract(s), including all services provided thereunder; and
- The documentation and evidence to demonstrate the contracting entity's capability to meet the requirements as if the contracting entity was the applicant.

VIII. *Governing Law:* The certification/renewal of Ohio natural gas governmental aggregators is governed by Chapters 4901:1-27 and 4901:1-28 of the Ohio Administrative Code, and Section 4929.20 of the Ohio Revised Code.



		ORIGINAL GAG Case Number
		- GA-GAG

RENEWAL 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, 13th Floor, 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 Renewal Applicant information:

Legal Name City of Dublin
Address 5200 Emerald Parkway, Dublin, OH 43017-1006
Telephone No. 614-410-4618 Web site address www.dublin.oh.us
Current PUCO Certificate Number 03-0706 (4) Effective Dates October 18, 2009 - October 18, 2011

A-2 Contact person for regulatory or emergency matters:

Name Dana McDaniel Title Deputy City Manager
Business Address 5800 Shier Rings Road, Dublin, OH 43016-1236
Telephone No. 614-410-4618 Fax No. 614-453-8168 Email Address dmcdaniel@dublin.oh.us

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

Name Dana McDaniel Title Deputy City Manager
Business address 5800 Shier Rings Road, Dublin, OH 43016-1236
Telephone No. 614-410-4618 Fax No. 614-453-8168 Email Address dmcdaniel@dublin.oh.us

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

Customer service address 5800 Shier Rings Road, Dublin, OH 43016-1236
Toll-Free Telephone No. 614-410-4618 Fax No. 614-453-8168 Email Address dmcdaniel@dublin.oh.us

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

Rama P. Pomeroy, Deputy City Manager

Sworn and subscribed before me this 20th day of June Month 2011 Year

Tamara L Brown

Signature of official administering oath

Tamara L Brown, Notary Public

Print Name and Title



Tamara L. Brown
Notary Public, State of Ohio
My Commission Expires 08-22-2014

My commission expires on

Aug 22, 2014



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 Dublin)

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

Case No. 03- -GA-GAG

County of Franklin
State of Ohio

Dana McDaniel

[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

Dana McDaniel, Deputy City Manager

Sworn and subscribed before me this

20th

day of

JUNE

Month

2011

Year

Tamara L. Brown

Signature of Official Administering Oath

TAMARA L. BROWN, Notary Public

Print Name and Title



Tamara L. Brown
Notary Public, State of Ohio
My Commission Expires 08-22-2014

My commission expires on

Aug 22, 2014

(Ohio Natural Gas Governmental Aggregator Renewal) Page 3 of 3

Exhibit B-1

Authorizing Ordinances

Dayton Legal Blank Co.

Form No. 30048

Ordinance No. 22-03

Passed

YEAR

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE AND ARTICLE XVIII SECTION 4 OF THE OHIO CONSTITUTION AND DIRECTING THE FRANKLIN COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF THE CITY OF DUBLIN; TO WAIVE SECOND READING; AND TO DECLARE AN EMERGENCY

WHEREAS, Article XVIII Section 4 of the Ohio Constitution grants the City of Dublin ("City") certain authority related to utility service; and

WHEREAS, Chapter 4929 of the Ohio Revised Code authorizes the legislative authorities of municipal corporations, townships and counties to aggregate competitive retail natural gas service for the retail natural gas loads that are located in their respective jurisdictions and to enter into service agreements to facilitate the sale and purchase of the service for retail natural gas loads; 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 customers collectively to participate in the potential benefits of deregulation through lower rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental natural gas aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code ("Natural Gas Aggregation Program"), for the residents, businesses and other natural gas consumers in the City and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, 4 of the elected members concurring that:

SECTION 1. This Council finds and determines that it is in the best interest of the City, its residents, businesses and other natural gas consumers located within the corporate limits of the City to establish a Natural Gas Aggregation Program in the City. Provided that the enactment of a Natural Gas Aggregation Program is approved by the electors of the City pursuant to Section 3 of this Ordinance, the City is hereby authorized to aggregate, in accordance with Section 4929.26 of the Ohio Revised Code, competitive retail natural gas service for the retail natural gas loads located within the City, and for that purpose, to enter into any contracts and service agreements necessary for the sale and purchase of retail natural gas and other services. The City may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law. Except for those persons specifically exempted in Section 2 of this Ordinance, the Natural Gas Aggregation Program enrollment will occur automatically for each person that uses competitive retail natural gas service for retail gas loads in the jurisdiction and will provide for the opt-out rights described in Section 4 of this Ordinance.

SECTION 2. The Natural Gas Aggregation program shall not apply to persons meeting any of the following criteria, as more specifically described in Section 4929.26(A)(2), Ohio Revised Code: (i) the person is both a distribution service customer and a mercantile customer, (ii) the person has an existing commodity sales service contract with a retail

RECORD OF ORDINANCES

Denton Legal Blank Co.

Form No. 30043

Ordinance No. 22-03

Passed

Page 2

YEAR

natural gas supplier, (iii) the person has an existing commodity sales service as part of a retail natural gas aggregation pursuant to Rules and Orders of the Public Utilities Commission of Ohio ("Commission"), or (iv) such other persons that are not eligible pursuant to Rules and Orders of the Commission or the plan of operations and governance for the Natural Gas Aggregation program.

SECTION 3. The Board of Elections of Franklin County is hereby directed to submit the following question to the electors of the City at a special election on May 6, 2003.

"SHALL THE CITY OF DUBLIN HAVE THE AUTHORITY TO AGGREGATE THE RETAIL NATURAL GAS LOADS LOCATED IN THE CITY, AND FOR THAT PURPOSE, ENTER INTO ANY CONTRACTS AND SERVICE AGREEMENTS NECESSARY FOR THE SALE AND PURCHASE OF RETAIL NATURAL GAS AND OTHER SERVICES, SUCH AGGREGATION TO OCCUR AUTOMATICALLY EXCEPT WHERE ANY PERSON ELECTS TO OPT-OUT?"

The Clerk of this Council is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the Franklin County Board of Elections not later than February 20, 2003. The Natural Gas Aggregation Program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question provided for herein at the special election held pursuant to this Section 3 and Section 4929.26, Ohio Revised Code.

SECTION 4. Upon the approval of a majority of the electors voting at the special election provided for in Section 3 of this Ordinance, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Natural Gas Aggregation Program. Before adopting such plan, this Council shall hold at least two (2) 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 City. The notice shall summarize the plan and state the date, time and location of each hearing. No plan adopted by this Council shall aggregate any retail natural gas load within its jurisdiction, unless it in advance clearly discloses to the person whose retail natural gas load is to be so aggregated that the person will be enrolled automatically in the Natural Gas 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 Natural Gas Aggregation Program the opportunity to opt-out of the program every two (2) years, without paying a switching fee. Any such person that opts-out of the Natural Gas Aggregation Program pursuant to the stated procedure shall default to the natural gas company providing distribution service for that persons retail natural gas load, until the person chooses an alternative supplier.

SECTION 5. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 6. That waiver of second reading has been requested.

SECTION 7. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, health, safety or welfare, and for the further reason that this

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30048

Ordinance No. 22-03

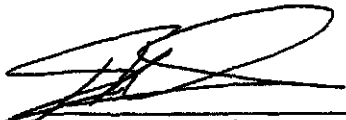
Passed

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YEAR

Ordinance is requested to be immediately effective in order to file a certified copy of this Ordinance and the proposed form of the ballot question with the Franklin County Board of Elections not later than May 6, 2003, as provided herein; therefore, this Ordinance shall take effect and be in force immediately upon its passage.

Passed this 18th day of February, 2003



Mayor - Presiding Officer

ATTEST:


Clerk of Council

I hereby certify that copies of this Ordinance/Resolution were posted in the City of Dublin in accordance with Section 731.25 of the Ohio Revised Code.


2003, Clerk of Council, Dublin, Ohio

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 20043

Ordinance No. 23-03

Passed

YEAR

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE AND ARTICLE XVIII SECTION 4 OF THE OHIO CONSTITUTION AND DIRECTING THE DELAWARE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF THE CITY OF DUBLIN; TO WAIVE SECOND READING; AND TO DECLARE AN EMERGENCY.

WHEREAS, Article XVIII Section 4 of the Ohio Constitution grants the City of Dublin ("City") certain authority related to utility service; and

WHEREAS, Chapter 4929 of the Ohio Revised Code authorizes the legislative authorities of municipal corporations, townships and counties to aggregate competitive retail natural gas service for the retail natural gas loads that are located in their respective jurisdictions and to enter into service agreements to facilitate the sale and purchase of the service for retail natural gas loads; 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 customers collectively to participate in the potential benefits of deregulation through lower rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental natural gas aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code ("Natural Gas Aggregation Program"), for the residents, businesses and other natural gas consumers in the City and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, 6 of the elected members concurring that:

SECTION 1. This Council finds and determines that it is in the best interest of the City, its residents, businesses and other natural gas consumers located within the corporate limits of the City to establish a Natural Gas Aggregation Program in the City. Provided that the enactment of a Natural Gas Aggregation Program is approved by the electors of the City pursuant to Section 3 of this Ordinance, the City is hereby authorized to aggregate, in accordance with Section 4929.26 of the Ohio Revised Code, competitive retail natural gas service for the retail natural gas loads located within the City, and for that purpose, to enter into any contracts and service agreements necessary for the sale and purchase of retail natural gas and other services. The City may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law. Except for those persons specifically exempted in Section 2 of this Ordinance, the Natural Gas Aggregation Program enrollment will occur automatically for each person that uses competitive retail natural gas service for retail gas loads in the jurisdiction and will provide for the opt-out rights described in Section 4 of this Ordinance.

SECTION 2. The Natural Gas Aggregation program shall not apply to persons meeting any of the following criteria, as more specifically described in Section

RECORD OF ORDINANCES

Denton Legal Blank Co.

Form No. 30048

Ordinance No. 23-03

Passed

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YEAR

4929.26(A)(2), Ohio Revised Code: (i) the person is both a distribution service customer and a mercantile customer, (ii) the person has an existing commodity sales service contract with a retail natural gas supplier, (iii) the person has an existing commodity sales service as part of a retail natural gas aggregation pursuant to Rules and Orders of the Public Utilities Commission of Ohio ("Commission"), or (iv) such other persons that are not eligible pursuant to Rules and Orders of the Commission or the plan of operations and governance for the Natural Gas Aggregation program.

SECTION 3. The Board of Elections of Delaware County is hereby directed to submit the following question to the electors of the City at a special election on May 6, 2003.

"SHALL THE CITY OF DUBLIN HAVE THE AUTHORITY TO AGGREGATE THE RETAIL NATURAL GAS LOADS LOCATED IN THE CITY, AND FOR THAT PURPOSE, ENTER INTO ANY CONTRACTS AND SERVICE AGREEMENTS NECESSARY FOR THE SALE AND PURCHASE OF RETAIL NATURAL GAS AND OTHER SERVICES, SUCH AGGREGATION TO OCCUR AUTOMATICALLY EXCEPT WHERE ANY PERSON ELECTS TO OPT-OUT?"

The Clerk of this Council is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the Delaware County Board of Elections not later than February 20, 2003. The Natural Gas Aggregation Program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question provided for herein at the special election held pursuant to this Section 3 and Section 4929.26, Ohio Revised Code.

SECTION 4. Upon the approval of a majority of the electors voting at the special election provided for in Section 3 of this Ordinance, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Natural Gas Aggregation Program. Before adopting such plan, this Council shall hold at least two (2) 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 City. The notice shall summarize the plan and state the date, time and location of each hearing. No plan adopted by this Council shall aggregate any retail natural gas load within its jurisdiction, unless it in advance clearly discloses to the person whose retail natural gas load is to be so aggregated that the person will be enrolled automatically in the Natural Gas 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 Natural Gas Aggregation Program the opportunity to opt-out of the program every two (2) years, without paying a switching fee. Any such person that opts-out of the Natural Gas Aggregation Program pursuant to the stated procedure shall default to the natural gas company providing distribution service for that persons retail natural gas load, until the person chooses an alternative supplier.

SECTION 5. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 6. That waiver of second reading has been requested.

RECORD OF ORDINANCES

Denton Legal Blank Co.

Form No. 80048

Ordinance No. 23-03

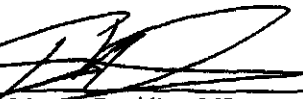
Passed

Page 3

YEAR

SECTION 7. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, health, safety or welfare, and for the further reason that this Ordinance is requested to be immediately effective in order to file a certified copy of this Ordinance and the proposed form of the ballot question with the Delaware County Board of Elections not later than May 6, 2003, as provided herein; therefore, this Ordinance shall take effect and be in force immediately upon its passage.

Passed this 18th day of February, 2003



Mayor - Presiding Officer

ATTEST:



Clerk of Council

I hereby certify that copies of this Ordinance/Resolution were posted in the City of Dublin in accordance with Section 731.25 of the Ohio Revised Code.


Judith K. Seal
Clerk of Council, Dublin, Ohio

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 20048

Ordinance No. 24-03

Passed YEAR

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE AND ARTICLE XVIII SECTION 4 OF THE OHIO CONSTITUTION AND DIRECTING THE UNION COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF THE CITY OF DUBLIN; TO WAIVE SECOND READING; AND TO DECLARE AN EMERGENCY

WHEREAS, Article XVIII Section 4 of the Ohio Constitution grants the City of Dublin ("City") certain authority related to utility service; and

WHEREAS, Chapter 4929 of the Ohio Revised Code authorizes the legislative authorities of municipal corporations, townships and counties to aggregate competitive retail natural gas service for the retail natural gas loads that are located in their respective jurisdictions and to enter into service agreements to facilitate the sale and purchase of the service for retail natural gas loads; 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 customers collectively to participate in the potential benefits of deregulation through lower rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental natural gas aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code ("Natural Gas Aggregation Program"), for the residents, businesses and other natural gas consumers in the City and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, 6 of the elected members concurring that:

SECTION 1. This Council finds and determines that it is in the best interest of the City, its residents, businesses and other natural gas consumers located within the corporate limits of the City to establish a Natural Gas Aggregation Program in the City. Provided that the enactment of a Natural Gas Aggregation Program is approved by the electors of the City pursuant to Section 3 of this Ordinance, the City is hereby authorized to aggregate, in accordance with Section 4929.26 of the Ohio Revised Code, competitive retail natural gas service for the retail natural gas loads located within the City, and for that purpose, to enter into any contracts and service agreements necessary for the sale and purchase of retail natural gas and other services. The City may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law. Except for those persons specifically exempted in Section 2 of this Ordinance, the Natural Gas Aggregation Program enrollment will occur automatically for each person that uses competitive retail natural gas service for retail gas loads in the jurisdiction and will provide for the opt-out rights described in Section 4 of this Ordinance.

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Darton Legal Blank Co.

Form No. 30043

Ordinance No. 24-03

Passed

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SECTION 2. The Natural Gas Aggregation program shall not apply to persons meeting any of the following criteria, as more specifically described in Section 4929.26(A)(2), Ohio Revised Code: (i) the person is both a distribution service customer and a mercantile customer, (ii) the person has an existing commodity sales service contract with a retail natural gas supplier, (iii) the person has an existing commodity sales service as part of a retail natural gas aggregation pursuant to Rules and Orders of the Public Utilities Commission of Ohio ("Commission"), or (iv) such other persons that are not eligible pursuant to Rules and Orders of the Commission or the plan of operations and governance for the Natural Gas Aggregation program.

SECTION 3. The Board of Elections of Union County is hereby directed to submit the following question to the electors of the City at a special election on May 6, 2003.

"SHALL THE CITY OF DUBLIN HAVE THE AUTHORITY TO AGGREGATE THE RETAIL NATURAL GAS LOADS LOCATED IN THE CITY, AND FOR THAT PURPOSE, ENTER INTO ANY CONTRACTS AND SERVICE AGREEMENTS NECESSARY FOR THE SALE AND PURCHASE OF RETAIL NATURAL GAS AND OTHER SERVICES, SUCH AGGREGATION TO OCCUR AUTOMATICALLY EXCEPT WHERE ANY PERSON ELECTS TO OPT-OUT?"

The Clerk of this Council is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the Union County Board of Elections not later than February 20, 2003. The Natural Gas Aggregation Program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question provided for herein at the special election held pursuant to this Section 3 and Section 4929.26, Ohio Revised Code.

SECTION 4. Upon the approval of a majority of the electors voting at the special election provided for in Section 3 of this Ordinance, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Natural Gas Aggregation Program. Before adopting such plan, this Council shall hold at least two (2) 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 City. The notice shall summarize the plan and state the date, time and location of each hearing. No plan adopted by this Council shall aggregate any retail natural gas load within its jurisdiction, unless it in advance clearly discloses to the person whose retail natural gas load is to be so aggregated that the person will be enrolled automatically in the Natural Gas 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 Natural Gas Aggregation Program the opportunity to opt-out of the program every two (2) years, without paying a switching fee. Any such person that opts-out of the Natural Gas Aggregation Program pursuant to the stated procedure shall default to the natural gas company providing distribution service for that persons retail natural gas load, until the person chooses an alternative supplier.

SECTION 5. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 20043

Ordinance No. 24-03

Passed

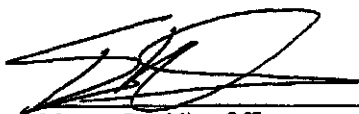
Page 3

YEAR

SECTION 6. That waiver of second reading has been requested.

SECTION 7. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, health, safety or welfare, and for the further reason that this Ordinance is requested to be immediately effective in order to file a certified copy of this Ordinance and the proposed form of the ballot question with the Union County Board of Elections not later than May 6, 2003, as provided herein; therefore, this Ordinance shall take effect and be in force immediately upon its passage.

Passed this 18th day of February, 2003



Mayor - Presiding Officer

ATTEST:


Clerk of Council

I hereby certify that copies of this Ordinance/Resolution were posted in the City of Dublin in accordance with Section 731.25 of the Ohio Revised Code.


Asst. Clerk of Council, Dublin, Ohio

Exhibit B-2

Operation and Governance Plan

CITY OF DUBLIN

**PLAN OF OPERATION AND
GOVERNANCE FOR
MUNICIPAL OPT-OUT
NATURAL GAS AGGREGATION**

ADOPTED BY CITY COUNCIL

September 2, 2003

FINAL PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL GAS AGGREGATION

Overview

At the May 6, 2003 election, local residents authorized the City of Dublin (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 emerging 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.

1. 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 Dublin City Council for approval.

The Aggregation Program covers the natural gas supply portion only of a participant's natural gas bill. Columbia Gas of Ohio (COH) 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 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 if their natural gas is interrupted or if they have billing questions. The PUCO will continue to oversee COH natural gas safety and reliability service standards.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL GAS AGGREGATION

Oversight of the Aggregation Program will be the responsibility of the Deputy City Manager/Director of **Economic Development**, who shall report to the City Manager. The Deputy City Manager/Director of **Economic Development**, subject to City Council approval, will have the authority to develop specifications 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 Deputy City Manager/Director of **Economic Development** with the advice and counsel of the City Attorney.

Due to the complexity of the natural gas utility industry and the uncertainties of its associated restructuring activities, the Deputy City Manager/Director of **Economic Development** 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-out, assisting with consumer education, addressing consumer questions 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, the 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 COH 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 toll free 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 distribution services; and through direct discussions with COH concerning specific or general problems related to quality and reliability of its distribution system.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL GAS AGGREGATION

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 established tariff rates. In no case will participants be without natural gas as the 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 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 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 Dublin City Council shall approve through resolution or ordinance 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 Dublin 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.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL GAS AGGREGATION

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 General Service Rate or select another approved CRNGS Provider.

2. Determination of Rates

The City will not buy and 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 affordable, 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 consumers.

CRNGS Providers will supply information on natural gas supply charges by COH customer rate classification or other appropriate pricing category as approved 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 Dublin 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
3. Have a service agreement under COH Gas Transportation Service Tariff
4. Successfully completed Electronic Data Interchange (EDI) computer system testing with COH 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, switching fees, etc. in clear and easily understood terms.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL GAS AGGREGATION

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 adjusted annually to cover the City's cost of administering the program. The fee will be reviewed annually to ensure that the amounts collected do not exceed the cost of administering the aggregation program.

COH 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, consumers will continue to be billed for COH 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.

3. 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's (COH) 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.

4. Process for Determining the Pool of Customers

After contract approval by the Dublin City Council, the CRNGS Provider will work with the City and COH 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.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL GAS AGGREGATION

Consumers enrolled in the Aggregation Program by the CRNGS Provider will receive a letter from COH notifying them of their enrollment. Consumers will have seven calendar days to notify COH of any objection to their enrollment in the Aggregation Program. COH will notify the CRNGS Provider of consumer objections or any reason that a consumer was not enrolled in the Aggregation Program.

Customers who meet the following criteria will become Members 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;
- Are classified as non-mercantile;
- Have not exercised their right of rescission, or;
- Are not on the Percentage of Income Payment Plan (PIPP).

New members may opt into the Program upon contract expiration with an alternate supplier. These members 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 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 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 purposes of auditing.

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

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 a switching fee. Consumers who choose to opt out of the Aggregation Program at any time other than during the initial 21-day opt-out period or during subsequent opt-out periods offered by the City may be subject to a switching fee.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL GAS AGGREGATION

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

5. Customer Billing Procedures

The City plans to utilize COH consolidated billing service in which each consumer account receives one bill itemizing the CRNGS Provider's natural gas supply charges and COH 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 they become available and if it appears advantageous to do so.

6. Credit and Deposit Policies

Collection, credit and deposit procedures remain the responsibility of the Local Utility, the selected supplier and the individual member. Members are required to remit and comply with the payment terms of the local utility. This program will not be responsible for late or no payment on the part of any of its members. The Municipality will have no separate credit or deposit policy. The selected supplier shall not charge more than 1 ½ percent per month for overdue balances owed to the selected supplier.

7. Governmental Aggregator's Customer Service Procedures and Dispute Resolution

The Aggregation Program only impacts the source of natural gas supply. COH 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 question or concerns regarding service delivery or safety, such as a natural gas outage or odor of gas should continue to contact COH at 800-344-4077. Meter reading or other billing questions should also be directed to COH 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 either the office of the Director of ~~Economic Development~~, City of Dublin, or Gregory Slone at AMPO, Inc. 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.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL GAS AGGREGATION

Question or Concern	contact	Telephone Number
Natural gas outage or interruption	COH	800-344-4077
Turn natural gas on or off	COH	800-344-4077
Meter reading/billing	COH	800-344-4077
To enroll in or opt-out of the Aggregation Program	CRNS Provider – Interstate Gas Supply Hours: Mon – Fri: 8:00 AM – 5:00 PM	800 280-4474
Aggregation Program Questions or concerns	AMPO, Inc.	614 337-6222 gslone@amp-ohio.org
Unresolved disputes (residential customers)	Ohio Consumer's Counsel	877-742-5622 occ@occ.state.oh.us
Unresolved disputes (all customers)	Public Utilities Commission of Ohio	(800)-686-7826 (voice) (800)-686-1570 (TDD)

8. Members Moving Into/Within the Aggregation (New Account Number)

Consumers who move into the City after the initial opt-out period will be 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. That is, they will not be automatically include in the Program, but will be given an opportunity to re-enroll under a new set of rates, terms and conditions.

9. Members Moving Within the Aggregation (Same Account Number)

Participants who relocate within the City limits and retain the same COH 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 fees imposed by COH.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL GAS AGGREGATION

10. 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 Dublin'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 who supplies or offers to supply a competitive retail natural gas service over the COH natural gas distribution system. This term does not apply to COH in its provision of standard offer natural gas service.

FINAL PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL GAS AGGREGATION

Consumer

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

Delivery Charge

Charge imposed by COH 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 owned pipelines, meters and other equipment. COH 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 location 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, regulation; the maintenance, repair or replacement of

Exhibit B-3

**Automatic Aggregation
Disclosure Notification**

October 02, 2008

Exhibit B-3 Automatic Aggregation Disclosure Notification



Dear City of Dublin Resident:

The City of Dublin is providing you with the opportunity to participate with other City of Dublin residents in a natural gas governmental aggregation program, with IGS Energy of Dublin, Ohio as your supplier of gas.

Dublin City Council passed ordinance 22-03 on February 18, 2003 adopting this program after Dublin voters approved the implementation of the program. The aggregation program for Dublin will begin within your December 2008 Columbia Gas of Ohio (Columbia) billing period and end with your December 2009 billing period.

You will be automatically enrolled in Dublin's Natural Gas Aggregation Program unless you choose to "opt out" - that is, affirmatively choose to not participate. If you choose not to participate in the City of Dublin Natural Gas Aggregation Program, you must return the enclosed "Opt-Out" Form or contact IGS Energy at 1-800-280-4474 by November 10, 2008. If you do not cancel or opt-out at this time, you will be enrolled in the program until it expires with your December 2009 billing period.

Your new price under this program will be **\$1.12 per CCF** through your December 2009 billing period. This new rate of \$1.12 per CCF is the lowest fixed rate available in the marketplace according to the Public Utilities Commission of Ohio (PUCO) "Apples to Apples" rate comparison sheet of competitive suppliers as of October 1, 2008. To compare competitive offers, you may visit the PUCO website at www.PUCO.ohio.gov. Please refer to the attached Terms and Conditions for full details of this offer.

Under this aggregation, Columbia 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 Columbia for your natural gas service and it will include your new gas supply charge from IGS Energy. You will still contact Columbia regarding loss of gas service, odor of gas, or for any other concerns or issues having to do with your local service. Budget billing and automatic billing options will continue to be available through Columbia.

If you have any questions please call IGS Energy at 1-800-280-4474, weekdays, from 8:00 a.m. to 8:00 p.m. EST. For general information on natural gas deregulation in Ohio, you can also visit the Web Site of the Public Utilities Commission of Ohio (www.PUCO.ohio.gov).

Sincerely,
The City of Dublin and IGS Energy

P.S. Remember to return the "Opt-Out" form only *if you do not want to participate in the City of Dublin 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 Dublin, you have received this letter in error. Please contact IGS Energy at 1-800-280-4474 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.

I wish not to participate in the City of Dublin Natural Gas Governmental Aggregation Program
OPT-OUT Form: AMPOCOH-DUBLIN-1120-1209

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

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

Check box to opt-out

☐

Name (Please Print) _____

Service Address _____

City State Zip _____

Phone Number _____

Signature (Required) _____

Term: The term of this government aggregation program (Program) will begin with my first billing cycle after my rate change is confirmed with my utility company and will continue through my December 2009 billing cycle. IGS Energy (IGS) will supply the commodity portion of my natural gas and Columbia Gas of Ohio (COH) will continue to be my Natural Gas Distribution Company (NGDC). I can contact the IGS choice department by phone at 1-800-280-4474, by fax at 614-923-0470, in writing at P.O. Box 9060, Dublin, OH 43017, or through their web site at <http://www.igsenergy.com>.

Regulatory: The NGDC's choice program and my governmental aggregator (e.g., municipality) are subject to ongoing Public Utilities Commission of Ohio (PUCO) jurisdiction, and I understand that if the choice program or this Program is terminated, this Agreement may be terminated, without penalty to either party.

Billing: For my convenience I will receive only one bill, which will be issued by the NGDC each month and will contain IGS' gas price, plus applicable taxes and all of the NGDC's transportation and other applicable charges, including any late fees assessed by the NGDC. I agree to continue to pay the NGDC for the entire gas bill under the NGDC's payment terms and conditions. If I pay under the budget bill payment plan, I understand that this service is available and will remain available. IGS reserves the right to issue an invoice to me directly; such invoice would contain IGS' gas price plus applicable taxes and may also include all of the NGDC's transportation and other applicable charges. IGS may terminate this Agreement with 14 days written notice if I fail to pay the bill or meet any other agreed-upon payment arrangements. The NGDC may also disconnect my service without first returning me to the NGDC service if I fail to pay for my invoices on time, subject to the NGDC Tariff and Ohio law. IGS has the right to charge me a late fee of 1.5% per month for all past-due amounts owed if IGS invoices me separately. I may request, at no charge, up to 24 months of my payment history for services rendered by IGS. Other than for operation, maintenance, assignment and transfer of my account or, where IGS is performing billing services, for commercial collection, IGS will not disclose my account number without my affirmative written consent or electronic authorization or pursuant to a court or Commission order and that, other than for credit checking and credit reporting, if IGS is performing billing services, IGS will not disclose my social security number without my affirmative written consent or pursuant to a court order. I authorize IGS to obtain my billing payment and usage history from the NGDC.

Contact and Dispute Resolution: In the event of a billing dispute or issues regarding volume or metering, I should contact the NGDC at the number listed on their bill. For other questions or concerns about pricing, I can contact the IGS choice department by phone weekdays from 8:00 a.m. to 5:00 p.m. EST at 1-800-280-4474, by fax 614-923-0470, in writing at P.O. Box 9060, Dublin, OH 43017, or through their web site at www.igsenergy.com. Also, I can contact IGS through e-mail at choice@igsenergy.com. If my questions or concerns are not resolved after I have called IGS, or for general utility information, residential and business customers may call the PUCO toll free at 1-800-686-7826 or for TDD/TTY toll free at 1-800-686-1570, from 8:00 a.m. to 5:30 p.m. weekdays, or visit the PUCO website at www.puco.ohio.gov. The Ohio Consumers Counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted toll free at 1-877-742-5622 from 8:00 a.m. to 5:00 p.m. weekdays, or visit www.pickocc.org.

Jurisdiction: The parties agree that if the customer is unable to resolve its issues through the PUCO as detailed under "Contract and Dispute Resolution" above, or if suit is filed, any legal action involving this Agreement will be brought only to the PUCO, a court of the State of Ohio sitting in Franklin County, Ohio, or the United States District Court sitting in Franklin County, Ohio. I submit to the personal jurisdiction in such courts and irrevocably waive any objections that I have or might have in the future to such courts as the proper forum for any and all actions arising under this Agreement. The parties agree that this Agreement will be interpreted under the laws of the State of Ohio, regardless of Ohio's choice of law provisions.

Price: My price through my December 2009 billing cycle will be 1.120 per CCF, which does not include applicable sales tax or NGDC transportation and other charges.

Renewal: The Program current period continues through the December 2009 NGDC billing period. The governmental aggregator will provide me an opportunity not less frequently than every two years, beginning with the commencement date of the program, to opt-out of the Program without penalty, as long as the Program continues.

Rescission Period: I understand that the NGDC will send me a confirmation notice of transfer of service and that I will have seven days from the confirmation postmark date to rescind my enrollment with IGS. If I want to rescind, I should contact the NGDC in writing or by calling them at the number listed on the confirmation notice. Otherwise, I understand that as part of a government opt-out aggregation, I will be included in the Program unless I notify IGS within 21 days of the postmark date of this notice that I do not wish to be included. I can notify IGS by contacting IGS by telephone or in writing as indicated under "Contact and Dispute Resolution" above, or by completing an opt out mail-back form and sending it to IGS.

Cancellation: I may cancel this Agreement, with no charge to me, at any time during the 7-day rescission period or within 21 days of the initial notice date of the Program. I will also be permitted to cancel my enrollment in the Program, with no fee, during each 24-month renewal period as described above. At any other time, either party may cancel this Agreement during the term of this Program by giving thirty days notice to the other. If I switch my services back to the NGDC or another supplier, this Agreement will be terminated. I acknowledge that if I return to the NGDC, I may be charged a price other than the GCR rate and a switching fee may apply.

Assignment: This contract is assignable by IGS without my consent, subject only to any regulatory approvals. IGS will use its best efforts to give the NGDC and me thirty days written notice prior to any assignment.

Moving: If I move to another address outside of the NGDC's service territory, this Agreement will automatically terminate with no penalty to either party. If I move to another address within the NGDC service territory, either party may terminate this Agreement with no penalty. However, if I relocate within the NGDC service territory and I do not cancel, I agree that IGS may, at its option, automatically continue this Agreement at my new address under my new NGDC account number, and I hereby authorize IGS to enroll me, and I authorize the NGDC to move this Agreement to my new location. Furthermore, if IGS is unable to determine my account number, I agree to provide my new account number to IGS upon their request. If IGS is unable to obtain my account number or is unable to enroll me at my new address within 120 days, then this Agreement will automatically terminate with no penalty to either party.

Eligibility: This Agreement is for residential and small commercial customers eligible to participate in the Program. IGS reserves the right, at any time and in its sole discretion, to terminate service to customer locations that are enrolled but were or are not eligible to participate, with no penalty to either party. Furthermore, participation in the program is subject to the rules of the NGDC, your governmental aggregator, and the PUCO. Additionally, customers are sometimes terminated either in error or for being in arrears. In such instances, I can contact the NGDC to correct the problem and be reinstated in the program. Regardless of the reason for termination, in no case will the original term be extended for months that I was unable to participate, nor will IGS have any liability for any early termination or for any months that I was unable to participate in the program.

Limitation of Liability: IGS assumes no liability or responsibility for losses or consequential damages arising from items associated with the NGDC including, but not limited to: operations and maintenance of their system, any interruption of service, termination of service, or deterioration of service; nor does IGS assume responsibility or liability for damages arising from any in-home or building damages, and IGS will not be responsible for any indirect, consequential, special, or punitive damages, whether arising under contract, tort (including negligence or strict liability), or any other legal theory.

NOTICE

Return the "Opt-Out" Form only if you do not want to participate in the City of Dublin Natural Gas Aggregation Program

AMPOCOH-DUBLIN-1120-1209

Must Be Received by November 10, 2008

to:

Natural Gas Governmental Aggregation Program
PO Box 9060
Dublin, Ohio 43017-0960

Exhibit B-4

Opt-Out Notice

Exhibit B-4 Opt-Out Notice



November 20, 2009

Dear City of Dublin Resident:

Thank you for your participation in The City of Dublin Natural Gas Aggregation Program. We are pleased to announce that Dublin has again chosen IGS Energy as your supplier of gas for the next **10 month period**, through your **October 2010** billing period.

As you may recall, under this Program, Dublin acts on behalf of natural gas consumers in the community to negotiate a gas supply contract with eligible suppliers. Both Dublin and eligible retail natural gas suppliers have to be certified by the Public Utilities Commission of Ohio. Dublin City Council passed ordinance no. 22-03 on February 18, 2003 adopting this program after Dublin voters approved the implementation of the program.

Your new price under this program will be **0.829 per CCF** through your October 2010 billing period. This new rate of 0.829 per CCF represents more than a **25% decrease** compared to your current rate. To see how this rate compares with other fixed price offers that are available to you, you may visit the Public Utilities Commission of Ohio Apples to Apples Comparison Charts at www.puco.ohio.gov.

If you are ever unhappy with this price **you may leave the program free of charge at any time**. Please refer to the attached Terms and Conditions for full details of this offer. Prior to your November 2010 billing period, you will be contacted again with a new offer to be in effect for your November 2010 through October 2011 billing periods.

You will be automatically re-enrolled in Dublin's Natural Gas Aggregation Program unless you choose to "opt out" - that is, affirmatively choose to not participate. If you want to be excluded from the City of Dublin Natural Gas Aggregation Program, you must return the enclosed "Opt-Out" Form or contact IGS Energy at 1-877-448-6719 by **December 11, 2009**. If you do not cancel or opt-out at this time, you will be enrolled in the program until you cancel or it expires.

Under this aggregation, Columbia Gas of Ohio (Columbia) 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 Columbia for your natural gas service that will include a gas supply charge from IGS Energy and sales tax in place of the Gas Cost Recovery plus gross receipts tax charged by Columbia. You will still contact Columbia regarding loss of gas service, odor of gas, or for any other concerns or issues having to do with your local service. Budget billing and automatic billing options will continue to be available through Columbia.

If you have any questions please call IGS Energy at 1-877-448-6719, weekdays, from 8:00 a.m. to 8:00 p.m. EST. For general information on natural gas deregulation in Ohio, you can also visit the Web Site of the Public Utilities Commission of Ohio (www.PUCO.ohio.gov).

Sincerely,
The City of Dublin and IGS Energy

P.S. Remember to return the "Opt-Out" form only if you do **not** want to participate in the City of Dublin 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 Dublin, you have received this letter in error. Please contact IGS Energy at 1-877-448-6719 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.

12 digit account number as it appears on your Columbia Gas of Ohio gas bill.

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I wish to opt out of the Dublin Natural Gas Governmental Aggregation Program.

(Check box to opt out.)

☐

Name (Please Print) _____

Address _____

City, State, Zip _____

Phone Number _____

Email Address _____

Signature (REQUIRED) _____

Promo Code:

0000H01

NOTICE

Return the "Opt-Out" form only if you do not want to participate in the Dublin Natural Gas Aggregation Program.

Return by December 11, 2009 to:

Natural Gas Governmental Aggregation Program

PO Box 9060

Dublin, Ohio 43017-0960

Exhibit B-5

Experience

Exhibit B-5 Experience

The City of Dublin has a PUCO certified "opt-out" governmental aggregator since 2003. Additionally, the City has experience in negotiating, contracting and providing for common services for residents of the City. Some examples of experience as a service provider are:

- Water and Sewer Service
- Police and Fire Service
- Parks and Recreation
- Solid Waste Management Services
- Broadband and WiFi Services

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

Due to the complexity of municipal opt-out aggregation, the City chose to retain the services of a consultant to assist it in designing, implementing and maintaining its aggregation program. However, in 2010 the City decided to suspend its program due to increased competition in the market. The City may desire to re-instate its program if market conditions warrant. A copy of a letter to residents participating in the City's program is attached.



Dear City of Dublin Resident:

You currently participate in the City of Dublin Governmental Opt-Out Natural Gas Aggregation Program with IGS Energy as your supplier of natural gas. The natural gas marketplace in the State of Ohio has changed over the last few years. Today, many fixed rate programs are available and the natural gas market is at an all-time low, reducing the need for the City of Dublin to serve in the role of aggregator. As a result, the City of Dublin no longer feels it necessary to administer a natural gas aggregation program and will suspend the program at the end of December 2010. The City of Dublin will retain the option to serve as a natural gas aggregator into the future, and will continue to monitor natural gas prices and competition.

Your current rate on the program is scheduled to expire with your October 2010 billing period. We are pleased to announce your rate will be lowered to \$0.772 for your November 2010 and December 2010 billing periods. The reduction equates to a 7% discount compared to your current rate. We encourage you to compare fixed rate and variable rate alternatives and natural gas rates by supplier by visiting the Public Utilities Commission of Ohio Apples-to-Apples Comparison Web site at: <http://www.puco.ohio.gov/Puco/ApplesToApples/NaturalGas.cfm?id=4594>.

You may choose to leave the program at any time with no penalty by calling IGS Energy at 1-800-280-4474 between 8:00 am to 8:00 pm. EST. When you cancel you will be returned to Columbia Gas of Ohio and will purchase your natural gas at the Standard Service Offer (SSO) rate.

If you have not left the program by December 15, 2010, you will automatically be returned to Columbia Gas of Ohio and will purchase your natural gas at the Columbia SSO rate effective with your January 2011 billing period.

General information on natural gas deregulation in Ohio can be found at the Ohio Consumer's Counsel's website (www.pickocc.org) or the Public Utilities Commission of Ohio (www.PUCO.ohio.gov). The City of Dublin would like to thank you for your past participation in the program. If the city should ever decide in the future to re-instate its program you will be notified and given the opportunity to again participate.

Sincerely,

The City of Dublin

IGS Energy Customer ID: