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*The Public Utilities Commission of Ohio*

14-1317-EL-GAG



## **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 City of Xenia  
Address 101 N. Detroit Street, Xenia, OH 45385  
Telephone Number (937) 376-7231  
Web site address (if any) www.ci.xenia.oh.us

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**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 President, Strategic Aggregation Consultants, LLC

Business address 3700 Massillon Road, Uniontown, OH 44685

Telephone number (330 ) - 899 - 9960 Fax # (330 ) - 899 - 9969

E-mail address bfargo@sac-save.com

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

Name Brenda Fargo

Title President, Strategic Aggregation Consultants

Business address 3700 Massillon Rd., Uniontown, OH 44685

Telephone number (330 ) 899 - 9960 Fax # (330 ) - 899 - 9969

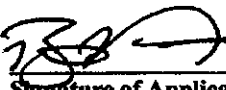
E-mail address bfargo@sac-save.com

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

Address 3700 Massillon Road, Uniontown, OH 44685

Toll-free telephone number (330 ) - 899 - 9960

Fax # (330 ) - 899 - 9969



CITY MANAGER

Signature of Applicant & Title

Sworn and subscribed before me this 25<sup>th</sup> day of July, 2014  
Month Year



Signature of official administering oath

Michelle D. Johnson  
Print Name and Title

My commission expires on

04/29/19

# **AFFIDAVIT**

State of Ohio :

Xenia ss.  
(Town)

County of Greene :

Brent Merriman Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the City Manager (Office of Affiant) of The City of Xenia (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.

  
Signature of Affiant & Title CITY MANAGER

Sworn and subscribed before me this 25<sup>th</sup> day of July, 2014  
Month Year

  
Signature of official administering oath

Michelle D. Johnson  
Print Name and Title

My commission expires on 04/29/19

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

**CERTIFICATION APPLICATION  
FOR A GOVERNMENTAL  
AGGREGATOR**

**City of Xenia, Ohio**

**101 N Detroit Street  
Xenia, OH 45385**

**937-376-7231**

**July 29, 2014**

# **Exhibit A-2**

# **Authorizing Ordinance**

**CITY OF XENIA, OHIO  
ORDINANCE NUMBER 13 - 35**

**ORDINANCE TO FACILITATE COMPETITIVE RETAIL ELECTRIC SERVICE TO PROMOTE ELECTRICAL SAVINGS, LOWER COST ELECTRICITY SUPPLIES AND OTHER BENEFITS FOR CERTAIN ELECTRICITY CONSUMERS, AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN ELECTRIC AGGREGATION PROGRAM PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE AND ARTICLE XVIII SECTION 4 OF THE OHIO CONSTITUTION; DIRECTING THE GREENE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS; AND AUTHORIZING AN AGREEMENT WITH AN AGENT FOR SUCH PURPOSES; AND DECLARING IT TO BE AN EMERGENCY.**

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

**WHEREAS**, pursuant to Chapter 4928 of the Ohio Revised Code, to facilitate competitive retail electric service to promote electricity savings, lower cost electric supplies, and other benefits, certain governmental entities may aggregate certain electricity consumers within their jurisdictions; and

**WHEREAS**, pursuant to ORC Section 4928.20, the Municipality is authorized to act as an aggregator by establishing an automatic opt-out governmental aggregation program for the provision of competitive retail electric service ("Electric Aggregation") for the benefit of certain electricity consumers within the Municipality so that the consumers may realize lower cost electricity supplies and other benefits from the aggregation and combined purchasing of electric supplies; and

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

**WHEREAS**, in the public interest, the Municipality desires to submit to the electors of the Municipality the question of whether the Municipality should create an Electric Aggregation program to facilitate competitive retail electric service to promote electricity savings, lower cost electric supplies, and other benefits in accordance with ORC Section 4928.20; and

**WHEREAS**, the Municipality has adopted this Ordinance pursuant to the authority conferred by Article XVIII Section 4 of the Ohio Constitution and ORC Section 4928.20.

**NOW, THEREFORE**, the City of Xenia hereby ordains:

**Section 1.** This Council finds and determines that to facilitate competitive retail electric service to promote electric savings, lower cost electricity supplies, and other benefits, it is in the best interest of the Municipality and certain electricity consumers within the jurisdiction of the Municipality to establish an Electric Aggregation program in the Municipality pursuant to ORC Section 4928.20. Provided that this Ordinance and Electric Aggregation program is approved by the electors of the Municipality in accordance with this Ordinance, the Municipality is hereby authorized to take all actions necessary to affect an Electric Aggregation program pursuant to ORC Section 4928.20. The Municipality may exercise this authority jointly with other entities to the full extent permitted by law. Further, for such purposes, the City Manager of the Municipality is hereby authorized to execute and deliver an agreement with a to-be-named agent ("Agent") to assist the Municipality as its consultant and agent to effect the

Electric Aggregation program. Actions necessary to effect the Electric Aggregation program include determining and entering into service agreement(s) with suppliers to facilitate the sale and purchase of all electricity, competitive retail electric services, and retail electric generation to serve the enrolled consumers. The Municipality shall be authorized by the electors to be the only entity authorized to act for and on behalf of the enrolled electric consumers to determine and select the provider(s) to supply the commodity and all other services for Electric Aggregation program and the enrolled consumers.

**Section 2.** The Electric Aggregation program shall not apply to persons that are not eligible pursuant to Rules and/or Orders of the Public Utilities Commission of Ohio ("Commission") or not eligible pursuant to the adopted plan of operations and governance ("Plan") for the Electric Aggregation program.

**Section 3.** The Board of Elections of Greene County is hereby directed to submit the following question to the electors of the Municipality at the fall election on November 5, 2013:

To facilitate competitive retail electric service to promote electric savings, lower cost electricity supplies, and other benefits, shall the City of Xenia have the authority to aggregate retail electrical loads and enter into service agreements for the sale and purchase of electricity and other services, such aggregation to occur automatically unless any person affirmatively elects not to be enrolled by a stated procedure?

**FOR**, the City of Xenia to facilitate competitive retail electric service to promote electricity savings and other benefits by acting as an aggregator.

**NOT FOR**, the City of Xenia to facilitate competitive retail electric service to promote electricity savings and other benefits by acting as an aggregator.

The Clerk of this Council is instructed to file a certified copy of this Ordinance and the proposed form of the ballot question with the Greene County Board of Elections not later than August 7, 2013, which is ninety (90) days prior to November 5, 2013.

The Electric Aggregation program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question at the election held in accordance with this Ordinance and ORC Section 4928.20. Upon approval, the Electric Aggregation shall take effect at the earliest permissible point in time and continue thereafter in accordance with ORC Section 4928.20, and other requirements of ORC Chapter 4928.

**Section 4.** Upon approval by a majority of the electors voting at the election provided for in this Ordinance, the Municipality shall develop and adopt a Plan of operations and governance for the Electric Aggregation program. Before adopting such Plan, at least two public hearings on the Plan shall be held. Before the first hearing, notice of the first hearing shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Municipality. The notice shall summarize the Plan and state the date, time, and location of each hearing. Consumers enrolled in the Electric Aggregation program shall be supplied their electrical requirements and other services in accordance with supply agreement(s) determined and arranged by the Municipality, as opportunities become available to provide benefits to consumers. The Municipality shall be authorized by the electors to be the only entity authorized to act for and on behalf of the consumers that have enrolled in the Electric Aggregation program to determine and select the supplier(s) to provide the electricity and all other services for the Electric Aggregation program.

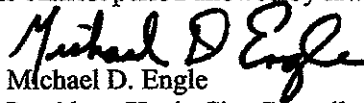
**Section 5.** The adopted Plan shall not aggregate any retail electrical load within the Municipality, unless the person whose electrical load is to be so aggregated is notified in advance that the person will be enrolled automatically in the Electric Aggregation program and shall remain so enrolled, unless the person affirmatively elects not to be so enrolled by a stated procedure. The disclosure shall state the rates, charges, and other terms and conditions of the enrollment. Once enrolled the consumer may only opt-out of the Electric Aggregation program every two years without paying a switching fee. Any such person that opts-out of the Electric Aggregation program shall default to the standard offer service of the person's electric distribution utility, until the person chooses an alternative supplier.

**Section 6.** The Greene County Board of Elections shall cause an appropriate notice to be duly given of the election to be held on November 5, 2013, on the foregoing proposal and otherwise to provide for such election in the manner provided by the laws of the State of Ohio.


**Section 7.** 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 any of its committees that resulted in those formal actions were in compliance with the law.

**Section 8.** This Ordinance is declared to be an emergency measure to provide for the immediate preservation of the public peace, property, health, or safety, in that opportunities to coordinate aggregation activities with certain suppliers of electric service may become limited, and this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: June 27, 2013  
Effective: June 28, 2013

  
Michael D. Engle  
President, Xenia City Council

Attest:

  
Michelle D. Johnson  
Clerk, Xenia City Council

**CERTIFICATE OF RESULT OF ELECTION ON QUESTION OR ISSUE**

Revised Code, Section 3501.11

State of Ohio  
County of Greene }

The Board of Elections of Greene County hereby  
certifies that at the election held in the the City of Xenia  
(Name of Subdivision)  
on the 5 day of November, 2013, the vote cast on the following issue was  
as follows:

Issue Proposed Ordinance Electrical Aggregation

(Tax levy, bond issue, miscellaneous question, etc.-describe fully)

Votes <u>Two thousand and forty-three</u> (For, yes, etc.-as on ballot)	<u>2043</u> (Number)
Votes <u>One thousand six hundred and ninety-six</u> (No, against, etc.-as on ballot)	<u>1696</u> (Number)
Total vote cast on issue:	<u>3739</u> (Number)

IN WITNESS WHEREOF, we have hereunto subscribed our names officially at Xenia  
Ohio, this 19 day November, 2013.

Anne Leonard Chair  
Donna M. Adams  
Brenda K. Lewis

Attest: Nancy J. Johannes  
Director

**BOARD OF ELECTIONS**

Greene County, Ohio

# **Exhibit A-3**

# **Operation**

# **and**

# **Governance**

# **Plan**

**CITY OF XENIA, OHIO  
RESOLUTION NO. 14 - V**

**RESOLUTION AUTHORIZING THE ADOPTION OF AN ELECTRIC POWER  
AGGREGATION PLAN OF OPERATION AND GOVERNANCE FOR THE CITY OF  
XENIA, GREENE COUNTY, OHIO, AND DECLARING IT TO BE AN EMERGENCY**

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

**WHEREAS**, the City has executed an agreement with Strategic Aggregation Consultants, LLC to provide a contract for electric aggregation services and City Council has held two public hearings on the Plan of Operation and Governance.

**NOW, THEREFORE**, the City of Xenia hereby resolves:

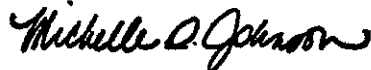
**Section 1:** The City Council of Xenia hereby adopts an Electric Power Aggregation Plan of Operation and Governance for the City of Xenia pursuant to PUCO regulations.

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

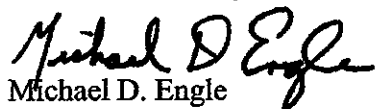
**Section 3:** This Emergency Resolution will adopt the City of Xenia Electric Power Aggregation Plan of Operation and Governance for the Xenia electric aggregation program to allow consumers to reduce their electric bills as soon as possible, provided the resolution receives the affirmative vote of the majority of members elected to the City Council, it shall take effect and be in force from and after the earliest time allowed by law.

Passed: July 24, 2014

Attest:



Michelle D. Johnson  
Clerk, Xenia City Council

  
Michael D. Engle  
President, Xenia City Council

AFFP

Xenia PUBLIC HEARING NOTICE Th

## Affidavit of Publication

STATE OF OHIO }  
COUNTY OF (        ) SS  
}}

Linda Skinner, being duly sworn, says:

That she is Business Office Manager of the Xenia Daily Gazette, a daily newspaper of general circulation, printed and published in Xenia, (        ) County, Ohio; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following

July 01, 2014, July 08, 2014

Xenia  
PUBLIC HEARING NOTICE

The City of Xenia will hold two public hearings on July 22, 2014, at 2 p.m. and July 24, 2014, at 7 p.m. in the City Council Chambers located at 101 N. Detroit Street, Xenia, OH 45385 to receive public comment on the proposed Plan of Operation and Governance proposed to be adopted for the City of Xenia Electric Aggregation Program. The Plan of Operation and Governance is available for review at the City of Xenia offices. Anyone wishing to comment may do so in person at the meetings or in writing by sending written comment to: City of Xenia, Josh Jones, Assistant City Manager, 101 N. Detroit St., Xenia, OH 45385. Written comments must be received no later than 5 p.m. on July 24, 2014.

PUB: July 1/8, 2014  
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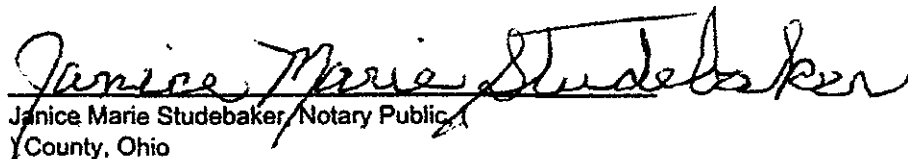
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Business Office Manager

Subscribed to and sworn to me this 8th day of July 2014.

  
Janice Marie Studebaker, Notary Public,  
Y County, Ohio

My commission expires: July 05, 2015

JANICE MARIE STUDEBAKER, Notary Public  
In and for the State of Ohio  
My Commission Expires July 5, 2015

40000691 40620185

CITY OF XENIA/LEGAL  
101 N DETROIT ST  
XENIA                      , OH 45385

# **City of Xenia**

## **Electric Power Aggregation Plan of Operation and Governance**

**July 24, 2014**

# **City of Xenia**

## **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 Xenia residential and commercial consumers may obtain the economic benefits of Ohio's competitive retail electric market. The Xenia Aggregation Program combines the electric loads of residential and small commercial customers to form a buying group ("Aggregation Group"). The City of Xenia will act as Purchasing Agent for the Aggregation Group. This means that Xenia will be a Governmental Aggregator, as defined by Ohio law and the rules established by the PUCO, and shall act on behalf of Dayton Power & Light (DPL) customers in the City to obtain the best electric generation rate for consumers who participate in the Aggregation Group.

#### **II. PROCESS**

In November 2013, Xenia voters approved the development of a form of government electric aggregation known as "opt-out" aggregation. Under the opt-out program, all DPL residential and commercial customers in the City 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 City Council passed an Ordinance, which authorized submitting the selection of opt-out aggregation to the City's voters.

In addition to obtaining necessary City Council approvals, the City is also required to comply with various PUCO regulations. The City will file an application with the PUCO for certification as a Government Aggregator as soon as the City Council Approves the Plan, on or about July 24, 2014. As required by the regulations, the City developed this Aggregation Plan of Operation and Governance ("Plan"). The City advertised the Public hearing dates to discuss the Plan in the Xenia Gazette. As required by the PUCO's regulations, two hearings were conducted on July 22<sup>nd</sup> at 2:00 p.m. and July 24<sup>th</sup> at 7:00 p.m. The Opt-out notice for the City's Program will be sent to all electric customers in the City 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.

The City selected Strategic Aggregation Consultants, LLC (SAC), as its Consultant. SAC will assist the City in the establishment and implementation of its aggregation program. An RFP will be issued to select the best CRES supplier to provide the electric power for the Xenia Aggregation Program. Under this program, Dayton Power and Light (DPL) will still deliver the electricity purchased from the City's selected provider, to customers of the program. Such customers will receive only one bill (from DPL), and all metering, repairs and emergency service will continue to be provided by DPL.

#### **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 the City of Xenia, as a Government Aggregator under Section 4928.20 Ohio Revised Code, to provide DPL customers in the City with retail electric generation services.

"Government Aggregator" means the City 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 Xenia 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 City 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: Xenia will use a contractor ("Retail Electric Generation Provider") to perform and manage aggregation services for its Members. The City will select a supplier following and Request for Proposal (RFP) process administered by SAC. The selected 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 City, if requested, an electronic file containing the Members usage, and charges. The Provider must have a local Xenia 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, Dayton Power & Light 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 City, and (iv) move into the City and desire to enter the Program. This database shall also be capable of eliminating PIPP customers, mercantile accounts, and commercial accounts using more than 700,000 KWh annually from the Program as well as those who have previously switched to an alternate supplier or previously 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 SAC and the City, 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 City 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:** Xenia will use the Retail Electric Generation Provider, or its designated agent, to provide billing services to each Member for the Competitive Retail Electric Services, with no additional administrative fee. At this time, DPL will render the billing statement, which should be consistent with all applicable guidelines issued by the PUCO. As this market develops, Xenia 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 City 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 DPL:** The City's DPL consumers that do not opt-out of the City's Aggregation Group will be enrolled automatically in the Aggregation Program. Participants in the City's Aggregation Group will not be asked to take other affirmative steps in order to be included in the Group. To the extent that DPL requires notification of participation, the City and SAC will coordinate with its Provider to provide such notice to DPL. The Provider will inform DPL 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 City's Government Aggregation Group. Under the Agreement, the term for power supply to Members will be determined following the RFP process.

**C. Xenia' Retail Electric Generation Provider**

The selected Provider must satisfy each of the following requirements:

- Has sufficient sources of power to provide retail firm power to the residents and businesses of Xenia.
- 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 DPL.
- Has a Service Agreement for Network Integration Transmission Service under DPL's Open Access Transmission Tariff.
- Has the corporate structure to sell retail firm power to the DPL customers in the City.
- Its Electronic Data Interchange computer network is fully functional and capable of handling the DPL retail electric customers in Xenia.
- Has the marketing ability to reach all DPL retail electric customers to educate them on the City's Aggregation Program.
- Has a call center capable of handling the City's Aggregation Group customer calls.
- Has a toll-free number as required by the PUCO for customer service and complaints related to the City's aggregation program.
- Will hold the City financially harmless from any financial obligations arising from supplying power to the DPL retail electric customers in the City.
- Satisfies the State of Ohio's, DPL's and the City's credit requirements.
- Will execute the Power Supply Agreement.
- Will provide necessary information to the City's selected consultant and the City to allow for filing the quarterly and 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 in developing a Consumer Education Plan.

**D. Activation of Service**

After a notice is sent out to all eligible electric customers in the City 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 Agreement for power supply service with the selected Provider will provide service for the term agreed upon following the RFP process. 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 DPL customers in the City 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 DPL'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 DPL's Standard Service Offer upon termination.

G. Opt-In Procedures

DPL 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. DPL consumers in the City 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 City and the Provider. The agreed upon policy shall be consistent with DPL's service activation requirements. Aggregation Group participants who move from one location to another within the corporate limits of the City shall retain their participant status.

H. Opt-out Procedures

DPL consumers may opt-out of the City's Aggregation Group at any time during the opt-out period without additional fees charged by the Provider or the City. 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. Any switching fee for leaving the program at any other time than the opt-out period will be clearly stated in the opt-out notification. Switching to a different generation supplier on the next meter read date, however, will occur when the next meter read date is fifteen (15) 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 DPL's Standard Service Offer, until the consumer selects an alternate generation supplier.

I. Rates

**Residential and Commercial Rates:**

Through the efforts of its consultant, Strategic Aggregation Consultants, LLC, the City will seek proposals from PUCO certified Retail Electric Generation Providers. The RFP shall require the suppliers to offer a generation charge for firm, full-requirements supply. The selected Provider may provide a fixed price per KWh or "percent-off" pricing structure by customer rate classification or customer class. The prices to be charged to consumers will be set through a formal bid process in which the City of Xenia will select a qualified supplier. Consumers will be notified of the rates and terms of the Program through a direct mailing sent to each eligible resident and business within the City limits. An opt-out notification will be sent to all eligible residents and businesses in accordance with PUCO guidelines.

K. 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. In the event that Ohio law and PUCO regulations are modified to allow PIPP participation, PIPP customers would be included in the City's aggregation program unless they choose to opt out.

V. MISCELLANEOUS GOVERNANCE GUIDELINES

- A. City Council shall approve through Resolution or Ordinance the Plan of Operation and Governance for the Aggregation program and any Amendments thereto.
- B. The City 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 City will require any Provider to disclose any subcontractors that it uses in fulfillment of the services described above.
- D. The City will require the Provider to maintain either a toll free telephone number, or a telephone number that is local to City residents who are Members.
- E. All costs of the Aggregation Program development/administration will be paid through the inclusion of an 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 the City of Xenia free of charge. Call the City of Xenia Administration Department at 937-376-7231 for a copy or for more information.

**Any electric customer, including any participant in the City'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 DPL. 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 City. 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 and eligible business within the limits of the City 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, a list of frequently asked questions and the deadline for returning the opt out form.
2. The Provider will work with the City to provide opportunities for educating residents in the City about the Program and consumer rights under the law, PUCO rules and this Program. In addition, the Provider and City will work to provide education about 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. See attached Terms and Conditions document.
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.

## **Appendix B --- Customer Service Plan**

### **A. Member Access:**

1. The Provider 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.
3. The Provider shall provide a 24-hour automated telephone message instructing callers to report any service interruptions or electrical emergencies to DPL.

### **B. Member Complaints:**

1. Provider shall investigate Member complaints (including Member complaints referred by DPL) 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 the Provider; or
  - b. The consumer and The Public Utilities Commission of Ohio Staff ("Commission Staff"), when a complaint is referred to the Provider by the Commission Staff.
2. If an investigation is not completed within 14 calendar days, the Provider shall provide status reports to the consumer and SAC and the City, or if applicable, to the consumer, SAC and the City as well as 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. The Provider shall inform the consumer, or the consumers, SAC, the City 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, SAC, the City, or Commission Staff may request the report in writing.
4. If a residential consumer disputes the Provider report, Provider shall inform the consumer that the Commission Staff is available to help resolve informal complaints. Provider 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. The Provider 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. The Provider shall make good faith efforts to resolve disputes.

### **C. Member Billing and Payments**

1. The Provider shall arrange for DPL or its agent to bill Members for such services according to a tariff approved by the commission. Member bills issued by or for the Provider shall be accurate and understandable, be rendered at intervals consistent with those of DPL, 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, Provider 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 on 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 DPL 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, the Provider 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 City and Provider 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 the Provider or its agent.
- 2. The City and its Consultant shall approve the Collections process utilized by the Provider.
- 3. Failure of Members to pay charges for Competitive Retail Electric Services may result in loss of those products and service; and
- 4. Failure to pay charges for Competitive Retail Electric Services may result in cancellation of the Member's contract with the Provider, and return the Member to DPL's Standard Offer.

## SAMPLE Opt-Out Notification

DATE

Re: Great news – Xenia's Aggregation Program supplied by \_\_\_\_\_ to offer savings!

Dear Resident,

Your community's aggregation program provides you the opportunity to save money on your electric bill. These savings are possible through governmental aggregation, a community purchasing program where community 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.

\_\_\_\_\_ has been selected to provide you with savings on your electric generation. There is no cost for enrollment, you will not be charged a switching fee, and you do not need to do anything to participate. Please see the enclosed FAQs for more information.

By participating in this aggregation program, you will receive exclusive low pricing on your electric generation. The chart below shows the details of this program:

The Xenia program was approved by voters in your community in November 2013.

Your Electric Utility	Price	Term End Date	Opt Out Deadline	Early Termination Fee
Dayton Power & Light	X.XX¢/kwh	XXXX	XXXXX, 2014	\$X

As a member of the program, you will see your electric savings from \_\_\_\_\_ 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 community's electric governmental aggregation program. If you do not want to participate in this savings program, you have until the opt out deadline to return the attached "opt-out" form. If you do not opt out at this time and leave the program at a later date, you might not be served under the same rates, terms and conditions that apply to other customers served by your utility.

Your electric utility will send you a letter confirming your selection of \_\_\_\_\_ as your electric generation provider. As required by law, this letter will inform you of your option to cancel your contract with \_\_\_\_\_ within seven days of its postmark. To remain a member of the community's electric governmental aggregation program, you don't need to take any action when this letter arrives.

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

If you are on an DPL budget billing plan, you may continue to receive that service. If you have any questions, please call \_\_\_\_\_ toll-free at 1-800\_\_\_\_\_, Monday through Friday, 8 a.m. to 5 p.m. Please do not call the City of Xenia with aggregation program questions.

Sincerely,

Brent W. Merriman  
City Manager  
City of Xenia

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

### OPT-OUT FORM – CITY OF XENIA ELECTRIC GOVERNMENTAL AGGREGATION PROGRAM

By returning this signed form, you will **NOT** be part of your community's electric savings program.



I wish to opt out of my community's electric savings program. (Check box to opt out.)

Service address (City, state and zip): \_\_\_\_\_

Phone number: \_\_\_\_\_

Account holder's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Mail by XXXXX, 2014 to: Xenia Electric Governmental Aggregation Program, XXXXXXXXX

## **Xenia Electric Aggregation Program — Frequently Asked Questions**

### **What is aggregation?**

Under governmental aggregation, City officials bring citizens together to gain group buying power for the purchase of competitively priced electricity from a retail electric generation supplier certified by the Public Utilities Commission of Ohio.

### **How is Xenia able to choose a licensed electric generation supplier on my behalf?**

On November 6, 2013, Xenia residents voted to allow the City to contract for an electric generation supplier on their behalf.

### **How will I know if I can save money under the City's electric government aggregation program?**

When you join the City's government aggregation program, your electric utility will provide you with a "generation shopping credit," which is available on your electric bill after you have been enrolled in the City's government aggregation program or by calling XXXXXXXX.

Your shopping credit — which varies each month — represents the amount credited to you if you switch to an alternative electric supplier, such as XXXXXXXX. Under the City's aggregation program, the price you pay for electric supply will be XXXXXX for residential customers and XXXXXX for commercial customers.

### **What does "opt out" mean?**

"Opt out" means that you can decide not participate in Xenia's electric aggregation program. By returning the opt-out form, which is included in this mailing, you will not be enrolled as an electric customer with \_\_\_\_\_, Xenia's electric generation supplier.

### **What happens if I do not send in the opt-out form?**

If you do not return the opt-out form postmarked by the required date, you will be included in Xenia's electric aggregation program and will begin receiving competitively priced electricity from \_\_\_\_\_.

### **Can I opt out of the program at a later date?**

Yes, but you could be subject to a \_\_\_\_\_ switching fee from \_\_\_\_\_. However, you will be sent a notice at least every three years asking if you wish to remain in the program. At that point, you may opt out at no cost.

### **What are my energy choices if I decide to opt out?**

You can stay with your current electric utility, which will continue to supply your electricity as it always has. Or, you can shop for a new electric supplier. A list of suppliers certified by the Public Utilities Commission of Ohio and their current prices is available by calling the Ohio Electric Choice answer center at 1-888-632-1314 or by visiting [www.ohioelectricchoice.com](http://www.ohioelectricchoice.com).

### **May I get back into the City's electric aggregation program after I have opted-out?**

Yes. You will need to call \_\_\_\_\_ at \_\_\_\_\_ to enroll.

### **Can I opt out over the phone?**

No, you must mail in your completed form and it must be postmarked by the deadline.

### **What is the toll-free number for questions?**

For answers to your questions, please call \_\_\_\_\_, Monday through Friday, 8 a.m. to 5 p.m.

**Can I stay on budget billing or have my payment automatically deducted from my checking account as I do now?**

Yes, DPL will continue to offer those programs. However, budget billing applies only to a portion of your DPL bill – the charges that include distributing the electricity over the lines, maintaining equipment and providing emergency service.

The budget billing program **does not apply** to your charges from \_\_\_\_\_. On your monthly DPL bill, you'll notice a charge from \_\_\_\_\_ for generation. This charge reflects the **actual** amount of electricity you used that month and may vary each month due to your usage.

**If I do join Xenia's electric aggregation program, who will deliver my power, read my meter and respond to emergencies, such as power outages?**

DPL will be responsible for the transmission and distribution of power to your home or business. Since your local electric utility still owns the wires and poles that delivers power to you, it will continue to read your meter and restore power after an outage.

**What will my electric bill look like under the City's electric aggregation program?**

There are three parts to your electrical power system: transmission, distribution and generation. Your energy bill will look different under deregulation because the rates you pay after joining the City's electric aggregation program will be unbundled, or split into separate charges on the bill.

Your bill from your local electric company will include these charges:

- A generation charge to buy power from your electricity supplier
- A transmission charge from your electricity supplier to bring the power from the energy supplier to your area
- A distribution charge from your local electric company to deliver electricity to your home or business
- A market transition charge that enables your local electric company to recover the costs of changing to a competitive industry

## **Appendix C --- Experience**

The City of Xenia officials are experienced in negotiating, contracting and providing for common services for the City. Some examples of experience as a service provider are:

1. Police Service
2. Parks and Recreation
3. Public Works

The City Council, Administration and Staff routinely negotiate for services and supplies that benefit the residents of Xenia. However, due to the complexity of Governmental Aggregation, the City has hired Strategic Aggregation Consultants, LLC to assist them in designing, implementing and maintaining the Program.

Strategic Aggregation Consultants, LLC was founded by Brenda Fargo in 2013 following 16 years with FirstEnergy Solutions (FES) to provide energy consulting services. During her tenure at FES, she was responsible for the 2001 creation and continued implementation of the electric aggregation program. Under her guidance, the FirstEnergy Solutions electric aggregation program grew to serve more than 2 Million accounts in 450 Ohio and Illinois communities. Over the past 12 years, Brenda worked directly with many communities to implement and maintain their aggregation programs. A partial list of those is listed below.

**Cities:** Akron, Ashland, Barberton, Bay City, Canal Fulton, Cleveland, Cleveland Heights, Defiance, East Liverpool, East Palestine, Fairlawn, Green, London, Lordstown, Mansfield, Medina, Parma, Ravenna, Richmond Heights, Rossford, Salem, Seven Hills, Springfield, Tallmadge, Westlake, and Youngstown.

**Cities:** Archbold, Andover, Boston Heights, Creston, Doylestown, East Canton, Mantua, Mogadore, Lisbon, Navarre, Ottawa Hills, Richwood, and Sebring

**Townships:** Bath, Boston, Copley, Coventry, Franklin, Northfield Center, Richfield, Sagamore Hills, Springfield, Twinsburg in Summit County, Fairfield Township in Columbiana County Boardman Township in Mahoning County, and Troy and Burton Townships in Geauga County.

In addition, she has assisted the Public Utilities Commission of Ohio (PUCO) and Office of the Ohio Consumers' Counsel (OCC), the Illinois Commerce Commission (ICC), and the New Jersey Division of the Rate Counsel with aggregation related issues and provided suggestions to make the programs in those states more beneficial to communities and their participants.

Contact information for Strategic Aggregation Consultants is:

**Brenda Fargo, President**  
**3700 Massillon Road, Suite 341**  
**Uniontown, Ohio 44685**  
**330-899-9960 (office)**  
**330-899-9969 (fax)**  
**Email: bfargo@sac-save.com**

Strategic Aggregation Consultants will:

- Draft and assist in maintaining this Plan of Operation and Governance
- Lead the required Public Hearings and attend City Council meetings
- Assist the day-to-day administration of program (problem resolution, press releases, PUCO compliance, supplier liaison, contract review, etc.)
- Design and issue the Request for Proposal, analyze supplier responses and provide recommendations for the supply agreement
- To review customer data provided by DPL that would serve as the basis for an opt-out notice.
- To write/prepare reports on a quarterly/annual basis to the City, PUCO, PUCO's Market Monitoring division, and the Ohio Consumers' Counsel.

# **Exhibit A-4**

## **Automatic Aggregation Disclosure & Customer Education**

## SAMPLE Opt-Out Notification

DATE \_\_\_\_\_

Re: Great news – Xenia's Aggregation Program supplied by \_\_\_\_\_ to offer savings!

Dear Resident,

Your community's aggregation program provides you the opportunity to save money on your electric bill. These savings are possible through governmental aggregation, a community purchasing program where community 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.

\_\_\_\_\_ has been selected to provide you with savings on your electric generation. There is no cost for enrollment, you will not be charged a switching fee, and you do not need to do anything to participate. Please see the enclosed FAQs for more information.

By participating in this aggregation program, you will receive exclusive low pricing on your electric generation. The chart below shows the details of this program:

The Xenia program was approved by voters in your community in November 2013.

Your Electric Utility	Price	Term End Date	Opt Out Deadline	Early Termination Fee
Dayton Power & Light	X.XX¢/kwh	XXXX	XXXXX, 2014	\$X

As a member of the program, you will see your electric savings from \_\_\_\_\_ 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 community's electric governmental aggregation program. If you do not want to participate in this savings program, you have until the opt out deadline to return the attached "opt-out" form. If you do not opt out at this time and leave the program at a later date, you might not be served under the same rates, terms and conditions that apply to other customers served by your utility.

Your electric utility will send you a letter confirming your selection of \_\_\_\_\_ as your electric generation provider. As required by law, this letter will inform you of your option to cancel your contract with \_\_\_\_\_ within seven days of its postmark. To remain a member of the community's electric governmental aggregation program, you don't need to take any action when this letter arrives.

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

If you are on an DPL budget billing plan, you may continue to receive that service. If you have any questions, please call \_\_\_\_\_ toll-free at 1-800 \_\_\_\_\_, Monday through Friday, 8 a.m. to 5 p.m. Please do not call the City of Xenia with aggregation program questions.

Sincerely,

Brent W. Merriman  
City Manager  
City of Xenia

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

### OPT-OUT FORM – CITY OF XENIA ELECTRIC GOVERNMENTAL AGGREGATION PROGRAM

By returning this signed form, you will **NOT** be part of your community's electric savings program.

☐ I wish to opt out of my community's electric savings program. (Check box to opt out.)

Service address (City, state and zip): \_\_\_\_\_

Phone number: \_\_\_\_\_

Account holder's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Mail by XXXXX, 2014 to: Xenia Electric Governmental Aggregation Program, XXXXXXXXX

## **Xenia Electric Aggregation Program — Frequently Asked Questions**

### **What is aggregation?**

Under governmental aggregation, City officials bring citizens together to gain group buying power for the purchase of competitively priced electricity from a retail electric generation supplier certified by the Public Utilities Commission of Ohio.

### **How is Xenia able to choose a licensed electric generation supplier on my behalf?**

On November 6, 2013, Xenia residents voted to allow the City to contract for an electric generation supplier on their behalf.

### **How will I know if I can save money under the City's electric government aggregation program?**

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Your shopping credit — which varies each month — represents the amount credited to you if you switch to an alternative electric supplier, such as XXXXXXXX. Under the City's aggregation program, the price you pay for electric supply will be XXXXXX for residential customers and XXXXXX for commercial customers.

### **What does "opt out" mean?**

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### **What happens if I do not send in the opt-out form?**

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### **Can I opt out of the program at a later date?**

Yes, but you could be subject to a \_\_\_\_\_ switching fee from \_\_\_\_\_. However, you will be sent a notice at least every three years asking if you wish to remain in the program. At that point, you may opt out at no cost.

### **What are my energy choices if I decide to opt out?**

You can stay with your current electric utility, which will continue to supply your electricity as it always has. Or, you can shop for a new electric supplier. A list of suppliers certified by the Public Utilities Commission of Ohio and their current prices is available by calling the Ohio Electric Choice answer center at 1-888-632-1314 or by visiting [www.ohioelectricchoice.com](http://www.ohioelectricchoice.com).

### **May I get back into the City's electric aggregation program after I have opted-out?**

Yes. You will need to call \_\_\_\_\_ at \_\_\_\_\_ to enroll.

### **Can I opt out over the phone?**

No, you must mail in your completed form and it must be postmarked by the deadline.

### **What is the toll-free number for questions?**

For answers to your questions, please call \_\_\_\_\_, Monday through Friday, 8 a.m. to 5 p.m.

**Can I stay on budget billing or have my payment automatically deducted from my checking account as I do now?**

Yes, DPL will continue to offer those programs. However, budget billing applies only to a portion of your DPL bill – the charges that include distributing the electricity over the lines, maintaining equipment and providing emergency service.

The budget billing program **does not apply** to your charges from \_\_\_\_\_. On your monthly DPL bill, you'll notice a charge from \_\_\_\_\_ for generation. This charge reflects the **actual** amount of electricity you used that month and may vary each month due to your usage.

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DPL will be responsible for the transmission and distribution of power to your home or business. Since your local electric utility still owns the wires and poles that delivers power to you, it will continue to read your meter and restore power after an outage.

**What will my electric bill look like under the City's electric aggregation program?**

There are three parts to your electrical power system: transmission, distribution and generation. Your energy bill will look different under deregulation because the rates you pay after joining the City's electric aggregation program will be unbundled, or split into separate charges on the bill.

Your bill from your local electric company will include these charges:

- A generation charge to buy power from your electricity supplier
- A transmission charge from your electricity supplier to bring the power from the energy supplier to your area
- A distribution charge from your local electric company to deliver electricity to your home or business
- A market transition charge that enables your local electric company to recover the costs of changing to a competitive industry

# **Exhibit A-5**

# **Experience**

## **Applicant's Experience and Plan for Providing Aggregation Services:**

The City of Xenia officials are experienced in negotiating, contracting and providing for common services for the City. Some examples of experience as a service provider are:

1. Police Service
2. Parks and Recreation
3. Public Works

The City Council, Administration and Staff routinely negotiate for services and supplies that benefit the residents of Xenia. However, due to the complexity of Governmental Aggregation, the City has hired Strategic Aggregation Consultants, LLC to assist them in designing, implementing and maintaining the Program.

Strategic Aggregation Consultants, LLC was founded by Brenda Fargo in 2013 following 16 years with FirstEnergy Solutions (FES) to provide energy consulting services. During her tenure at FES, she was responsible for the 2001 creation and continued implementation of the electric aggregation program. Under her guidance, the FirstEnergy Solutions electric aggregation program grew to serve more than 2 Million accounts in 450 Ohio and Illinois communities. Over the past 12 years, Brenda worked directly with many communities to implement and maintain their aggregation programs. A partial list of those is listed below.

**Cities:** Akron, Ashland, Barberton, Bay Village, Canal Fulton, Cleveland, Cleveland Heights, Defiance, East Liverpool, East Palestine, Fairlawn, Green, London, Lordstown, Mansfield, Medina, Parma, Ravenna, Richmond Heights, Rossford, Salem, Seven Hills, Springfield, Tallmadge, Westlake, and Youngstown.

**Villages:** Millersburg, Archbold, Andover, Boston Heights, Creston, Doylestown, East Canton, Mantua, Mogadore, Lisbon, Navarre, Ottawa Hills, Richwood, and Sebring

**Townships:** Bath, Boston, Copley, Coventry, Franklin, Northfield Center, Richfield, Sagamore Hills, Springfield, Twinsburg in Summit County, Fairfield Township in Columbiana County and Troy and Burton Townships in Geauga County.

In addition, she has assisted the Public Utilities Commission of Ohio (PUCO) and Office of the Ohio Consumers' Counsel (OCC), the Illinois Commerce Commission (ICC), and the New Jersey Division of the Rate Counsel with aggregation related issues and provided suggestions to make the programs in those states more beneficial to communities and their participants.