



## Public Utilities Commission

Original GAG Case Number	Version
03 - 514 -EL-GAG	August 2004

### RENEWAL APPLICATION FOR GOVERNMENTAL AGGREGATORS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-4 Opt-Out Form). 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. RENEWAL INFORMATION

**A-1 Applicant's legal name, address, telephone number, PUCO certificate number, and web site address**

Legal Name City of Westlake, Ohio

Address 27770 Hilliard, Blvd., Westlake, OH 44145

PUCO Certificate # and Date Certified 03-099E (May 2015)

Telephone # (440) 871-3300 Web site address (if any) www.cityofwestlake.org

**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 current 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-"Opt-out Form"** provide a copy of the disclosures/"opt-out" 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. If the opt-out is in draft form, docket the final opt-out (including beginning and ending dates of the 21-day -out period and the selected CRES supplier) with the Commission within 10 days prior to providing or offering service. See #12 in the attached Affidavit .

A-5 **Contact person for regulatory or emergency matters**

Name Charlene Rericha  
Title Marketing Support Analyst  
Business address 341 White Pond Drive, Akron, Ohio 44320  
Telephone # (330) 315-7215 Fax # (330) 245-5619  
E-mail address (if any) crericha@fes.com

A-6 **Contact person for Commission Staff use in investigating customer complaints**

Name Patricia Sewell  
Title Customer Operations Analyst  
Business address 341 White Pond Drive, Akron, Ohio 44320  
Telephone # (330) 315-7368 Fax #   
E-mail address (if any) sewellp@fes.com

A-7 **Applicant's address and toll-free number for customer service and complaints**

Customer Service address 341 White Pond Drive, Akron, Ohio 44320  
Toll-free Telephone # (866) 636-3749 Fax # (888) 820-1416  
E-mail address (if any) n/a

X Dennis M. Clough Mayor  
Signature of Applicant & Title

Sworn and subscribed before me this 17<sup>th</sup> day of April, 2017  
Month Year

Robin R. Leasure Soeder  
Signature of official administering oath

Robin R. Leasure Soeder  
Print Name and Title Asst. Dir. of C&E

My commission expires on ROBIN R. LEASURE SOEDER, ESQ.  
Notary Public, State of Ohio  
My Comm. Has No Prior. Data  
Section 147.03 R.C.

# **AFFIDAVIT**

State of Ohio :

Westlake ss.  
(Town)

County of Cuyahoga :

Dennis M. Clough Affiant, being duly sworn/affirmed according to law, deposes and says that:

He She is the Mayor (Office of Affiant) of the City of Westlake (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 renewal 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 renewal 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 if the opt-out is in draft form, the Applicant will docket the final opt-out (including beginning and ending dates of the 21-day -out period and the selected CRES supplier) with the Commission within 10 days prior to providing or offering service.

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.

X Dennis M. Clough Mayor  
Signature of Affiant & Title

Sworn and subscribed before me this 17<sup>th</sup> day of April, 2017  
Month Year

Robin R. Leasure Soeder  
Signature of official administering oath

Robin R. Leasure Soeder  
Print Name and Title

My commission expires on \_\_\_\_\_ ROBIN R. LEASURE SOEDER, ESQ.  
Notary Public, State of Ohio  
My Comm. Has No Expir. Date  
Section 147.03 R.C.

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

**CERTIFICATION APPLICATION  
FOR A GOVERNMENTAL  
AGGREGATOR**

**City of Westlake, Ohio**

**Law Department  
27700 Hilliard Boulevard  
Westlake, OH 44145**

**440-871-3300  
440-835-6411 (fax)**

**April 21, 2011**

# **Exhibit A-2**

# **Authorizing Ordinance**

**CITY OF WESTLAKE, OHIO  
ORDINANCE NO. 2002-97**

**AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT OT SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE CUYAHOGA COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation ("Am. Sub. S.B. No. 3") which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; 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 electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric 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 WESTLAKE, COUNTY OF CUYAHOGA AND STATE OF OHIO:**

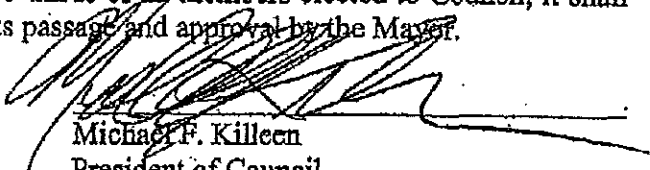
Section 1: That this Council finds and determines that it is in the best interest of the City, its residents, businesses and other electric consumers located within the corporate limits of the City to establish the Aggregation Program in the City. Provided that this Ordinance and the Aggregation Program is approved by the electors of the City pursuant to Section 2 of this Ordinance, the City is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the City, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. 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. The aggregation will occur automatically for each person owning, occupying, controlling, or using an

CITY OF WESTLAKE, OHIO  
ORDINANCE NO. 2002- 97  
PAGE 3

action were in meetings open to the public in compliance with all legal requirements including Section 10, Article XI of the Charter of the City of Westlake.

Section 5: That this legislation is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary in order to file a certified copy of this Ordinance and the proposed form of the ballot question with the Board of Elections of Cuyahoga County not later than seventy-five (75) days prior to the November 5, 2002 election, and further provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: 8/15/02

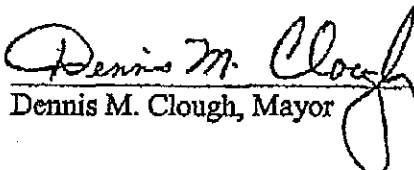
  
Michael F. Killeen  
President of Council

Presented to Mayor: 8/16/02

Approved: 8/16/02

ATTEST:

  
Susan Prehoda, Clerk of Council

  
Dennis M. Clough, Mayor

I, Susan J. Prehoda, the duly appointed, qualified and acting  
Clerk of Council of the City of Westlake, Ohio do hereby  
certify that the foregoing is a true copy of Ordinance  
Resolution No. 2002-97  
duly adopted on the 15 day of August 2002



# **Exhibit A-3**

# **Operation**

# **and**

# **Governance**

# **Plan**

# **City of Westlake**

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

**December 2, 2002**

# **City of Westlake**

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

#### **II. PROCESS**

On November 5, 2002, City of Westlake voters approved the development of a form of government electric aggregation known as "opt-out" aggregation. Under the opt-out program, all CEI residential and business 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 and the City Council will approve

the Plan, on or about December 20, 2002. 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 *Westlife*. As required by the PUCO's regulations, two hearings were conducted on January 30, 2003 at 10:00 a.m. and 7:00 p.m. The Opt-out notice for the City's Program will be sent to all eligible 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.

By vote of the City Council of City of Westlake on November 21, 2002, the City selected FirstEnergy Solutions, Corp. (FES), a subsidiary of FirstEnergy Corp., as its Retail Electric Generation Provider, to provide the electric power for the City of Westlake Aggregation Program at this time. Under this program, The Illuminating Company (CEI) will still deliver the electricity purchased from the City's provider, FES, to customers, customers will receive only one bill (from CEI), and all metering, repairs and emergency service will continue to be provided by CEI.

### 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 Westlake, as a Government Aggregator under Section 4928.20 Ohio Revised Code, to provide CEI 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 City of Westlake 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: City of Westlake will use a contractor ("Retail Electric Generation Provider") to perform and manage aggregation services for its Members. The City has

selected FES to be its Provider at this time. The Provider shall provide adequate, accurate, and understandable pricing terms and conditions of service, including any switching fees and the conditions under which a Member may rescind a contract without penalty. The Provider must provide the City, if requested, an electronic file containing the Members usage, and charges. The Provider must have a local City of Westlake 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, The Illuminating Company 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. 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 from the Program, should that be necessary, and those who have opted out.

3. Member Education: The Retail Electric Generation Provider will develop, with the assistance of 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 two 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.

5. Billing: The City of Westlake will use the Retail Electric Generation Provider, or it's designated agent, to provide billing services to each Member for the Competitive Retail Electric Services, with no additional administrative fee. At this time, The Illuminating Company will render the billing statement, which should be consistent with all applicable guidelines issued by the PUCO. As this market develops, the City of Westlake may, at its option and in consultation with the Provider, change this function to the Retail Electric Generation Provider or a billing agency.

6. 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. The Retail Electric Generation Provider will also develop a process to monitor and provide notification of any changes in laws, rules or regulations.

7. Notification to The Illuminating Company: The City's CEI 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 CEI requires notification of participation, the City will coordinate with its Provider to provide such notice to CEI. The Provider will inform CEI 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.

C. The City of Westlake' Retail Electric Generation Provider - FirstEnergy Solutions, Corp. (FES)

**FES satisfies each of the following requirements:**

- Has sufficient sources of power to provide retail firm power to the residents and businesses in the unincorporated area of City of Westlake.
- 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 CEI.
- Has a Service Agreement for Network Integration Transmission Service under FirstEnergy's Open Access Transmission Tariff.
- Has a Service Agreement under FirstEnergy's Market-based Rate Tariff.
- Has the corporate structure to sell retail firm power to the CEI customers in the City.
- Its Electronic Data Interchange computer network is fully functional and capable of handling the CEI retail electric customers in the City of Westlake.
- Has the marketing ability to reach all CEI 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 CEI retail electric customers in the City.
- Satisfies the State of Ohio's, FirstEnergy's and the City's credit requirements.
- Will execute the Power Supply Agreement.
- Will assist the City in filing the annual reports required by the PUCO and Section 4805.10(A), Section 4911.18(A) and Section 4928.06(F) of the Ohio Revised Code.
- Will assist the City in developing a Consumer Education Plan.

D. Activation of Service

After a notice is sent out to all 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 current Agreement for power supply service with FES will provide service for four years beginning upon activation of service. If the Agreement is extended or renewed, Members will be notified as required by law and the rules of the PUCO as to any change in rates or service conditions. At least every two years all CEI 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 CEI'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 CEI's Standard Service Offer upon termination.

G. Opt-In Procedures

CEI 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. CEI 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 CEI'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

CEI 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. Residential Aggregation Group participants who switch to a different generation supplier after the expiration of the Opt-out period will be allowed to do so in correlation with the

consumer's next scheduled meter read date but will be charged a \$25.00 switching fee to be billed on their final bill from the Provider. Commercial participants choosing a different generation supplier after the expiration of the opt-out period will be charged a default fee based upon the term remaining on the contract. Switching to a different generation supplier on the next meter read date, however, will occur when the next meter read date is twelve (12) business days or more from the date of the consumer's notice of intent to opt-out of the Aggregation Group. Notification of intent to opt-out of the Aggregation Group may be made by contacting the Provider by telephone or in writing. Consumers who opt-out of the Aggregation Group will default to CEI's Standard Service Offer, until the consumer selects an alternate generation supplier.

## I. Rates

The Provider's rates shall be as follows for the generation charge:

**The following rates will apply for the initial two-years of The City of Westlake's Aggregation Program. The following years' pricing will be communicated in an opt-out notification sent to all participants in accordance with PUCO guidelines.**

### Residential Rates

Residential (Rates 50 – 89) = 6% off Generation Shopping Credit

Optional Electrically Heated Apartment with & w/o Water Heating (Rates 30,31,40,41) – “Non-shoppable” rates (customers would have to switch to a “fall back” rate in order to shop – potentially losing the discount they currently receive)

### Governmental Facilities' Rates

All eligible government facilities = 6% off Generation Shopping Credit

### Commercial Rates

The commercial members, with usage of 299 kWd and below, in the Westlake program are guaranteed to save 4 percent on electric supply. This percentage discount will be taken off the “generation shopping credit,” which appears on the electric bill after enrollment in the City's program.

General Service (Rate 105)	= 4 % off Generation Shopping Credit
Small School/Large School (Rates 115,116,135)	= 4 % off Generation Shopping Credit
Small General Service (Rates 125)	= 4 % off Generation Shopping Credit
All Electric General Service (Rates 130)	= 4 % off Generation Shopping Credit
Medium General Service (Rates 145)	= 4 % off Generation Shopping Credit

- If FE does not require additional metering for customers above 299 kWd, FES may raise the eligibility limit of commercial/industrial customers.
- All other commercial/industrial rates are considered “non-shoppable”
- These rates are for the electric generation portion of the bill only and are expressed in cents per kilowatt-hour. Transmission and Distribution charges will also apply.
- These rates assume participants will receive a single bill from CEI for all electric services.



J. Other Costs

Commercial Government Aggregation Members will be required by CEI to pay a one-time \$5.00 switching fee. Provider will pay the fee on behalf of the residential members.

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. To the extent permitted by Ohio law and the PUCO, PIPP customers will be included in the City's aggregation 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. Any costs of the Aggregation Program development/administration will be paid either through the general fund and/or through the inclusion of a percentage adder that will be added to Member bills.

VI. LIABILITY

THE CITY SHALL NOT BE LIABLE TO PARTICIPANTS IN THE AGGREGATION GROUP FOR ANY CLAIMS, HOWEVER STYLED, ARISING OUT OF THE AGGREGATION PROGRAM OR THE PROVISION OF AGGREGATION SERVICES BY THE CITY OR THE PROVIDER.

PARTICIPANTS IN THE AGGREGATION GROUP SHALL ASSERT ANY SUCH CLAIMS SOLELY AGAINST THE PROVIDER PURSUANT TO THE POWER SUPPLY AGREEMENT, UNDER WHICH SUCH PARTICIPANTS ARE EXPRESS THIRD-PARTY BENEFICIARIES.

VII. INFORMATION AND COMPLAINT NUMBERS

Copies of this Plan are available from The City of Westlake free of charge. Call the Law Office at 440-871-6411 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 CEI. 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 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, and the deadline for returning the opt out form. See the attached letter.
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 and other opportunities for energy efficiency measures to help consumers reduce energy consumption.
3. The Provider will provide updates and disclosures as mandated by State law and rules of the PUCO.
4. The opt-out opportunity will be provided to the members of the program at least every two years. Should conditions, suppliers, price, or any other component of the program change within the two-year period, participants will be given a notice of their opportunity to opt out of, or into the program.

\_\_\_\_\_, 2005

Dear City of Westlake Resident/Business:

Thanks to voter approval on November 5, 2002 of legislation allowing the City to provide cheaper electric power to all residents, institutions and businesses, our City has the opportunity to take advantage of the Ohio Electric Choice Program, which began on January 1, 2001. In response to the citizens of the City, the Mayor and City Council are now offering you the opportunity to join with other electric customers in the City to save money on your electric bill.

Savings are possible through a concept called "aggregation," by which the City hires a Retail Electric Generation Provider certified by The Public Utilities Commission of Ohio (PUCO), to provide all of the customers in the City with electric power at a discount rate, unless a customer affirmatively chooses not to participate in this Program. The City has hired FirstEnergy Solutions, Corp. (FES), a subsidiary of FirstEnergy Corp., to provide the electric power for the City of Westlake Aggregation Program at this time.

Under this Program, the electricity purchased from the City's provider, FES, will still be delivered to you by your current electric distributor, The Illuminating Company. Also, you will receive only one bill from The Illuminating Company, and all metering, repairs and emergency service will continue to be provided by The Illuminating Company. You will still be able to take advantage of all of the billing and payment options that The Illuminating Company currently offers, such as budget billing (for the The Illuminating Company portion of the bill), automatic bill payment, etc.

There is no cost to you for enrollment in the City of Westlake Electric Aggregation Program and if you wish to join you need not take any action, your enrollment will be automatic. As a member of this Program, your generation discounts are as follows :

Residential Rates

Residential (Rates 50 – 89) = \_\_\_\_% off Generation Shopping Credit

**Optional Electrically Heated Apartment with & w/o Water Heating (Rates 30,31,40,41) – "Non-shoppable" rates (customers would have to switch to a "fall back" rate in order to shop – potentially losing the discount they currently receive)**

Governmental Facilities' Rates

All eligible government facilities = \_\_\_\_% off Generation Shopping Credit

Commercial Rates

The commercial members, with usage of 299 kWd and below, in the Westlake program are guaranteed to save 4 percent on electric supply. This percentage discount will be taken off the "generation shopping credit," which appears on the electric bill after enrollment in the City's program.

General Service (Rate 105)	= ____% off Generation Shopping Credit
Small School/Large School (Rates 115,116,135)	= ____% off Generation Shopping Credit
Small General Service (Rates 125)	= ____% off Generation Shopping Credit
All Electric General Service (Rates 130)	= ____% off Generation Shopping Credit
Medium General Service (Rates 145)	= ____% off Generation Shopping Credit

- All other commercial/industrial rates are considered "non-shoppable"
- These rates are for the electric generation portion of the bill only and are expressed in cents per kilowatt-hour. Transmission and Distribution charges will also apply.
- These rates assume participants will receive a single bill from CEI for all electric services.

It is anticipated that your bill will reflect the lower FES rate beginning in the next month or two, depending on your meter read date and PUCO approval of the City's Program. If you under contract with any generation supplier, you will need to opt-out in order to maintain your current rate.

You are not obligated to join the Aggregation Program. You may remain a full service customer of The Illuminating Company, or enter into a contract with another provider. **If you do not want to participate in the City's Program, you have the next 21 days – until \_\_\_\_\_ – to return the enclosed "Opt-Out" post card.** By returning the signed form, you will be excluded from the City's electric Aggregation Program. You will be sent a notice at least every two years asking if you wish to remain or join in the City's Program.

**WARNING: IF YOU ARE ALREADY IN A CONTRACT WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER YOU MAY INCUR A CONTRACT TERMINATION FEE OR OTHER CHARGES IF YOU FAIL TO OPT-OUT OF THE AGGREGATION.**

If you have any questions or concerns, you may call FirstEnergy Solutions, toll-free at **1-800-XXX-XXXX, Monday through Friday, 7 a.m. to 5 p.m.** Remember, send back the postcard only if you DO NOT want to be a part of the City's Aggregation Program.

Sincerely,

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

### **A.     Member Access:**

1.     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, as follows:

**FirstEnergy Solutions Corp.  
395 Ghent Road, Suite 413  
Akron, Ohio 44333  
Toll-free telephone number: 1-888-254-6539  
Hours: M-F, 7:00 a.m.- 5:00 p.m.**

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

### **B.     Member Complaints:**

1.     Provider shall investigate Member complaints (including Member complaints referred by The Illuminating Company) 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 Provider; or
  - b.     The consumer and The Public Utilities Commission of Ohio Staff ("Commission Staff"), when a complaint is referred to Provider by the Commission Staff.
2.     If an investigation is not completed within 14 calendar days, Provider shall provide status reports to the consumer and the City, or if applicable, to the consumer, the City and the Commission Staff. Such status reports shall be provided at five-day intervals until the investigation is complete, unless the action that must be taken will require more than five days and the Member has been so notified.
3.     Provider shall inform the consumer, or the consumer, 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, 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. 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. Provider shall make good faith efforts to resolve disputes.

C. Member Billing and Payments

1. Provider shall arrange for The Illuminating Company or its agent to bill Members for such services according to a tariff approved by the commission. Member bills issued by or for Provider shall be accurate and understandable, be rendered at intervals consistent with those of The Illuminating Company, 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 Illuminating Company 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, 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 Provider or its agent.
- 2. The City shall approve the Collections process utilized by 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 Provider, and return the Member to The Illuminating Company's Standard Offer.



# **Exhibit A-4**

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

Dear City of Westlake Resident/Business:

Thanks to voter approval on November 5, 2002 of legislation allowing the City to provide cheaper electric power to all residents, institutions and businesses, our City has the opportunity to take advantage of the Ohio Electric Choice Program, which began on January 1, 2001. In response to the citizens of the City, the Mayor and City Council are now offering you the opportunity to join with other electric customers in the City to save money on your electric bill.

Savings are possible through a concept called "aggregation," by which the City hires a Retail Electric Generation Provider certified by The Public Utilities Commission of Ohio (PUCO), to provide all of the customers in the City with electric power at a discount rate, unless a customer affirmatively chooses not to participate in this Program. The City has selected FirstEnergy Solutions, Corp. (FES), a subsidiary of FirstEnergy Corp., to provide the electric power for the City of Westlake Aggregation Program at this time.

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If you have any questions or concerns, you may call FirstEnergy Solutions, toll-free at 1-800-XXX-XXXX, Monday through Friday, 7 a.m. to 5 p.m. Remember, send back the postcard only if you DO NOT want to be a part of the City's Aggregation Program.

Sincerely,

# **Exhibit A-5**

# **Experience**

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

The Applicant City of Westlake (the "City") has contracted with FirstEnergy Solutions Inc. ("FES") to provide administrative and retail generation supply services for the City's Aggregation Group, which is comprised of all eligible OE customers located in the City who do not opt out of the Group.

FES has extensive experience, through its affiliation with FirstEnergy Corp., in providing retail generation supply services and in responding to customer inquiries and complaints. FES has been approved as a Certified Supplier with the PUCO. FES is already providing power supply services for residential and other customers under the State's Electric Choice Program. FES is well versed in S.B. 3 and the rules adopted by the PUCO, and is thus in a position to ensure compliance with all applicable provisions of Section 4928.10 of the Revised Code, and the rules adopted by the Commission pursuant thereto.

FES has an experienced call center to provide services of a call center for consumers in the City to call for information during the 21-day enrollment and opt out period for the City's Aggregation Program.

The billing of customers for the retail generation supply will be provided through the electric distribution utility, Cleveland Electric Illuminating Company (CEI), and the billing process will be coordinated with CEI by FES for the Aggregation Group.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/20/2017 2:00:40 PM**

**in**

**Case No(s). 03-0514-EL-GAG**

Summary: Certificate Application for the City of Westlake's Electric Aggregation Program.  
electronically filed by Mr. Benjamin T Rich on behalf of FirstEnergy Solutions