

May 17, 2018

Public Utilities Commission of Ohio  
Docketing Division, 11<sup>th</sup> Floor  
180 East Broad Street  
Columbus, Ohio 43215-3793

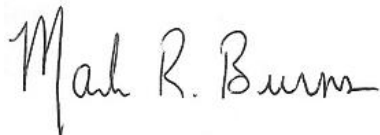
**RE: Electric Governmental Aggregator Certification Renewal Application for the Board of Erie County Commissioners (Case 10-0712-EL-GAG)**

Attached please find the application for certification renewal as a Governmental Aggregator of Electricity for the Board of Erie County Commissioners. Please file under case 10-0712-EL-GAG.

Independent Energy Consultants, Inc. is providing aggregation consulting services to the Erie County Commissioners and is filing this certification on their behalf.

If you have any additional needs or questions, please call me at 330 995-2675 or email me at [mburns@naturalgas-electric.com](mailto:mburns@naturalgas-electric.com).

Thank you for your assistance.



Mark R. Burns  
President

Enclosures



## Public Utilities Commission

Original GAG Case Number	Version
10 - 712 -EL-GAG	August 2004

### RENEWAL APPLICATION FOR ELECTRIC 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 Board of Erie County Commissioners  
Address 2900 Columbus Avenue, Sandusky OH 44870  
PUCO Certificate # and Date Certified 10-218E(4) June 26, 2016  
Telephone # (419) 627-7672 Web site address (if any) www.eriecounty.oh.gov

##### **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 Mark R. Burns  
Title President, Independent Energy Consultants, Inc.  
Business address 215 W. Garfield Road, Suite 210, Aurora OH 44202  
Telephone # (330) 995-2675 Fax # (800) 574-4508  
E-mail address mburns@naturalgas-electric.com

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

Name Mark R. Burns  
Title President, Independent Energy Consultants, Inc.  
Business address 215 W. Garfield Road, Suite 210, Aurora OH 44202  
Telephone # (330) 995-2675 Fax # (800) 574-4508  
E-mail address mburns@naturalgas-electric.com

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

Customer Service address 215 W. Garfield Road, Suite 210, Aurora OH 44202  
Toll-free Telephone # (888) 862-6060 Fax # (800) 574-4508  
E-mail address info@naturalgas-electric.com

 ADMINISTRATOR  
Signature of Applicant & Title

Sworn and subscribed before me this 18th day of April, 2018  
Month Year

Carolyn L. Hauenstein  
Signature of official administering oath

Carolyn L. Hauenstein  
Print Name and Title Clerk of the Board

My commission expires on CAROLYN L. HAUENSTEIN  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires March 8, 2021



# **AFFIDAVIT**

State of Ohio : Board of Erie  
County Commissioners ss.  
(Town)

County of Erie :

Pete Daniel, Affiant, being duly sworn/affirmed according to law, deposes and says that:  
Board of Erie  
He/~~She~~ is the County Administrator (Office of Affiant) of County Commissioners (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.

*Patricia Quinn* ADMINISTRATOR  
Signature of Affiant & Title

Sworn and subscribed before me this 18th day of April, 2018  
Month Year

*Carolyn L. Hauenstein*  
Signature of official administering oath

Carolyn L. Hauenstein  
Print Name and Title Clerk of the Board

My commission expires on \_\_\_\_\_  
CAROLYN L. HAUENSTEIN  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires March 8, 2021

# ERIE COUNTY EXHIBIT A-2 "AUTHORIZING ORDINANCE"

RESOLUTION NO. 10-214

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF ACKNOWLEDGING THE AUTHORIZATION AND ESTABLISHMENT OF A GOVERNMENT AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE (THE "AGGREGATION PROGRAM") FOR THE RESIDENTS, BUSINESSES AND OTHER ELECTRIC CONSUMERS IN THE ERIE COUNTY TOWNSHIPS OF BERLIN, FLORENCE, GROTON, HURON, MARGARETTA, MILAN, OXFORD, PERKINS AND VERMILION ("THE TOWNSHIPS") AND ADOPTING THE ERIE COUNTY PLAN OF OPERATION AND GOVERNANCE**

The Board of County Commissioners of Erie County, Ohio, met this 20th day of May, 2010, in Regular Session with the following members present:

William J. Monaghan and Patrick J. Shenigo.

Mr. Shenigo introduced the following resolution and moved its adoption.

**WHEREAS**, on May 4, 2010, a majority of the townships' residents voting at the primary election voted in favor of the Board of Erie County Commissioners having the authority to aggregate the retail electric loads located in the townships and to enter into service agreements to facilitate for those loads the sale and purchase of electric with such aggregation to occur automatically except where any person elects to opt out, all in accordance with Section 4928.20 of the Ohio Revised Code; and

**WHEREAS**, after the passage of ballots in the townships, the Board of Erie County Commissioners held two public hearings as required by Revised Code 4928.20(C) of the Ohio Revised Code to explain customer rights in an "opt-out" aggregation and to adopt a Plan of Operations and Governance for its electric governmental aggregation program; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:**

**THAT**, this Board hereby adopts the Erie County Plan of Operation and Governance, (attached hereto and incorporated herein by reference as Exhibit A) for the implementation and administration of the County's electric aggregation program in accordance with Section 4928.20(C) of the Ohio Revised Code; and

**THAT**, this resolution shall be in full force and effect from and after the earliest period allowed by law; and

# ERIE COUNTY EXHIBIT A-2 "AUTHORIZING ORDINANCE"

**THAT**, this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Monaghan seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

**Roll Call:** Mr. Shenigo, Aye; Mr. Monaghan, Aye; Mr. Ferrell, Absent

**Adopted:** May 20, 2010

## CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #177.

Carolyn L. Hauenstein Clerk  
Board of County Commissioners  
of Erie County, Ohio

Approved by County Administrator

Michael J. Bixler  
Michael J. Bixler

electric aggregation plan of operation-governance/clh

## Exhibit A-2 "Authorizing Ordinance"

**RESOLUTION NO. 10-83**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF BERLIN TOWNSHIP**

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

**WHEREAS**, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their 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**, the Board of Erie County Commissioners 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 within the Township of Berlin and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:**

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Berlin, its residents, businesses and other electric consumers located within the Township of Berlin limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by



## Exhibit A-2 "Authorizing Ordinance"

the electors of the Township of Berlin, pursuant to Section 2 of this resolution, the Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Berlin at the primary election on May 4, 2010:

"Shall the Township of Berlin have the authority to aggregate the retail electric loads located within the Township of Berlin, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-83, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

## Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

Adopted: February 16, 2010

### CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk  
Board of County Commissioners  
of Erie County, Ohio

Approved by County Administrator

  
Michael J. Bixler

## Exhibit A-2 "Authorizing Ordinance

RESOLUTION NO. 10-84

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF FLORENCE TOWNSHIP**

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

**WHEREAS**, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their 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**, the Board of Erie County Commissioners 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 within the Township of Florence and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:**

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Florence, its residents, businesses and other electric consumers located within the Township of Florence limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Florence, pursuant to Section 2 of this resolution,

## Exhibit A-2 "Authorizing Ordinance

the Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Florence at the primary election on May 4, 2010:

"Shall the Township of Florence have the authority to aggregate the retail electric loads located within the Township of Florence, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-84, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

## Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

Adopted: February 16, 2010

### CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk  
Board of County Commissioners  
of Erie County, Ohio

Approved by County Administrator

  
Michael J. Bixler

electric aggregation-Florence twp/clh



## **Exhibit A-2 "Authorizing Ordinance"**

**RESOLUTION NO. 10-85**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF GROTON TOWNSHIP**

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

**WHEREAS**, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their 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**, the Board of Erie County Commissioners 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 within the Township of Groton and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:**

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Groton, its residents, businesses and other electric consumers located within the Township of Groton limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Groton, pursuant to Section 2 of this resolution, the Township

## Exhibit A-2 "Authorizing Ordinance

is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Groton at the primary election on May 4, 2010:

"Shall the Township of Groton have the authority to aggregate the retail electric loads located within the Township of Groton, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-85, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

## Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

**Roll Call:** Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

**Adopted:** February 16, 2010

### CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk  
Board of County Commissioners  
of Erie County, Ohio

Approved by County Administrator

  
Michael J. Bixler

electric aggregation-groton twp/ch

## Exhibit A-2 "Authorizing Ordinance

**RESOLUTION NO.** 10-86

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF HURON TOWNSHIP**

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

**WHEREAS**, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their 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**, the Board of Erie County Commissioners 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 within the Township of Huron and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:**

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Huron, its residents, businesses and other electric consumers located within the Township of Huron limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Huron, pursuant to Section 2 of this resolution, the Township

## **Exhibit A-2 "Authorizing Ordinance"**

is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Huron at the primary election on May 4, 2010:

"Shall the Township of Huron have the authority to aggregate the retail electric loads located within the Township of Huron, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-86, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.



## Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

**Roll Call:** Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

**Adopted:** February 16, 2010

### CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk  
Board of County Commissioners  
of Erie County, Ohio

Approved by County Administrator

  
Michael J. Bixler

electric aggregation-huron twp/clh

## Exhibit A-2 "Authorizing Ordinance

**RESOLUTION NO.** 10-87

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF MARGARETTA TOWNSHIP**

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

**WHEREAS**, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their 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**, the Board of Erie County Commissioners 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 within the Township of Margaretta and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:**

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Margaretta, its residents, businesses and other electric consumers located within the Township of Margaretta limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Margaretta, pursuant to Section 2 of

## Exhibit A-2 "Authorizing Ordinance

this resolution, the Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Margaretta at the primary election on May 4, 2010:

"Shall the Township of Margaretta have the authority to aggregate the retail electric loads located within the Township of Margaretta, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-87, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

## Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

**Roll Call:** Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

**Adopted:** February 16, 2010

### CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk  
Board of County Commissioners  
of Erie County, Ohio

Approved by County Administrator

  
Michael J. Bixler

electric aggregation-margaretta twp/clh

## Exhibit A-2 "Authorizing Ordinance

**RESOLUTION NO.** 10-88

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF MILAN TOWNSHIP**

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

**WHEREAS**, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their 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**, the Board of Erie County Commissioners 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 within the Township of Milan and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:**

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Milan, its residents, businesses and other electric consumers located within the Township of Milan limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Milan, pursuant to Section 2 of this resolution, the Township



## Exhibit A-2 "Authorizing Ordinance

is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Milan at the primary election on May 4, 2010:

"Shall the Township of Milan have the authority to aggregate the retail electric loads located within the Township of Milan, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-88, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

## Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

**Roll Call:** Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

**Adopted:** February 16, 2010

### CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk  
Board of County Commissioners  
of Erie County, Ohio

Approved by County Administrator

Michael J. Bixler  
Michael J. Bixler

electric aggregation-milan twp/clh

## Exhibit A-2 "Authorizing Ordinance

**RESOLUTION NO. 10-89**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF OXFORD TOWNSHIP**

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

**WHEREAS**, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their 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**, the Board of Erie County Commissioners 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 within the Township of Oxford and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:**

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Oxford, its residents, businesses and other electric consumers located within the Township of Oxford limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Oxford, pursuant to Section 2 of this resolution,

## Exhibit A-2 "Authorizing Ordinance"

the Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Oxford at the primary election on May 4, 2010:

"Shall the Township of Oxford have the authority to aggregate the retail electric loads located within the Township of Oxford, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-89, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

## Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

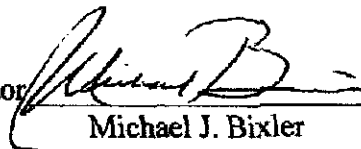
Adopted: February 16, 2010

### CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk  
Board of County Commissioners  
of Erie County, Ohio

Approved by County Administrator

  
Michael J. Bixler

electric aggregation-oxford twp/cdh



## Exhibit A-2 "Authorizing Ordinance

RESOLUTION NO. 10-90

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF PERKINS TOWNSHIP**

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

**WHEREAS**, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their 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**, the Board of Erie County Commissioners 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 within the Township of Perkins and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:**

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Perkins, its residents, businesses and other electric consumers located within the Township of Perkins limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Perkins, pursuant to Section 2 of this resolution,

## Exhibit A-2 "Authorizing Ordinance"

the Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Perkins at the primary election on May 4, 2010:

"Shall the Township of Perkins have the authority to aggregate the retail electric loads located within the Township of Perkins, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-90, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

## Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

**Roll Call:** Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

**Adopted:** February 16, 2010

### CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk  
Board of County Commissioners  
of Erie County, Ohio

Approved by County Administrator

Michael J. Bixler  
Michael J. Bixler

electric aggregation-perkins twp/clh

## Exhibit A-2 "Authorizing Ordinance"

RESOLUTION NO. 10-91

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF AUTHORIZING ALL ACTION NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE; DIRECTING THE ERIE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF VERMILION TOWNSHIP**

The Board of County Commissioners of Erie County, Ohio, met this 16th day of February, 2010, in Special Session with the following members present:

William J. Monaghan, Patrick J. Shenigo, and Thomas M. Ferrell, Jr.

Mr. Ferrell introduced the following resolution and moved its adoption.

**WHEREAS**, the Ohio Legislature has enacted electric deregulation legislation (Am. Sub S.B. No. 3) which authorizes the legislative authorities of municipal corporation, townships or counties to aggregate the retail electrical loads located in their 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**, the Board of Erie County Commissioners 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 within the Township of Vermilion and in conjunction jointly with any other corporation, township, county or political subdivision of the State of Ohio as permitted by law; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:**

Section 1. The Board of Erie County Commissioners finds and determines that it is in the best interest of the Township of Vermilion, its residents, businesses and other electric consumers located within the Township of Vermilion limits to establish the Aggregation Program in the Township. Provided that this resolution and the Aggregation Program is approved by the electors of the Township of Vermilion, pursuant to Section 2 of this

## Exhibit A-2 "Authorizing Ordinance"

resolution, the Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this resolution.

Section 2. The Board of Elections of Erie County is hereby directed to submit the following question to the electors of the Township of Vermilion at the primary election on May 4, 2010:

"Shall the Township of Vermilion have the authority to aggregate the retail electric loads located within the Township of Vermilion, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, all in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No. 10-91, adopted by the Board of Erie County Commissioners."

The Clerk of the Board of Erie County Commissioners is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to May 4, 2010. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 Ohio Revised Code.

Section 3. Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this resolution, this Board of Erie County Commissioners individually or jointly with any other political subdivision shall develop a plan of operation and governance for the Electric Aggregation Program. Before adopting such plan, this Board of Erie County Commissioners shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Commissioners shall aggregate the electrical load of any electric load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three (3) years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

## Exhibit A-2 "Authorizing Ordinance"

Section 4. This Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Shenigo seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

**Roll Call:** Mr. Ferrell, Aye; Mr. Shenigo, Aye; Mr. Monaghan, Aye

**Adopted:** February 16, 2010

### CERTIFICATE

I, Carolyn L. Hauenstein, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal Volume #175.

Carolyn L. Hauenstein Clerk  
Board of County Commissioners  
of Erie County, Ohio

Approved by County Administrator

  
Michael J. Bixler

electric aggregation-vermillion twp/clh

# ERIE COUNTY ELECTRIC AGGREGATION PROGRAM

## Plan of Operation and Governance

For additional information contact:  
Mark R. Burns, President  
Independent Energy Consultants, Inc.  
Ph: (330) 995-2675



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## **1. Purpose of Electric Aggregation Program & Services**

This aggregation plan has been developed in compliance with Ohio Revised Code, Section 4928.20 regarding governmental aggregation of electric service. That section of the Code defines two different types of aggregation that may be enacted by a governmental entity; opt-in aggregation and opt-out aggregation. Erie County ("the County") will administer an opt-out aggregation program that will automatically include all eligible electric accounts in the Townships of Berlin, Florence, Groton, Huron, Margaretta, Milan, Oxford, Perkins and Vermilion ("the eligible Townships"). Only those accounts receiving a beneficial offer from a Competitive Retail Electric Service Supplier (CRES Supplier) will be included. Those customers will be given prior notice entitling them to affirmatively elect not to be part of the Program.

The County passed the necessary resolutions to administer an electric aggregation program on behalf of the eligible Townships listed above. Each of the eligible Townships placed the issue of Opt-out Governmental Aggregation of electricity on their 5/4/2010 ballots. The ballot issues subsequently passed in these nine communities. The County will follow the Plan of Operation and Governance ("Plan") outlined below. This Plan was adopted after two public hearings were held in accordance with section 4928.20 (C) of the Ohio Revised Code.

The County's Aggregation Program ("Program") seeks to aggregate the retail electric loads of consumers located in the eligible Townships to negotiate the best rates for the generation supply of electric power. With a combined population of approximately 50,000 the Program has the potential to aggregate residential and small commercial accounts into a buying group that will be attractive to a Competitive Retail Electric Service Supplier (CRES Supplier). Participation in the Program is voluntary. Any individual customer (Member) has the opportunity to decline to be a Member of the aggregation program and to return to the local utility (Ohio Edison) standard offer of service or to enter into a power supply contract with any CRES Supplier.

Residential and small commercial electric customers often lack the ability to effectively negotiate electric supply services. The County's Program provides them an opportunity to benefit from professional representation and bargaining power achieved through an aggregation program.

The aggregation program is designed to reduce the amount Members pay for electric energy and to gain other favorable terms of service. The County will not buy and resell the power to the Program Members. Instead, the County will competitively bid and negotiate a contract with a CRES Supplier to provide firm, full-requirements generation service to the Members of the aggregation program.

Due to the complexity of deregulation of the electric utility industry, the County has entered into contract with Independent Energy Consultants, Inc. (Independent Energy Consultants), a PUCO certified broker and aggregator of natural gas and electricity. Among other things, Independent Energy Consultants will provide professional assistance which includes these consulting services:

## Erie County Exhibit A-3 "Operation and Governance Plan"

- Draft and assist in maintaining this Plan of Operation and Governance
- Lead the required Public Hearings and attend Commissioner meetings
- Assist the County in the day-to-day administration of program (problem resolution, press releases, PUCO compliance, supplier liaison, contract review, etc.)
- Administer the Request for Proposal process, analyze supplier responses and provide recommendations for the supply agreement
- Review customer data provided by Ohio Edison that would serve as the basis for an Opt-Out Notice
- Write/prepare reports on a quarterly/annual basis to the County, PUCO, PUCO's Market Monitoring division, and the Ohio Consumers' Counsel.

## 2. Determination of Rates and Other Charges

### 2.1. Rates

Through the efforts of its consultant, Independent Energy Consultants, Inc., the County will seek proposals from CRES suppliers. The request for proposals shall require the suppliers to offer a generation charge for firm, full-requirements supply. CRES Providers will bid by Ohio Edison customer rate classification or customer class. CRES Providers will be encouraged to bid on as many electric accounts as possible, but it is recognized that from a practical standpoint it is not likely that bids will be received for larger commercial and industrial accounts that require interval metering and individual price analysis. Furthermore, a CRES Provider may not be able to beat Ohio Edison's tariff rates for all customer classes and/or rate schedules. The prices to be charged to Members in the Program will be set by County Commissioners, or their designee, after negotiations with the selected CRES Supplier. Members will be notified of the rates and terms of the Program through a direct mailing sent to each eligible resident and business within the County limits. Once offers are found a table similar to the one shown below will be populated to reflect the offer rates.

<b>Ohio Edison Rate Schedule</b>	<b>CRES Supplier Offer</b>
RS – Residential Service	6% off Ohio Edison price-to-compare
GS – General Service	4% off Ohio Edison price-to-compare

### 2.2 Charges

Neither the County nor the selected Supplier will impose any terms, conditions, fees, or charges on any Member served by the governmental aggregation unless the particular term, condition, fee, or charge is clearly disclosed to the Member at the time the Member chose not to opt-out of the aggregation.

Ohio Edison will continue to bill for Late Payment, Delivery Charges and Monthly Service Fee, etc. These charges apply whether or not a Member switches to the Program's CRES supplier. Switching generation suppliers will not result in any new charges billed to the Member.

### 2.3 Switching Fees

There are no switching fees billed directly to customers and there is no cost to join the aggregation program.

### 2.4 Early Termination Fee

Members may terminate their agreement without penalty if they relocate outside of the boundaries of an eligible Township. Members that leave for other reasons may be assessed an early termination fee by CRES supplier. Early termination fees are standard in most electric contracts. The County will negotiate with the CRES supplier to ensure that any early termination fee assessed is reasonable and clearly stated in the opt-out disclosure notice.

## 3. Process for Providing Opt-Out Disclosure Notices

When a successful supply offer is found the County shall order the eligible customer list from Ohio Edison. Ohio Edison shall turn over the list to the County or its consultant upon request. Once the list is obtained, it will be shared with the selected CRES supplier and they will have 30 days from the County's receipt of the data to mail the Opt-Out Notices to all eligible Members receiving an offer.

The selected CRES supplier will be required to pay for printing and mailing of opt-out disclosure notices. The notices will be mailed to the owner or occupant residing at the electric account mailing address shown on Ohio Edison's customer list. The notice will contain the County's name and logo to clearly indicate to the recipient that it is a notice from the County.

Prior to mailing Opt-Out Notices a thorough review will be performed to see that all eligible Members receiving an offer are sent the notice. The review process will include the efforts of numerous parties and utilize a number of resources as specified in section four of this plan.

Following acceptance of an offer by the County, the CRES supplier will mail Opt-Out Notices to eligible Members. Members will have 21 days from the postmark date on the notice to postmark the return opt-out card if they do not wish to participate in the County's program.

In the event that an eligible Member is inadvertently not sent an Opt-Out Notice and is omitted from the Program, the CRES supplier shall, upon request, enroll the eligible Member at the group rate for the remaining term.

## 4. Determination of Eligible Customer Pool

Under the opt-out aggregation provisions, all eligible electric consumers within the County will be automatically included in the Program. However, such customers will be given prior notice entitling them to affirmatively elect not to be part of the Program.

Prior to mailing Opt-Out Notices a thorough review will be performed to see that all ineligible customers are excluded. The review process will include the efforts of numerous parties and utilize a number of resources:

- Ohio Edison will query their customer database using best efforts to capture all accounts within the eligible Township limits.
- The County's consultant working with the CRES supplier, available County resources and publicly available material shall screen out customers who are not located within the eligible Township limits. Those resources may include any or all of the following: Property records, water and/or sewer records, fire and/or police department address records, 911 address records, street listings, County maps, internet maps, county parcel mapping databases, and geographical information systems (GIS).
- Ineligible accounts will be screened out based on codes provided in the Ohio Edison data.
- The data shall be reviewed to see that all zip codes have been included, all streets included, all customer classes, all customer rate schedules, and finally that an expected total for a community of this population was turned over.
- Any suspected omissions will be reported to Ohio Edison along with a request to furnish that data.
- Eligibility may be limited by a supplier's offer. For example, a fixed rate might not be offered to an account if their Price-to-Compare indicates they would not save.

## **5. Opt-Out Process**

The County is using an Opt-Out form of Governmental Aggregation pursuant to section 4928.20 of the Ohio Revised Code. Any such person that opts-out of the aggregation program pursuant to stated procedure will default to the standard service offer provided by Ohio Edison until the person chooses an alternative supplier.

When a successful supply offer is found the County shall order the eligible customer list from Ohio Edison. Ohio Edison shall turn over the list to the County or its consultant upon request. Once the list is obtained, it will be shared with the selected CRES supplier and they will have 30 days from the County's receipt of the data to mail the Opt-Out Notices to all eligible Members receiving an offer.

The selected CRES supplier and the County will agree upon the format of the Opt-Out Notice and will docket a sample with the PUCO at least ten days prior to mailing it to eligible Members.

The selected CRES supplier will be required to pay for printing and mailing of opt-out disclosure notices. The notices will be mailed to the owner or occupant residing at the electric account mailing address shown on Ohio Edison's customer list. A County official will sign the notice and it will contain the County's name and logo on the outside to clearly indicate to the recipient that it is a notice from the County.

Prior to mailing Opt-Out Notices a thorough review will be performed to see that all eligible Members receiving an offer are sent the notice. The review process will include the efforts

of numerous parties and utilize a number of resources as specified in section four of this plan.

Following acceptance of an offer by the County, the CRES supplier will mail Opt-Out Notices to eligible Members receiving an offer. Members will have 21 days from the postmark date on the notice to postmark the return opt-out card if they do not wish to participate in the County's program. If available, Members may also call the CRES supplier's toll-free recorded phone number to opt-out. The selected CRES supplier will not enroll those accounts opting out from the Program.

In the event that an eligible Member is inadvertently not sent an Opt-Out Notice and is omitted from the Program, the CRES supplier shall, upon request, enroll the eligible Member at the group rate for the remaining term.

All members of the Program will also be given an opportunity to opt-out without penalty at least once every three years.

**Procedure Steps:**

1. The selected CRES supplier and the County will agree upon the format of the Opt-Out Notice and will docket a sample with the PUCO at least ten days prior to mailing it to eligible Members.
2. The selected supplier will distribute an Opt-Out Form to all eligible Members via first class U.S. Mail;
3. Recipients will have 21 days from the postmark on the notice to notify the selected CRES supplier if they do not want to be part of the program;
4. Members will be able to opt out by returning an opt-out card via U.S. Mail to the selected CRES supplier. The supplier may offer additional means of opting out, such as, making a toll-free recorded phone call to the CRES supplier, email notification or fax.
5. Additionally, Members who do not opt-out per step 4 above will receive written notification from Ohio Edison stating that they are about to be switched. That notice will inform them that they have 7 days to rescind the contract by contacting Ohio Edison; and
6. The selected CRES supplier will not enroll those accounts opting out from the Program.

The Opt-Out Notice will clearly notify the Program Members of the rates to be charged for electricity and other terms of the contract with the selected supplier. The notice will also satisfy the requirements for disclosing the environmental impact of the generation sources used to supply the program.

**6. Customer Classes Included**

All eligible Members are included in the Program but the selected CRES supplier's offer will determine which groups receive an offer and Opt-Out Notice. It is envisioned that residential and small commercial customers supplied by Ohio Edison within the eligible Townships' limits are the most likely to receive an offer. The specific rate schedules will be

identified in Section 2 of this Plan of Operation. In addition to having a rate schedule listed in Section 2, the following eligibility requirements apply.

- Customers must be up to date with their bill payment;
- Customers must not have Opted-out of the Program;
- Customers must not be on the Do Not Aggregate list;
- Customers must not be supplied generation service from another CRES provider;
- Customers must not be on a special contract with Ohio Edison;
- Customers must not be in the Percentage of Income Payment Program (PIPP);
- Commercial Customers must have a Peak Demand of  $\leq 399$  kW; and
- Commercial Customers must not have interval metering.
- Customers must not be classified as mercantile.
- Eligibility may be further limited by a supplier's offer. For example, a fixed rate might not be offered to an account if their Price-to-Compare indicates they would not save.

## **7. Billing Procedures**

The County will utilize the coordinated billing services of Ohio Edison and the selected CRES supplier. Most customers are expected to receive a single bill from Ohio Edison that itemizes among other things, the cost of generation provided by the CRES supplier. In some instances, particularly for commercial accounts, the CRES supplier may request that dual billing be used. In this case the supplier would issue a bill for their supply service and Ohio Edison would issue a bill for their delivery services.

Members currently on budget billing will continue to be budget billed. Ohio Edison's process will remain the same. Members wishing to start budget billing should contact Ohio Edison. The process will take place in accordance with Ohio Edison's policy and is not unique to the County's Program. Ohio Edison's policies will dictate what portions of a Member's bill are budgeted and how the budget amount is calculated.

Members are required to remit and comply with the payment terms of Ohio Edison and/or their supplier if dual billing is used. This Program will not be responsible for late or no payment on the part of any of its members. Furthermore, slow or no payment on the part of some Members will not adversely impact the rates charged to other Members. The selected Supplier shall not charge more than 1 ½ percent per month for overdue balances owed to the selected Supplier.

## **8. Credit/Deposit Requirements**

Collection and credit procedures remain the responsibility of Ohio Edison, the selected Supplier and the individual Member. Members are required to remit and comply with the payment terms of Ohio Edison. This Program will not be responsible for late or no payment on the part of any of its Members. The County will have no separate credit or deposit policy.

## 9. Procedures for Handling Customer Complaints and Dispute Resolution

Members have multiple means of addressing complaints. As a general rule, concerns regarding service reliability should be directed to Ohio Edison, questions regarding the Program administration should go to the County, billing questions should be directed to Ohio Edison or the selected supplier and any unresolved disputes should be directed to the Public Utilities Commission of Ohio and/or The Ohio Consumers’ Counsel. Listed below is a table of toll-free numbers for members to call for assistance.

Nature of Complaint	Contact	Phone Number
Service interruptions or emergencies	Ohio Edison	1-888-544-4877
Service turn on/off	Ohio Edison	1-800-633-4766
Billing disputes – Delivery charges	Ohio Edison	1-800-633-4766
Billing disputes – Supplier charges	FirstEnergy Solutions	1-866-636-3749
Joining/Leaving Program	FirstEnergy Solutions	1-866-636-3749
Aggregation Program questions	Erie County Independent Energy Consultants	419-627-7682 1-888-862-6060
Unresolved disputes	Public Utilities Comm. (voice)	1-800-686-7826
Unresolved disputes	Public Utilities Comm. TDD/TTY	1-800-686-1570
General information – residential	Ohio Consumers’ Counsel	1-877-742-5622

## 10. Moving Into/Within the Eligible Townships

Utility rules require that people moving into a different residence, new construction or otherwise, be assigned a new account number and be served for at least one month by the local utility before they can switch to a new supplier. The above-mentioned are examples of utility rules approved by the PUCO that will impact the operation of the County’s aggregation program.

Residents and businesses that move into the eligible Townships will not be automatically included in the County’s Program. The County cannot guarantee the rates, terms and conditions to Members enrolling after the 21-day opt-out period of the initial enrollees. Members wishing to opt-in to the Program may contact the County or the CRES supplier to obtain enrollment information. There is, however, no guarantee that customers opting-in at a later date will receive the same price, terms and conditions as did the initial participants. The selected CRES supplier’s decision whether or not to extend an offer will be based, in part, on the market prices at the time of request.

Members who move within the eligible Townships and are assigned a new account number by Ohio Edison will be treated in the same manner as a new resident. They will not be automatically enrolled, but may contact the CRES supplier concerning re-enrollment. Once again, there is no guarantee that the CRES Supplier will extend an offer, or an offer that is the same as that of the initial enrollees.

## **11. Moving Within the Eligible Townships and Maintaining the Same Account Number**

The selected CRES Supplier shall continue service at the same rate and under the same terms and conditions for any Member who relocates within the eligible Townships prior to the expiration of the contract term, providing that the Member notifies the CRES Supplier of their desire to do so with thirty (30) days written notice. Moving within the eligible Townships may cause the Member to be served for a brief period of time by the local utility. The CRES supplier shall have the right to bill the participant for any associated switching fee imposed by Ohio Edison. Members may also opt-out without penalty under these circumstances.

## **12. Joining the Aggregation Group after Opting-Out**

Members who have left the aggregation group and wish to rejoin at a later date are treated in the same manner as new residents moving into the eligible Townships. These customers may contact the County or the CRES supplier at any time to obtain enrollment information. There is however, no guarantee that customers opting-in at a later date will receive the same price, terms and conditions as did the initial participants.

## **13. Reliability of Power Supply**

The Program will only affect the generation source of power. Ohio Edison will continue to deliver power through their transmission and distribution systems. Responsibility for maintaining system reliability continues to rest with Ohio Edison. If Members have service reliability problems they should contact Ohio Edison for repairs. The PUCO has established "Minimum Reliability Standards" for all utilities operating distribution systems in Ohio. Customer outages, duration of outages, interruptions, etc., are monitored to ensure reliability remains at satisfactory levels.

In addition to maintaining the "wires" system, Ohio Edison is required to be the "Provider of Last Resort." This means, should the selected CRES supplier fail for any reason to deliver any or all of the electricity needed to serve the Members needs, Ohio Edison will immediately provide for the shortfall. Ohio Edison would then bill the supplier for the power provided on their behalf. The Members would incur no additional cost.

## **14. Supplier Qualification Selection Criteria**

Only Suppliers meeting strict criteria will be considered.

- Suppliers will need to be certified by the Public Utilities Commission of Ohio
- Registered with Ohio Edison to do business in their service territory. Both the certification and registration ensure that Suppliers possess the managerial, technical, and financial competence to perform the services they offer.
- Successfully completed Electronic Data Interchange (EDI) computer system testing with Ohio Edison to support Governmental Aggregation Program transactions.
- Agree to hold harmless the County from any financial obligations arising from the Program.



## Erie County Exhibit A-3 "Operation and Governance Plan"

- The selected CRES supplier will need to agree to notify the County and negotiate with the County at least 60 days in advance of attempting to terminate the agreement for any reasons other than (i) the scheduled end date or (ii) Force Majeure.
- The selected CRES supplier shall demonstrate its creditworthiness by possessing an investment grade long-term bond ratings from at least two of the following rating agencies:

Standard & Poors	BBB or Higher
Moody's Investors' Services	Baa3 or Higher
Fitch ICBA	BBB or Higher
Duff & Phelps	BBB or Higher

Should the CRES supplier be unable to demonstrate its creditworthiness, the supplier will be required to provide:

- a Letter of Credit; or
- a Parental Guaranty from a company that is deemed creditworthy; or
- a Surety Bond.

Details of the credit type and amount will be subject to negotiation.

### **15. Miscellaneous**

The County will maintain a copy of this Plan of Operation and Governance on file at its Administrative office. This Plan will be kept available for public inspection. It will, upon request, be copied for any existing or potential Members of the aggregation in accordance with the County rules for copying public documents.

The County will not materially alter this Plan of Operation and Governance without first notifying its Members.

The County or the selected CRES supplier will not issue an Opt-Out Notice before the County has obtained its certification as a Governmental Aggregator of electricity from the Public Utilities Commission of Ohio.

The success of the County's Aggregation Program relies in part to the cooperation it receives from Ohio Edison. In addition to other tasks, Ohio Edison must turn over accurate customer data and perform the customer switching process in a timely manner. The County will comply with PUCO rules, and will hold Ohio Edison to its obligations under the same.

The Electric Aggregation Program may be terminated upon the termination or expiration of the supply contract without any extension, renewal or subsequent supply contract being negotiated. Each individual Member receiving electric supply service under the Program will receive notification 45-90 days prior to termination of the Program. In the event of termination, Members in the County aggregation program would either return to Ohio Edison supply service or choose a CRES supplier on their own.

### Erie County Exhibit A-3 "Operation and Governance Plan"

If the County is unable to find a satisfactory offer at the end of an existing supply agreement, they have the option of maintaining their status as a Governmental Aggregator while they continue to seek offers for their Members.



September 19, 2017

**Re: Great news – Erie County's Aggregation Program supplied by FirstEnergy Solutions continues 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.

FirstEnergy Solutions, a subsidiary of FirstEnergy Corp., has been selected to provide you with savings on your electric generation. If you're not already participating, this is your chance to join. If you're already participating, this is your opportunity to extend your savings. **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 Erie County program was approved by voters in your community in May 2010.

Your Electric Utility	Price	Term End Date	Opt Out Deadline	Early Termination Fee
Ohio Edison	6% off Price To Compare	August 2018	October 10, 2017	\$0

**How to estimate what your savings will be through this program**

First, determine your Price to Compare; simply divide the amount of the Bypassable Generation and Transmission Related Component by the Kilowatt Hours Used. Then multiply your Price to Compare by 0.06 (6%) to determine your savings per KWH. Multiply that number by your total monthly kWh usage. The final number is how many dollars you can expect to save each month if you use the same amount of electricity.

If you are a new member of the program, you will see your electric savings from FirstEnergy Solutions after your enrollment has been completed and your switch has been finalized – approximately 30-45 days, depending upon your meter read date. Of course, you are not obligated to participate in the 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. Once enrolled, you will receive a notice at least every three years asking if you wish to remain in the program.

If you are not currently receiving electric generation from FirstEnergy Solutions, your electric utility will send you a letter confirming your selection of FirstEnergy Solutions as your electric generation provider. As required by law, this letter will inform you of your option to cancel your contract with FirstEnergy Solutions within seven days of its postmark. To remain a member of the community's electric governmental aggregation program, you don't need to take any action when this letter arrives. If you are currently enrolled in the community's aggregation program, you will not receive a letter from your electric utility.

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

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

Sincerely,

William Monaghan, Patrick Shenigo, and Matt Old

Erie County Commissioners

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 – RESIDENTIAL ELECTRIC GOVERNMENTAL AGGREGATION PROGRAM**

**Option 1: Do nothing and save.**

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

**OR**

**Option 2: Opt out by returning this form.**

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

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: \_\_\_\_\_

## Electric Governmental Aggregation Program Frequently Asked Questions Residential Program

### **What is aggregation?**

Under governmental aggregation, local 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 my community able to choose a certified electric generation supplier on my behalf?**

Residents voted to allow the community to contract for an electric generation supplier on their behalf.

### **How will I know if I can save money under the electric governmental aggregation program?**

The price you pay for electric generation supply is guaranteed to be lower because you'll always receive the percent discount for your electric generation.

### **What do I need to do if I *want* to be included in this governmental aggregation?**

You do not need to do anything to receive the discounted generation pricing under this program. You may choose to remain in the aggregation group and begin receiving your discount by simply not returning the opt-out form.

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

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

### **Is your price for residential power fixed, or does it vary?**

In this program, the discount you will receive each month does not change. But because the actual price per kWh charged by the utility may change each month (based on the season and your usage), the price per kWh from FirstEnergy Solutions will also change each month.

### **If I am already a member of this program, why am I receiving this letter?**

As a current member of your community's electric governmental aggregation program, you are given the opportunity to opt-out of the program at least every three years at no charge. Your previous contract with FirstEnergy Solutions is coming to an end, and this is your opportunity to either opt-out or continue saving with FirstEnergy Solutions.

### **What does “opt out” mean?**

“Opt out” means that you can decide not to participate in your community's electric governmental aggregation program. By returning the opt-out form, which is included in this mailing, by the Opt Out Deadline you will not be enrolled as an electric generation customer with FirstEnergy Solutions, your community's competitive electric generation supplier, and you will not receive the discount.

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

If you do not return the opt-out form postmarked by the Opt Out Deadline, you will be included in your community's governmental aggregation program and will receive competitively priced electricity from FirstEnergy Solutions.

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

No, if you want to opt out, you must mail in your completed opt-out form and it must be postmarked by the Opt Out Deadline.

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

Yes, but you will be subject to the early termination fee from FirstEnergy Solutions if you cancel for any other reason but moving. 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 supply choices if I decide to opt out?**

You can stay with your current electric utility, which will continue to supply your electric generation as it always has, or you can shop for an alternative generation supplier. A list of competitive electric suppliers certified by the Public Utilities Commission of Ohio and their current prices are available by calling 1-800-686-PUCO (1-800-686-7826).

**If I join the aggregation, can I stay on budget billing?**

Yes, you can remain on budget billing.

**Can I still have my payment automatically deducted from my checking account as I do now?**

Yes. How you pay your electric bill will not change.

**Who is FirstEnergy Solutions?**

FirstEnergy Solutions Corp., a subsidiary of FirstEnergy Corp., offers a wide range of energy and related products and services, including the generation and sale of electricity and energy planning and procurement. FirstEnergy Solutions is a leading competitive supplier of energy to residential and commercial and industrial customers in Ohio, Pennsylvania, New Jersey, Maryland, Illinois and Michigan.

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

If you have any questions, please call 1-866-636-3749, Monday through Friday, 8 a.m. to 5 p.m.

**Additional FAQs for all-electric space heating, electric water heating and/or load management customers:**

**I receive a credit from my electric utility for my electric water heating. Will I miss out on this credit if I join this program?**

Because FirstEnergy Solutions is offering a discount off the Price to Compare, you are not missing out on any of the savings that utility credits provide.

**If I leave this program at a later date, will I be able to keep the credits I get from my utility for having all-electric space heating, electric water heating and/or load management equipment?**

Yes. This discount is in addition to the generation credit reflected in your Price to Compare. So if you cancel your contract with FirstEnergy Solutions, you will continue to receive the credits from your utility for having all-electric space heating, electric water heating and/or load management equipment as long as those credits are being offered.



**FirstEnergy Solutions Corp. - Residential & Small Commercial Terms and Conditions**

These Terms and Conditions apply to you because you are enrolling for electric generation service with FirstEnergy Solutions Corp. ("FES") through either (a) affirmative consent or (b) not opting out of your community aggregation program. If you enroll by affirmative consent, these Terms and Conditions and the enrollment information on the website are your agreement ("Agreement"). If you choose to remain in the community aggregation program by not "opting-out" or exercising the right of rescission these Terms and Conditions and your opt-out notification are your Agreement. Please keep a copy of this Agreement for your records.

FES is certified by the Ohio Public Utility Commission ("PUCO") to offer and supply electric generation services in Ohio. As a Competitive Retail Electric Service ("CRES") provider, FES will supply the electric generation to your Electric Distribution Utility (EDU) based on your usage. Your EDU then distributes or delivers the electricity to you. FES sets the generation prices and charges that the customers pay. The PUCO regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

**DEFINITIONS**

**Generation Service** - The production of electricity.

**Transmission Service** - Moving high voltage electricity from a generation facility to the distribution lines of an Electric Distribution Utility ("EDU").

**Distribution Service** - Physical delivery of electricity to customers by EDU.

**RIGHT OF RESCISSION**

If you do not opt-out or you give your affirmative consent and are enrolled to receive generation service from FES, your EDU will send you a confirmation letter. You will have the right to rescind your enrollment within seven (7) calendar days following the postmark date of the confirmation letter by following the instructions contained in the letter. The Right of Rescission only applies when a customer switches to a generation supplier and not on renewal enrollments. Your EDU will not send a confirmation notice upon any renewal of this Agreement. Should you choose to opt-out of your community's program, you will be served by your EDU's standard service offer established pursuant to section 4928.14 of the Ohio Revised Code unless you choose an alternate supplier of electricity.

**TERMS AND CONDITIONS OF SERVICE**

1. **Eligibility.** Only eligible residential customer accounts not enrolled in the Percentage of Income Plan Program (PIPP) and eligible small commercial customers may enroll in this offer with FES. FES reserves the right to refuse enrollment to any customer with an outstanding electric bill balance.
2. **Basic Service Prices.** During the term of this Contract, you agree to pay FES for a total combined Transmission, Generation, and Generation Related Charges. You will be billed at 6% off your EDU Price to Compare per kilowatt-hour per billing month. Your Price to Compare consists of bypassable transmission, generation and transmission and generation related components, which are charges associated with the costs of purchased power

and the cost to deliver the power through the transmission system. These are the charges that you would avoid for that billing period when you switch to FES.

Your price per KWh will vary because it will always be a percent off the Price to Compare, which may change based on any changes made by the EDU in its calculations. In addition to FES' charges, you will be charged by your EDU for distribution and various other charges. FES reserves the right to unilaterally modify this billing format in the event the EDU is unable or unwilling to provide consolidated billing in this format or changes the calculation of the Price to Compare.

In the event that any change in any statute, rule, regulation, order, law, or tariff promulgated by any court, governmental authority, utility, Independent Service Operator ("ISO"), Regional Transmission Organization ("RTO") or other service provider, or any change in operating procedure, alters to the detriment of FES its costs to perform under this Agreement, FES may pass through to Customer such costs or revise the pricing under this Agreement to eliminate the impact of such changes. Before any such pass through or price revision, FES shall provide notice to Customer of the changes and the date upon which such pass through or revised pricing shall be effective. Customer shall pay the pass through costs or revised price described in such notice, and all other terms and conditions of this Agreement shall remain in full force and effect.

3. **Length of Agreement.** As a part of your community's program, your service from FES will commence with the next available meter reading and after processing of the enrollment by your EDU, and will continue through August 2018, ending on the meter read for the last month of service. The program may be terminated or modified due to unforeseen regulatory action. Customer and FES agree that any such regulatory action is a force majeure event. Should the program be terminated, you will be returned to the standard service offer or its successor.
4. **Billing.** You will continue to receive a single bill from your EDU that will contain both your EDU and FES charges. FES does not offer budget billing. If you do not pay your bill by the due date, FES may cancel this Agreement after giving you a minimum of fourteen (14) days written notice. Upon cancellation you will be returned to your EDU as a customer. You will remain responsible to pay FES for any electricity used before this Agreement is cancelled, as well as any late payment charges.
5. **Penalties, Fees and Exceptions.** If you do not pay the full amount owed FES by the due date of the bill, FES may charge a 1.5% per month late payment fee.
6. **Cancellation/Termination Provisions.** If this Agreement is not rescinded during the rescission period, enrollment will be sent to your EDU. You may terminate this Agreement, without penalty, if you move out of the EDU service territory or into an area where FES will charge a different price. *There will be a \$0 charge for each residential EDU account and a \$0 charge for each commercial EDU account if you terminate this Agreement for any other reason, except as expressly provided herein. Should you cancel service with FES and return to standard offer service with your EDU, you may not be served under the*

*same rates, terms, and conditions that apply to other EDU customers.*

**7. Customer Consent and Information Release Authorization.**

By choosing not to opt-out of your community's aggregation program or to affirmatively join it, you understand and agree to the terms and conditions of this Agreement with FES. You authorize FES to obtain information from the EDU that includes, but is not limited to: billing history, payment history, historical and future electricity usage, meter readings, and characteristics of electricity service. FES reserves the sole right to determine if your credit standing is satisfactory before accepting your enrollment request. This Agreement shall be considered executed by FES following acceptance of your enrollment request by FES, the end of the 7 day rescission period and subsequent acceptance of the enrollment by your EDU.

**8. Contract Expiration.** At least every three years, you will be given the opportunity to opt-out of your community's aggregation program at no cost. You are responsible for arranging for your electric supply upon termination of this Contract.

**9. Dispute Procedures.** Contact FES with any questions concerning the terms of service by phone at 1-888-254-6359 (toll-free) M-F 8AM - 5PM EST or in writing at 341 White Pond Drive, Attn: Contract Administration, Akron, OH 44320. Our web address is [www.firstenergysolutions.com](http://www.firstenergysolutions.com). If your complaint is not resolved after you have called your electric supplier and/or your electric utility, or for general utility information, residential and business customers may contact the Public Utilities Commission of Ohio for assistance at 1-800-686-7826 (toll free) or TTY at 1-800-686-1570 (toll free) from 8:00 am to 5:00 pm weekdays or at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov). Residential customers may also call the Ohio Consumers' Counsel (OCC) at 1-877-742-5622 (toll free) from 8:00 am to 5:00 pm weekdays or at [www.pickocc.org](http://www.pickocc.org).

**10. Miscellaneous.** You have the right to request from FES, twice within a 12 month period, up to 24 months of payment history, without charge.

FES will not release your Social Security number and/or account number(s) without your written consent.

FES' environmental disclosure statement is available for viewing on our website - [www.fes.com](http://www.fes.com). You agree that FES will make the required quarterly updates to the statement electronically on our website. We will also provide the information upon request.

FES may assign its rights to another, including any successor, in accordance with the rules and regulations of the PUCO.

FES assumes no responsibility or liability for the following items that are the responsibility of the EDU: operation and maintenance of the EDU's electrical system, any interruption of service, termination of service, or deterioration of the EDU's service. In the event of a power outage, you should contact your local EDU.

Customer is responsible for providing FES with accurate account information. If said information is incorrect, FES reserves the right to reprice the applicable account(s) or terminate the agreement.

FES reserves the right to return any customer to the EDU if the customer's rate code is changed and the account is no longer eligible for this program.

**11. Warranty.** FES warrants title and the right to all electricity sold hereunder. THE WARRANTIES SET FORTH IN THIS PARAGRAPH ARE EXCLUSIVE AND ARE IN LIEU OF ALL OTHER WARRANTIES, WHETHER STATUTORY, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ARISING OUT OF ANY COURSE OF DEALING OR USAGE OF TRADE.

# Erie County Exhibit A-4 Automatic Aggregation Disclosure - "Opt-out Form"



September 19, 2017

**Re: Great news – Erie County's Aggregation Program supplied by FirstEnergy Solutions continues to offer savings!**

Dear Business,

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.

FirstEnergy Solutions, a subsidiary of FirstEnergy Corp., has been selected to provide you with savings on your electric generation. If you're not already participating, this is your chance to join. If you're already participating, this is your opportunity to extend your savings. **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 Erie County program was approved by voters in your community in May 2010.

Your Electric Utility	Price	Term End Date	Opt Out Deadline	Early Termination Fee
Ohio Edison	4% off Price To Compare	August 2018	October 10, 2017	\$0

## How to estimate what your savings will be through this program

First, determine your Price to Compare; simply divide the amount of the Bypassable Generation and Transmission Related Component by the Kilowatt Hours Used. Then multiply your Price to Compare by 0.04 (4%) to determine your savings per KWH. Multiply that number by your total monthly kWh usage. The final number is how many dollars you can expect to save each month if you use the same amount of electricity.

If you are a new member of the program, you will see your electric savings from FirstEnergy Solutions after your enrollment has been completed and your switch has been finalized – approximately 30-45 days, depending upon your meter read date. Of course, you are not obligated to participate in the 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. Once enrolled, you will receive a notice at least every three years asking if you wish to remain in the program.

If you are not currently receiving electric generation from FirstEnergy Solutions, your electric utility will send you a letter confirming your selection of FirstEnergy Solutions as your electric generation provider. As required by law, this letter will inform you of your option to cancel your contract with FirstEnergy Solutions within seven days of its postmark. To remain a member of the community's electric governmental aggregation program, you don't need to take any action when this letter arrives. If you are currently enrolled in the community's aggregation program, you will not receive a letter from your electric utility.

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

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

Sincerely,

William Monaghan, Patrick Shenigo, and Matt Old

Erie County Commissioners

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 – BUSINESS ELECTRIC GOVERNMENTAL AGGREGATION PROGRAM

### Option 1: Do nothing and save.

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

OR

### Option 2: Opt out by returning this form.

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

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 October 10, 2017 to Erie County Electric Governmental Aggregation Program, 341 White Pond Drive, Bldg. B3, Akron, Ohio 44320



**Electric Governmental Aggregation Program Frequently Asked Questions  
Business Program**

**What is aggregation?**

Under governmental aggregation, local 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 my community able to choose a certified electric generation supplier on my behalf?**

Residents voted to allow the community to contract for an electric generation supplier on their behalf.

**How will I know if I can save money under the electric governmental aggregation program?**

The price you pay for electric generation supply is guaranteed to be lower because you'll always receive the percent discount for your electric generation.

**What do I need to do if I *want* to be included in this governmental aggregation?**

You do not need to do anything to receive the discounted generation pricing under this program. You may choose to remain in the aggregation group and begin receiving your discount by simply not returning the opt-out form.

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

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

**Is your price for power fixed, or does it vary?**

In this program, the discount you will receive each month does not change. But because the actual price per kWh charged by the utility may change each month (based on the season and your usage), the price per kWh from FirstEnergy Solutions will also change each month.

**If I am already a member of this program, why am I receiving this letter?**

As a current member of your community's electric governmental aggregation program, you are given the opportunity to opt-out of the program at least every three years at no charge. Your previous contract with FirstEnergy Solutions is coming to an end, and this is your opportunity to either opt-out or continue saving with FirstEnergy Solutions.

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

"Opt out" means that you can decide not to participate in your community's electric governmental aggregation program. By returning the opt-out form, which is included in this mailing, by the Opt Out Deadline you will not be enrolled as an electric generation customer with FirstEnergy Solutions, your community's competitive electric generation supplier, and you will not receive the discount.

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

If you do not return the opt-out form postmarked by the Opt Out Deadline, you will be included in your community's governmental aggregation program and will receive competitively priced electricity from FirstEnergy Solutions.

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

No, if you want to opt out, you must mail in your completed opt-out form and it must be postmarked by the Opt Out Deadline.

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

Yes, but you will be subject to the early termination fee from FirstEnergy Solutions if you cancel for any other reason but moving. 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 supply choices if I decide to opt out?**

You can stay with your current electric utility, which will continue to supply your electric generation as it always has, or you can shop for an alternative generation supplier. A list of competitive electric suppliers certified by the Public Utilities Commission of Ohio and their current prices are available by calling 1-800-686-PUCO (1-800-686-7826).

**If I join the aggregation, can I stay on budget billing?**

Yes, you can remain on budget billing.

**Can I still have my payment automatically deducted from my checking account as I do now?**

Yes. How you pay your electric bill will not change.

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

If you have any questions, please call 1-866-636-3749, Monday through Friday, 8 a.m. to 5 p.m.

**Additional FAQs for all-electric space heating, electric water heating and/or load management customers:**

**I receive a credit from my electric utility for my electric water heating. Will I miss out on this credit if I join this program?**

Because FirstEnergy Solutions is offering a discount off the Price to Compare, you are not missing out on any of the savings that utility credits provide.

**If I leave this program at a later date, will I be able to keep the credits I get from my utility for having all-electric space heating, electric water heating and/or load management equipment?**

Yes. This discount is in addition to the generation credit reflected in your Price to Compare. So if you cancel your contract with FirstEnergy Solutions, you will continue to receive the credits from your utility for having all-electric space heating, electric water heating and/or load management equipment as long as those credits are being offered.

**FirstEnergy Solutions Corp. - Residential & Small Commercial Terms and Conditions**

These Terms and Conditions apply to you because you are enrolling for electric generation service with FirstEnergy Solutions Corp. ("FES") through either (a) affirmative consent or (b) not opting out of your community aggregation program. If you enroll by affirmative consent, these Terms and Conditions and the enrollment information on the website are your agreement ("Agreement"). If you choose to remain in the community aggregation program by not "opting-out" or exercising the right of rescission these Terms and Conditions and your opt-out notification are your Agreement. Please keep a copy of this Agreement for your records.

FES is certified by the Ohio Public Utility Commission ("PUCO") to offer and supply electric generation services in Ohio. As a Competitive Retail Electric Service ("CRES") provider, FES will supply the electric generation to your Electric Distribution Utility (EDU) based on your usage. Your EDU then distributes or delivers the electricity to you. FES sets the generation prices and charges that the customers pay. The PUCO regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

**DEFINITIONS**

**Generation Service** - The production of electricity.

**Transmission Service** - Moving high voltage electricity from a generation facility to the distribution lines of an Electric Distribution Utility ("EDU").

**Distribution Service** - Physical delivery of electricity to customers by EDU.

**RIGHT OF RESCISSION**

If you do not opt-out or you give your affirmative consent and are enrolled to receive generation service from FES, your EDU will send you a confirmation letter. You will have the right to rescind your enrollment within seven (7) calendar days following the postmark date of the confirmation letter by following the instructions contained in the letter. The Right of Rescission only applies when a customer switches to a generation supplier and not on renewal enrollments. Your EDU will not send a confirmation notice upon any renewal of this Agreement. Should you choose to opt-out of your community's program, you will be served by your EDU's standard service offer established pursuant to section 4928.14 of the Ohio Revised Code unless you choose an alternate supplier of electricity.

**TERMS AND CONDITIONS OF SERVICE**

1. **Eligibility.** Only eligible residential customer accounts not enrolled in the Percentage of Income Plan Program (PIPP) and eligible small commercial customers may enroll in this offer with FES. FES reserves the right to refuse enrollment to any customer with an outstanding electric bill balance.
2. **Basic Service Prices.** During the term of this Contract, you agree to pay FES for a total combined Transmission, Generation, and Generation Related Charges. You will be billed at 4% off your EDU Price to Compare per kilowatt-hour per billing month. Your Price to Compare consists of bypassable transmission, generation and transmission and generation related components, which are charges associated with the costs of purchased power

and the cost to deliver the power through the transmission system. These are the charges that you would avoid for that billing period when you switch to FES.

Your price per KWh will vary because it will always be a percent off the Price to Compare, which may change based on any changes made by the EDU in its calculations. In addition to FES' charges, you will be charged by your EDU for distribution and various other charges. FES reserves the right to unilaterally modify this billing format in the event the EDU is unable or unwilling to provide consolidated billing in this format or changes the calculation of the Price to Compare.

In the event that any change in any statute, rule, regulation, order, law, or tariff promulgated by any court, governmental authority, utility, Independent Service Operator ("ISO"), Regional Transmission Organization ("RTO") or other service provider, or any change in operating procedure, alters to the detriment of FES its costs to perform under this Agreement, FES may pass through to Customer such costs or revise the pricing under this Agreement to eliminate the impact of such changes. Before any such pass through or price revision, FES shall provide notice to Customer of the changes and the date upon which such pass through or revised pricing shall be effective. Customer shall pay the pass through costs or revised price described in such notice, and all other terms and conditions of this Agreement shall remain in full force and effect.

3. **Length of Agreement.** As a part of your community's program, your service from FES will commence with the next available meter reading and after processing of the enrollment by your EDU, and will continue through August 2018, ending on the meter read for the last month of service. The program may be terminated or modified due to unforeseen regulatory action. Customer and FES agree that any such regulatory action is a force majeure event. Should the program be terminated, you will be returned to the standard service offer or its successor.
4. **Billing.** You will continue to receive a single bill from your EDU that will contain both your EDU and FES charges. FES does not offer budget billing. If you do not pay your bill by the due date, FES may cancel this Agreement after giving you a minimum of fourteen (14) days written notice. Upon cancellation you will be returned to your EDU as a customer. You will remain responsible to pay FES for any electricity used before this Agreement is cancelled, as well as any late payment charges.
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6. **Cancellation/Termination Provisions.** If this Agreement is not rescinded during the rescission period, enrollment will be sent to your EDU. You may terminate this Agreement, without penalty, if you move out of the EDU service territory or into an area where FES will charge a different price. *There will be a \$0 charge for each residential EDU account and a \$0 charge for each commercial EDU account if you terminate this Agreement for any other reason, except as expressly provided herein. Should you cancel service with FES and return to standard offer service with your EDU, you may not be served under the*

*same rates, terms, and conditions that apply to other EDU customers.*

**7. Customer Consent and Information Release Authorization.**

By choosing not to opt-out of your program or to affirmatively join it, you understand and agree to the terms and conditions of this Agreement with FES. You authorize FES to obtain information from the EDU that includes, but is not limited to: billing history, payment history, historical and future electricity usage, meter readings, and characteristics of electricity service. FES reserves the sole right to determine if your credit standing is satisfactory before accepting your enrollment request. This Agreement shall be considered executed by FES following acceptance of your enrollment request by FES, the end of the 7 day rescission period and subsequent acceptance of the enrollment by your EDU.

**8. Contract Expiration.** At least every three years, you will be given the opportunity to opt-out of your community's aggregation program at no cost. You are responsible for arranging for your electric supply upon termination of this Contract.

**9. Dispute Procedures.** Contact FES with any questions concerning the terms of service by phone at 1-888-254-6359 (toll-free) M-F 8AM - 5PM EST or in writing at 341 White Pond Drive, Attn: Contract Administration, Akron, OH 44320. Our web address is [www.firstenergysolutions.com](http://www.firstenergysolutions.com). If your complaint is not resolved after you have called your electric supplier and/or your electric utility, or for general utility information, residential and business customers may contact the Public Utilities Commission of Ohio for assistance at 1-800-686-7826 (toll free) or TTY at 1-800-686-1570 (toll free) from 8:00 am to 5:00 pm weekdays or at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov). Residential customers may also call the Ohio Consumers' Counsel (OCC) at 1-877-742-5622 (toll free) from 8:00 am to 5:00 pm weekdays or at [www.pickocc.org](http://www.pickocc.org).

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FES will not release your Social Security number and/or account number(s) without your written consent.

FES' environmental disclosure statement is available for viewing on our website - [www.fes.com](http://www.fes.com). You agree that FES will make the required quarterly updates to the statement electronically on our website. We will also provide the information upon request.

FES may assign its rights to another, including any successor, in accordance with the rules and regulations of the PUCO.

FES assumes no responsibility or liability for the following items that are the responsibility of the EDU: operation and maintenance of the EDU's electrical system, any interruption of service, termination of service, or deterioration of the EDU's service. In the event of a power outage, you should contact your local EDU.

Customer is responsible for providing FES with accurate account information. If said information is incorrect, FES reserves the right to reprice the applicable account(s) or terminate the agreement.

FES reserves the right to return any customer to the EDU if the customer's rate code is changed and the account is no longer eligible for this program.

**11. Warranty.** FES warrants title and the right to all electricity sold hereunder. THE WARRANTIES SET FORTH IN THIS PARAGRAPH ARE EXCLUSIVE AND ARE IN LIEU OF Y, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ARISING OUT OF ANY COURSE OF DEALING OR USAGE OF TRADE.

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

**Commission of Ohio Docketing Information System on**

**5/17/2018 2:14:44 PM**

**in**

**Case No(s). 10-0712-EL-GAG**

Summary: Application for certification renewal as a Governmental Aggregator of Electric  
electronically filed by MARK R BURNS on behalf of Erie County