



# Public Utilities Commission

Original GAG Case Number	Version
02 - 2206 -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 Summit County Ohio

Address 175 S. Main Street, 17th Floor, Akron, Ohio 44308

PUCO Certificate # and Date Certified 02-093E(7) issued September 29, 2014

Telephone # (330) 643-8052 Web site address (if any) N/A

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

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

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

A-4 **Exhibit A-4 Automatic Aggregation Disclosure-"Opt-out Form"** provide a copy of the disclosures/"opt-out" required by Section 4928.20(D) of the Revised Code, if its aggregation program provides for automatic aggregation in accordance with Section 4928.20(A) of the Revised Code. If the opt-out is in draft form, docket the final opt-out (including beginning and ending dates of the 21-day -out period and the selected CRES supplier) with the Commission within 10 days prior to providing or offering service. See #12 in the attached Affidavit .

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

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

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

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

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

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

Joe Shapiro, Summit County Executive  
Signature of Applicant & Title

Sworn and subscribed before me this 16<sup>th</sup> day of August, 2018  
Month Year

Julie Tortora  
Signature of official administering oath

Julie Tortora  
Print Name and Title  
Resident Summit County  
Notary Public, State of Ohio  
My Commission Expires: 05/21/2021

My commission expires on 5-21-21

# **AFFIDAVIT**

State of Ohio :

Akron ss.  
(Town)

County of Summit :

Elene Shapiro

\_\_\_\_\_, Affiant, being duly sworn/affirmed according to law, deposes and says that:

Executive

He/She is the \_\_\_\_\_ (Office of Affiant) of County of Summit (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.

*Ken Shapiro, Summit County Executive*  
Signature of Affiant & Title

Sworn and subscribed before me this 16<sup>th</sup> day of AUGUST, 2018  
Month

*Julie Tortora*  
Signature of official administering oath

Julie Tortora  
Resident Summit County  
Public, State of Ohio  
Expires: 05/21/2021

Print Name and Title

My commission expires on 5-21-21

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

**CERTIFICATION APPLICATION  
FOR A GOVERNMENTAL  
AGGREGATOR**

**Summit County, Ohio**

**Ohio Building  
175 S. Main St., 8<sup>th</sup> Floor  
Akron, Ohio 44308**

**330-643-8052**

**August 16, 2016**

# **Exhibit A-2**

## **Authorizing Ordinances**



RESOLUTION 2002-058

SPONSOR Mr. McCarthy, Mrs. Zurz, Mrs. Heydorn, Mr. Callahan & Teodosio

DATE February 11, 2002

A Resolution 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 Summit County Board of Elections to submit to the electors of Bath Township.

WHEREAS, the Ohio Legislature has enacted electric deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature authorities of municipal corporations, townships, and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4928.20, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other electric customers in the Township of Bath and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Bath, its residents, businesses and other electric consumers located within the corporate limits of the Township of Bath to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township 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 electric 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 to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Bath the following question at the primary election on May 7, 2002:

Shall the Township of Bath have the authority to aggregate the retail electric loads in the Township of Bath, 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 2002-058 adopted by Summit County Council?

The Clerk of this Council 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 the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election 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 Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council 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 the hearing. No plan adopted by this Council 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 unless the person affirmatively elects by a stated procedure not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 . This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

RESOLUTION NO. 2002-058

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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

  
DEPUTY CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-059

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. Smith, Mr. Crawford, Mr. Callahan & Teodosio

DATE February 11, 2002

A Resolution 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 Summit County Board of Elections to submit to the electors of Copley Township.

WHEREAS, the Ohio Legislature has enacted electric deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature authorities of municipal corporations, townships, and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4928.20, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other electric customers in the Township of Copley and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Copley, its residents, businesses and other electric consumers located within the corporate limits of the Township of Copley to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township 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 electric 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 to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Copley the following question at the primary election on May 7, 2002:

Shall the Township of Copley have the authority to aggregate the retail electric loads in the Township of Copley, 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 2002-059 adopted by Summit County Council?

- The Clerk of this Council 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 the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election 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 Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council 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 the hearing. No plan adopted by this Council 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 unless the person affirmatively elects by a stated procedure not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

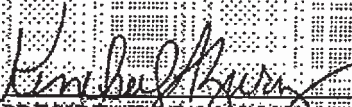
SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

Resolution No. 2002-059  
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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

  
DEPUTY CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-060

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. Callahan & Teodosio

DATE February 11, 2002

A Resolution 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 Summit County Board of Elections to submit to the electors of Springfield Township.

WHEREAS, the Ohio Legislature has enacted electric deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislative authorities of municipal corporations, townships, and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4928.20, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other electric customers in the Township of Springfield and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Springfield, its residents, businesses and other electric consumers located within the corporate limits of the Township of Springfield to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township 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 electric 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 to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Springfield the following question at the primary election on May 7, 2002:

Shall the Township of Springfield have the authority to aggregate the retail electric loads in the Township of Springfield, 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 2002-060 adopted by Summit County Council?

The Clerk of this Council 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 the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election 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 Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council 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 the hearing. No plan adopted by this Council 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 unless the person affirmatively elects by a stated procedure not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

Resolution No. 2002-060  
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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

  
DEPUTY CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-061

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. King, Mr. Callahan & Mr. Teodosio

DATE February 11, 2002

**A Resolution 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 Summit County Board of Elections to submit to the electors of Twinsburg Township.**

WHEREAS, the Ohio Legislature has enacted electric deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature authorities of municipal corporations, townships, and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4928.20, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other electric customers in the Township of Twinsburg and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Twinsburg, its residents, businesses and other electric consumers located within the corporate limits of the Township of Twinsburg to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township 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 electric 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 to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Twinsburg the following question at the primary election on May 7, 2002:

Shall the Township of Twinsburg have the authority to aggregate the retail electric loads in the Township of Twinsburg, 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 2002-061 adopted by Summit County Council?

The Clerk of this Council 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 the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election 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 Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council 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 the hearing. No plan adopted by this Council 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 unless the person affirmatively elects by a stated procedure not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of the enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

Resolution No. 2002-061  
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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

  
DEPUTY CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-062

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. King, Mr. Callahan & Mr. Teodosio

DATE February 11, 2002

**A Resolution 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 Summit County Board of Elections to submit to the electors of Northfield Center Township.**

WHEREAS, the Ohio Legislature has enacted electric deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature authorities of municipal corporations, townships, and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4928.20, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other electric customers in the Township of Northfield Center and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Northfield Center, its residents, businesses and other electric consumers located within the corporate limits of the Township of Northfield Center to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township 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 electric 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 to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Northfield Center the following question at the primary election on May 7, 2002:

Shall the Township of Northfield Center have the authority to aggregate the retail electric loads in the Township of Northfield Center, 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 2002-062 adopted by Summit County Council?

The Clerk of this Council 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 the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election 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 Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council 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 the hearing. No plan adopted by this Council 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 unless the person affirmatively elects by a stated procedure not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.


Resolution No. 2002-062

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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

  
DEPUTY CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-063

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. King, Mr. Callahan & Mr. Teodosio

DATE February 11, 2002

A Resolution 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 Summit County Board of Elections to submit to the electors of Sagamore Hills Township.

WHEREAS, the Ohio Legislature has enacted electric deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature authorities of municipal corporations, townships, and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4928.20, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other electric customers in the Township of Sagamore Hills and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Sagamore Hills, its residents, businesses and other electric consumers located within the corporate limits of the Township of Sagamore Hills to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township 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 electric 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 to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Sagamore Hills the following question at the primary election on May 7, 2002:

Shall the Township of Sagamore Hills have the authority to aggregate the retail electric loads in the Township of Sagamore Hills, 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 2002-063 adopted by Summit County Council?

The Clerk of this Council 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 the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election 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 Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council 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 the hearing. No plan adopted by this Council 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 unless the person affirmatively elects by a stated procedure not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

RESOLUTION 2002-064

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. King, Mr. Callahan & Mr. Teodosio

DATE February 11, 2002

**A Resolution 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 Summit County Board of Elections to submit to the electors of Boston Township.**

WHEREAS, the Ohio Legislature has enacted electric deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature authorities of municipal corporations, townships, and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4928.20, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other electric customers in the Township of Boston and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Boston, its residents, businesses and other electric consumers located within the corporate limits of the Township of Boston to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township 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 electric 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 to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Boston the following question at the primary election on May 7, 2002:

Shall the Township of Boston have the authority to aggregate the retail electric loads in the Township of Boston, 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 2002-064 adopted by Summit County Council?

The Clerk of this Council 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 the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election 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 Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council 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 the hearing. No plan adopted by this Council 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 unless the person affirmatively elects by a stated procedure not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

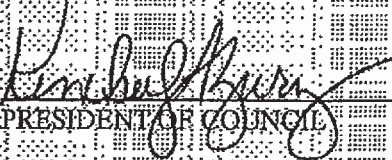
Resolution No. 2002-064

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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

  
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DEPUTY CLERK OF COUNCIL

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

  
\_\_\_\_\_  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-065

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. Callahan & Mr. Teodosio

DATE February 11, 2002

A Resolution 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 Summit County Board of Elections to submit to the electors of Coventry Township.

WHEREAS, the Ohio Legislature has enacted electric deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature authorities of municipal corporations, townships, and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4928.20, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other electric customers in the Township of Coventry and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Coventry, its residents, businesses and other electric consumers located within the corporate limits of the Township of Coventry to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township 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 electric 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 to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Coventry the following question at the primary election on May 7, 2002:

Shall the Township of Coventry have the authority to aggregate the retail electric loads in the Township of Coventry, 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 2002-065 adopted by Summit County Council?

The Clerk of this Council 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 the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election 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 Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council 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 the hearing. No plan adopted by this Council 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 unless the person affirmatively elects by a stated procedure not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.


SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

Resolution No. 2002-065  
Page three

INTRODUCED January 28, 2002

ADOPTED February 11, 2002

  
DEPUTY CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-066

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. Callahan & Mr. Teodosio

DATE February 11, 2002

A Resolution 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 Summit County Board of Elections to submit to the electors of Franklin Township.

WHEREAS, the Ohio Legislature has enacted electric deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature authorities of municipal corporations, townships, and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4928.20, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other electric customers in the Township of Franklin and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Franklin, its residents, businesses and other electric consumers located within the corporate limits of the Township of Franklin to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township 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 electric 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 to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Franklin the following question at the primary election on May 7, 2002:

Shall the Township of Franklin have the authority to aggregate the retail electric loads in the Township of Franklin, 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 2002-066 adopted by Summit County Council?

The Clerk of this Council 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 the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election 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 Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council 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 the hearing. No plan adopted by this Council 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 unless the person affirmatively elects by a stated procedure not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

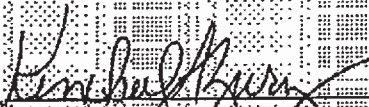
SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

Resolution No. 2002-066  
Page three


INTRODUCED January 28, 2002

ADOPTED February 11, 2002

  
DEPUTY CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-091

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. King, Mr. Callahan & Mr. Teodosio

DATE February 11, 2002

**A Resolution 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 Summit County Board of Elections to submit to the electors of Richfield Township.**

WHEREAS, the Ohio Legislature has enacted electric deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature authorities of municipal corporations, townships, and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4928.20, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other electric customers in the Township of Richfield and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Richfield, its residents, businesses and other electric consumers located within the corporate limits of the Township of Richfield to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township 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 electric 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 to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Richfield the following question at the primary election on May 7, 2002:

Shall the Township of Richfield have the authority to aggregate the retail electric loads in the Township of Richfield, 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 2002-062 adopted by Summit County Council?

The Clerk of this Council 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 the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election 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 Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council 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 the hearing. No plan adopted by this Council 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 unless the person affirmatively elects by a stated procedure not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

INTRODUCED January 28, 2002

ADOPTED February 11, 2002

  
DEPUTY CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

ENACTED EFFECTIVE March 13, 2002

  
EXECUTIVE

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland Gallagher, Heydorn, King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-109

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. Callahan & Mr. Teodosio

DATE February 11, 2002

**A Resolution 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 Summit County Board of Elections to submit to the electors of New Franklin Village.**

WHEREAS, the Ohio Legislature has enacted electric deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature authorities of municipal corporations, Villages, and counties to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4928.20, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other electric customers in the Village of New Franklin and in conjunction jointly with any other municipal corporation, Village, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the New Franklin Village, its residents, businesses and other electric consumers located within the corporate limits of the New Franklin Village to establish the Aggregation Program in the Village. Provided that this Resolution and the Aggregation Program is approved by the electors of the Village pursuant to Section 2 of this Resolution, the Village is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electric loads located within the Village, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Village may exercise such authority jointly with any other municipal corporation, Village, or county or other political subdivision of the State of Ohio to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an 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 Summit County is hereby directed to submit to the electors of the New Franklin Village the following question at the primary election on May 7, 2002:

Shall the New Franklin Village have the authority to aggregate the retail electric loads in the New Franklin Village, 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 2002-066 adopted by Summit County Council?

The Clerk of this Council 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 the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election 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 Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council 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 Village. The notice shall summarize the plan and state the date, time, and location of the hearing. No plan adopted by this Council shall aggregate the electrical load of any electric load center within the Village unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

RESOLUTION NO. 2002-109

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INTRODUCED February 11, 2002

ADOPTED February 11, 2002

  
DEPUTY CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

# **Exhibit A-3**

## **Operation and Governance Plan**

ORDINANCE RESOLUTION NO. 2002-530

SPONSOR Mr. McCarthy

DATE August 26, 2002

An Amended Ordinance Resolution approving the plan of operation and governance for First Energy Solutions, Inc.'s electric aggregation program for the purpose of the County of Summit jointly establishing and implementing an opt-out electric aggregation program on behalf of the townships of Bath, Northfield Center, Sagamore Hills, Twinsburg, Boston, Coventry, Springfield, Copley, Franklin, Richfield and the Village of New Franklin, for the Executive, and declaring an emergency.

WHEREAS, this Council previously enacted legislation placing upon the ballot at the May 7, 2002 primary election in the townships of Bath, Northfield Center, Sagamore Hills, Twinsburg, Boston, Coventry, Springfield, Copley, Franklin, Richfield and the Village of New Franklin the question of whether they should have the authority to aggregate their retail electric loads and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity and further, that such aggregation would occur automatically except where any person elects to opt out, as provided by Section 4928.20 of the Ohio Revised Code; and

WHEREAS, at the May 7, 2002, primary election, the voters of all of the aforementioned political subdivisions approved their respective opt-out electric aggregation ballot measures; and

WHEREAS, the aforementioned political subdivisions desire that the County of Summit act on their behalf in entering into service agreements to aggregate their retail electric loads; and

WHEREAS, on behalf of this Council pursuant to Section 4928.20 of the Ohio Revised Code, two (2) public hearings have been held on the plan of operation and governance for First Energy Solutions Inc.'s electric aggregation program for the aforementioned political subdivisions; and

WHEREAS, after reviewing all pertinent information, this Council has determined that it is in the best interest of the County and the townships of Bath, Northfield Center, Sagamore Hills, Twinsburg, Boston, Coventry, Springfield, Copley, Franklin, Richfield and the Village of New Franklin, to approve First Energy Solutions, Inc.'s plan of operation and governance for its electric aggregation program for those communities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that:

SECTION 1. This Council finds and determines that it is in the best interest of the County, including electric consumers within the townships of Bath, Northfield Center, Sagamore Hills, Twinsburg, Boston, Coventry, Springfield, Copley, Franklin, Richfield and the Village of New Franklin, to approve First Energy Solutions, Inc.'s plan of operation and governance for its electric aggregation program for those communities. The plan of operation and governance prepared by First Energy Solutions, Inc. for the County of Summit on behalf of the aforementioned communities is hereby approved.

RESOLUTION NO. 2002-530  
PAGE TWO

SECTION 2. The County Executive is hereby authorized to execute any agreements or other documents necessary to establish and implement First Energy Solutions, Inc.'s plan of operation and governance for its electric aggregation program for the townships of Bath, Northfield Center, Sagamore Hills, Twinsburg, Boston, Coventry, Springfield, Copley, Franklin, Richfield and the Village of New Franklin.

SECTION 3. This resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason that it is necessary to permit the townships of Bath, Northfield Center, Sagamore Hills, Twinsburg, Boston, Coventry, Springfield, Copley, Franklin, Richfield and the Village of New Franklin, to establish and implement First Energy Solutions, Inc.'s plan of operation and governance for its electric aggregation program for those communities.

SECTION 4. Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

Introduced August 12, 2002

ADOPTED August 26, 2002

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED August 27, 2002

  
EXECUTIVE

ENACTED EFFECTIVE August 27, 2002

VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn, King, Norris, Smith, Teodosio, and Zurz

# **Summit County**

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

**August 5, 2002**

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

## **I. INTRODUCTION**

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

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

Government aggregation, the combining of multiple electric loads by a municipality, provides the means through which Summit County residential and commercial consumers may obtain the economic benefits of Ohio's competitive retail electric market. The Summit County Aggregation Program combines the electric loads of residential and commercial customers to form a buying group ("Aggregation Group"). The Summit County will act as Purchasing Agent for the Aggregation Group. This means that Summit County will be a Governmental Aggregator, as defined by Ohio law and the rules established by the PUCO, and shall act on behalf of Ohio Edison (OE) customers in the townships of Bath, Northfield, Sagamore Hills, Twinsburg, Boston, Coventry, Springfield, Copley, Franklin, Richfield, and the Village of New Franklin to obtain the best electric generation rate for consumers who participate in the Aggregation Group.

## **II. PROCESS**

On May 7, 2002, Summit County voters approved the development of a form of government electric aggregation known as "opt-out" aggregation in the townships of Bath, Northfield, Sagamore Hills, Twinsburg, Boston, Coventry, Springfield, Copley, Franklin, Richfield, and the Village of New Franklin. Under the opt-out program, all OE residential and business customers in these areas of the County are automatically included as participants in the program unless they opt-out of the program by providing written notice of their intention not to participate. As required by state law, the County Council passed an Ordinance, which authorized submitting the selection of opt-out aggregation to the County's voters.

In addition to obtaining necessary County Council approvals, the County is also required to comply with various PUCO regulations. The County will file an application with the PUCO for certification as a Government Aggregator and the County Council will approve the Plan, on or about August 28, 2002. As required by the regulations, the County developed this Aggregation Plan of Operation and Governance ("Plan"). The County advertised the Public hearing dates to discuss the Plan in the Akron Beacon Journal. As required by the PUCO's regulations, two hearings were conducted on August 19, 2002 and August 26, 2002. The Opt-out notice for the

County's Program will be sent to all eligible electric customers in the unincorporated areas of the County and New Franklin Village upon approval of this Plan, setting forth the rates, terms and conditions of the program, and giving 21 days to opt out of the Program.

By vote of the County Council of Summit County on August 26, 2002 the County selected FirstEnergy Solutions, Inc. (FES), a subsidiary of FirstEnergy Corp., as its Retail Electric Generation Provider, to provide the electric power for the Summit County Aggregation Program at this time. Under this program, Ohio Edison (OE) will still deliver the electricity purchased from the County's provider, FES, to customers, customers will receive only one bill (from OE), and all metering, repairs and emergency service will continue to be provided by OE.

### III. DEFINITIONS

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

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

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

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

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

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

### IV. OPERATIONAL PLAN:

#### A. Aggregation Services

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

2. Database: The Retail Electric Generation Provider will build and maintain a database of all Members. The database will include the name, address, Ohio Edison account number, and Retail Electric Generation Provider's account number of the Member, and other pertinent information such as rate code, rider code (if applicable), most recent 12 months of usage and demand, and meter read cycle. The Retail Electric Generation Provider will develop a process to be implemented that will be able to accommodate at a minimum Members who (i) leave the program due to relocation, opting out, etc. (ii) decide to enter the Program; (iii) relocate within the County, and (iv) move into the County and desire to enter the Program. This database shall also

be capable of eliminating PIPP customers from the Program, should that be necessary, and those who have opted out.

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

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

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

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

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

B. Power Supply Agreement

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

C. Summit County' Retail Electric Generation Provider - FirstEnergy Solutions, Inc. (FES)

FES satisfies each of the following requirements:

- Has sufficient sources of power to provide retail firm power to the residents and businesses in the unincorporated area of Summit County.
- Is a licensed Federal Power Marketer with the Federal Energy Regulatory Commission.
- Is certified as a CRES by the PUCO.

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

D. Activation of Service

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

E. Changes, Extension or Renewal of Service

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

F. Termination of Service

In the event that the Power Supply Agreement is terminated prior to the end of the term, each individual Member of the Aggregation Group will receive written notification of the termination of the Program at least sixty (60) days prior to termination of service. If the Agreement is not extended or renewed, Members will be notified as required by law and the CRES rules of the PUCO in advance of the end of service. Members will also be notified of their right to select an alternate generation supplier and of their ability to return to OE's Standard Service Offer upon termination.

G. Opt-In Procedures

OE customers will be automatically enrolled in the Program after a 21 day opt out period, unless they return the form to be provided, notifying the Provider that they do not want to participate. OE consumers in the County may request to join the Aggregation Group after the expiration of the enrollment period by contacting the Provider, who shall determine whether to accept them into the Program, and at what rate, subject to written policies mutually agreed upon

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

#### H. Opt-out Procedures

OE consumers may opt-out of the County's Aggregation Group at any time during the opt-out period without additional fees charged by the Provider or the County. Residential Aggregation Group participants who switch to a different generation supplier after the expiration of the Opt-out period will be allowed to do so in correlation with the consumer's next scheduled meter read date but will be charged a \$25.00 switching fee to be billed on their final bill from the Provider. Commercial participants choosing a different generation supplier after the expiration of the opt-out period will be charged a default fee based upon the term remaining on the contract. Switching to a different generation supplier on the next meter read date, however, will occur when the next meter read date is twelve (12) business days or more from the date of the consumer's notice of Intent to opt-out of the Aggregation Group. Notification of Intent to opt-out of the Aggregation Group may be made by contacting the Provider by telephone or in writing. Consumers who opt-out of the Aggregation Group will default to OE's Standard Service Offer, until the consumer selects an alternate generation supplier.

#### I. Rates

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

#### **Residential Rates:**

The following rates will apply for the initial two-years of Summit County's Aggregation Program. The following years' pricing will be negotiated and an opt-out notification sent to all residents in accordance with PUCO guidelines.

November 2002 – November 2004 Rates:

<b>Rates 10A &amp; B, 11A, 19 – Standard Residential Rates*</b>	<b>5% off Generation Shopping Credit</b>
<b>Rate 17 – Load Management Rate*</b>	<b>5% off Generation Shopping Credit</b>

\*Ohio Edison's regulated transmission & distribution charges will also apply to each of these rates.

Note: Residential Rates 10B, 11B, 11C, 11E, 11F, 11G, 12, 14A, 14B, 14C, 14D, 14E, and 18 are "Full Service" rates, meaning such customers cannot participate by "shopping" in the electric choice program, since they would have to switch to a "fall back" rate in order to shop for competitive services, potentially losing the discount they already receive. Such customers should check with OE to determine if they would be better off switching to a different rate class or not.

#### **Commercial Rates:**

November 2002 – November 2004 Rates:

**Rate 21 with usage under 299 kWd\***

**5% off Generation Shopping  
Credit**

**Rate 23 with usage under 299 kWd\***

**5% off Generation Shopping  
Credit**

**\*Ohio Edison's regulated transmission & distribution charges will also apply to each of these rates.**

**J. Other Costs**

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

**K. Universal Service and Low Income Customer Assistance**

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

**V. MISCELLANEOUS GOVERNANCE GUIDELINES**

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

**VI. LIABILITY**

THE COUNTY SHALL NOT BE LIABLE TO PARTICIPANTS IN THE AGGREGATION GROUP FOR ANY CLAIMS, HOWEVER STYLED, ARISING OUT OF THE AGGREGATION PROGRAM OR THE PROVISION OF AGGREGATION SERVICES BY THE COUNTY OR THE PROVIDER. PARTICIPANTS IN THE AGGREGATION GROUP SHALL ASSERT ANY SUCH CLAIMS SOLELY AGAINST THE PROVIDER PURSUANT TO THE POWER SUPPLY

AGREEMENT, UNDER WHICH SUCH PARTICIPANTS ARE EXPRESS THIRD-PARTY BENEFICIARIES.

VII. INFORMATION AND COMPLAINT NUMBERS

Copies of this Plan are available from Summit County free of charge. Call the \_\_\_\_\_ Office at \_\_\_\_\_ for a copy or for more information.

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

## **Appendix A -- Education Process**

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

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

\_\_\_\_\_, 2002  
Dear Summit County Resident/Business:

Thanks to voter approval on May 7, 2002 of legislation allowing the County to provide cheaper electric power to all residents, institutions and businesses, our County has the opportunity to take advantage of the Ohio Electric Choice Program, which began on January 1, 2001. In response to the citizens of the County, the County Executive and County Council are now offering you the opportunity to join with other electric customers in the County to save money on your electric bill.

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

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

There is no cost to you for enrollment in the Summit County Electric Aggregation Program and if you wish to join you need not take any action, your enrollment will be automatic. As a member of this Program, your generation rates are as follows (expressed in cents per kilowatt-hour [kWh] of usage)\*:

**Residential Rates:**

**November 2002 – November 2004 Rates:**

<b>Rates 10A &amp; B, 11A, 19 – Standard Residential Rates*</b>	<b>5% off Generation Shopping Credit</b>
<b>Rate 17 – Load Management Rate*</b>	<b>5% off Generation Shopping Credit</b>

**Commercial Rates:**

**November 2002 – November 2004 Rates:**

<b>Rate 21 with usage under 299 kWd*</b>	<b>5% off Generation Shopping Credit</b>
<b>Rate 23 with usage under 299 kWd*</b>	<b>5% off Generation Shopping Credit</b>

\* Ohio Edison's transmission & distribution charges will also apply to each of these rates. All other residential, commercial and industrial rates are not included in Summit County's Aggregation Program.

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

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

If you have any questions or concerns, you may call FirstEnergy Solutions, toll-free at 1-800-XXX-XXXX, Monday through Friday, 9 a.m. to 9 p.m. Remember, send back the postcard only if you DO NOT want to be a part of the County's Aggregation Program.

Sincerely,

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

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

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

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

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

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

1. FES shall investigate Member complaints (including Member complaints referred by Ohio Edison) and provide a status report within five calendar days following receipt of the complaint to:
  - a. The consumer, when the complaint is made directly to FES; or
  - b. The consumer and The Public Utilities Commission of Ohio Staff ("Commission Staff"), when a complaint is referred to FES by the Commission Staff.
2. If an investigation is not completed within 14 calendar days, FES shall provide status reports to the consumer and the County, or if applicable, to the consumer, the County and the Commission Staff. Such status reports shall be provided at five-day intervals until the investigation is complete, unless the action that must be taken will require more than five days and the Member has been so notified.
3. FES shall inform the consumer, or the consumer, the County and Commission Staff, of the results of the investigation, orally or in writing, no later than five calendar days after completion of the investigation. The consumer, the County, or Commission Staff may request the report in writing.
4. If a residential consumer disputes the FES report, FES shall inform the consumer that the Commission Staff is available to help resolve informal complaints. FES shall provide the consumer with the current address, local/toll free telephone numbers, and TDD/TTY telephone numbers of the Commission's consumer services department.
5. FES shall retain records of Member complaints, investigations, and complaint resolutions for one year after the occurrence of such complaints, and shall provide such records to the commission staff within five calendar days of request.
6. FES shall make good faith efforts to resolve disputes.

C. Member Billing and Payments

1. FES shall arrange for Ohio Edison or its agent to bill Members for such services according to a tariff approved by the commission. Member bills issued by or for FES shall be accurate and understandable, be rendered at intervals consistent with those of Ohio Edison, and contain sufficient information for Members to compute and compare the total cost of competitive retail electric service (s). Such bills shall also include:
  - a. The Member's name, billing address, service address, the Member's EDU account number, and if applicable, FES account number;
  - b. The dates of service covered by the bill, an itemization of each type of competitive service covered by the bill, any related billing components, the charge for each type of service, and any other information the Member would need to recalculate the bill for accuracy;
  - c. The applicable billing determinants, including beginning meter reading, ending meter reading(s), demand meter reading(s), multipliers, consumption(s), and demands;
  - d. For Member-generators with net metering contracts, a statement of the net metered generation;
  - e. The unit price per kWh charged for competitive service, as calculated by dividing current-period competitive service charges by the current-period consumption;
  - f. An identification of the provider of each service appearing on the bill;
  - g. The amount billed for the current period, any unpaid amounts due from previous periods, any payments or credits applied to the Member's account during the current period, any late payment charges or gross and net charges, if applicable, and the total amount due and payable.
2. The due date for payment to keep the account current. Such due date shall be no less than:
  - a. Fourteen days after the postmark date on the bill for residential Member; and Twenty-one days after the postmark date on the bill for nonresidential Members;
  - b. Current balance of the account, if a residential Member is billed according to a budget plan;
  - c. Options and instructions on how Members may make their payments;
  - d. For each provider whose charges appear on the bill, a listing of the provider's toll-free telephone number and address for Member billing questions or complaints;
  - e. A listing of the toll-free consumer assistance telephone numbers and available hours for applicable state agencies, such as the commission, the Ohio Consumers' Counsel, and the Ohio Attorney General's office;
  - f. The Ohio Edison 24-hour local/toll-free telephone number for reporting service emergencies;
  - g. Identification of estimated bills or bills not based upon actual end-of-period meter readings for the period; and
  - h. An explanation of any codes and abbreviations used.
3. If applicable, FES will, upon request, provide Members with the name and street address/location of the nearest payment center and/or authorized payment agent.
4. If applicable, when a Member pays the bill at a payment center or to an authorized payment agent, such payment shall be credited to the Member's account as of the day such payment center or agent receives it.

5. The County and FES shall establish policies and procedures for handling billing disputes and requests for payment arrangements.

D. Collections for delinquent accounts:

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

# **Exhibit A-4**

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

## Letter #1 – Information Letter

DATE

Dear Summit County Resident/Business:

On Election Day, May 7, 2002, Summit County voters gave the County the authority to develop a program to help residents save money on their electric bills. Through this governmental aggregation program, the County would negotiate the purchase of electricity at reduced rates on behalf of the County's residents and businesses.

After consideration of this matter, the County determined that the best opportunity for savings is to contract with FirstEnergy Solutions as the program's electric generation service provider.

In anticipation of certification of Summit County through the PUCO, you can expect the following to occur regarding Summit County's governmental aggregation activities:

- During the week of XXXXXXXX, you will receive an "opt-out" form in the mail. This will be your opportunity to decline to participate in the County's program and stay with your current supplier. If you wish to participate in the program, you do not need to take any action.
- You will have 21 days to return the form to opt-out if you desire to do so. The form will include a toll-free number to call if you have additional questions.
- After you have been enrolled, you will receive a letter from Ohio Edison confirming your selection of FirstEnergy Solutions as your electric generation supplier through Summit County's governmental aggregation program.
- You'll see your electric savings from FirstEnergy Solutions on your electric bill from Ohio Edison after your paperwork has been completed and your switch has been finalized.

Whatever your choice, you will still receive one bill from Ohio Edison and Ohio Edison will continue to handle all equipment and repair needs. For your information, FirstEnergy Solutions is an unregulated subsidiary of FirstEnergy Corp. and is a different company than Ohio Edison.

Sincerely,

\_\_\_\_\_, 2002

Dear Summit County Resident/Business:

Thanks to voter approval on May 7, 2002 of legislation allowing the County to provide cheaper electric power to all residents, institutions and businesses, our County has the opportunity to take advantage of the Ohio Electric Choice Program, which began on January 1, 2001. In response to the citizens of the County, the County Executive and County Council are now offering you the opportunity to join with other electric customers in the County to save money on your electric bill.

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

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

There is no cost to you for enrollment in the Summit County Electric Aggregation Program and if you wish to join you need not take any action, your enrollment will be automatic. As a member of this Program, your generation rates are as follows (expressed in cents per kilowatt-hour [kWh] of usage)\*:

**Residential Rates:**

**November 2002 – November 2004 Rates:**

<b>Rates 10A &amp; B, 11A, 19 – Standard Residential Rates*</b>	<b>5% off Generation Shopping Credit</b>
<b>Rate 17 – Load Management Rate*</b>	<b>5% off Generation Shopping Credit</b>

**Commercial Rates:**

**November 2002 – November 2004 Rates:**

<b>Rate 21 with usage under 299 kWd*</b>	<b>5% off Generation Shopping Credit</b>
<b>Rate 23 with usage under 299 kWd*</b>	<b>5% off Generation Shopping Credit</b>

\* Ohio Edison's transmission & distribution charges will also apply to each of these rates. All other residential, commercial and industrial rates are not included in Summit County's Aggregation Program.

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

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

If you have any questions or concerns, you may call FirstEnergy Solutions, toll-free at 1-800-XXX-XXXX, Monday through Friday, 9 a.m. to 9 p.m. Remember, send back the postcard only if you DO NOT want to be a part of the County's Aggregation Program.

Sincerely,

*P.S. Remember to return the opt-out form only if you do not want to participate in the County's electric government aggregation program.*

**OPT-OUT FORM – SUMMIT COUNTY ELECTRIC GOVERNMENT AGGREGATION PROGRAM**

By returning this signed form, you will be excluded from the opportunity to join with other residents in the Summit County Electric Government Aggregation Program.

I wish to opt out of the Summit County Electric Government Aggregation Program. ☐ (Check box to

Ohio Edison account holder name (please clearly): \_\_\_\_\_

16-digit account number as it appears on your current electric bill:

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

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

## **Summit County Electric Aggregation Program — Frequently Asked Questions**

### **What is aggregation?**

Under governmental aggregation, County 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 Summit County able to choose a licensed electric generation supplier on my behalf?**

On May 7, 2002, County residents voted to allow the County to contract for an electric generation supplier on their behalf.

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

When you join the County's government aggregation program, your electric utility will provide you with a "generation shopping credit," which is available on your electric bill after you have been enrolled in the City's government aggregation program or by calling 1-800-225-0444.

The generation shopping credit — which varies each month — represents the amount credited to you if you switch to an alternative electric supplier, such as FirstEnergy Solutions. Under the County's aggregation program, the price you pay for electric supply will be 5 percent lower than your generation shopping credit. In other words, each month, you'll pay 5 percent less for electric supply than if you had not joined the City's government aggregation program.

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

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

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

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

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

Yes, but you could be subject to a \$25 switching fee from FirstEnergy Solutions. However, you will be sent a notice every two years asking if you wish to remain in the program. At that point, you may opt out at no cost.

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

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

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

Unfortunately, you will have to wait until the next enrollment period.

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

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

**Who is FirstEnergy Solutions?**

FirstEnergy Solutions is an unregulated energy subsidiary of FirstEnergy Corp. FirstEnergy Solutions is a leading supplier of electricity, natural gas, energy and facility management solutions.

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

For answers to your questions; please call 1-866-636-3749, Monday through Friday, 7 a.m. to 7 p.m.

**I've lost my opt-out form. Where can I get another one?**

You may pick one up in the lobby of the Ohio Building, 175 S. Main Street, Akron, Ohio 44308.

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

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

The budget billing program does not apply to your charges from FirstEnergy Solutions. FirstEnergy Solutions is a different company from Ohio Edison. On your monthly Ohio Edison bill, you'll notice a charge from FirstEnergy Solutions for generation. This charge reflects the actual amount of electricity you used that month and may vary each month due to your usage. Keep in mind that you're still paying less for your electricity supply than if you hadn't joined the County's government aggregation program.

**Can I join the County's electric aggregation program if I am already under contract with another electricity supplier?**

Many electric suppliers will charge a penalty for breaking your contract before it expires. You should opt out of the County's electric aggregation program to maintain your contract with your current electric supplier. See your current electric supplier for more information.

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

Your local electric company will be responsible for the transmission and distribution of power to your home or business. Since your local electric utility still

owns the wires and poles that delivers power to you, it will continue to read your meter and restore power after an outage.

**Does FirstEnergy Solutions charge any fees?**

Late charges may apply for past due balances. At the present time, residential customers will pay a late charge of 1.5 percent per month for delinquent account balances.

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

FirstEnergy Solutions residential price is fixed regardless of how much electricity you use, or when you use it.

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

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

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

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

**FirstEnergy Solutions Corp.  
Government Aggregation Residential Electric Generation Program  
Terms & Conditions of Service**

FirstEnergy Solutions Corp. ("FES") is certified by the Public Utilities Commission of Ohio ("PUCO") to offer and supply electric generation services in Ohio. FES sets the generation prices and charges that you pay under their contract with your community. The PUCO regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services. The Electric Distribution Utility (EDU) provides transmission and distribution services.

**RIGHT OF RESCISSION** – After you become a participant in your community program by not "opting out", your EDU will send you a confirmation notice of the transfer of service. As required by law, this notice will inform you that you may cancel this Contract within seven (7) calendar days following the postmark date of the confirmation notice from your Electric Distribution Utility ("EDU") by calling your EDU or by written notice to your EDU, which is effective on the postmark date. If you cancel, the EDU will give you a cancellation number.

**DEFINITIONS**

Generation Service – Production of electricity.

Distribution Service - Physical delivery of electricity to Customers by the EDU.

**TERMS AND CONDITIONS OF SERVICE**

**1. Basic Service Prices.** During the term of this Contract, for all electric generation delivered by FES to Customer, Customer agrees to pay FES the price specified in the opt-out notification. In addition to the charge for generation services, you will be charged by your EDU for distribution, transmission, ancillary, and various other charges. For these EDU charges only, the average residential customer using 750 kWh will pay \$50.00 to \$55.00 per month. The Customer's price for generation will vary based on the generation shopping credit, which may change monthly as calculated by the EDU based upon your usage and usage pattern.

**2. Length of Contract.** Your service under this Contract from FES, as part of your community's program, will begin on the date the EDU authorizes FES to begin serving your account, and will continue for a two year term ending on your meter read for the last month of service. Service under this Contract will begin with the next available meter reading after processing of your request by the EDU and FES, as determined by the EDU.

**3. Billing.** The EDU will bill you monthly for both FES services and EDU services on a combined monthly bill.

**4. Penalties, Fees and Exceptions.** If you do not pay the full amount that you owe FES by the due date of the bill, you will be charged interest of 1.5% per month.

**5. Cancellation/Termination Provisions.** If you do not pay your bill by the due date, FES may terminate this Contract, discontinue generation service and return you to the EDU standard-offer service after giving you a minimum of 14 days written notice. You will remain responsible to pay FES for any electricity used before this Contract is cancelled, as well as all interest on past due amounts. You may terminate this Contract, without penalty, if you move out of your current EDU service territory or into an area where FES will charge you a different price, by providing us with a 30 day written notice. ***There will be a \$25 charge if you terminate this Contract for any other reason, except as expressly provided herein.***

**6. Service by EDU.** This Contract automatically terminates on the same date that your electric service from your EDU is disconnected or discontinued. If this should occur, please contact FES to discuss your options.

**7. Dispute Procedures.** Contact FES with any questions concerning our terms of service by phone at 1-888-254-6359 (toll-free) M-F 7AM – 7PM EST or in writing at 395 Ghent Road, Attn: Contract Administration, Akron, OH 44333. Our web address is [www.firstenergysolutions.com](http://www.firstenergysolutions.com). You may call the PUCO if you are not satisfied after discussing your terms with us at 1-800-686-PUCO (7826) (toll-free) or 614-466-3292 or in writing at 180 E. Broad Street, Columbus, OH 43215-3793.

**9. Miscellaneous.**

Although your EDU may charge you an initial switching fee for entering the program, FES will pay this fee on your behalf. You have the right to request, from FES, up to 24 months of your payment history, without charge.

FES will not release your Social Security Number and/or account number(s) without your written consent. An Environmental Disclosure Form has been included with this Contract. FES may assign its rights to another, including any successor, in accordance with the rules and regulations of the PUCO and the agreement of your community.

By accepting this Contract, you are authorizing your EDU to provide FES with information about your account. This information includes, but is not limited to, billing history, historical and future usage, meter

readings and types of service. 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 EDU at the number specified by the EDU.

If Customer account information provided to FES by Customer is incorrect, FES reserves the right to reprice the applicable account(s) or terminate the service.

**10. Customer Consent.** By choosing not to Opt-out of your community's aggregation program, and by not exercising your right of rescission as discussed above, you will be enrolled in your community's program and provided generation service by FES, subject to the acceptance by the EDU, and understand and agree to the terms and conditions set forth herein.

**FIRSTENERGY SOLUTIONS CORP.**  
**Government Aggregation Special Business, Restricted Load Service Contract**

These terms and conditions together with the enrollment information constitutes the agreement for electric generation service, between FirstEnergy Solutions Corp., and the Customer, who chose to remain in the community aggregation program by not "opting out" or exercising the right of rescission ("Contract.") This Contract is valid for customers with a peak usage ranging from 1kW to 299kW. This Contract will become null and void for any individual Customer account with usage above 299kW. Customer is responsible for verifying that choosing an alternative generation supplier does not adversely affect their overall bill. Customers who utilize the off-peak demand forgiveness, EDR, SAED, and other riders as well as customers who are currently under a special contract or non-shoppable rate may pay increased rates by switching.

**BACKGROUND**

We, at FirstEnergy Solutions Corp. ("FES"), are certified by the Public Utilities Commission of Ohio ("PUCO") to offer and supply electric generation services in Ohio. We set the generation prices and charges that Customer pays. The PUCO regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

**RIGHT OF RESCISSION**

Customer may cancel the enrollment within seven (7) calendar days following the postmark date of the confirmation notice from the Electric Distribution Utility ("EDU") by calling the EDU or by written notice to the EDU, which is effective as of the postmark date.

**DEFINITIONS**

Generation Service – The production of electricity.

Distribution Service – Physical Delivery of electricity to Customers by the EDU.

Delivery Point – That point on the electric system at which the EDU's tariff provides for the receipt and final delivery of the electricity to the Customer.

**TERMS OF SERVICE**

**1. Basic Service Prices**

Customer will be billed on a monthly basis at the price specified in the opt-out notification. The Customer's price will vary based on the generation shopping credit, which may change monthly according to the EDU. In addition to the foregoing, Customer may be charged a \$5 switch fee per account.

**2. Length of Contract**

Customer will receive service beginning on the meter read date as authorized by the EDU and will continue for the Term provided in the opt-out notification or as indicated on the Customer Consent Form or the Enrollment Letter.

**3. Special Terms and Conditions**

Customer will be billed for our charges and the electric distribution charges on a combined monthly bill from the EDU.

All applicable taxes shall be listed separately on the monthly bill statement in accordance with State and Local tax law. Each account shall be billed as 0% exempt from such taxes until valid Ohio Sales and Use Tax Exemption Certificate has been received by FES.

**4. Penalties, Fees and Exceptions**

If the Customer does not pay the full amount that is owed FES by the due date of the bill Customer will be charged interest of 1.5% per month.

**5. Cancellation Provisions**

*Customer may cancel this Contract if Customer moves by providing us with a 30 day written notice. If Customer account information provided to FES by Customer is incorrect, FES reserves the right to replace the applicable account(s) or terminate the Contract.*

*If Customer does not pay the bill by the due date, and there is an outstanding and undisputed balance owed to FES for a period in excess of 30 days past the due date, we may cancel this Contract after giving Customer 14 days written notice. Customer will still be responsible to pay FES for any electricity used before this Contract is canceled, as well as all interest on past due amounts.*

**6. Assignment**

Upon successful credit review, and upon agreement by FES, with said permission not being unreasonably withheld, this Contract may be assigned or otherwise transferred by the Customer to another, including any successor in interest. FES may assign its rights and obligations to another, including any successor in

interest, in accordance with the rules and regulations of the PUCO and with the agreement of your community, without the written consent of the customer.

**7. Dispute Procedures**

Contact us with any questions concerning our terms of service. Customer may call the PUCO if Customer is not satisfied after discussing the terms with us.

**8. Contact Information**

**FirstEnergy Solutions Corp. The Public Utilities Commission of Ohio (PUCO)**

395 Ghent Road #114 180 E. Broad St.

Akron, Ohio 44333 Columbus, OH 43215-3793

1-888-254-6359 (toll-free) 1-800-888-PUCO (7826) (toll-free)

M-F 7AM-7PM EST 614-466-3292

[www.firstenergysolutions.com](http://www.firstenergysolutions.com)

**10. Force Majeure (Uncontrollable Forces)**

Neither Customer nor FES will be obligated to uphold this contract if either party is unable to meet its obligations due to uncontrollable forces. The term "uncontrollable forces" shall mean any cause beyond reasonable control of the Party affected, despite exercising due diligence. "Uncontrollable forces" shall include, but not be limited to the failure of facilities, flood, earthquake, storm, fire, lightning, epidemic, war, riot, civil disturbance, labor dispute, sabotage, statutory or regulatory changes with material adverse effects, restraint by Court order or public authority or inability to obtain necessary licenses or permits. Any Party which is unable to fulfill any obligations by reason of uncontrollable forces shall exercise due diligence to remove such inability with all reasonable dispatch. Economic hardship of either Party shall not constitute a Force Majeure under this Contract.

**11. Creditworthiness**

Upon request, Customer will provide FES with information reasonably requested by FES to complete a credit review. Service shall be contingent upon satisfactory review of Customer credit by FES, which shall have sole discretion for determination of Customer's creditworthiness.

**12. Liability**

FES assumes no liability for the operation, maintenance, or performance of any transmission or distribution systems used to supply Customer.

**13. 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.

**14. Default**

If Customer should breach this Contract by failing to purchase electricity from FES during the term of the Contract, Customer shall pay FES all costs and penalties, including but not limited to any generation reserved on behalf of the Customer, as well as any profits arising from the Contract. In the event that FES fails to deliver electricity to the Delivery Point, the Customer's sole and exclusive remedy shall be direct damages in the amount of the positive difference, if any between the price (\$/kWh) set forth herein and the purchase price (\$/kWh) paid by Customer for replacement electricity (assuming that Customer has used commercially reasonable efforts to replace the electricity) multiplied by the amount of undelivered electricity (kWh).

**15. Miscellaneous**

An Environmental Disclosure Statement has been included with this Contract. The EDU may charge the Customer switching fees. Customer has the right to request, from FES, up to 24 months of Customer's payment history without charge.

**16. Entire Contract**

This Contract, constitutes the entire agreement between FES and the Customer.

**17. Customer Consent**

By choosing not to "Opt-out" of your community's program, you understand and agree to the terms and conditions of this Contract with FES. This Contract shall be considered executed by FES following the end of the 21 day opt-out period and the 7 day rescission period if you do not opt-out or, and subsequent acceptance by your EDU. By accepting this Contract, Customer is authorizing the EDU to provide FES with information about Customer account(s). This information includes, but is not limited to, billing history, historical and future usage, meter readings and types of service.

# **Exhibit A-5**

## **Experience**

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

The Applicant, Summit County (the "County"), has contracted with FirstEnergy Solutions Inc. ("FES") to provide administrative and retail generation supply services for the County's Aggregation Group, which is comprised of all eligible OE customers located in the townships of Bath, Northfield, Sagamore Hills, Twinsburg, Boston, Coventry, Springfield, Copley, Franklin, Richfield, and the Village of New Franklin who do not opt out of the Group.

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

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

The billing of customers for the retail generation supply will be provided through the electric distribution utility, Ohio Edison (OE), and the billing process will be coordinated with OE by FES for the Aggregation Group.

RESOLUTION NO 2002-523

SPONSOR Mr. McCarthy

DATE August 26, 2002

A Resolution confirming an award by the Board of Control of a professional services contract to First Energy Solutions, Inc. to establish and implement an opt-out electric aggregation program within the townships of Bath, Northfield Center, Sagamore Hills, Twinsburg, Boston, Coventry, Springfield, Copley, Franklin, Richfield and the Village of New Franklin, for the Executive, and declaring an emergency.

WHEREAS, this Council previously enacted legislation placing upon the ballot at the May 7, 2002 primary election in the townships of Bath, Northfield Center, Sagamore Hills, Twinsburg, Boston, Coventry, Copley, Franklin, Richfield, Springfield and the Village of New Franklin the question of whether they should have the authority to aggregate their retail electric loads and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity and further, that such aggregation would occur automatically except where any person elects to opt out, as provided by Section 4928.20 of the Ohio Revised Code; and

WHEREAS, at the May 7, 2002, primary election, the voters of all of the aforementioned political subdivisions approved their respective opt-out electric aggregation ballot measures; and

WHEREAS, the aforementioned political subdivisions desire that the County of Summit act on their behalf in entering into service agreements to aggregate their retail electric loads; and

WHEREAS, the Board of Control awarded a professional services contract to First Energy Solutions, Inc. to provide an opt-out electric aggregation program for the aforementioned political subdivisions; and

WHEREAS, after reviewing all pertinent information, this Council has determined that it is in the best interest of the County and the townships of Bath, Northfield Center, Sagamore Hills, Twinsburg, Boston, Coventry, Copley, Franklin, Richfield, Springfield and the Village of New Franklin, to award a professional services contract to First Energy Solutions, Inc. to establish and implement an opt-out electric aggregation program on their behalf;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that:

SECTION 1. This Council finds and determines that it is in the best interest of the County, including consumers of electricity within the townships of Bath, Northfield Center, Sagamore Hills, Twinsburg, Boston, Coventry, Copley, Franklin, Richfield, Springfield and the Village of New Franklin, to have First Energy Solutions, Inc. establish and implement an opt-out electricity program for their benefit.

SECTION 2. The award of a professional services contract to First Energy Solutions, Inc. by the Board of Control to establish and implement an electric aggregation program within the townships of Bath, Northfield Center, Sagamore Hills, Twinsburg, Boston, Coventry, Copley, Franklin, Richfield, Springfield and the Village of New Franklin, is hereby confirmed. The County Executive is hereby authorized to execute such a contract.

RESOLUTION NO 2002-523  
PAGE TWO

SECTION 3. This resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason that it is necessary to permit the County of Summit, the townships of Bath, Northfield Center, Sagamore Hills, Twinsburg, Boston, Coventry, Copley, Franklin, Richfield and the Village of New Franklin to establish and implement an electric aggregation program.

SECTION 4. Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

INTRODUCED August 12, 2002

ADOPTED August 26, 2002

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED August 27, 2002

  
EXECUTIVE

ENACTED EFFECTIVE August 27, 2002

VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn, King, Norris, Smith, Teodosio, and Zurz

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

**Commission of Ohio Docketing Information System on**

**8/16/2018 10:02:34 AM**

**in**

**Case No(s). 02-2206-EL-GAG**

Summary: Application for renewal of certification as a governmental aggregator electronically filed by Ty Brocksieker on behalf of FirstEnergy Solutions and Summit County