



Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215
Office: 614.227.2300
Fax: 614.227.2390

Devin D. Parram
Direct Dial: 614.227.8813
dparram@bricker.com
www.bricker.com
info@bricker.com

December 12, 2019

Via Electronic Filing

Ms. Tanowa Troupe
Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3793

**Re: Southeast Ohio Public Energy Council ("SOPEC")
Case No. 14-936-EL-GAG**

Dear Ms. Troupe:

Attached please find for supplemental filing in the above-referenced matter, a copy of the ordinances from the Village of Glenford in Perry County, and the Village of Racine, in Meigs County, joining Southeast Ohio Public Energy Council ("SOPEC") opt-out electric aggregation program.

Please contact me if you have any questions regarding this matter.

Sincerely,

Devin D. Parram

Attachments

cc: Alla.Magaziner-Tempesta (w/Attachments)
Luke Sulfridge (w/Attachments)

ORDINANCE NO. 19-011

ADOPTED: 12-3-19

AN ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE SOPEC ELECTRICITY AGGREGATION PROGRAM, FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING AN ELECTRICITY AGGREGATION PROGRAM AND DECLARING AN EMERGENCY.

WHEREAS, Council for the Village of Glenford previously enacted legislation authorizing the Village of Glenford to establish an electricity aggregation program pursuant to R.C. 4928. (the "Electricity Aggregation Program"), for the residents, businesses and other electric consumers in the Village, and for that purpose, to act jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, by joining the Southeast Ohio Public Energy Council, the Village of Glenford will be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of electricity deregulation through group purchasing efforts; and

WHEREAS, pursuant to R.C. 4928.20 Council for the Village of Glenford held two public hearings on the Plan of Operation and Governance for the SOPEC Electricity Aggregation Program.

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Glenford, County of Perry, State of Ohio:

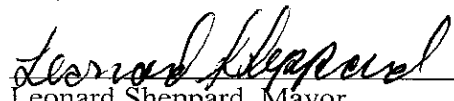
SECTION 1: Council for the Village of Glenford hereby approves and adopts the Plan of Operation and Governance of the SOPEC Electricity Aggregation Program (in the form presented to this Council and on file with the Clerk).

SECTION 2: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

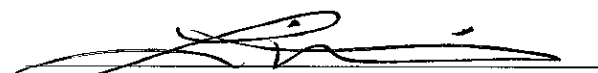
SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

SECTION 4: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and for the further reason this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Electric Program provided by SOPEC. Wherefore, provided this Ordinance receives the required affirmative votes of Council, it shall take effect and be in full force immediately upon passage.

Passed in Council this 3 day of December 2019.


Leonard Sheppard, Mayor

ATTEST:


Linda Nicodemus, Fiscal Officer

ORDINANCE NO. 19-012

ADOPTED: 12-3-19

AN ORDINANCE AUTHORIZING THE VILLAGE TO ENTER INTO THE SOUTHEAST OHIO PUBLIC ENERGY COUNCIL ("SOPEC") AND THE EXECUTION AND DELIVERY OF THE AGREEMENT ESTABLISHING SOPEC AND APPROVING THE BYLAWS OF SOPEC, AND DECLARING AN EMERGENCY

WHEREAS, Council of the Village of Glenford, Ohio wishes to establish an electric aggregation program pursuant to R.C. 4928.20 (the "Electric Program"), for the residents, businesses and other consumers located within the Village, and for that purpose, to act jointly with any other village, city, township, municipal corporation, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, by joining the Southeast Ohio Public Energy Council ("SOPEC"), the Village of Glenford will be able to act jointly with other members of political subdivisions and thereby maximize the potential benefit of natural electric deregulation through group purchasing efforts.

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Glenford, County of Perry, State of Ohio:

- SECTION 1: Council of the Village finds and determines that it is in the best interest of the Village, including the electric consumers located within the Village, to join SOPEC and to adopt the SOPEC Bylaws, for the purpose of establishing and implementing the Electric Program within the Village.
- SECTION 2: The Mayor and Fiscal Officer are hereby authorized and directed to execute and deliver the Agreement Establishing the Southeast Ohio Public Energy Council (the "SOPEC Agreement"). The SOPEC Agreement shall be substantially in the form presented to this Council and on file with the Clerk, subject to such changes, insertions and omissions which are consistent with this Ordinance and are not substantially adverse to the Village and as may be approved by Council, which approval shall be conclusively evidenced by the execution of the SOPEC Agreement.
- SECTION 3: Council for the Village of Glenford hereby approves and adopts the Bylaws of SOPEC (in the form attached to the SOPEC Agreement).
- SECTION 4: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.
- SECTION 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.
- SECTION 6: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and for the further reason this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Electric Program provided by SOPEC. Wherefore, provided this Ordinance receives the required affirmative votes of Council, it shall take effect and be in full force immediately upon passage.
- 2019 12 3

APPROVED:

Approved as to form this 3rd day of December 2019

A handwritten signature in cursive script, appearing to read "Brian M. Zets", written in black ink.

Brian M. Zets, Esq.
Village Solicitor

**AGREEMENT
ESTABLISHING THE
SOUTHEAST OHIO PUBLIC ENERGY COUNCIL**

This AGREEMENT is made and entered into as of October 8, 2014, by and among the political subdivisions identified below.

RECITALS:

WHEREAS, Ohio Revised Code Chapter 167 provides that the governing bodies of two or more political subdivisions may enter into an agreement establishing a regional council of governments for purposes that include promoting cooperative agreements and contracts among members and other governmental agencies and private persons, corporations, or agencies; and

NOW, THEREFORE, in consideration of the services to be made available to and by the Southeast Ohio Public Energy Council, also referred to herein as "SOPEC", it is agreed by and between the Members of SOPEC and any additional political subdivisions that may hereafter become Members as follows:

Section 1. Definitions.

Definitions of terms used in this Agreement and Bylaws are set forth on Exhibit A hereto.

Section 2. Name.

The name of the council of regional governments that comprises all Members shall be the "Southeast Ohio Public Energy Council."

Section 3. Members.

Members of SOPEC shall be set forth on Exhibit B hereto, and shall include any other political subdivisions which become members of SOPEC pursuant to Bylaws established pursuant to Section 6 of this agreement. Each Member shall have one representative to the Assembly, as further set forth in the Bylaws.

Section 4. Purpose; The Aggregation Program; Additional Programs of the Council.

The purpose of this Agreement is to allow Members to collectively pursue the benefits of the Aggregation Program and Additional Programs of the Council that the Council may establish. The Council may negotiate and enter into all necessary programs, contracts and take any necessary and incidental actions to effect and carry out the purposes of the Aggregation Program for the benefit of the Members and their respective electricity consumers. The Members will act jointly through the Council to establish and implement the Aggregation Program and Additional Programs of the Council, as set forth in the Bylaws.

Section 5. Fiscal Year.

The fiscal year for SOPEC shall be the twelve month period beginning July 1 and ending June 30.

Section 6. Adoption of Bylaws.

Within ninety (90) days of adoption of this Agreement, Members shall meet for the purpose of adopting Bylaws of SOPEC. The Bylaws shall address the purposes of SOPEC, its governance, addition and withdrawal of members, adding new programs, and other governance issues including SOPEC's decision-making process and the designation of its fiscal agent.

Section 7. Withdrawal and Inclusion of Members.

All issues pertaining to the withdrawal of existing Members or inclusion of new Members shall be governed by the Bylaws.

Section 8. Amendments.

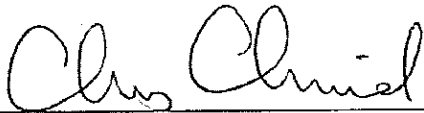
This Agreement may be amended subject to the majority vote of the signatory Members to the Agreement, until the adoption of Bylaws pursuant to Section 6 of this Agreement, at which time all amendments to this Agreement will be subject to the provisions set forth in the Bylaws.

Section 9. Term and Termination.

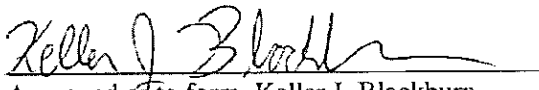
It is the intention of the Members that this Agreement shall continue for an indefinite term, but may be terminated subject to the provisions set forth in the Bylaws.

Section 10. Effective Date.

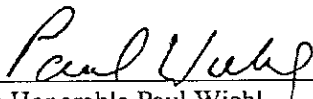
This Agreement shall take effect this 8th day of October, 2014. This Agreement may be signed in separate counterparts on behalf of one, or more than one, of the Members, without the necessity for any one counterpart to be signed on behalf of all Members.



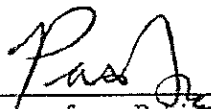
The Honorable Chris Chmiel,
Athens County Commissioner



Approved as to form, Keller J. Blackburn,
For Athens County



The Honorable Paul Wiehl,
Mayor of Athens



Approved as to form, Patrick J. Lang,
For the City of Athens

EXHIBIT A

As used in this Agreement and in the Bylaws the following words shall have the following meanings:

"Additional Program" means any other cooperative program the Council may establish under an Additional Program Agreement.

"Additional Program Agreement" means any agreement among some or all Members establishing an Additional Program in accordance with Section 9 of the Bylaws.

"Additional Program Costs" means, with respect to any Additional Program of the Council, all costs incurred by the Council or the Fiscal Agent of the Council, in connection with the activities and operations of that Additional Program, as defined in the corresponding Additional Program Agreement.

"Advisory Committee" means any committee established by the Board of Directors pursuant to the Bylaws to advise the Board of Directors or the Fiscal Agent with respect to the management and operation of any Program. The Board of Directors shall define the duties of each Advisory Committee.

"Aggregation Costs" means all costs incurred by the Council or by the Fiscal Agent in connection with the activities and operation of the Council for the Aggregation Program.

"Aggregation Fund" means the fund established and maintained by the Fiscal Agent of the Council as a separate fund pursuant to Section 10 of the Bylaws, into which the Fiscal Agent shall deposit any and all moneys contributed by the Members for Aggregation Costs of the Council.

"Aggregation Program" means the cooperative program for the benefit of the Members acting as governmental aggregators to arrange for the purchase of electricity by electric customers in the political subdivisions that join the Southeast Ohio Public Energy Council, pursuant to the terms of Ohio Revised Code Section 4928.20 and this Agreement.

"Agreement" means this agreement, as the same may be amended, modified, or supplemented in accordance with Section 8 hereof.

"Assembly" means the legislative body of the Council established pursuant to, and having those powers and duties enumerated in, the Bylaws.

"Bylaws" means the regulations adopted by the Council pursuant to Ohio Revised Code Section 167.04 and this Agreement, as the same may be amended, modified, or supplemented in accordance with Section 13 thereof.

"Council" means the Southeast Ohio Public Energy Council established by this Agreement.

"Fiscal Agent" means the person or organization designated by the Members of the Council to receive, deposit, invest and disburse funds contributed by the Members or otherwise received by the Council, for the operation of the Council and its Programs, in accordance with this Agreement, the Bylaws and any applicable Program Agreement.

"Fiscal Year" means the twelve (12) month period beginning July 1 and ending June 30.

“Member” means any municipal corporation, county and township which pursuant to duly adopted legislation, has caused this Agreement to be executed in its name, which Member shall be listed on Exhibit B hereof, including any additional municipal corporation, county and township which has caused this Agreement to be executed in accordance therewith, and has not withdrawn from the Council pursuant to this Agreement or the Bylaws.

“Program” means the Aggregation Program or any Additional Program.

EXHIBIT B

1. Board of Commissioners of Athens County
2. City of Athens
3. The Village of Amesville

Approved by the Mayor,

12-3, 2019


Mayor, Village of Glenford

VILLAGE OF RACINE
ORDINANCE NUMBER 1075

AN ORDINANCE AUTHORIZING THE VILLAGE TO ENTER INTO THE SOUTHEAST OHIO PUBLIC ENERGY COUNCIL ("SOPEC") AND THE EXECUTION AND DELIVERY OF THE AGREEMENT ESTABLISHING SOPEC AND APPROVING THE BYLAWS OF SOPEC, AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Racine, Ohio (the "Village") wishes to establish an electric aggregation program pursuant to Section 4928.20, of the Ohio Revised Code (the "Electric Program"), for the residents, businesses and other consumers located within the Village, and for that purpose, to act jointly with any other village, city, township, municipal corporation, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, by joining the Southeast Ohio Public Energy Council ("SOPEC"), the Village will be able to act jointly with other members of political subdivisions and thereby maximize the potential benefit of natural electric deregulation through group purchasing efforts.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF RACINE, COUNTY OF MEIGS, AND STATE OF OHIO, THAT:

SECTION 1. The Council of the Village (the "Council") finds and determines that it is in the best interest of the Village, including the electric consumers located within the Village, to join SOPEC and to adopt the SOPEC Bylaws, for the purpose of establishing and implementing the Electric Program within the Village.

SECTION 2. The Mayor of the Council is hereby authorized and directed to execute and deliver the Agreement Establishing the Southeast Ohio Public Energy Council (the "SOPEC Agreement"). The SOPEC Agreement shall be substantially in the form presented to this Board and on file with the Clerk, subject to such changes, insertions and omissions which are consistent with this Ordinance and are not substantially adverse to the Village and as may be approved by the Mayor of the Council, which approval shall be conclusively evidenced by the execution of the SOPEC Agreement.

SECTION 3. The Council hereby approves and adopts the Bylaws of SOPEC (in the form attached to the SOPEC Agreement).

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the Village's Codified Ordinances and Section 121.22 of the Ohio Revised Code. This Ordinance is declared to be an emergency measure necessary for the

immediate preservation of the public health, safety and welfare of the Village, wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Council.


SECTION 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Electric Program provided by SOPEC.

DATED ADOPTED: 12/2, 2019


President of Council

Submitted to the Mayor for his
Approval on this 2 day of
DECEMBER, 2019

ATTEST:
this 2 day of DECEMBER, 2019


Clerk of Council

Approved by the Mayor
DECEMBER 2, 2019


Mayor, Village of Racine

**AGREEMENT
ESTABLISHING THE
SOUTHEAST OHIO PUBLIC ENERGY COUNCIL**

This AGREEMENT is made and entered into as of October 8, 2014, by and among the political subdivisions identified below.

RECITALS:

WHEREAS, Ohio Revised Code Chapter 167 provides that the governing bodies of two or more political subdivisions may enter into an agreement establishing a regional council of governments for purposes that include promoting cooperative agreements and contracts among members and other governmental agencies and private persons, corporations, or agencies; and

NOW, THEREFORE, in consideration of the services to be made available to and by the Southeast Ohio Public Energy Council, also referred to herein as "SOPEC", it is agreed by and between the Members of SOPEC and any additional political subdivisions that may hereafter become Members as follows:

Section 1. Definitions.

Definitions of terms used in this Agreement and Bylaws are set forth on Exhibit A hereto.

Section 2. Name.

The name of the council of regional governments that comprises all Members shall be the "Southeast Ohio Public Energy Council."

Section 3. Members.

Members of SOPEC shall be set forth on Exhibit B hereto, and shall include any other political subdivisions which become members of SOPEC pursuant to Bylaws established pursuant to Section 6 of this agreement. Each Member shall have one representative to the Assembly, as further set forth in the Bylaws.

Section 4. Purpose; The Aggregation Program; Additional Programs of the Council.

The purpose of this Agreement is to allow Members to collectively pursue the benefits of the Aggregation Program and Additional Programs of the Council that the Council may establish. The Council may negotiate and enter into all necessary programs, contracts and take any necessary and incidental actions to effect and carry out the purposes of the Aggregation Program for the benefit of the Members and their respective electricity consumers. The Members will act jointly through the Council to establish and implement the Aggregation Program and Additional Programs of the Council, as set forth in the Bylaws.

Section 5. Fiscal Year.

The fiscal year for SOPEC shall be the twelve month period beginning July 1 and ending June 30.

Section 6. Adoption of Bylaws.

Within ninety (90) days of adoption of this Agreement, Members shall meet for the purpose of adopting Bylaws of SOPEC. The Bylaws shall address the purposes of SOPEC, its governance, addition and withdrawal of members, adding new programs, and other governance issues including SOPEC's decision-making process and the designation of its fiscal agent.

Section 7. Withdrawal and Inclusion of Members.

All issues pertaining to the withdrawal of existing Members or inclusion of new Members shall be governed by the Bylaws.

Section 8. Amendments.

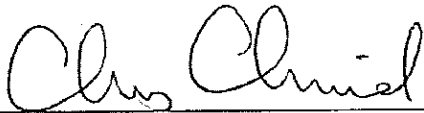
This Agreement may be amended subject to the majority vote of the signatory Members to the Agreement, until the adoption of Bylaws pursuant to Section 6 of this Agreement, at which time all amendments to this Agreement will be subject to the provisions set forth in the Bylaws.

Section 9. Term and Termination.

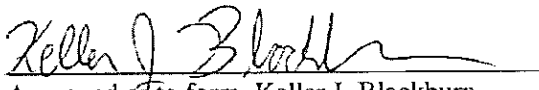
It is the intention of the Members that this Agreement shall continue for an indefinite term, but may be terminated subject to the provisions set forth in the Bylaws.

Section 10. Effective Date.

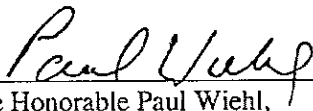
This Agreement shall take effect this 8th day of October, 2014. This Agreement may be signed in separate counterparts on behalf of one, or more than one, of the Members, without the necessity for any one counterpart to be signed on behalf of all Members.



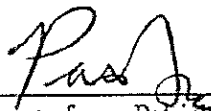
The Honorable Chris Chmiel,
Athens County Commissioner



Approved as to form, Keller J. Blackburn,
For Athens County



The Honorable Paul Wiehl,
Mayor of Athens



Approved as to form, Patrick J. Lang,
For the City of Athens

EXHIBIT A

As used in this Agreement and in the Bylaws the following words shall have the following meanings:

"Additional Program" means any other cooperative program the Council may establish under an Additional Program Agreement.

"Additional Program Agreement" means any agreement among some or all Members establishing an Additional Program in accordance with Section 9 of the Bylaws.

"Additional Program Costs" means, with respect to any Additional Program of the Council, all costs incurred by the Council or the Fiscal Agent of the Council, in connection with the activities and operations of that Additional Program, as defined in the corresponding Additional Program Agreement.

"Advisory Committee" means any committee established by the Board of Directors pursuant to the Bylaws to advise the Board of Directors or the Fiscal Agent with respect to the management and operation of any Program. The Board of Directors shall define the duties of each Advisory Committee.

"Aggregation Costs" means all costs incurred by the Council or by the Fiscal Agent in connection with the activities and operation of the Council for the Aggregation Program.

"Aggregation Fund" means the fund established and maintained by the Fiscal Agent of the Council as a separate fund pursuant to Section 10 of the Bylaws, into which the Fiscal Agent shall deposit any and all moneys contributed by the Members for Aggregation Costs of the Council.

"Aggregation Program" means the cooperative program for the benefit of the Members acting as governmental aggregators to arrange for the purchase of electricity by electric customers in the political subdivisions that join the Southeast Ohio Public Energy Council, pursuant to the terms of Ohio Revised Code Section 4928.20 and this Agreement.

"Agreement" means this agreement, as the same may be amended, modified, or supplemented in accordance with Section 8 hereof.

"Assembly" means the legislative body of the Council established pursuant to, and having those powers and duties enumerated in, the Bylaws.

"Bylaws" means the regulations adopted by the Council pursuant to Ohio Revised Code Section 167.04 and this Agreement, as the same may be amended, modified, or supplemented in accordance with Section 13 thereof.

"Council" means the Southeast Ohio Public Energy Council established by this Agreement.

"Fiscal Agent" means the person or organization designated by the Members of the Council to receive, deposit, invest and disburse funds contributed by the Members or otherwise received by the Council, for the operation of the Council and its Programs, in accordance with this Agreement, the Bylaws and any applicable Program Agreement.

"Fiscal Year" means the twelve (12) month period beginning July 1 and ending June 30.

“Member” means any municipal corporation, county and township which pursuant to duly adopted legislation, has caused this Agreement to be executed in its name, which Member shall be listed on Exhibit B hereof, including any additional municipal corporation, county and township which has caused this Agreement to be executed in accordance therewith, and has not withdrawn from the Council pursuant to this Agreement or the Bylaws.

“Program” means the Aggregation Program or any Additional Program.

EXHIBIT B

1. Board of Commissioners of Athens County
2. City of Athens
3. The Village of Amesville

Approved by the Mayor,

December 2, 2019


Mayor, Village of Racine

VILLAGE OF RACINE, OHIO
ORDINANCE NUMBER 1076

APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE SOPEC ELECTRICITY AGGREGATION PROGRAM, FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING AN ELECTRICITY AGGREGATION PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, this Council previously enacted legislation authorizing the Village of Racine to establish an electricity aggregation program pursuant to Section 4928.20, Ohio Revised Code (the "Electricity Aggregation Program"), for the residents, businesses and other electric consumers in the Village, and for that purpose, to act jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, by joining the Southeast Ohio Public Energy Council, the Village will be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of electricity deregulation through group purchasing efforts; and

WHEREAS, this Council, pursuant to Section 4928.20, Ohio Revised Code, has held two (2) public hearings on the Plan of Operation and Governance for the SOPEC Electricity Aggregation Program.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF RACINE, COUNTY OF MEIGS AND STATE OF OHIO, THAT:

SECTION 1. This Council hereby approves and adopts the Plan of Operation and Governance of the SOPEC Electricity Aggregation Program (in the form presented to this Council and on file with the Clerk).

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the Village's Codified Ordinances and Section 121.22 of the Ohio Revised Code.


SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Electric Program provided by SOPEC.

DATED ADOPTED: 12 / 2, 2019



President of Council

Submitted to the Mayor for his
Approval on this 2 day of
DECEMBER, 2019

ATTEST:
this 2 day of DECEMBER, 2019


Clerk of Council

Approved by the Mayor
DECEMBER 2, 2019


Mayor, Village of Racine

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/12/2019 1:58:25 PM

in

Case No(s). 14-0936-EL-GAG

Summary: Correspondence of Southeast Ohio Public Energy Council Submitting Ordinances from Glenford and Racine electronically filed by Teresa Orahoad on behalf of Devin D. Parram