

FILE

68



# Public Utilities Commission

Original GAG Case Number	Version
10 - 1230 -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 Ottawa County Board of Commissioners  
 Address 315 Madison Street, Room 103, Port Clinton, Ohio 43452  
 PUCO Certificate # and Date Certified 10-267E; 09/25/2018  
 Telephone # (419) 734-6710 Web site address (if any) www.co.ottawa.oh.us

#### 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

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
 Technician 4 Date Processed 7/22/20

2020 JUL 22 PM 4:33

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

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

Name Mark R. Frye  
Title Consultant for Ottawa County Commissioners  
Business address 5577 Airport Highway, Suite 101, Toledo, OH 43615  
Telephone # (419) 539-9180 Fax # (419) 539-9185  
E-mail address mfrye@palmerenergy.com

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

Name Mark R. Frye  
Title Consultant for Ottawa County Commissioners  
Business address 5577 Airport Highway, Suite 101, Toledo, OH 43615  
Telephone # (419) 539-9180 Fax # (419) 539-9185  
E-mail address mfrye@palmerenergy.com

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

Customer Service address 5577 Airport Highway, Suite 101, Toledo, OH 43615  
Toll-free Telephone # (419) 539-9180 Fax # (419) 539-9185  
E-mail address mfrye@palmerenergy.com

  
Signature of Applicant & Title

Sworn and subscribed before me this 16 day of June, 2020  
Month Year

  
Signature of official administering oath

Michelle Ish, Notary  
Print Name and Title

My commission expires on 11-12-2021



**APPROVED AS TO FORM:**

  
**JAMES VANEERTEN**  
Prosecuting Attorney  
Ottawa County, Ohio

# AFFIDAVIT

State of Ohio

Port Clinton ss.  
(Town)

County of Stark

Mark W Stahl, Affiant, being duly sworn/affirmed according to law, deposes and says that:

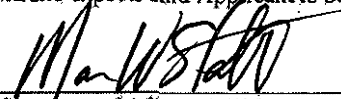
He/She is, the President (Office of Affiant) of Stark County (Name of Applicant);  
Commissioner

That he/she is authorized to and does make this affidavit for said Applicant,

1. The Applicant herein, attests under penalty of false statement that all statements made in the application for certification renewal are true and complete and that it will amend its application while the application is pending if any substantial changes occur regarding the information provided in the application.
2. The Applicant herein, attests it will timely file an annual report with the Public Utilities Commission of Ohio of its intrastate gross receipts, gross earnings, and sales of kilowatt-hours of electricity pursuant to Division (A) of Section 4905.10, Division (A) of Section 4911.18, and Division (F) of Section 4928.06 of the Revised Code.
3. The Applicant herein, attests that it will timely pay any assessments made pursuant to Sections 4905.10, 4911.18, or Division F of Section 4928.06 of the Revised Code.
4. The Applicant herein, attests that it will comply with all Public Utilities Commission of Ohio rules or orders as adopted pursuant to Chapter 4928 of the Revised Code.
5. The Applicant herein, attests that it will cooperate fully with the Public Utilities Commission of Ohio, and its Staff on any utility matter including the investigation of any consumer complaint regarding any service offered or provided by the Applicant.
6. The Applicant herein, attests that it will fully comply with Section 4928.09 of the Revised Code regarding consent to the jurisdiction of Ohio Courts and the service of process.
7. The Applicant herein, attests that it will comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
8. The Applicant herein, attests that it will use its best efforts to verify that any entity with whom it has a contractual relationship to purchase power is in compliance with all applicable licensing requirements of the Federal Energy Regulatory Commission and the Public Utilities Commission of Ohio.
9. The Applicant herein, attests that it will cooperate fully with the Public Utilities Commission of Ohio, the electric distribution companies, the regional transmission entities, and other electric suppliers in the event of an emergency condition that may jeopardize the safety and reliability of the electric service in accordance with the emergency plans and other procedures as may be determined appropriate by the Commission.
10. If applicable to the service(s) the Applicant will provide, the Applicant herein, attests that it will adhere to the reliability standards of (1) the North American Electric Reliability Council (NERC), (2) the appropriate regional reliability council(s), and (3) the Public Utilities Commission of Ohio. (Only applicable if pertains to the services the Applicant is offering)

11. The Applicant herein, attests that it will inform the Commission of any material change to the information supplied in the renewal application within 30 days of such material change, including any change in contact person for regulatory purposes or contact person for Staff use in investigating customer complaints.
12. The Applicant herein, attests that if the opt-out is in draft form, the Applicant will docket the final opt-out (including beginning and ending dates of the 21-day -out period and the selected CRES supplier) with the Commission within 10 days prior to providing or offering service.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

x   
Signature of Affiant & Title

Sworn and subscribed before me this 16 day of June, 2020  
Month Year

  
Signature of official administering oath

Michelle Ish, Notary  
Print Name and Title

My commission expires on 11-12-2021



# **Ottawa County**

## **Exhibit A-2**

### **Authorizing Ordinance/Resolution**

1640

OTTAWA COUNTY  
BOARD OF ELECTIONS

ORDINANCE NO. 23 -10

2010 FEB 17 AM 8:37

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

WHEREAS, the Ohio legislature has enacted electric deregulation legislation which  
authorizes the legislative authority of a municipal corporation to aggregate the retail  
electrical loads located within its respective jurisdiction and to enter into service  
agreements to facilitate for those loads the purchase and sale of electricity; and

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

WHEREAS, the legislative authority of the City finds it is in the best interests of the  
residents of the City to have the benefit of governmental aggregation and therefore  
seeks to establish a governmental aggregation program with opt-out provisions  
pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses  
and other electric consumers in the City.

NOW, THEREFORE, BE IT ORDAINED by the Legislative Authority of the City of Port  
Clinton, Ottawa County, State of Ohio:

**Section 1. BEST INTERESTS OF THE CITY**

The legislative authority of the City finds and concludes that it is in the best interest of  
the City, its residents and businesses located within the corporate limits of the City to  
establish this aggregation program in the City.

**Section 2. APPROVAL BY THE ELECTORATE**

The aggregation program must be approved by the electors of the City pursuant  
to Section 3 of this Ordinance. Upon approval by the electorate the City is hereby  
authorized to automatically aggregate, in accord with Section 4928.20 of the Ohio  
Revised Code, the retail electric loads (customers) located within the incorporated area  
of the City, and enter into service agreements to facilitate for those loads the purchase  
and sale of electricity. The City may exercise such authority jointly with any other  
municipal corporation, township or county or other political subdivision of the State of  
Ohio.

**COPY**

U

### **Section 3. BALLOT LANGUAGE**

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the City at the primary election on May 4<sup>th</sup>, 2010, with such changes to the language of the question as the Board of Elections may determine is necessary to properly submit the question to the electors:

**Shall the City of Port Clinton have the authority to aggregate the retail electric loads located within the corporate boundaries of the City, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.**

The Clerk of Council is instructed to immediately file a certified copy of this Ordinance and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4928.20 of the Ohio Revised Code.

### **Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.**

Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Ordinance, the City of Port Clinton individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the City shall hold at least two public hearings on the plan as provided in R. C. 4928.20.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by the City shall aggregate the electric load of any electric load center within the City 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under Section 4928.14 or division (D) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

**Section 5.**

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

**Section 6.**

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective because the ordinance and the ballot question required to pursue governmental electricity aggregation must be certified to the Ottawa County Board of Elections prior to 4:00 P.M. on February 18, 2010 so it may be placed on the ballot for the May 4, 2010 primary election; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: February 12, 2010

James J. Hartlebeck  
President of Council

Attest: Leah Sprenger  
Clerk of Council

Approved 2-12, 2010

Debbie Skymore-Lewis  
Mayor

I, Leah Sprenger, Clerk of the Council,  
do hereby certify that the foregoing is true  
and correct copy of Ordinance 07-12  
passed the 12 day of Feb, 2010 by  
the Council of the City of Port Clinton, Ohio.

Leah Sprenger  
Clerk of the Council

8



67

BEFORE THE Salem TOWNSHIP BOARD OF TRUSTEES

RESOLUTION NO. 2010-01

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE OTTAWA COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

WHEREAS, the Ohio legislature has enacted electric deregulation legislation which authorizes the legislative authorities of townships and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

WHEREAS, governmental aggregations provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates which would not otherwise be available to those electricity customers individually; and

WHEREAS, the Board of Trustees of Salem Township seek to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses and other electric consumers in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Salem Township, Ottawa County, State of Ohio;

**Section 1. BEST INTERESTS OF THE TOWNSHIP**

The Board of Trustees has concluded that it is in the best interest of the Township, its residents and businesses located within the corporate limits of the Township to establish this aggregation program in the township.

**Section 2. APPROVAL BY THE ELECTORATE**

The aggregation program must be approved by the electors of the Township pursuant to Section 3 of this Resolution. Upon approval by the electorate the Township is hereby authorized to automatically aggregate, in accord with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the unincorporated areas of the Township, and enter into service agreements to facilitate for those loads the purchase and sale 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.

COPY

RECEIVED  
OTTAWA COUNTY  
BOARD OF ELECTIONS  
2010 FEB 17 PM 1:18

### Section 3. BALLOT LANGUAGE

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the primary election on May 4<sup>th</sup>, 2010:

Shall the Board of Trustees of the Township of Salem have the authority to aggregate the retail electric loads located in the unincorporated areas of the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.

The Fiscal Officer is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4928.20 of the Ohio Revised Code.

### Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.

Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Resolution, the Board of Trustees individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Board of Trustees shall hold at least two public hearings on the plan.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board of Trustees shall aggregate the electric 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the state procedure shall default to the standard service offer provided under division (a) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

Section 5.

It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this resolution were adopted in an open meeting of this Board of Trustees and that the deliberations of this Board of Trustees and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Date of Passage: 02-15-10

Salem TOWNSHIP BOARD OF TRUSTEES

Richard Lenke - Yes  
Richard Lenke - Yes, Trustee

Victor Harder - Yes  
Victor Harder, Trustee

Charles Schultz - Yes  
Charles Schultz, Trustee

Attest: Susan Perrin

I, Susan Perrin, Fiscal Officer of the Salem Township Board of Trustees, do hereby certify that the forgoing Resolution is taken and copied from the records of the proceedings of the Board of Trustees, that the same has been compared by me with the Resolution of said record and that it is a true and correct copy thereof.

Susan Perrin  
Susan Perrin, Fiscal Officer  
Salem Township, Ottawa County, Ohio

103

BEFORE THE PUT-IN-BAY TOWNSHIP BOARD OF TRUSTEES

OTTAWA COUNTY  
BOARD OF ELECTIONS

2019 FEB 16 AM 11:47

RESOLUTION NO. 02152010 1

**A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE OTTAWA COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.**

RECEIVED

WHEREAS, the Ohio legislature has enacted electric deregulation legislation which authorizes the legislative authorities of townships and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

WHEREAS, governmental aggregations provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates which would not otherwise be available to those electricity customers individually; and

WHEREAS, the Board of Trustees of PUT-IN-BAY Township seek to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses and other electric consumers in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of PUT-IN-BAY Township, Ottawa County, State of Ohio;

**Section 1. BEST INTERESTS OF THE TOWNSHIP**

The Board of Trustees has concluded that it is in the best interest of the Township, its residents and businesses located within the corporate limits of the Township, to establish this aggregation program in the township.

**Section 2. APPROVAL BY THE ELECTORATE**

The aggregation program must be approved by the electors of the Township pursuant to Section 3 of this Resolution. Upon approval by the electorate the Township is hereby authorized to automatically aggregate, in accord with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the unincorporated areas of the Township, and enter into service agreements to facilitate for those loads the purchase and sale 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.

COPY

12

### **Section 3. BALLOT LANGUAGE**

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the primary election on May 4<sup>th</sup>, 2010:

**Shall the Board of Trustees of the Township of PUT-IN-BAY have the authority to aggregate the retail electric loads located in the unincorporated areas of the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.**

The Fiscal Officer is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4928.20 of the Ohio Revised Code.

### **Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.**

Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Resolution, the Board of Trustees individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Board of Trustees shall hold at least two public hearings on the plan.

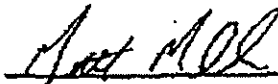
Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board of Trustees shall aggregate the electric 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

**Section 5.**

It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this resolution were adopted in an open meeting of this Board of Trustees and that the deliberations of this Board of Trustees and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Date of Passage: FEBRUARY 15, 2010

**PUT-IN-BAY TOWNSHIP BOARD OF TRUSTEES**



MATT MILLER, Trustee

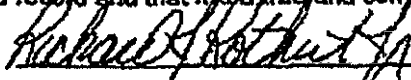


WM DALE BURRIS Trustee

\_\_\_\_\_  
\_\_\_\_\_, Trustee

Attest this 15<sup>th</sup> day of February, 2010

I, RICHARD J ROTHERT JR, Fiscal Officer of the PUT-IN-BAY Township Board of Trustees, do hereby certify that the forgoing Resolution is taken and copied from the records of the proceedings of the Board of Trustees, that the same has been compared by me with the Resolution of said record and that it is a true and correct copy thereof.



RICHARD J ROTHERT JR Fiscal Officer

PUT-IN-BAY Township, Ottawa County, Ohio

OTTAWA COUNTY  
BEFORE THE PORTAGE TOWNSHIP BOARD OF TRUSTEES OF ELECTIONS

RESOLUTION NO. 10-2

2010 FEB 17 AM 8:40

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ESTABLISH A  
GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT  
PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE,  
DIRECTING THE OTTAWA COUNTY BOARD OF ELECTIONS TO SUBMIT A  
BALLOT QUESTION TO THE ELECTORS.

WHEREAS, the Ohio legislature has enacted electric deregulation legislation which authorizes the legislative authorities of townships and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

WHEREAS, governmental aggregations provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates which would not otherwise be available to those electricity customers individually; and

WHEREAS, the Board of Trustees of Portage Township seek to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses and other electric consumers in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Portage Township, Ottawa County, State of Ohio;

**Section 1. BEST INTERESTS OF THE TOWNSHIP**

The Board of Trustees has concluded that it is in the best interest of the Township, its residents and businesses located within the corporate limits of the Township to establish this aggregation program in the township.

**Section 2. APPROVAL BY THE ELECTORATE**

The aggregation program must be approved by the electors of the Township pursuant to Section 3 of this Resolution. Upon approval by the electorate the Township is hereby authorized to automatically aggregate, in accord with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the unincorporated areas of the Township, and enter into service agreements to facilitate for those loads the purchase and sale 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.

@COPY

### **Section 3. BALLOT LANGUAGE**

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the primary election on May 4<sup>th</sup>, 2010:

**Shall the Board of Trustees of the Township of Portage have the authority to aggregate the retail electric loads located in the unincorporated areas of the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.**

The Fiscal Officer is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4928.20 of the Ohio Revised Code.

### **Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.**

Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Resolution, the Board of Trustees individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Board of Trustees shall hold at least two public hearings on the plan.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board of Trustees shall aggregate the electric 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the state procedure shall default to the standard service offer provided under division (a) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

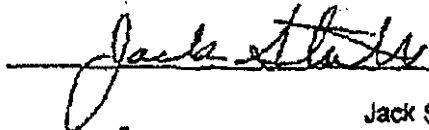


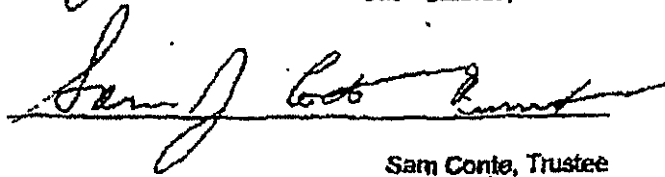
**Section 5.**


It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this resolution were adopted in an open meeting of this Board of Trustees and that the deliberations of this Board of Trustees and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Date of Passage: February 15, 2010

**PORTAGE TOWNSHIP BOARD OF TRUSTEES**

  
Jack Stables, Trustee

  
Sam Conte, Trustee

  
Drew Surovik, Trustee

Attest: \_\_\_\_\_

I, Judy Johannsen, Fiscal Officer of the Portage Township Board of Trustees, do hereby certify that the forgoing Resolution is taken and copied from the records of the proceedings of the Board of Trustees, that the same has been compared by me with the Resolution of said record and that it is a true and correct copy thereof.

  
Judy Johannsen, Fiscal Officer

Portage Township, Ottawa County, Ohio

160.1

BEFORE THE HARRIS TOWNSHIP BOARD OF TRUSTEES

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE OTTAWA COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

WHEREAS, the Ohio legislature has enacted electric deregulation legislation which authorizes the legislative authorities of townships and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

WHEREAS, governmental aggregations provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates which would not otherwise be available to those electricity customers individually; and

WHEREAS, the Board of Trustees of HARRIS Township seek to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses and other electric consumers in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of HARRIS Township, Ottawa County, State of Ohio;

#### Section 1. BEST INTERESTS OF THE TOWNSHIP

The Board of Trustees has concluded that it is in the best interest of the Township, its residents and businesses located within the corporate limits of the Township to establish this aggregation program in the township.

#### Section 2. APPROVAL BY THE ELECTORATE

The aggregation program must be approved by the electors of the Township pursuant to Section 3 of this Resolution. Upon approval by the electorate the Township is hereby authorized to automatically aggregate, in accord with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the unincorporated areas of the Township, and enter into service agreements to facilitate for those loads the purchase and sale 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.

OTTAWA COUNTY  
BOARD OF ELECTIONS  
JAN 2 29  
RECEIVED

COPY

### **Section 3. BALLOT LANGUAGE**

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the primary election on May 4<sup>th</sup>, 2010:

Shall the Board of Trustees of the Township of Harris have the authority to aggregate the retail electric loads located in the unincorporated areas of the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.

The Fiscal Officer is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4928.20 of the Ohio Revised Code.

### **Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.**

Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Resolution, the Board of Trustees individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Board of Trustees shall hold at least two public hearings on the plan.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board of Trustees shall aggregate the electric 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

Section 5.

It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this resolution were adopted in an open meeting of this Board of Trustees and that the deliberations of this Board of Trustees and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Date of Passage: February 15, 2010

Harris TOWNSHIP BOARD OF TRUSTEES

Kenneth E. Nicks  
Kenneth Nicks, Trustee

Jerald A. Haas  
Jerald Haas, Trustee

Carol Baker  
Carol Baker, Trustee

Attest: February 15, 2010

I, David Ralston, Fiscal Officer of the Harris Township Board of Trustees, do hereby certify that the forgoing Resolution is taken and copied from the records of the proceedings of the Board of Trustees, that the same has been compared by me with the Resolution of said record and that it is a true and correct copy thereof.

David Ralston  
David Ralston, Fiscal Officer  
Harris Township, Ottawa County, Ohio

616

# ERIE TOWNSHIP TRUSTEES

Ottawa County, Ohio

## BOARD OF TRUSTEES

Alfred Wozniak, Jr.  
Dale Collins  
Frederick Bize

OTTAWA COUNTY  
BOARD OF ELECTIONS

2810 FEB 17 PM 1:05

Louise Linahan, Clerk  
**RECEIVED**  
LaCame, Ohio 43439

February 15, 2010  
Resolution # 2010-04

The Erie Township Board of Trustees met in Regular session  
Monday, February 15, 2010.

Dale Collins moved for the adoption of Resolution # 2010-04;

A Resolution authorizing all actions necessary to effect a  
governmental electricity aggregation program with opt-out provisions  
pursuant to Section 4928.20 of the Ohio Revised Code, directing the  
Ottawa County Board of Elections to submit a ballot question to the  
electors.

Whereas, the Ohio legislature has enacted electric deregulation  
legislation which authorizes the legislative authorities of townships  
and counties to aggregate the retail electrical loads located within  
the respective jurisdictions and to enter into service agreements to  
facilitate for those loads the purchase and sale of electricity; and

Whereas, governmental aggregations provides an opportunity for  
residential and small business consumers to participate collectively  
in the potential benefits of electricity deregulation through lower  
electricity rates which would not otherwise be available to those  
electricity customers individually; and

Whereas, the Board of Trustees of Erie Township seek to establish  
a governmental aggregation program with opt-out provisions pursuant to  
Section 4928.20 of the Ohio Revised Code for the residents, businesses  
and other electric consumers in the Township.

Now, Therefore, be it resolved by the Board of Trustees of Erie  
Township, Ottawa County, State of Ohio;

### Section 1. Best Interests of the Township

The Board of Trustees has concluded that it is in the best  
interest of the Township, its residents and businesses located within  
the corporate limits of the Township to establish this aggregation  
program in the Township.

### Section 2. Approval by the Electorate

The aggregation program must be approved by the electors of the  
Township pursuant to Section 3 of this Resolution. Upon approval by  
the electorate, the Township is hereby authorized to automatically  
aggregate, in accordance with Section 4928.20 of the Ohio Revised  
Code, the retail electric loads (customers) located within the  
unincorporated areas of the Township, and enter into service  
agreements to facilitate for those loads the purchase and sale of

**COPY**

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.

Section 3. Ballot Language

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the primary election on May 4<sup>th</sup>, 2010:

Shall the Board of Trustees of the Township of Eria have the authority to aggregate the retail electric loads located in the unincorporated areas of the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.

The Fiscal Officer is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4928.20 of the Ohio Revised Code.

Section 4. Procedure After an Affirmative Vote; Hearings and Notice of Hearings; Opt-out Rights.

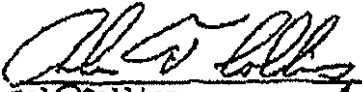
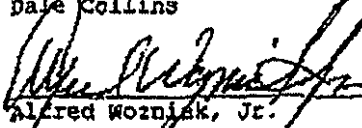
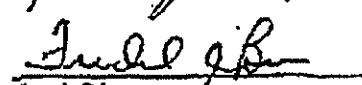
Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Resolution, the Board of Trustees individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Board of Trustees shall hold at least two public hearings on the plan.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board of Trustees shall aggregate the electric 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

Section 5.


It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this resolution were adopted in an open meeting of this Board of Trustees and that the deliberations of this Board of Trustees and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Motion was seconded by Alfred Wozniak, Jr. Roll call upon its adoption resulted as follows:

 yes  
Dale Collins  
 yes  
Alfred Wozniak, Jr.  
 yes  
Fred Rice

Attest: Louise Linehan

I, Louise Linehan, Fiscal Officer of the Erie Township Board of Trustees, do hereby certify that the forgoing Resolution is taken and copied from the records of the proceedings of the Board of Trustees, that the same has been compared by me with the Resolution of said record and that it is a true and correct copy thereof.

  
Louise Linehan, Fiscal Officer  
Erie Township, Ottawa County, Ohio.

**DANBURY TOWNSHIP**  
**BOARD OF TRUSTEES**

**OTTAWA COUNTY**  
**BOARD OF ELECTIONS**

5972 E. Port Clinton Rd.

2010 FEB 11 PM 12:44

Marblehead, Ohio 43440

**Members of Board:**

David M. Hint

Dianne M. Rozak

Charles B. Scott

**RECEIVED**

Shelley J. Seamon, Fiscal Officer

(419) 732-3039

Fax: (419) 734-3137

Resolution # 2010-01

**A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE OTTAWA COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.**

WHEREAS, the Ohio legislature has enacted electric deregulation legislation which authorizes the legislative authorities of townships and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

WHEREAS, governmental aggregations provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates which would not otherwise be available to those electricity customers individually; and

WHEREAS, the Board of Trustees of Danbury Township seek to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses and other electric consumers in the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Danbury Township, Ottawa County, State of Ohio;

**SECTION 1. BEST INTERESTS OF THE TOWNSHIP**

The Board of Trustees has concluded that it is in the best interest of the Township, its residents and businesses located within the corporate limits of the Township to establish this aggregation program in the township.

**SECTION 2. APPROVAL BY THE ELECTORATE**

The aggregation program must be approved by the electors of the Township pursuant to Section 3 of this Resolution. Upon approval by the electorate the Township is hereby authorized to automatically aggregate, in accord with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the unincorporated areas of the Township, and enter into service agreements to facilitate for those loads the purchase and sale 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.

**COPY**



### **SECTION 3. BALLOT LANGUAGE**

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the primary election on May 4<sup>th</sup>, 2010:

Shall the Board of Trustees of the Township of Danbury have the authority to aggregate the retail electric loads located in the unincorporated areas of the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.

The Fiscal Officer is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4928.20 of the Ohio Revised Code.

### **Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.**

Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Resolution, the Board of Trustees individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Board of Trustees shall hold at least two public hearings on the plan.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board of Trustees shall aggregate the electric 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

### **Section 5.**

It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this resolution were adopted in an open meeting of this Board of Trustees and that the deliberations of this Board of Trustees and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

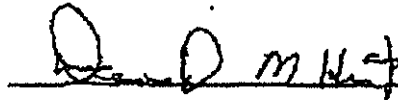
Resolution  
Page 3  
February 10, 2010

Date of Passage: 2/10/2010

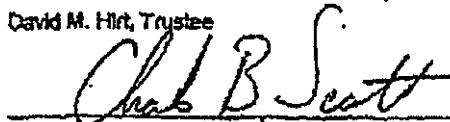
DANBURY TOWNSHIP BOARD OF TRUSTEES



Dianne M. Rozek, Trustee



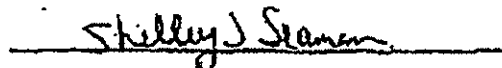
David M. Hirt, Trustee



Charles B. Scott, Trustee

Attest Shelley J. Seamon

I, Shelley J. Seamon, Fiscal Officer of the Danbury Township Board of Trustees, do hereby certify that the foregoing Resolution is taken and copied from the records of the proceedings of the Board of Trustees, that the same has been compared by me with the Resolution of said record and that it is a true and correct copy thereof.



Shelley J. Seamon, Fiscal Officer

Danbury Township, Ottawa County, Ohio

623

BEFORE THE Clay TOWNSHIP BOARD OF TRUSTEES

RESOLUTION NO. 2010-03

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE OTTAWA COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

WHEREAS, the Ohio legislature has enacted electric deregulation legislation which authorizes the legislative authorities of townships and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

WHEREAS, governmental aggregations provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates which would not otherwise be available to those electricity customers individually; and

WHEREAS, the Board of Trustees of Clay Township seek to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses and other electric consumers in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Clay Township, Ottawa County, State of Ohio;

**Section 1. BEST INTERESTS OF THE TOWNSHIP**

The Board of Trustees has concluded that it is in the best interest of the Township, its residents and businesses located within the corporate limits of the Township to establish this aggregation program in the township.

**Section 2. APPROVAL BY THE ELECTORATE**

The aggregation program must be approved by the electors of the Township pursuant to Section 3 of this Resolution. Upon approval by the electorate the Township is hereby authorized to automatically aggregate, in accord with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the unincorporated areas of the Township, and enter into service agreements to facilitate for those loads the purchase and sale 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.

COPY

RECEIVED  
FEB 18 PM 1:52  
OTTAWA COUNTY  
BOARD OF ELECTIONS

### **Section 3. BALLOT LANGUAGE**

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the primary election on May 4<sup>th</sup>, 2010:

Shall the Board of Trustees of the Township of Clay have the authority to aggregate the retail electric loads located in the unincorporated areas of the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.

The Fiscal Officer is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4926.20 of the Ohio Revised Code.

### **Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.**

Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Resolution, the Board of Trustees individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Board of Trustees shall hold at least two public hearings on the plan.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board of Trustees shall aggregate the electric 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the state procedure shall default to the standard service offer provided under division (a) of Section 4926.35 of the Ohio Revised Code until the person chooses an alternative supplier.

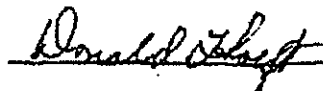
Section 5.


It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this resolution were adopted in an open meeting of this Board of Trustees and that the deliberations of this Board of Trustees and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Date of Passage: February 8th, 2010

Clay TOWNSHIP BOARD OF TRUSTEES


  
Lee Yackee, Trustee

  
Donald Hoefr, Trustee

  
Matthew Widmer, Trustee

Attest: February 8th, 2010

I, Christina R. Sheldon, Fiscal Officer of the Clay Township Board of Trustees, do hereby certify that the foregoing Resolution is taken and copied from the records of the proceedings of the Board of Trustees, that the same has been compared by me with the Resolution of said record and that it is a true and correct copy thereof.

  
Christina R. Sheldon, Fiscal Officer

Clay Township, Ottawa County, Ohio

614

BEFORE THE Catawba Island TOWNSHIP BOARD OF TRUSTEES

RESOLUTION NO. 4

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE OTTAWA COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

WHEREAS, the Ohio legislature has enacted electric deregulation legislation which authorizes the legislative authorities of townships and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

WHEREAS, governmental aggregations provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates which would not otherwise be available to those electricity customers individually; and

WHEREAS, the Board of Trustees of Catawba Island Township seek to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses and other electric consumers in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Catawba Island Township, Ottawa County, State of Ohio;

#### Section 1. BEST INTERESTS OF THE TOWNSHIP

The Board of Trustees has concluded that it is in the best interest of the Township, its residents and businesses located within the corporate limits of the Township to establish this aggregation program in the township.

#### Section 2. APPROVAL BY THE ELECTORATE

The aggregation program must be approved by the electors of the Township pursuant to Section 3 of this Resolution. Upon approval by the electorate the Township is hereby authorized to automatically aggregate, in accord with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the unincorporated areas of the Township, and enter into service agreements to facilitate for those loads the purchase and sale 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.

OTAWA COUNTY  
BOARD OF ELECTIONS  
RECEIVED  
JUL 28 17 AM 10:22

COPY

### **Section 3. BALLOT LANGUAGE**

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the primary election on May 4<sup>th</sup>, 2010:

**Shall the Board of Trustees of the Township of Catawba Island have the authority to aggregate the retail electric loads located in the unincorporated areas of the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.**

The Fiscal Officer is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4928.20 of the Ohio Revised Code.

### **Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.**

Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Resolution, the Board of Trustees individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Board of Trustees shall hold at least two public hearings on the plan.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board of Trustees shall aggregate the electric 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

Section 5.

It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this resolution were adopted in an open meeting of this Board of Trustees and that the deliberations of this Board of Trustees and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Date of Passage: February 9, 2010

Catawba Island TOWNSHIP BOARD OF TRUSTEES

Matthew J. Montowski  
[Signature] Trustee

William J. Ricker  
[Signature] Trustee

\_\_\_\_\_  
\_\_\_\_\_, Trustee

Attest Patricia Cerny

I, Patricia Cerny, Fiscal Officer of the Catawba Island Township Board of Trustees, do hereby certify that the forgoing Resolution is taken and copied from the records of the proceedings of the Board of Trustees, that the same has been compared by me with the Resolution of said record and that it is a true and correct copy thereof.

[Signature] Fiscal Officer  
Catawba Island Township, Ottawa County, Ohio



693

BEFORE THE CARROLL TOWNSHIP BOARD OF TRUSTEES

RESOLUTION NO. 2010-1

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE OTTAWA COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

WHEREAS, the Ohio legislature has enacted electric deregulation legislation which authorizes the legislative authorities of townships and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

WHEREAS, governmental aggregations provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates which would not otherwise be available to those electricity customers individually; and

WHEREAS, the Board of Trustees of CARROLL Township seek to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses and other electric consumers in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of CARROLL Township, Ottawa County, State of Ohio;

**Section 1. BEST INTERESTS OF THE TOWNSHIP**

The Board of Trustees has concluded that it is in the best interest of the Township, its residents and businesses located within the corporate limits of the Township to establish this aggregation program in the township.

**Section 2. APPROVAL BY THE ELECTORATE**

The aggregation program must be approved by the electors of the Township pursuant to Section 3 of this Resolution. Upon approval by the electorate the Township is hereby authorized to automatically aggregate, in accord with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the unincorporated areas of the Township, and enter into service agreements to facilitate for those loads the purchase and sale 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.

OTTAWA COUNTY  
BOARD OF ELECTIONS  
RECEIVED  
FEB 12 AM 9:09

COPY

### **Section 3, BALLOT LANGUAGE**

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the primary election on May 4<sup>th</sup>, 2010:

Shall the Board of Trustees of the Township of CARROLL have the authority to aggregate the retail electric loads located in the unincorporated areas of the Township, and for that purpose, enter into service agreements to facilitate for these loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.

The Fiscal Officer is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4928.20 of the Ohio Revised Code.

### **Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.**

Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Resolution, the Board of Trustees individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Board of Trustees shall hold at least two public hearings on the plan.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board of Trustees shall aggregate the electric 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.36 of the Ohio Revised Code until the person chooses an alternative supplier.

34

Section 5.

It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this resolution were adopted in an open meeting of this Board of Trustees and that the deliberations of this Board of Trustees and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Date of Passage: FEB. 9, 2010

CARROLL

TOWNSHIP BOARD OF TRUSTEES

JOHN S. VERB

[Signature] Trustee  
VICE-CHAIRMAN

\_\_\_\_\_  
Trustee

Richard A. Kaiser  
[Signature] Trustee

Attest:

I, Jessica E. Brough, Fiscal Officer of the Carroll  
Township Board of Trustees, do hereby certify that the foregoing Resolution is taken and  
copied from the records of the proceedings of the Board of Trustees, that the same has  
been compared by me with the Resolution of said record and that it is a true and correct  
copy thereof.

Jessica E. Brough Fiscal Officer  
Carroll Township, Ottawa County, Ohio

607

BEFORE THE Benton TOWNSHIP BOARD OF TRUSTEES

OTTAWA COUNTY  
BOARD OF ELECTIONS

2010 FEB 16 PM 2:03

RESOLUTION NO. 2010-03

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ~~EFFECTIVE~~ **RECEIVED**  
GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT  
PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE,  
DIRECTING THE OTTAWA COUNTY BOARD OF ELECTIONS TO SUBMIT A  
BALLOT QUESTION TO THE ELECTORS.

WHEREAS, the Ohio legislature has enacted electric deregulation legislation which authorizes the legislative authorities of townships and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

WHEREAS, governmental aggregations provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates which would not otherwise be available to those electricity customers individually; and

WHEREAS, the Board of Trustees of Benton Township seek to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses and other electric consumers in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of  
Benton Township, Ottawa County, State of  
Ohio;

**Section 1. BEST INTERESTS OF THE TOWNSHIP**

The Board of Trustees has concluded that it is in the best interest of the Township, its residents and businesses located within the corporate limits of the Township to establish this aggregation program in the township.

**Section 2. APPROVAL BY THE ELECTORATE**

The aggregation program must be approved by the electors of the Township pursuant to Section 3 of this Resolution. Upon approval by the electorate the Township is hereby authorized to automatically aggregate, in accord with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the unincorporated areas of the Township, and enter into service agreements to facilitate for those loads the purchase and sale 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.

**COPY**

36

### **Section 3. BALLOT LANGUAGE**

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the primary election on May 4<sup>th</sup>, 2010:

Shall the Board of Trustees of the Township of Benton have the authority to aggregate the retail electric loads located in the unincorporated areas of the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.

The Fiscal Officer is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4928.20 of the Ohio Revised Code.

### **Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.**

Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Resolution, the Board of Trustees individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Board of Trustees shall hold at least two public hearings on the plan.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board of Trustees shall aggregate the electric 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the state procedure shall default to the standard service offer provided under division (a) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

**Section 5.**

It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this resolution were adopted in an open meeting of this Board of Trustees and that the deliberations of this Board of Trustees and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Date of Passage: 02/15/2010

Benton TOWNSHIP BOARD OF TRUSTEES

Gary Gregg

Gary E. Gregg

Trustee

James Buhro

James R. Buhro

Trustee

Wesley Ghier

Wesley A. Ghier

Trustee

Attest:

Gayle S. Millinger

I, Gayle S. Millinger, Fiscal Officer of the Benton Township Board of Trustees, do hereby certify that the foregoing Resolution is taken and copied from the records of the proceedings of the Board of Trustees, that the same has been compared by me with the Resolution of said record and that it is a true and correct copy thereof.

Gayle S. Millinger

Benton Township \_\_\_\_\_, Fiscal Officer

Benton \_\_\_\_\_ Township, Ottawa County, Ohio

1613

BEFORE THE GAY TOWNSHIP BOARD OF TRUSTEES

RESOLUTION NO. 200-3

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE OTTAWA COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

WHEREAS, the Ohio legislature has enacted electric deregulation legislation which authorizes the legislative authorities of townships and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

WHEREAS, governmental aggregations provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates which would not otherwise be available to those electricity customers individually; and

WHEREAS, the Board of Trustees of GAY Township seek to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses and other electric consumers in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of OTTAWA Township, Ottawa County, State of Ohio;

#### Section 1. BEST INTERESTS OF THE TOWNSHIP

The Board of Trustees has concluded that it is in the best interest of the Township, its residents and businesses located within the corporate limits of the Township to establish this aggregation program in the township.

#### Section 2. APPROVAL BY THE ELECTORATE

The aggregation program must be approved by the electors of the Township pursuant to Section 3 of this Resolution. Upon approval by the electorate the Township is hereby authorized to automatically aggregate, in accord with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the unincorporated areas of the Township, and enter into service agreements to facilitate for those loads the purchase and sale 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.

OTTAWA COUNTY  
BOARD OF ELECTIONS  
RECEIVED  
JUN 17 AM 9:21

COPY

40



### **Section 3. BALLOT LANGUAGE**

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the primary election on May 4<sup>th</sup>, 2010:

Shall the Board of Trustees of the Township of OAY have the authority to aggregate the retail electric loads located in the unincorporated areas of the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.

The Fiscal Officer is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4928.20 of the Ohio Revised Code.

### **Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.**

Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Resolution, the Board of Trustees individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Board of Trustees shall hold at least two public hearings on the plan.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board of Trustees shall aggregate the electric 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the state procedure shall default to the standard service offer provided under division (a) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

41

Section 5.

It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this resolution were adopted in an open meeting of this Board of Trustees and that the deliberations of this Board of Trustees and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Date of Passage: FEBRUARY 3, 2010

GAY

TOWNSHIP BOARD OF TRUSTEES

Herald R. Perry

Herald R. Perry

Trustee

Virginia M. Pack

VIRGINIA M. PACK

Trustee

Daniel Mullen

Daniel Mullen

Trustee

Attest: FEBRUARY 3, 2010

I, BONNIE KASPAR

Fiscal Officer of the

GAY

Township Board of Trustees, do hereby certify that the foregoing Resolution is taken and copied from the records of the proceedings of the Board of Trustees, that the same has been compared by me with the Resolution of said record and that it is a true and correct copy thereof.

Bonnie Kaspar

BONNIE KASPAR

Fiscal Officer

GAY

Township, Ottawa County, Ohio

120  
BEFORE THE ALLEN TOWNSHIP BOARD OF TRUSTEES

OTTAWA COUNTY  
BOARD OF ELECTIONS

RESOLUTION NO. 2010-08

2010 FEB 11 PM 12:24

**A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO VEST A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE OTTAWA COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.**

WHEREAS, the Ohio legislature has enacted electric deregulation legislation which authorizes the legislative authorities of townships and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

WHEREAS, governmental aggregations provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates which would not otherwise be available to those electricity customers individually; and

WHEREAS, the Board of Trustees of Allen Township seek to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses and other electric consumers in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Allen Township, Ottawa County, State of Ohio;

**Section 1. BEST INTERESTS OF THE TOWNSHIP**

The Board of Trustees has concluded that it is in the best interest of the Township, its residents and businesses located within the corporate limits of the Township to establish this aggregation program in the township.

**Section 2. APPROVAL BY THE ELECTORATE**

The aggregation program must be approved by the electors of the Township pursuant to Section 3 of this Resolution. Upon approval by the electorate the Township is hereby authorized to automatically aggregate, in accord with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the unincorporated areas of the Township, and enter into service agreements to facilitate for those loads the purchase and sale 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.

**COPY**

### **Section 3. BALLOT LANGUAGE**

The Board of Elections of Ottawa County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the primary election on May 4<sup>th</sup>, 2010:

**Shall the Board of Trustees of the Township of Allen have the authority to aggregate the retail electric loads located in the unincorporated areas of the Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.**

The Fiscal Officer is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than seventy-five days prior to the primary election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon this resolution and the aggregation program provided for herein at the election held pursuant to this Section 3 and Section 4928.20 of the Ohio Revised Code.

### **Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.**

Upon approval of a majority of the electors voting at the primary election provided for in Section 3 of this Resolution, the Board of Trustees individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Board of Trustees shall hold at least two public hearings on the plan.


Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board of Trustees shall aggregate the electric 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 enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least once every three years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the state procedure shall default to the standard service offer provided under division (a) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

**Section 5.**

It is hereby found and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this resolution were adopted in an open meeting of this Board of Trustees and that the deliberations of this Board of Trustees and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Date of Passage: February 9, 2010

**ALLEN TOWNSHIP BOARD OF TRUSTEES**



Scott Everhardt, Trustee



Ernest Cottrell, Jr., Trustee



Craig Blausey, Trustee

**Attest**

I, Sonia Eischen, Fiscal Officer of the Allen Township Board of Trustees, do hereby certify that the forgoing Resolution is taken and copied from the records of the proceedings of the Board of Trustees, that the same has been compared by me with the Resolution of said record and that it is a true and correct copy thereof.



Sonia Eischen, Fiscal Officer

Allen Township, Ottawa County, Ohio

# **Ottawa County**

## **Exhibit A-3**

### **Operation and Governance Plan**

August 17, 2010

**IN THE MATTER OF  
ADOPTING THE OTTAWA  
COUNTY ELECTRIC AGGREGATION PLAN  
AND AUTHORIZING THE APPLICATION TO  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

It was moved by Mr. Sass and seconded by Mr. Arndt that the Board of Ottawa County Commissioners adopt the County of Ottawa Electric Power Aggregation Plan of Operation and Governance and authorize the president of the Board to sign the Certification Application for Governmental Aggregators with the Public Utilities Commission of Ohio.

Vote on motion: Mr. Stahl, yes; Mr. Sass, yes; Mr. Arndt, yes.

c: Township Trustees/w plan  
City of Port Clinton  
Palmer Energy

# **Ottawa County**

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

**Adopted by:  
Ottawa County Board of Commissioners  
August 17, 2010**



# **Ottawa 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 Ottawa County residential consumers may obtain the economic benefits of Ohio's competitive retail electric market. The Ottawa County Aggregation Program combines the electric loads of residential customers to form a buying group ("Aggregation Group"). Ottawa County will act as Purchasing Agent for the Aggregation Group. This means that Ottawa 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) eligible customers in the County to obtain the best electric generation rate for consumers who participate in the Aggregation Group.

## **II. PROCESS**

On May 4, 2010, Ottawa County voters in the following townships and villages approved the development of a form of government electric aggregation known as "opt-out" aggregation: Allen, Bay Township, Benton, Carroll, Catawba Island, Clay Township, Danbury, Erie, Harris, Portage, Put-In-Bay, Salem. Under the opt-out program, all OE residential and certain business customers in these County Townships 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 Commissioners passed legislation that authorized submitting the selection of opt-out aggregation to the County's voters.

In addition to obtaining necessary County Commissioner's 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 as soon as the County Commissioners Approves the Plan, on or about August 17, 2010. As required by the regulations, the County developed this Aggregation Plan of Operation and Governance ("Plan"). On June 28, 2010 and July 5, 2010 the County advertised the Public hearing dates to discuss the Plan in the Port Clinton News Herald. As required by the PUCO's regulations, two hearings were conducted, on July 13, 2010, and July 20, 2010. The Opt-out notice for the County's Program will be sent to all eligible electric customers in the County 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 Ottawa County Commissioners on August 17, 2010 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 Ottawa 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 eligible 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 Ottawa 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 Ottawa 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: Ottawa 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 Akron 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. This database will be updated at least quarterly. Accordingly, the Retail Electric Generation Provider will develop a process to be implemented that will be able to accommodate at a minimum Members who (i) leave the program due to relocation, opting out, etc. (ii) decide to enter the Program; (iii) relocate within the County, and (iv) move into the County and desire to enter the Program. This database shall also be capable of eliminating Percentage of Income Payment Plan (PIPP) customers from the Program, should that be necessary, and those who have opted out. The Retail Electric Generation Provider will use this database to perform bill audits for clerical and mathematical accuracy of Member bills.

3. Member Education: The Retail Electric Generation Provider will develop, with the assistance of 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 three 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:** Ottawa 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, Ottawa 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; and (ii) a savings estimate or increase from the previous year's baseline. The Retail Electric Generation Provider will also develop a process to monitor and provide notification of any changes in laws, rules or regulations.

7. **Notification to Ohio Edison:** The County's eligible 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 nine years from the beginning of service.**

**C. Ottawa County's 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 of Ottawa 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 Ottawa 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 eligible electric customers in 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 nine 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 three years all eligible 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

Eligible 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. Eligible 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

Eligible 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. 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 switching fee (\$25 for Residential and \$50 for Small Commercial) to be billed on their final bill from the Provider. 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

**May 2010 – May 2019\*:**

Rate RS – Standard Residential Rate	Rate GS – General Service to 199 KWd
2010 – 6% Discount	2010 – 4% Discount
2011 – 6% Discount	2011 – 4% Discount
2012 – 6% Discount	2012 – 4% Discount
2013 – 6% Discount	2013 – 4% Discount
2014 – 6% Discount	2014 – 4% Discount
2015 – 6% Discount	2015 – 4% Discount
2016 – 6% Discount	2016 – 4% Discount
2017 – 6% Discount	2017 – 4% Discount
2018 – 6% Discount	2018 – 4% Discount
May 2019 – 6% Discount	May 2019 – 4% Discount

J. Eligibility. Only non-mercantile consumers shall be eligible for the Program through the opt-out process. Other eligibility restrictions such as peak demand or use may be negotiated within the Contract.

V. MISCELLANEOUS GOVERNANCE GUIDELINES

A. County Commissioners shall approve through Resolution 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 Program Members.

E. All Costs of the Aggregation Program development/administration will be paid either through the general fund of Ottawa County and/or by First Energy Solutions, Inc. None of these costs shall be added to Member bills.

F. As part of the Opt-Out process, the County will notify eligible customers of the terms and calculations of any deferrals, if applicable, as well as the County's decision, if applicable, to elect not to receive standby service from the utility and any customer impact as a result of that election.

VI. LIABILITY. THE COUNTY SHALL NOT BE LIABLE TO MEMBERS IN THE AGGREGATION GROUP FOR ANY CLAIMS WHATSOEVER ARISING OUT OF THE AGGREGATION PROGRAM OR THE PROVISION OF AGGREGATION SERVICES BY THE COUNTY OR THE PROVIDER. AGGREGATION GROUP MEMBERS 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**

Potential participants can receive more information about the program or Copies of this Plan from Ottawa County free of charge by calling 419-734-6710.

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 EDU. The PUCO may be reached toll free at 1-800-686-7826. For all TDD/TYY calls, the PUCO may be reached at 1-800-686-1570.



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

The Provider will develop an educational program in conjunction with the County. Its purpose will be to explain the aggregation program to County 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 eligible consumer within the County limits 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 eligible County consumers about the Program and their 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 three years. Should conditions, suppliers, price, or any other component of the program change within the three-year period, participants will be given a notice of their opportunity to opt out of, or into the program.

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

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

1. Provider shall ensure Members reasonable access to their service representatives for inquiries, complaints, to 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:

\_\_\_\_\_ Corporation

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_, \_\_\_\_\_

**Toll-free telephone number:** 1- \_\_\_\_\_

**Hours:** \_\_\_\_\_

3. Provider shall provide a 24-hour automated telephone message instructing callers to report any service interruptions or electrical emergencies to the EDU with appropriate phone numbers.

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

1. Provider shall investigate Member complaints (including complaints referred by EDU) and provide a status report within five calendar days following receipt of the complaint to:
  - a. The consumer, when the complaint is made directly to Provider; or
  - b. The consumer and The PUCO Staff ("Commission Staff"), when a complaint is referred to Provider by the Commission Staff.
2. If an investigation is not completed within 14 calendar days, Provider shall provide status reports to the consumer and the County, or if applicable, to the consumer, the County, the County consultant and the Commission Staff. Such status reports shall be provided at five-day intervals until the investigation is complete, unless the action that must be taken will require more than five days and the Member has been so notified.
3. Provider shall inform the Member, or the Member, the County, County consultant 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, the County consultant, or Commission Staff may request the report in writing.
4. If a residential consumer disputes the Provider report, it shall inform the consumer that the Commission Staff is available to help resolve informal complaints. Provider

shall provide the consumer with the current address, local/toll free telephone numbers, and TDD/TTY telephone numbers of the Commission's consumer services department.

5. Provider shall retain records of Member complaints, investigations, and complaint resolutions for one year after the occurrence of such complaints, and shall provide such records to the Commission Staff within five calendar days of request.
6. Provider shall make good faith efforts to resolve disputes.

C. Member Billing and Payments

The County will use the 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, the EDU will render the billing statement, which should be consistent with all applicable guidelines issued by the PUCO. As this market develops, the County may, at its option and in consultation with the Provider, change this function to the Retail Electric Generation Provider or a billing agency.

D. Collections for delinquent accounts:

The EDU's credit and collection policies will apply to Program Members and shall be administered by the EDU. Neither the Governmental Aggregator, nor the Provider, will implement additional policies with respect to credit, deposits and collections. Failure to pay for Competitive Retail Electric Services may result in cancellation of the Member's contract with the Provider, and return the Member to the EDU's Standard Service Off

# **Ottawa County**

## **Exhibit A-4**

### **Automatic Aggregation Disclosure – Opt –out Form**

April 16, 2020

Opt-Out Deadline

May 7, 2020

**Ottawa County**  
Community Electric Aggregation Notification

Dear Resident or Small Business,

Welcome to your community's electric aggregation program which provides you with exclusive pricing on the electric generation portion of your electric bill. This is possible through governmental aggregation, a community purchasing program where community officials use group buying power to purchase electricity from a retail electric generation supplier certified by the Public Utilities Commission of Ohio. This program was approved by voters in your community in May 2010.

**How You Benefit**

By participating in this aggregation program, you will receive the following exclusive pricing on your electric generation:

	Your Electric Utility	Fixed Price	Term End	Early Termination Fee
Residential	Ohio Edison	5.04 cents per kWh	May 2021	None
Small Business	Ohio Edison	5.04 cents per kWh	May 2021	None

Energy Harbor has been selected by your community to provide your electric generation. If you're not already participating, this is your chance to join. If you're already participating, this is your opportunity to continue the benefits of the program.

**Same Reliable Service**

Your electric utility will continue to maintain the system that delivers power to your home or business – no new poles or wires will be built by Energy Harbor. You will continue to receive a single, easy-to-read bill from your local electric utility with your Energy Harbor charges included. There is no cost for enrollment, you will not be charged a switching fee, and **you do not need to do anything to participate.**

**Enrollment Information**

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

**Opt-Out Information**

If you are a new member of the program, your future bills will reflect the electric price listed above from Energy Harbor after your enrollment has been completed and your switch has been finalized – approximately 30-45 days, depending upon your meter read date. Of course, you are not obligated to participate in the community's electric governmental aggregation program. If you do not want to participate in your community program, you have until the opt-out deadline to return the attached "opt-out" form below. If you do not opt out at this time and leave the program at a later date, you might not be served under the same rates or terms and conditions that apply to other customers served by your utility. Once enrolled, you will receive a notice at least every three years asking if you wish to remain in the program. If you leave the program at any other time, you could be subject to the early termination fee listed above.

Please refer to the enclosed Terms and Conditions and FAQs for more information. Your community has selected Energy Harbor to handle questions regarding your community-approved electric aggregation program. If you have any questions, please call Energy Harbor toll-free at 1-866-636-3749, Monday through Friday, 8 a.m. to 5 p.m.

Sincerely,

Ottawa County

**Ottawa County OPT-OUT FORM**

<b>Option 1: Do Nothing to Join</b> You will be enrolled automatically if you do not respond to this letter.	OR	<b>Option 2: Return this Opt-Out Form</b> To opt out, this form must be received by Energy Harbor by the deadline.	<b>Opt-Out Deadline</b> May 7, 2020
---	----	---	--

Service Address (City, State, Zip): \_\_\_\_\_

Phone Number: \_\_\_\_\_

Account Number: \_\_\_\_\_

Account Holder Signature: \_\_\_\_\_

☐ By checking this box, I choose to opt out of my community electric governmental aggregation program.

Return opt-out form to: Community Electric Aggregation Program, 341 White Pond Drive, Bldg. B3, Akron, Ohio 44320

61

## Community Electric Aggregation Program FAQs v.2.20

### **How is my community able to choose a certified electric generation supplier on my behalf?**

Under governmental aggregation, local officials bring citizens together to gain group buying power for the purchase of competitively priced electricity from a retail electric generation supplier certified by the Public Utilities Commission of Ohio (PUCO). Residents voted to allow the community to contract for an electric generation supplier on their behalf.

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

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

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

The information in your letter states if your price is fixed, variable, or variable based on a tiered pricing structure. If you have a fixed price, the price you will receive each month does not change. With a variable price, the discount you will receive each month does not change. But because the actual price per kWh charged by the utility may change each month (based on the season and your usage), the price per kWh from Energy Harbor will also change each month. If you receive a variable price, based on a tiered pricing structure, your initial price will remain consistent each month through the meter-read date of the first tier outlined in your Agreement's Terms & Conditions. At that time, your price will change but then remain consistent each month for the rest of your Agreement.

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

You'll know you are saving money as long as your price with Energy Harbor is lower than your utility's Price to Compare (PTC). To estimate your savings on a % off discount, locate the PTC on your electric bill. Divide your PTC by 100, then multiply it by the % discount (ex: 6% = 0.06) to determine your savings per kWh. Multiply this by your total monthly usage for an average monthly savings estimate.

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

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

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

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

community's competitive electric generation supplier, and you will not receive the discount.

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

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

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

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

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

Yes, you may leave the aggregation program at any time.

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

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

### **If I join the aggregation, will Energy Harbor continue or allow me to begin to budget bill my supplier charges?**

Yes. Toledo Edison, The Illuminating Company, Ohio Edison and Duke Energy include supplier charges in the monthly budgeted amount. Budget billing supplier charges are limited in AEP Ohio's and DP&L's service areas. If you are currently on a budget billing program with your utility and have at least 10 months of usage at your service address, please call 1-866-636-3749, to determine if a budget billing offer through Energy Harbor is available in your community.

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

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

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

Your electric utility will still be responsible for delivering power to your home or business, reading your meter and restoring power after an outage.

### **Who is Energy Harbor?**

Energy Harbor is a fully integrated retail energy provider and independent power producer capable of generating substantial carbon-free energy. The company proudly serves nearly one million residential, commercial and industrial customers in Ohio, Pennsylvania, New Jersey, Maryland, Illinois and Michigan.

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

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

Residential and Small Commercial – Electric Terms and Conditions	
Governmental Aggregation Product	Fixed Price
Electric Distribution Utility ("EDU")	Ohio Edison Company
Price and Length of Agreement	5.04 ¢/kWh through your May 2021 meter read
Cancellation/Termination Fee	None

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

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

**Definitions:** *Generation Charge* – Charge for the production of electricity. *Transmission Charge* – Charge for moving high voltage electricity from a generation facility to the distribution lines of the EDU. *Distribution Service* – Physical delivery of electricity to customers by the EDU.

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

**Eligibility:** Only eligible residential customer accounts not enrolled in the Percentage of Income Plan Program ("PIPP") and eligible small commercial customers may enroll in this offer from Energy Harbor. Energy Harbor reserves the right to refuse enrollment to any customer with an outstanding electric bill balance.

**Basic Service Prices:** During the term of this Agreement, you agree to pay Energy Harbor a price indicated in the table above for a total combined Transmission, Generation and Generation Related Charge ("Retail Electric Service"). Your Price to Compare ("PTC") consists of bypassable transmission, generation and transmission and generation related components, which are charges associated with the costs of purchased power and the cost to deliver the power through the transmission system. These are the charges that you would avoid for that billing period when you switch to Energy Harbor. In addition to Energy Harbor's charges, you will be charged by your EDU for distribution and various other charges. Your price may also include a fee assessed by a broker or agent representing your community.

**Length of Agreement:** As a part of your community's program, your Retail Electric Service from Energy Harbor will start on your next available meter read after processing of the enrollment by your EDU and continue through the term indicated in the table above. The program may be terminated prior to the term pursuant to the terms of the master agreement between Energy Harbor and your community for the aggregation program. Should the program be terminated, you will be returned to your EDU's standard service offer or its successor. In the event that any change in any statute, rule, regulation, order, law, or tariff promulgated by any court, governmental authority, utility, Independent System Operator ("ISO"), Regional Transmission Organization ("RTO") or other service provider, or any change in operating procedure, alters to the detriment of Energy Harbor its costs to perform under this Agreement, you may receive a notification from Energy Harbor. This notification will include a description of one or more of the situations described above. Energy Harbor may offer you new Terms and Conditions. You must indicate your affirmative consent to the new Terms and Conditions as specified in the notices. If you do not contact Energy Harbor to accept the new terms, this Agreement will terminate on the date specified in the notices, and you may be returned to your EDU for Retail Electric Service. Alternatively, Energy Harbor may decide to terminate this Agreement, and you will receive prior written notice of the termination, after which you may be returned to your EDU for Retail Electric Service. Whether Energy Harbor offers you new terms or terminates this Agreement under this provision, you will not be responsible for the cancellation/termination fee (if any) set forth in the table above. You must still pay all Energy Harbor charges through the date you are returned to your EDU or switched to another CRES provider for service.

**Billing:** You will continue to receive a single bill from your EDU that will contain both your EDU and Energy Harbor charges. Energy Harbor reserves the right to unilaterally modify this billing format in the event your EDU is unable or unwilling to provide consolidated billing in this format or changes the calculation of the PTC. If you do not pay your bill by the due date, Energy Harbor may cancel this Agreement after giving you a minimum of fourteen (14) days written notice. Upon cancellation you will be returned to your EDU as a customer. You will remain responsible to pay Energy Harbor for any electricity

used before this Agreement is cancelled, as well as any late payment charges. If you have 12 months of billing history and you are enrolled in budget billing with the EDU, you can enroll in a budget billing program once per year. At the end of the contract term, you are responsible for payment of any outstanding balance upon final contract true up. Energy Harbor reserves the right to adjust your monthly budget amount prior to final contract true up. If you enroll in budget billing, then choose not to be in the program or if you become two consecutive monthly payments overdue, you will be removed from budget billing, your account will be reconciled, and you will be billed for the outstanding budget balance on your next billing cycle. Failure to pay electric utility charges may result in you being disconnected in accordance with your EDU's tariff.

**Penalties, Fees and Exceptions:** If you do not pay the full amount owed Energy Harbor by the due date of the bill, Energy Harbor may charge a 1.5% per month late payment fee.

**Cancellation/Termination Provisions:** You may terminate this Agreement, without penalty, if you move out of the EDU service territory or into an area where Energy Harbor charges a different price. There may be a Cancellation/Termination Fee indicated in the table above if you terminate this Agreement for any other reason, except as expressly provided herein. Upon termination with Energy Harbor and return to the standard service offer with your EDU, you may not be served under the same rates, terms, and conditions that apply to other EDU customers.

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

**Contract Expiration:** At least every three (3) years, you will be given the opportunity to opt-out of your community's aggregation program at no cost. You are responsible for arranging for your electric supply upon termination of this Agreement.

**Dispute Procedures:** Contact Energy Harbor with any questions concerning the terms of service by phone at 1-888-254-6359 (toll-free) M-F 8:00 am to 5:00 pm EST or in writing at Energy Harbor Attn: Contract Administration, 168 East Market St Akron, OH 44308. Our web address is [www.energyharbor.com](http://www.energyharbor.com). If your complaint is not resolved after you have called your electric supplier and/or your electric utility, or for general utility information, residential and business customers may contact the PUCO for assistance at 1-800-686-7826 (toll free) M-F 8:00 am to 5:00 pm EST or at [www.puco.ohio.gov](http://www.puco.ohio.gov). Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio Relay Service). The Ohio Consumers' Counsel ("OCC") represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) M-F 8:00 am to 5:00 pm EST, or at [www.pickocc.org](http://www.pickocc.org).

**Force Majeure Termination:** Energy Harbor will make commercially reasonable efforts to provide your electric service but does not guarantee a continuous supply of electricity. Certain causes and events are out of Energy Harbor's reasonable control ("Force Majeure Event(s)") and may result in interruptions in service. Energy Harbor will not be liable for any such interruptions caused by a Force Majeure Event, including but not limited to, acts of God, war, civil disturbance, insurrection, terrorism, fire, flood, earthquake, acts of default of common carriers, strikes, boycotts, unforeseen maintenance, unforeseen shutdowns or deficiencies of sources of supply, inability to access the local distribution utility system, nonperformance by the EDU or other similar circumstances beyond Energy Harbor's reasonable control.

**Miscellaneous:** You have the right to request from Energy Harbor, twice within a 12-month period, up to 24 months of payment history, without charge. Energy Harbor will not release your Social Security number and/or account number(s) without your written consent except for Energy Harbor's collections and reporting, participating in programs funded by the universal service fund, pursuant to ORC section 4928.54, or assigning a customer's contract to another CRES provider. Energy Harbor's environmental disclosure statement is available for viewing on our website [www.energyharbor.com](http://www.energyharbor.com). Energy Harbor will make the required quarterly updates to the statement electronically on our website and will also provide the information upon request. Energy Harbor may assign its rights to another CRES provider, including any successor, in accordance with the rules and regulations of the PUCO. Energy Harbor assumes no responsibility or liability for the following items that are the responsibility of the EDU: operation and maintenance of the EDU's electrical system, any interruption of service, termination of service, or deterioration of the EDU's service. In the event of a power outage, you should contact your local EDU. You are responsible for providing Energy Harbor with accurate account information. If said information is incorrect, Energy Harbor reserves the right to reprice the applicable account(s) or terminate the Agreement. Energy Harbor reserves the right to return any customer to the EDU if the customer's rate code is changed and the account is no longer eligible for this program.

**Warranty:** Energy Harbor 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.





April 16, 2020

Opt-Out Deadline

May 7, 2020

**Ottawa County**  
Community Electric Aggregation Notification

Dear Resident or Small Business,

Welcome to your community's electric aggregation program which provides you with exclusive pricing on the electric generation portion of your electric bill. This is possible through governmental aggregation, a community purchasing program where community officials use group buying power to purchase electricity from a retail electric generation supplier certified by the Public Utilities Commission of Ohio. This program was approved by voters in your community in May 2010.

**How You Benefit**

By participating in this aggregation program, you will receive the following exclusive pricing on your electric generation:

	Your Electric Utility	Fixed Price	Term End	Early Termination Fee
Residential	Toledo Edison	5.04 cents per kWh	May 2021	None
Small Business	Toledo Edison	5.04 cents per kWh	May 2021	None

Energy Harbor has been selected by your community to provide your electric generation. If you're not already participating, this is your chance to join. If you're already participating, this is your opportunity to continue the benefits of the program.

**Same Reliable Service**

Your electric utility will continue to maintain the system that delivers power to your home or business – no new poles or wires will be built by Energy Harbor. You will continue to receive a single, easy-to-read bill from your local electric utility with your Energy Harbor charges included. There is no cost for enrollment, you will not be charged a switching fee, and **you do not need to do anything to participate.**

**Enrollment Information**

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

**Opt-Out Information**

If you are a new member of the program, your future bills will reflect the electric price listed above from Energy Harbor after your enrollment has been completed and your switch has been finalized – approximately 30-45 days, depending upon your meter read date. Of course, you are not obligated to participate in the community's electric governmental aggregation program. If you do not want to participate in your community program, you have until the opt-out deadline to return the attached "opt-out" form below. If you do not opt out at this time and leave the program at a later date, you might not be served under the same rates or terms and conditions that apply to other customers served by your utility. Once enrolled, you will receive a notice at least every three years asking if you wish to remain in the program. If you leave the program at any other time, you could be subject to the early termination fee listed above.

Please refer to the enclosed Terms and Conditions and FAQs for more information. Your community has selected Energy Harbor to handle questions regarding your community-approved electric aggregation program. If you have any questions, please call Energy Harbor toll-free at 1-866-636-3749, Monday through Friday, 8 a.m. to 5 p.m.

Sincerely,

Ottawa County

**Ottawa County OPT-OUT FORM**

**Option 1: Do Nothing to Join**  
You will be enrolled automatically if you do not respond to this letter.

OR

**Option 2: Return this Opt-Out Form**  
To opt out, this form must be received by Energy Harbor by the deadline.

Opt-Out Deadline

May 7, 2020

Service Address (City, State, Zip): \_\_\_\_\_

Phone Number: \_\_\_\_\_

Account Number: \_\_\_\_\_

Account Holder Signature: \_\_\_\_\_

☐ By checking this box, I choose to opt out of my community electric governmental aggregation program.

Return opt-out form to: Community Electric Aggregation Program, 341 White Pond Drive, Bldg. B3, Akron, Ohio 44320

65

## Community Electric Aggregation Program FAQs v.2.20

### **How is my community able to choose a certified electric generation supplier on my behalf?**

Under governmental aggregation, local officials bring citizens together to gain group buying power for the purchase of competitively priced electricity from a retail electric generation supplier certified by the Public Utilities Commission of Ohio (PUCO). Residents voted to allow the community to contract for an electric generation supplier on their behalf.

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

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

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

The information in your letter states if your price is fixed, variable, or variable based on a tiered pricing structure. If you have a fixed price, the price you will receive each month does not change. With a variable price, the discount you will receive each month does not change. But because the actual price per kWh charged by the utility may change each month (based on the season and your usage), the price per kWh from Energy Harbor will also change each month. If you receive a variable price, based on a tiered pricing structure, your initial price will remain consistent each month through the meter-read date of the first tier outlined in your Agreement's Terms & Conditions. At that time, your price will change but then remain consistent each month for the rest of your Agreement.

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

You'll know you are saving money as long as your price with Energy Harbor is lower than your utility's Price to Compare (PTC). To estimate your savings on a % off discount, locate the PTC on your electric bill. Divide your PTC by 100, then multiply it by the % discount (ex: 6% = 0.06) to determine your savings per kWh. Multiply this by your total monthly usage for an average monthly savings estimate.

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

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

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

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

community's competitive electric generation supplier, and you will not receive the discount.

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

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

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

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

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

Yes, you may leave the aggregation program at any time.

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

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

### **If I join the aggregation, will Energy Harbor continue or allow me to begin to budget bill my supplier charges?**

Yes. Toledo Edison, The Illuminating Company, Ohio Edison and Duke Energy include supplier charges in the monthly budgeted amount. Budget billing supplier charges are limited in AEP Ohio's and DP&L's service areas. If you are currently on a budget billing program with your utility and have at least 10 months of usage at your service address, please call 1-866-636-3749, to determine if a budget billing offer through Energy Harbor is available in your community.

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

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

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

Your electric utility will still be responsible for delivering power to your home or business, reading your meter and restoring power after an outage.

### **Who is Energy Harbor?**

Energy Harbor is a fully integrated retail energy provider and independent power producer capable of generating substantial carbon-free energy. The company proudly serves nearly one million residential, commercial and industrial customers in Ohio, Pennsylvania, New Jersey, Maryland, Illinois and Michigan.

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

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

Residential and Small Commercial – Electric Terms and Conditions	
Governmental Aggregation Product	Fixed Price
Electric Distribution Utility ("EDU")	The Toledo Edison Company
Price and Length of Agreement	5.04 ¢/kWh through your May 2021 meter read
Cancellation/Termination Fee	None

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

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

**Definitions:** *Generation Charge* – Charge for the production of electricity. *Transmission Charge* – Charge for moving high voltage electricity from a generation facility to the distribution lines of the EDU. *Distribution Service* – Physical delivery of electricity to customers by the EDU.

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

**Eligibility:** Only eligible residential customer accounts not enrolled in the Percentage of Income Plan Program ("PIPP") and eligible small commercial customers may enroll in this offer from Energy Harbor. Energy Harbor reserves the right to refuse enrollment to any customer with an outstanding electric bill balance.

**Basic Service Prices:** During the term of this Agreement, you agree to pay Energy Harbor a price indicated in the table above for a total combined Transmission, Generation and Generation Related Charge ("Retail Electric Service"). Your Price to Compare ("PTC") consists of bypassable transmission, generation and transmission and generation related components, which are charges associated with the costs of purchased power and the cost to deliver the power through the transmission system. These are the charges that you would avoid for that billing period when you switch to Energy Harbor. In addition to Energy Harbor's charges, you will be charged by your EDU for distribution and various other charges. Your price may also include a fee assessed by a broker or agent representing your community.

**Length of Agreement:** As a part of your community's program, your Retail Electric Service from Energy Harbor will start on your next available meter read after processing of the enrollment by your EDU and continue through the term indicated in the table above. The program may be terminated prior to the term pursuant to the terms of the master agreement between Energy Harbor and your community for the aggregation program. Should the program be terminated, you will be returned to your EDU's standard service offer or its successor. In the event that any change in any statute, rule, regulation, order, law, or tariff promulgated by any court, governmental authority, utility, Independent System Operator ("ISO"), Regional Transmission Organization ("RTO") or other service provider, or any change in operating procedure, alters to the detriment of Energy Harbor its costs to perform under this Agreement, you may receive a notification from Energy Harbor. This notification will include a description of one or more of the situations described above. Energy Harbor may offer you new Terms and Conditions. You must indicate your affirmative consent to the new Terms and Conditions as specified in the notices. If you do not contact Energy Harbor to accept the new terms, this Agreement will terminate on the date specified in the notices, and you may be returned to your EDU for Retail Electric Service. Alternatively, Energy Harbor may decide to terminate this Agreement, and you will receive prior written notice of the termination, after which you may be returned to your EDU for Retail Electric Service. Whether Energy Harbor offers you new terms or terminates this Agreement under this provision, you will not be responsible for the cancellation/termination fee (if any) set forth in the table above. You must still pay all Energy Harbor charges through the date you are returned to your EDU or switched to another CRES provider for service.

**Billing:** You will continue to receive a single bill from your EDU that will contain both your EDU and Energy Harbor charges. Energy Harbor reserves the right to unilaterally modify this billing format in the event your EDU is unable or unwilling to provide consolidated billing in this format or changes the calculation of the PTC. If you do not pay your bill by the due date, Energy Harbor may cancel this Agreement after giving you a minimum of fourteen (14) days written notice. Upon cancellation you will be returned to your EDU as a customer. You will remain responsible to pay Energy Harbor for any electricity

used before this Agreement is cancelled, as well as any late payment charges. If you have 12 months of billing history and you are enrolled in budget billing with the EDU, you can enroll in a budget billing program once per year. At the end of the contract term, you are responsible for payment of any outstanding balance upon final contract true up. Energy Harbor reserves the right to adjust your monthly budget amount prior to final contract true up. If you enroll in budget billing, then choose not to be in the program or if you become two consecutive monthly payments overdue, you will be removed from budget billing, your account will be reconciled, and you will be billed for the outstanding budget balance on your next billing cycle. Failure to pay electric utility charges may result in you being disconnected in accordance with your EDU's tariff.

**Penalties, Fees and Exceptions:** If you do not pay the full amount owed Energy Harbor by the due date of the bill, Energy Harbor may charge a 1.5% per month late payment fee.

**Cancellation/Termination Provisions:** You may terminate this Agreement, without penalty, if you move out of the EDU service territory or into an area where Energy Harbor charges a different price. There may be a Cancellation/Termination Fee indicated in the table above if you terminate this Agreement for any other reason, except as expressly provided herein. Upon termination with Energy Harbor and return to the standard service offer with your EDU, you may not be served under the same rates, terms, and conditions that apply to other EDU customers.

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

**Contract Expiration:** At least every three (3) years, you will be given the opportunity to opt-out of your community's aggregation program at no cost. You are responsible for arranging for your electric supply upon termination of this Agreement.

**Dispute Procedures:** Contact Energy Harbor with any questions concerning the terms of service by phone at 1-888-254-6359 (toll-free) M-F 8:00 am to 5:00 pm EST or in writing at Energy Harbor Attn: Contract Administration, 168 East Market St Akron, OH 44308. Our web address is [www.energyharbor.com](http://www.energyharbor.com). If your complaint is not resolved after you have called your electric supplier and/or your electric utility, or for general utility information, residential and business customers may contact the PUCO for assistance at 1-800-686-7826 (toll free) M-F 8:00 am to 5:00 pm EST or at [www.puco.ohio.gov](http://www.puco.ohio.gov). Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio Relay Service). The Ohio Consumers' Counsel ("OCC") represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) M-F 8:00 am to 5:00 pm EST, or at [www.pickocc.org](http://www.pickocc.org).

**Force Majeure Termination:** Energy Harbor will make commercially reasonable efforts to provide your electric service but does not guarantee a continuous supply of electricity. Certain causes and events are out of Energy Harbor's reasonable control ("Force Majeure Event(s)") and may result in interruptions in service. Energy Harbor will not be liable for any such interruptions caused by a Force Majeure Event, including but not limited to, acts of God, war, civil disturbance, insurrection, terrorism, fire, flood, earthquake, acts of default of common carriers, strikes, boycotts, unforeseen maintenance, unforeseen shutdowns or deficiencies of sources of supply, inability to access the local distribution utility system, nonperformance by the EDU or other similar circumstances beyond Energy Harbor's reasonable control.

**Miscellaneous:** You have the right to request from Energy Harbor, twice within a 12-month period, up to 24 months of payment history, without charge. Energy Harbor will not release your Social Security number and/or account number(s) without your written consent except for Energy Harbor's collections and reporting, participating in programs funded by the universal service fund, pursuant to ORC section 4928.54, or assigning a customer's contract to another CRES provider. Energy Harbor's environmental disclosure statement is available for viewing on our website [www.energyharbor.com](http://www.energyharbor.com). Energy Harbor will make the required quarterly updates to the statement electronically on our website and will also provide the information upon request. Energy Harbor may assign its rights to another CRES provider, including any successor, in accordance with the rules and regulations of the PUCO. Energy Harbor assumes no responsibility or liability for the following items that are the responsibility of the EDU: operation and maintenance of the EDU's electrical system, any interruption of service, termination of service, or deterioration of the EDU's service. In the event of a power outage, you should contact your local EDU. You are responsible for providing Energy Harbor with accurate account information. If said information is incorrect, Energy Harbor reserves the right to reprice the applicable account(s) or terminate the Agreement. Energy Harbor reserves the right to return any customer to the EDU if the customer's rate code is changed and the account is no longer eligible for this program.

**Warranty:** Energy Harbor 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.