

**Village of Chauncey  
State of Ohio  
Resolution No. 2016-11**

**RESOLUTION AUTHORIZING ALL ACTION NECESSARY TO AFFECT AN OPT-  
OUT ELECTRIC AGGREGATION PROGRAM PURSUANT TO SECTION 4928.20 OF  
THE REVISED CODE.**

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

**WHEREAS**, Electric Aggregation provides an opportunity for electric consumers collectively to realize electric savings, lower cost electric supplies, and other benefits that the consumers may not otherwise be able to realize individually; and

**WHEREAS**, The Village of Chauncey, Ohio, desires to submit a Resolution to the Board of Elections to submit to the electors of the Village of Chauncey, Ohio, the question of whether the Village should create an Electric Aggregation program in accordance with Ohio Revised Code No. 4928.20; and

**WHEREAS**, This Resolution should be presented to the Village Council for consideration in a timely manner in that must be, certified to the Athens County Board of Election authorities by February 1, 2017, since opportunities to coordinate aggregation activities with certain suppliers of electric may become limited due to market conditions; and

**WHEREAS**, The Mayor has recommended the passage of this Resolution in order to provide this opportunity for cost savings to the residents of Chauncey.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF  
CHAUNCEY, STATE OF OHIO:**

**SECTION 1:** That this Village Council finds and determines that to facilitate competitive retail electric service to promote electric savings, lower cost electric supplies and other benefits, it is in the best interest of the Village and certain electric consumers within the jurisdiction of the Village to establish an opt-out Electric Aggregation program. Provided that this Resolution, and the Electric Aggregation program is approved by the electors of the Village in accordance with the Resolution , the Village is hereby authorized to take all actions necessary to affect an Electric Aggregation program in the Village pursuant to Section 4928.20, Revised Code. pursuant to Section 4928.20, Revised Code. The Village may exercise this authority jointly with other entities to the full extent permitted by law, and for such purposes. Actions necessary to affect the Electric Aggregation program including determining and entering into service agreement(s) with electric suppliers for facilitate the sale and purchase of all electric commodity and services

to serve the enrolled consumers. The Village shall be authorized by the electors to be the only entity authorized to act for and on behalf of the enrolled electric consumers to determine and select the electric supplier(s) to provide the commodity and all other services for the Electric Aggregation program and the enrolled consumers.

**SECTION 2:** The Electric Aggregation program shall not apply to persons meeting any of the following criteria, as more specifically described in Section 4928.20(H)(1-5) of the Ohio Revised Code: (i) a customer that has opted out of the aggregation, (ii) a customer in contract with a certified electric services company, (iii) a customer that has a special contract with an electric distribution utility, or (iv) a customer that is not located within the governmental aggregator's governmental boundaries, (v) subject to division (C) of section 4928.21 of the Revised Code, a customer who appears on the "do not aggregate" list maintained under that section.

**Section 3:** That this Council hereby authorizes and directs the Athens County Board of Elections to submit to the electors of the Village of Chauncey in an election to be held at the usual places of voting of said Village on the 2<sup>nd</sup> day of May, 2017, the following question:

To facilitate competitive retail electric service to promote electric savings, lower cost electric suppliers, and other benefits, shall that Village of Chauncey have the authority to aggregate retail electric loads located in the Village of Chauncey and enter into service agreements for the sale and purchase of electric commodity and other services, such aggregation to occur automatically, except where any person elects to opt-out?

**FOR**, the Village of Chauncey to facilitate competitive retail electric service to promote electric savings and other benefits by acting as an aggregator.

**NOT FOR**, the Village of Chauncey to facilitate competitive retail electric service to promote electric savings and other benefits by acting as an aggregator.

**Section 4:** That the Fiscal Officer is authorized and directed to, file a certified copy of this Resolution with the Athens County Board of Elections not later than January 31, 2017. The Electric Aggregation program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question at the election held in accordance with this Resolution and Section 4928.20 of the Ohio Revised Code. Upon approval, the Electric Aggregation shall take effect at the earliest permissible point in time and continue thereafter in accordance with the requirements of Chapter 4928.20 of the Ohio Revised Code.

**Section 5:** That the Athens County Board of Elections shall cause an appropriate notice to be given of the election to be held on May 2, 2017, on the foregoing proposal and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**Section 6:** Upon approval by a majority of the electors voting at the election provided for by this Resolution, the Village of Chauncey shall develop and adopt a plan of operations and governance for the Electric Aggregation program. Consumers enrolled in the Electric Aggregation program shall be their electric requirements and other services in accordance with supply agreement(s) determined and arranged by the Village, as opportunities become available

to provide benefits on behalf of the electric consumers enrolled in the Electric Aggregation program and the consumers located within the jurisdiction of the Village. The Village shall be authorized by the electors to be the only entity authorized to act for and on behalf of the electric consumers that have enrolled in the Electric Aggregation program to determine and select the electric supplier(s) to provide the commodity and all other services for the electric Aggregation program and the enrolled consumers. Before adopting such a Plan, at least two public hearings on the Plan shall be held. Before the first hearing, notice of the first hearing shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Village. The notice shall summarize the Plan and state the date, time, and location of each hearing.

**Section 7:** The adopted Plan shall not aggregate any retail load within the Village, unless the person whose retail electric load is to be so aggregated is notified in advance that the person will be enrolled automatically in the Electric Aggregation program and shall remain so enrolled, unless the person affirmatively elects not to be so enrolled by a stated procedure. The disclosure shall state the rates, charges, and other terms and conditions of the enrollment. Once enrolled the consumer may only opt-out of the Electric Aggregation program every two years without paying a switching fee. Any such person that opts-out of the Electric Aggregation program shall default to the electric company providing distribution service for the person's retail electric load, until the person chooses an alternative supplier.

**Section 8:** This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED this day 9<sup>th</sup> of November, 2016.

ATTEST:



Joe Canter  
Council President

ATTEST:



Leslie Nicholson  
Fiscal Officer

APPROVED AS TO FORM:



Robert J. Shostak  
Solicitor

ACKNOWLEDGED:



Robert Matthey  
Mayor

**CERTIFICATION OF FISCAL OFFICER AS TO  
POSTING OF ORDINANCE**

The foregoing is a true copy of the original Ordinance No. 2016-11.

Publication of this Ordinance was made by posting a copy of the same in the following five locations within the Village, beginning on December 15, 2016, and concluding on December 15, 2016 (at least 15 days later):

Location	Date Posted:
Village Hall	<u>12/15/2016</u>
T's Quick Stop	<u>12/15/2016</u>
Cee Dee	<u>12/15/2016</u>
Post Office	<u>12/15/2016</u>
Library	<u>12/15/2016</u>

ATTEST:

Date: \_\_\_\_\_

12/15/16

  
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Leslie Nicholson  
Fiscal Officer