

ORDINANCE NO. 16-82

AN ORDINANCE TO NOTIFY COLUMBIA GAS OF OHIO
AND THE PUBLIC UTILITIES COMMISSION
OF OHIO THAT THE VILLAGE OF SPENCER
INTENDS TO NEGOTIATE JOINTLY WITH
OTHER COMMUNITIES FOR A UNIFORM GAS RATE,
DESIGNATING THE OFFICE OF CONSUMERS COUNSEL
AS COUNSEL FOR THE NEGOTIATIONS AND
DECLARING AN EMERGENCY

Pursuant to Section 743.28 of the Ohio Revised Code as amended by Amended House Bill No. 156, 113th General Assembly, the council of the Village of Spencer hereby notifies Columbia Gas of Ohio and the Public Utilities Commission of Ohio of its intent to negotiate jointly with other municipal corporations in the Counties of Medina, Carroll, Stark, Wayne, Tuscarawas, Harrison and Lorain for the purpose of establishing a uniform gas rate.

BE IT ORDAINED BY THE COUNCIL OF THE Village of Spencer, Ohio, three-fourths of its members concurring herein as follows:

Section 1: That, for purposes of this ordinance, Uniform Rate shall be defined as a single gas rate which would apply to every municipal corporation in the group of municipal corporations passing an ordinance to adopt such a rate.

Group of Municipal Corporations, Group of Municipalities, Group or Consortium shall be defined as those municipal corporations which by ordinance and written notification by the Mayors to the Company have expressed their intent to jointly negotiate a price schedule, until such time as any two or more of such municipalities have jointly presented to the Company ordinances setting or fixing a uniform price schedule for the product or service of the Company; thereafter Group of Municipal Corporations, Group of Municipalities, Group or Consortium shall mean those municipal corporations which have jointly presented to the Company ordinances which set or fix a uniform price schedule for the product or service of the Company. Those municipal corporations which pass rate ordinances establishing a uniform price schedule and jointly present such rate ordinances to the company are, upon such presentation, to be considered to be the group of municipal corporations, regardless of whether each of the communities which had notified the company of its intent to participate in joint negotiations so present such a rate ordinance and notwithstanding any prior action by a municipal corporation which does not so present to the company a rate ordinance establishing a uniform price schedule.

Mayors shall mean the mayors of all the municipalities in the group of municipal corporations. Company means Columbia Gas of Ohio, Inc.

Section 2: That, upon written receipt of a joint notification by the Mayors of the group of municipalities which have enacted ordinances expressing a desire to negotiate a uniform gas rate, the Village of Spencer respectfully requests Columbia Gas of Ohio to commence negotiations with the uniform gas rate committee to be comprised of representatives from the Office of the Consumers' Counsel as well as representatives from the municipalities who choose to attend such negotiations. Unless otherwise indicated, the Office of the Consumers' Counsel will act as principal negotiator and all correspondence, communications, information, etc., shall be provided to the Office of the Consumers' Counsel.

Section 3: That, the date the Company receives joint notification by the Mayors shall be the date which designates the commencement of the first 90 day period of negotiations for a uniform gas rate.

Section 4: Where such negotiations do not, within ninety days after commencement, result in an agreement between the group and the Company, the group may exercise the rights of a municipal corporation under Section 743.26 of the Ohio Revised Code on the same basis as if it were a single municipal corporation and enact a uniform rate ordinance fixing and regulating the price that may be charged by Columbia Gas of Ohio, Inc., its successors or assigns, for the gas to the group of municipal corporations and to their inhabitants, in accordance with Section 4909.34 of the Ohio Revised Code amended by Amended House Bill No. 156.

Section 5: That, should the company refuse to accept the rates established by a uniform rate ordinance and thereafter file a complaint with the Public Utilities Commission of Ohio, in accordance with Section 4909.34 of the Ohio Revised Code as amended House Bill No. 156, the Village of Spencer requests the Commission to order the Company to file under the Commission's standard filing requirements uniform information for the service area of all municipalities in the group of municipal corporations in order that the Commission may establish a uniform rate which would apply to each municipality in the group.

Section 6: That the Village of Spencer respectfully requests Columbia Gas of Ohio to delay in submitting to the Public Utilities Commission of Ohio any formal application for an increase in the rates to be charged and collected for gas service in the Village of Spencer, for a period of not less than 180 days from the date on which uniform rate negotiations

commenced, in order to allow the group of municipalities two 90-day negotiating periods to enact a uniform rate ordinance.

Section 7: That any ordinance or resolution, or part of an ordinance or resolution, inconsistent herewith, is, to the extent of such inconsistency, hereby repealed.

Section 8: That this ordinance shall become effective and operative within the meaning of Amended House Bill Number 156 on the date delivered to the Company by Consumers' Counsel.

Section 9: That the Office of Consumers' Counsel is hereby designated as counsel for the Consortium and all matters and in all proceedings arising under this Ordinance.

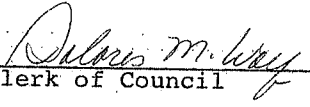
Section 10: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 11: That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the Village of Spencer and for the further reasons stated herein, proper, economical and efficient operation of the Village of Spencer, and this Ordinance shall be in full force and effect from and after its passage.

PASSED: December 15, 1982


Mayor

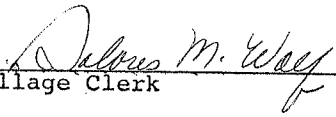
ATTEST:


Clerk of Council

CERTIFICATE

I, Dolores M. Wolf, Spencer Village Clerk, do hereby certify that the foregoing is a true and correct copy of Ordinance 16-82 duly passed by the Spencer Village Council at Regular Meeting December 15, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Spencer, Ohio this day of December, 1982.


Village Clerk