

**CITY OF HILLSBORO, OHIO
ORDINANCE NO. 2023-26**

**AN ORDINANCE APPROVING A PLAN OF OPERATION AND GOVERNANCE
FOR THE MUNICIPAL ELECTRIC AGGREGATION PROGRAM OF THE CITY OF
HILLSBORO, AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ohio Revised Code (R.C.) Chapter 4928, the City is authorized to establish a community electric aggregation program with automatic registration of participants for the provision of competitive retail electric service to the City's residents and small businesses, in order to provide opportunities for lower cost electric supply; and

WHEREAS, on May 2, 2023, the electors of the City authorized the City to create an automatic registration (also known as "opt out") municipal electric aggregation program for residents and small business electric customers in the City; and

WHEREAS, R.C. Section 4928.20 requires that the City, in establishing an electric aggregation with automatic registration of customers, subject to the right of customers to "opt-out," adopt a Plan of Operation and Governance for its aggregation program; and

WHEREAS, the City held two public hearings on the City's proposed Plan of Operation and Governance on June 15, 2023 at 4:00 PM and 5:30 PM after advertising said hearings in a newspaper of general circulation in the community for two consecutive weeks before the hearings, that is, on May 31, 2023 and June 7, 2023 as required by state law, and the City advertised the public hearings and posted its Plan on the City's website.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HILLSBORO, STATE OF OHIO, WITH 2/3 OF ALL COUNCIL MEMBERS CONCURRING THAT:

SECTION 1: This Council hereby adopts the City of Hillsboro Plan of Operation and Governance (attached hereto as Exhibit A) for the implementation and administration of the City's municipal electric aggregation program, in accordance with R.C. Section 4928.20.

SECTION 2: That it is 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare for the reason that it is necessary in the current operation of the City, and so that the City has sufficient time to apply for approval and certification from the PUCO, select a supplier, and start the aggregation program so

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that Hillsboro residents may continue participation in an aggregation program without interruption when the current program expires and therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor, and that the City's municipal electric aggregation program shall thereafter commence in accordance with the adopted Plan of Operation and Governance that has been established pursuant to R.C. Chapter 4928.

Passed this 15th day of JUNE, 2023.

Attest: Whitney Aliff
Whitney Aliff, Clerk of Council

Tom Eichinger, Council President

PRO TEM

Approved: Justin Harsha
Justin Harsha, Mayor

Date: 6/15/2023

Approved as to form by the City Law Director.

**CITY OF HILLSBORO (HIGHLAND COUNTY)
ELECTRIC AGGREGATION PROGRAM**

PLAN OF OPERATION AND GOVERNANCE

Purpose. This Plan of Operation and Governance (“**Plan of Operation**”) has been developed in compliance with the R.C. 4928.20 regarding governmental aggregation of electric service. City of Hillsboro, Ohio, in the County of Highland (the “**City**”) will administer an opt-out governmental aggregation program that will automatically include all eligible electric accounts (the “**Program**”) and will seek to aggregate the retail electric loads of consumers located in the City’s boundaries to negotiate the best rates for the supply of electric power. Participation in the Program is voluntary. Every individual eligible customer will be given prior notice entitling them to affirmatively elect not to be part of the Program and to return to the local electric utility (“**Utility**”) standard offer of service or to enter into a power supply contract with any Competitive Retail Electric Service Supplier (“**Supplier**”). The Program is designed to reduce the amount individuals within the City pay for electric service and to gain other favorable terms of service.

Introduction. On May 2, 2023, a majority of the voters in the City authorized the City to pursue Automatic Governmental Aggregation. After the City held two public hearings on the matter, the City approved this Plan of Operation as prescribed by R.C. 4928.20. The City has developed this Plan of Operation in accordance with the governmental aggregation provisions in O.A.C. 4901:1-21-16. Once certified as a Governmental Aggregator, the City will be authorized to combine multiple retail electric customer loads within the City’s geographic boundaries (the “**Aggregation**”) for the purpose of facilitating the purchase of electric supply in Ohio's competitive retail electric market.

Governmental Aggregation Services. The City, as a Governmental Aggregator, will serve as purchasing agent for the Program. As purchasing agent, the City shall (i) select a Supplier to supply the Program, (ii) negotiate the terms of supply between the Supplier and each Program participant, and (iii) oversee the enrollment procedures administered by the Supplier.

The Contract and Rates. The supply contract negotiated by the City for the Program (the “**Contract**”) shall be for firm, all-requirements supply. Each Program participant will be individually bound to the Supplier by the terms of the Contract, and will be solely responsible for payment. The electric supply charges for the Program are included in the Contract that will be negotiated by the City with the Supplier. All electric supply charges will be fully and prominently disclosed in customer enrollment materials (such as the Opt-Out Notice), available on the Supplier’s website, and available by calling the Supplier’s toll-free customer service telephone number. The surcharge authorized under Section 4928:20 will not be charged.

Eligibility, Opt-out Disclosures, and Pooling Accounts. Pursuant to O.A.C. 4901:1-21-17, the Supplier, with the assistance of the City, if necessary, shall request the following categories of information from the Utility for all customers residing within the Aggregation, including those customers who have opted off the pre-enrollment list: (i) a list of the names, account numbers, and service and mailing addresses for customers residing within the Aggregation, consistent

with the information that is provided to other competitive retail electric service providers; (ii) an identification of customers who are currently in contract with a certified electric services company other than the Supplier selected by the City or in a special arrangement with the Utility; and (iii) an identification of mercantile customers. With the information provided by the Utility, the Supplier, with the assistance of the City, if necessary, will remove all customers and accounts that are not eligible to be included in the Program, per the applicable regulations. Using the list of eligible accounts, the Supplier, with the assistance of the City, will review the list to verify the eligible accounts are located within the geographic boundaries of the City and that an area within the City boundaries has not been inadvertently filtered from the list. The Supplier will also remove from the eligible list those customers who appear on the "do not aggregate" list as stated under division (c) of Section 4928.21 of the Revised Code. The City intends to include in the Program only (a) residential and (b) non-mercantile customers (nonresidential customers that consume less than 700,000 kWh per year).

Within thirty (30) days of receipt of the list from the Utility, the Supplier, with assistance from the City, will prepare and mail an "Opt-Out Notice" to each account that remains on the eligible list after it has been reduced as noted above. The Opt-Out Notice, which will conform to the requirements of O.A.C. 4901:1-21-17, will inform the eligible account holder that the City has formed an automatic (or "Opt-Out") aggregation; provide the price for the electric supply for the Program along with the other terms and conditions of service; and explain how the account holder can decline participation in the Program. The Opt-Out Notice will contain the City's name and logo to clearly indicate to the recipient that it is a notice from the City.

As required by O.A.C. 4901:1-21-17, the Opt-Out Notice will indicate that the account holder has 21 (twenty-one) days to affirmatively respond by telephoning a toll-free number or returning a postcard to the Supplier that is included in the Opt-Out Notice if the account holder does not wish to participate in the Program. If an account holder does not affirmatively indicate that he/she does not wish to participate in the Program in one of the ways described above, then the account will become part of the Program.

Upon completion of the 21-day Opt-Out period, the Supplier will notify the Utility of the remaining accounts that will form the Program, and through an electronic data interchange transaction, enroll the Program. Upon enrollment, each Program participant will receive an enrollment notice from the Utility that will indicate that the enrollee may rescind its participation in the Program by contacting the Utility within seven (7) business days.

In addition to the initial 21-day Opt-Out period, each Program participant will be provided an opportunity to opt-out every three years without paying an early termination fee.

Billing. Program participants will receive a single monthly bill from the Utility, which will include charges from the Supplier for its electric supply, as well as the Utility distribution charges. Program participants will be billed according to their Utility billing cycle.

Credit and Collection and Deposits. The Utility's credit and collection policy and policies regarding deposits will apply to the Program participants and shall be administered by the Utility. Neither the City nor the Supplier will implement additional policies with respect to credit, deposits, and collections.

Concerns and Complaints. Program participants will have multiple means of communicating concerns and reporting complaints. As a general rule, concerns regarding service reliability and billing should be directed to the Utility. The Utility will continue to read meters, handle billing, and generally have the most information about the physical service to a location or account. Questions regarding the administration of the Aggregation should be directed to the Supplier. The Supplier's customer service center is available by telephone Monday through Friday, 8:00 am - 7:00 pm ET. Any unresolved disputes should be directed to the Public Utilities Commission of Ohio and/or the Ohio Consumers' Council. As a convenience, below is a list of helpful toll-free telephone numbers.

<u>Nature of Complaint</u>	<u>Contact</u>	<u>Phone Number</u>
Outages/Emergencies	Utility	1-877-468-8243
Service turn on/off	Utility	1-877-468-8243
Billing Disputes	Utility	1-800-433-8500
Price/Joining/Leaving Program	Supplier Customer Service	1-877-331-3045
Program Regulatory Questions	Supplier Customer Service	1-877-331-3045
Unresolved Disputes	Public Utilities Commission	1-800-686-7826
Unresolved Disputes	Ohio Consumers' Council	1-877-742-5622

The Supplier will attempt to resolve all customer complaints in a timely and good-faith manner. The Supplier shall investigate and provide a status report to the customer when the complaint is made directly to them and/or the City within three (3) business days following Supplier's receipt of the complaint. Or in the case of a Public Utilities Commission of Ohio ("PUCO") complaint, the Supplier will investigate and provide a status report to the customer and PUCO staff within three (3) business days following the Supplier's receipt of the complaint. If an investigation into a complaint received from the customer or a complaint referred by the PUCO is not completed within ten (10) business days, then a status report will be given to the customer, and, if applicable, the PUCO. These status reports will be given every three (3) business days until the investigation is complete, unless agreed to otherwise. Final results of a PUCO-referred complaint will be provided to the PUCO either orally (phone) or in writing (e-mail, written correspondence), no later than three (3) business days after the investigation is completed. The final results will be provided in writing to the customer no later than three (3) business days after the investigation is completed. Customers retain the right to contact the PUCO regarding complaints and disputes. All customers have the right to contact the PUCO by writing to Public Utilities Commission of Ohio, ATTN: IAD, 180 E. Broad St., Columbus, OH 43215-3793; by fax to (614) 752-8351; through their website at www.puc.state.oh.us or by calling toll free (800) 686-7826 (VOICE) or (800) 686-1570 (TTY-TDD). Records of customer complaints will be retained for two (2) years after the occurrence of the complaint. A copy of the complaint record will be provided to the PUCO within three (3) business days, if requested.

Moving within the City. Program participants who move from one location to another within the

Aggregation and retain the same account number will remain a Program participant and will receive the same price they would have received if their location had not moved.

Program participants who move from one location to another within the Aggregation and are assigned a new account number may enroll the new account in the Program and receive the same price they would have received if their location had not moved, provided the new account is eligible for the Program. Program participants who move within the Aggregation and receive a new account number may be dropped from the Program by the Utility, but will not be charged an early termination fee from the Supplier. If a participant is dropped from the Program due to a move within the Aggregation, the Program participant must contact the Supplier to be re-enrolled.

Moving outside of the City. Program participants who move out of the City boundaries will no longer be eligible to participate in the Program, and they will not be charged an early termination fee from the Supplier.

Enrolling after the Opt-Out Period. Residential and small business accounts located within the Aggregation that were initially eligible to join the Program, but chose to Opt-Out of the Program, or otherwise were not included in the Program may join the Program after the expiration of the initial Opt-Out Period by contacting the Supplier. The rate for those joining the Program after the expiration of the Opt-Out Period may be different from the rate negotiated for the Program by the City.

If the Supplier is able to offer to newly eligible customers the same price that is provided to the current Program participants, the Supplier may refresh the Program by providing those who move in to the Aggregation the opportunity to be included automatically, rather than waiting until the next pricing term of the Contract. The process for refreshing the Program with new enrollments would follow the process noted above for determining eligibility, providing Opt-Out Notices, and pooling the accounts. (Current Program participants and those who previously declined participation would not receive the Opt-Out Notice intended only for newly eligible customers.).