

THE CITY OF CHEVIOT CITY COUNCIL, HAMILTON COUNTY, OHIO

RESOLUTION NUMBER

16-29

ADOPTING A MODIFIED PLAN OF OPERATION AND GOVERNANCE FOR NATURAL GAS GOVERNMENTAL
AGGREGATION AND DECLARING AN EMERGENCY

WHEREAS, the Cheviot City Council ("Council"), Hamilton County, Ohio, met in a regularly scheduled meeting on the 20 day of November, 2016, at ~~800 Oak Avenue~~, Cheviot, OH 45218, with the following members present:

JAMES MARTIN, WARD 1
DENNIS DINKELACKER, WARD 2
JAMES SUNDERHAUS, WARD 3

PATRICK TIETMEYER, AT LARGE
KATHLEEN ZECH, AT LARGE
AMY RICHTER, AT LARGE

WHEREAS, in August of 2006, the Cheviot City Council authorized the Hamilton County Board of Elections to submit the question of whether retail natural gas loads could be aggregated in the City of Cheviot;

WHEREAS, the question of natural gas aggregation was submitted to the electors of the City of Cheviot on November 7, 2006, and approved;

WHEREAS, thereafter, on April 3, 2007, in Resolution No. 07-05, the Council adopted a Plan of Operation and Governance ("the Plan") in accordance with R.C. 4929.2(C);

WHEREAS, the Plan needs to be modified to reflect necessary revisions in pricing methodologies; and

WHEREAS, Section 4901:1-28-03 (D) of the Ohio Administrative Code provide for the non-material modification of the Plan without notice to the Members of the Aggregation.

NOW, THEREFORE BE IT RESOLVED that the Cheviot City Council hereby modifies its prior Plan of Operation and Governance to incorporate these necessary changes. The modified Plan of Operation and Governance is attached hereto and incorporated herein by this reference.

NOW, THEREFORE BE IT FURTHER RESOLVED that all prior Resolutions and parts of Resolutions which conflict with the provisions of this Resolution are hereby repealed to the extent that they are in conflict herewith.

NOW, THEREFORE BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such formal action were in meetings open to the public in compliance with the law.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Cheviot, and for the further reason that this Resolution is required to be immediately effective in order to optimize rates available for residents. Therefore, this Resolution shall be in full force and effect immediately upon its adoption and certification.

VOTE TO SUSPEND RULES:

Yes _____ No _____

Deborah M. Slaughter
Deborah M. Slaughter
President of Council

December 20, 2016

Date passed

Samuel D. Keller
Samuel D. Keller
Mayor

12-20-16

Date approved

Attest:

Jenny M. Eilermann
Jenny M. Eilermann
Clerk of Council

APPROVED AS TO FORM:

Mark G. Waters
MARK G. WATERS
LAW DIRECTOR

CERTIFICATION OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates :

- 1) 12-28, 2016, and
2) 1-4, 2017.

Jenny M. Eilermann
Jenny M. Eilermann
Clerk of Council

CITY OF CHEVIOT, OHIO

NATURAL GAS AGGREGATION PROGRAM

PLAN OF OPERATION AND GOVERNANCE

FOR MORE INFORMATION CONTACT:

City of Cheviot

3814 Harrison Avenue

Cheviot, OH 45211

513-661-2700

PLAN OF OPERATION AND GOVERNANCE

Natural Gas Governmental Aggregation

Introduction. In November 2006, a majority of the voters in the City of Cheviot, OH approved a referendum that authorized the City of Cheviot ("the City") to pursue Automatic Governmental Aggregation. After the City held two public hearings on the matter, as prescribed by Section 4929.26 of the Ohio Revised Code, the City approved a Plan of Operation and Governance, proposed to be replaced with this revised Plan of Operations and Governance, prepared in accordance with Section 4901:1-28-03 of the Ohio Administrative Code. As a certified Governmental Aggregator, the City is authorized to combine multiple retail natural gas customer loads within its geographic boundaries (the "Aggregation") for the purpose of arranging for the purchase of natural gas supply in Ohio's competitive retail natural gas market.

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

The Contract. The supply contract negotiated by the Governmental Aggregator for the Aggregation (the "Contract") shall be for firm, all-requirements supply. Each Aggregation participant will be individually bound to the Supplier by the Contract, and will be solely responsible for payment and performance. The natural gas supply charges for the Aggregation are included in the Contract that will be negotiated by the Governmental Aggregator. The natural gas supply charges will take the form of either a fixed price or a variable price. All natural gas supply charges will be fully and prominently disclosed in consumer 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.

Eligibility, Opt-out Disclosures, and Pooling Accounts. Section 4901:1-28-05 of the Ohio Administrative Code requires Duke Energy-Ohio (the "Utility") to use its best efforts to provide the Governmental Aggregator with an account list of eligible customers, including the names, account numbers, and service and mailing addresses for all eligible customers residing within the Governmental Aggregator's boundaries. The following customers are not eligible: customers on the Percentage of Income Payment Plan (PIPP), customers that have past due amounts owing to the Utility, customers that are already under contract with a competitive retail natural gas supplier, and mercantile customers. Using this list of eligible accounts the Supplier, with the assistance of the Governmental Aggregator, will review the list to verify that the eligible accounts are located within the geographic limits of the City and that an area within the City limits has not been inadvertently filtered from the list.

The Supplier, with assistance from the Governmental Aggregator, will prepare and mail an "Opt-out Notice" to each account identified as (i) eligible by the Utility and (ii) within the geographic limits of the City by the Governmental Aggregator and the Supplier, within thirty (30) days of receipt of the list from the Utility. The Opt-out Notice will inform the eligible account holder that the Governmental Aggregator is forming an automatic (or "Opt-out") aggregation, provide the price for natural gas supply to the Aggregation and other terms and conditions of service, and explain how the account holder can decline participation in the Aggregation. As required by 4901:1-28-04 of the Ohio Administrative Code, the Opt-out Notice will indicate that the account holder has 21 days to affirmatively respond by telephoning a toll-free number, using a website or returning a postcard to the Supplier that is included in the Opt-out Notice.

The Supplier will receive all Opt-out requests and adjust the eligible account list accordingly. In addition, if any Opt-out Notices are returned by mail to Supplier marked as undeliverable, those accounts are removed from the eligible account list as well. Upon completion of the 21 day Opt-out period, the Supplier will notify the Utility of the remaining accounts that will form the Aggregation, and through an electronic data interchange transaction, enroll the Aggregation. Upon enrollment, each participant will receive an enrollment notice from the Utility that will indicate that the enrollee may rescind its participation in the Aggregation by contacting the Utility within seven business days.

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

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

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

Concerns and Complaints. Aggregation participants will have multiple means of expressing 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 24 hours per day, 7 days per week. 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>
Gas Odor/Leaks-Fire-Explosions	Duke Energy	1-800-634-4300
Service turn on/off	Duke Energy	1-800-544-6900
Billing Disputes	Duke Energy	1-800-544-6900
Price/Joining/Leaving Program	Supplier Customer Service	TBD
Program Regulatory Questions	Supplier Customer Service	TBD
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 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 PUCO staff within three (3) business days following 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, or the PUCO staff, as applicable. These status reports will be given every three (3) business days until the investigation is complete, unless the action that must be taken takes longer than three (3) business days and the customer has been notified. Final results of a Commission-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 of a complaint may be requested in writing by the customer or the PUCO staff. 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. Customers are informed in a contract disclosure of the following procedures of handling complaints and disputes: "Buyer may contact Seller (i) by calling 24 hours per day, 7 days per week at [Seller's toll free number here], by visiting [www.\[Seller's web address here\]](#); or (ii) by writing us at [Seller's mailing address here]. Seller will attempt to resolve all customer complaints in a timely manner and will respond to all complaints within 3 business days of receipt. If Buyer's complaint is not resolved after Buyer has called Seller, or for general utility information, residential and business customers may contact the public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll-free) from eight a.m. to five p.m. weekdays, or at <http://www.puco.ohio.gov>. Hearing or speech impaired customers may contract 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) from eight a.m. to five p.m. weekdays, or at <http://www.pickocc.org>."

Moving within the City. Aggregation participants who move from one location to another within the corporate limits of the City and retain the same account number, will remain an Aggregation participant and will receive the same price they would have received if their location had not moved.

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

Moving outside of the City. Aggregation participants who move out of the City limits will no longer be eligible to participate in the Aggregation, but 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 City's corporate limits that are eligible to join the Aggregation but initially chose to opt-out of the Aggregation, or otherwise weren't included in the Aggregation, may join the Aggregation after the expiration of the applicable Opt-Out Period by contacting the Supplier. The rate for those joining the Aggregation after the expiration of the Opt-out Period may be different from the rate negotiated for the Aggregation by the Government Aggregator.

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