

**RESOLUTION NO. R23-09**

**A RESOLUTION BY THE TROTWOOD CITY COUNCIL APPROVING THE OPERATION AND GOVERNANCE PLAN DEVELOPED BY THE MIAMI VALLEY COMMUNICATIONS COUNCIL FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING A NATURAL GAS AGGREGATION PROGRAM.**

**WHEREAS**, on November 8, 2022, this Council submitted to the electors in the City of Trotwood the question of whether the City should create a Natural Gas Aggregation Program to facilitate competitive retail natural gas service to promote natural gas savings, lower-cost natural gas supplies, and other benefits to residents, businesses, and other natural gas consumers in the City, in accordance with Section 4929.26 of the Ohio Revised Code; and

**WHEREAS**, the Board of Elections has certified the November 8, 2022 election results and the natural gas aggregation ballot issue passed by a majority affirmative vote; and

**WHEREAS**, by joining the Miami Valley Communications Council (“MVCC”), the City will be able to act jointly with other municipal corporations, townships, or counties, or other-member political subdivisions of the State of Ohio as permitted by law, thereby maximizing the potential benefits of natural gas deregulation through group purchasing efforts; and

**WHEREAS**, pursuant to Section 4929.26(C) of the Ohio Revised Code, this Council held two (2) public hearings on the Operation and Governance Plan developed by the MVCC for a Natural Gas Aggregation Program.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:**

**SECTION I:** City Council held two (2) public hearings, with the first hearing taking place on February 6, 2023, and the second hearing taking place on March 6, 2023, and each hearing was noticed per the requirements set forth in Section 4929.26(C) of the Ohio Revised Code.

**SECTION II:** City Council hereby approves and adopts the Operation and Governance Plan developed by the MVCC for a Natural Gas Aggregation Program, of which a copy that is in substantially similar form is attached hereto and incorporated herein as Exhibit A, and on file with the Clerk of Council.

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD

**SECTION III:** City Council hereby joins MVCC to act jointly with other-member and affiliate political subdivisions for the acquisition and aggregation of natural gas supply.

**SECTION IV:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to, Section 121.22 of the Ohio Revised Code.

**SECTION V:** This Resolution shall take effect and be in force from and after the date of its passage.


Passed this **6th** day of **March, 2023**.

ATTEST:

APPROVED:

  
KARA B. LANDIS  
CLERK OF COUNCIL

  
MARY A. MCDONALD  
MAYOR

  
YVETTE F. PAGE  
VICE-MAYOR

**CERTIFICATE OF RECORDING OFFICER**

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Resolution No. **R23-09** adopted by the Trotwood City Council at a regular scheduled meeting held on the **6th** day of **March, 2023**, and that I am duly authorized to execute this certificate.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
KARA B. LANDIS  
CLERK OF COUNCIL

**Miami Valley  
Communication Council**

**Amended  
Natural Gas Aggregation  
Operation and Governance  
Plan**

**For additional information contact Miami Valley Communications Council:**

**Jay Weiskircher, Executive Director**

**Phone: 937-424-1660**

**Email: [jweiskircher@mvcc.net](mailto:jweiskircher@mvcc.net)**

## **Introduction**

The Miami Valley Communications Council (“MVCC”) has developed this Plan of Operation and Governance on behalf of its member and affiliate communities regarding government aggregation of firm, full requirements power supply of natural gas for its consumers (the “Plan” or “Aggregation Program”). The Plan contains information on the structure, governance, operations, management, funding, and policies of the Aggregation Program to be utilized for participating consumers.

MVCC was formed in 1975 as a council of governments according to chapter 167 of the Ohio Revised Code. MVCC has acted as an agent for its members and affiliate communities to monitor, regulate and administer common cable television franchise agreements, manage the operation of the council’s cable access television channels, and develop and implement intergovernmental projects. The council is governed by a policy-making body consisting of delegates representing member cities. The council also has affiliate agreements with 24 other Miami Valley cities.

Now MVCC communities wish to proceed jointly to authorize MVCC to perform as their agent for development and administration of the Aggregation Program. Current communities expressing an interest in natural gas aggregation are Centerville, Germantown, Kettering, West Carrollton, Trotwood, Brookville, Englewood, Xenia, Miamisburg, Moraine, Huber Heights, Union, Clayton, Riverside, Troy, Eaton, Fairborn, and Monroe. The Program may add other communities and thereby combine additional residential and small commercial customers into a buying pool that will be attractive to third party suppliers (Suppliers). Participation in the Program is voluntary. Any individual customer can decline to be a member of the aggregation program and remain with Centerpoint’s (Local Utility) standard choice offer pricing or enter into a supply contract with any competitive retail natural gas service (CRNGS) supplier.

The MVCC communities have passed the necessary ordinances to place the issue of natural gas governmental aggregation on the ballot. Voters in each community approved natural gas aggregation and the community decided to utilize MVCC and the following Plan outlined below. This Plan will not be adopted until two public hearings are held in accordance with Section 4928.20(C) of the Ohio Revised Code.

## **Process**

This Plan allows municipalities to join as either an opt-in municipality (“OIM”) or an opt-out municipality (“OOM”).

If a community joins the Program as an OIM, that community’s eligible residential and small business customers in the authorized areas shall receive an offer letter setting forth the rates, terms, and conditions of the program. To participate the eligible residential and

small business customers must affirmatively enroll in the Program by a specific deadline described in the offer letter.

If a community elects to become an OOM, all eligible residential and small business customers in the authorized areas of MVCC are automatically included as participants in the Aggregation Program unless they opt-out of the program by providing written notice of their intention not to participate. As required by Ohio Law, the various communities jointly participating in the MVCC natural gas governmental aggregation passed a Resolution or Ordinance, which authorized submitting the selection of opt-out aggregation to the community's voters. The voters approved opt-out aggregation in each community and the community decided to join the MVCC Program.

In addition to each community joining the MVCC program, it is also required to comply with various PUCO regulations. As required by PUCO regulations MVCC will file an application with the PUCO for certification as a Government Aggregator after MVCC approves this Plan. As required by regulations, MVCC advertised public hearing dates to discuss the Plan and held two hearings on the Plan.

MVCC anticipates selection of a Provider after receiving approval from the PUCO as a governmental aggregator. Upon Provider selection an opt-out notice for the MVCC Program will be sent to all eligible natural gas customers in MVCC's OOM communities setting forth the rates, terms, and conditions of the program. This notice will provide potential Aggregation participants with at least 21 days to return an opt-out card or other similar notice.

### **MVCC Aggregation Program**

The purpose of the aggregation program is to reduce the amount consumers pay for natural gas. MVCC will not buy and resell natural gas for the participants of the program. Instead, MVCC will work with its energy consultant to competitively bid and negotiate a contract with a CRNGS to provide natural gas to the members of the aggregation program.

MVCC will obtain the list of customers within its boundaries from Centerpoint or other natural gas distribution utility, either by zip code or by method provided by the utility. MVCC will have its CRNGS cleanse the data to ensure that it does not contain customers with alternate suppliers, PIPP customers, and any other excludable consumers, and only those who live within the jurisdictional boundaries of MVCC communities. MVCC will then have its CRNGS send an opt-out notice to each eligible customer which discloses the offered price for natural gas along with any applicable contract terms. The opt-out notice will clearly inform potential customers that they may opt-out of the program during the 21-day period following the mailing of the notification, along with instructions on how to opt-out. Customers who opt-out of MVCC's aggregation program during this initial notification period will continue to receive SCO supplies until the customer chooses an alternative CRNGS or chooses to opt-in to the aggregation program later.

## **Operation**

Existing MVCC staff, the program energy consultant and the CRNGS will provide all necessary technical analysis, competitive procurement of services, regulatory approvals, accounting and fiscal management, contract maintenance, communications, program coordination and administrative support.

## **Funding**

The primary expenses associated with operating this program are printing and mailing cost of the opt-out notices, and fees for an energy consultant. Instead of paying for these costs upfront, MVCC expects to embed its fees into the chosen CRNGS rates offered to potential program participants.

## **Notification of Customers**

All eligible customers in an MVCC municipality will receive opt-out information in the mail. MVCC will adhere to all eligibility requirements of R.C. 4929.26. Essentially, eligible customers cannot be under contract to buy natural gas from an alternate CRNGS or a mercantile customer.

The opt-out notice shall clearly inform customers of the offered rate, and that they have the right to opt-out of MVCC's aggregation program within twenty-one days after the mailing of the notice without paying a switching fee. The opt-out notice will fully describe how to opt-out. After the completion of the opt-out process, the residents who did not opt out will be included in MVCC's aggregation program.

## **Customer opt-out**

Customers may opt-out of MVCC aggregation program at no charge within the twenty-one-day period following the mailing of the notice containing the rates and terms of the aggregation program. Customers who return the required opt-out notice will continue to receive SCO supplies through Centerpoint. MVCC will offer the twenty-one-day period during which customers can opt-out of the aggregation program without charge at least every two years pursuant to state law.

## **Customer opt-in and Refresh Mailings**

MVCC intends on having its supplier allow customers who move into or within MVCC's municipalities to opt into MVCC's aggregation program by calling and voluntarily signing up with the supplier. MVCC will strive to provide these new customers with a similar rate to those already participating in the aggregation. Additionally, MVCC's supplier may obtain a refreshed customer list from Centerpoint approximately every six

months. MVCC's supplier may then send aggregation information to newly eligible customers identified on the refresher list. Whether this information is in opt-in or opt-out format will depend on the negotiated language of the supplier contract. If interim opt outs are to take place; a twenty-one day opt-out will occur in the manner described above.

### **Disputes**

The procedure for handling complaints will be in accordance with the rules set by the PUCO and managed by the CRNGS. Dispute resolution provisions will also be in accordance with PUCO regulations. The opt-out package will contain the telephone numbers and websites for the PUCO and the Ohio Consumers Counsel, as well as the supplier's toll-free number.

MVCC's supplier will maintain this toll-free number for all customer related questions and complaints. MVCC shall require that the personnel assigned to answer these calls are trained and provided the knowledge specific to MVCC's program.

### **Termination of natural gas supply program**

The natural gas supply program may be terminated at the expiration of the supply contract without any extension, renewal or subsequent supply contract being negotiated.

In either event, the aggregation pool customers will return to Centerpoint unless and until they switch to an alternate supplier. Each individual customer receiving natural gas supply service under MVCC aggregation program will receive notification of the termination of the program before termination.

### **Rates**

MVCC shall authorize its energy program consultant to receive proposals on its behalf from CRNGS using a competitive selection process. Bidders will provide pricing offers such as a fixed price, floating price, a percent off rate, or a combination of the above. If consumers have the option of choosing between fixed and floating prices, the opt-out package will contain ample and easy to understand information to aid the consumer in deciding which option best suits their natural gas needs. MVCC will decide which pricing structure(s), to offer based on the bids received, and an analysis of the current and projected market status as well as the bids received.

### **Billing and Payment**

MVCC will continue to have Centerpoint invoice customers using an itemized format approved by the PUCO. MVCC will not become involved in any payment delinquency issues and thus will not require any type of consumer credit or deposit. If MVCC's

supplier wishes to pursue payment delinquency issues, details of the supplier’s credit and deposit policies will be included in the opt-out package.

Centerpoint will continue to deliver the natural gas purchased on MVCC’s aggregation program through its natural gas distribution system. Participants with questions or concerns regarding service delivery or safety, such as a natural gas outage or gas odor should continue to contact Centerpoint. Meter readings and other billing questions should also continue to be directed to Centerpoint.

Questions or concerns regarding the aggregation program should be directed to the CRNGS or MVCC.

Question or Concern	Contact	Telephone Number
Gas Odor or leaks	Centerpoint Energy	1-800-227-1376
Turn on or off gas service	Centerpoint Energy	1-800-227-1376
Billing Disputes	Centerpoint Energy	1-800-227-1376
Enroll or opt-out of program	CRNGS	1-800-XXX-XXXX
Program Questions or Concerns	CRNGS	1-800-XXX-XXXX
Unresolved Disputes	Public Utilities Commission of Ohio	1-800-686-7826 (voice) 1-800-686-1750 (TDD)
Unresolved Disputes	Ohio Consumers Council	1-877-742-5622 or occ@occ.state.oh.us

**Liability**

MVCC 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 MVCC 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.

**Copies of Plan**

Copies of this plan are available from MVCC free of charge. Contact the MVCC office at 937-438-8887, for a copy or for more information.

**Consumer Right to Contact PUCO**

Any natural gas customer, including any participant in The MVCC Natural Gas Aggregation Program, may contact the Public Utilities Commission of Ohio (PUCO) for information, or make a complaint against the Program, the Provider, or CGO. The PUCO may be reached toll free at 1-800-686-7826. The PUCO may be reached at 1-800-686-1570 for all TDD/TYY calls. The Ohio Consumers’ Counsel may be reached at 1-877-742-5622.