

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

ORDINANCE NO. 2023 - 76

NATURAL GAS SERVICE OPT-OUT AGGREGATION ORDINANCE

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN OPT-OUT NATURAL GAS AGGREGATION PROGRAM PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE, DIRECTING THE VILLAGE TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

WHEREAS, the Ohio General Assembly enacted natural gas deregulation legislation which authorizes Council for the Village of New Concord to aggregate the retail natural gas loads located within the Village and to enter into agreements to facilitate those loads the purchase and sale of natural gas;

WHEREAS, under Section 4929.26 of the Ohio Revised Code, the Village of New Concord, Ohio (the "Village") is authorized to establish an opt-out natural gas aggregation program for the benefit of natural gas consumers located within the incorporated areas of the Village;

WHEREAS, governmental aggregation provides an opportunity for residential and small business natural gas consumers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which would not otherwise be available to those natural gas customers individually; and

WHEREAS, Council for the Village of New Concord wants to establish a governmental aggregation program with opt-out provisions pursuant to R.C. 4929.26 for the residents, small businesses, and other natural gas consumers in the Village if the electorate approves such aggregation.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF NEW CONCORD, COUNTY OF MUSKINGUM, AND STATE OF OHIO, THAT:

SECTION 1. This Village Council finds and determines that it is in the best interest of the Village, its residents and businesses located within the incorporated areas of the Village to establish an opt-out natural gas aggregation program (the "Natural Gas Aggregation Program"). Provided that this Ordinance and the Natural Gas Aggregation Program is approved by the electors of the Village pursuant to Section 2 of this Ordinance, the Village is hereby authorized to aggregate, in accordance with Section 4929.26 of the Ohio Revised Code, the retail natural gas loads located within the incorporated areas of the Village. For the Natural Gas Aggregation Program, the Village may enter into service agreements to facilitate the sale and purchase of service for retail natural gas loads. The Village may exercise such authority jointly with any other political subdivision of the State of Ohio and through the Southeast Ohio Public Energy Council (dba Sustainable Ohio Public Energy Council) ("SOPEC"), a political subdivision of the State of Ohio, to the full extent permitted by law, and for such purpose, any Village officers are hereby

authorized to execute and deliver a council of governments agreement with SOPEC in order to establish the Natural Gas Aggregation Program through SOPEC. The Natural Gas Aggregation Program does not apply to persons meeting any of the following criteria, as more specifically described in Section 4929.26(A)(2): (i) The person is both a distribution service customer and a mercantile customer on the date of commencement of service to the aggregated load, or the person becomes a distribution service customer after that date and also is a mercantile customer; (ii) The person is supplied with commodity sales service pursuant to a contract with a retail natural gas supplier that is in effect on the effective date of the ordinance or resolution; (iii) The person is supplied with commodity sales service as part of a retail natural gas load aggregation provided for pursuant to a rule or order adopted or issued by the commission under this chapter or Chapter 4905 of the Revised Code; or (iv) such other persons that are not eligible customers pursuant to rules and orders of the Public Utilities Commission of Ohio.

SECTION 2. The Board of Elections of Muskingum County is hereby directed to submit the following question to the electors of the Village at the general election on November 7, 2023:

Shall the Village of New Concord have the authority to aggregate the retail natural gas loads located within the incorporated areas of the Village, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt-out, in accordance with Section 4929.26 of the Ohio Revised Code?

The Clerk of this Council is instructed to file a certified copy of this Ordinance and the proposed form of the ballot question with the Muskingum County Board of Elections not later than August 9, 2023, which is at least ninety (90) days prior to November 7, 2023. The Natural Gas Aggregation Program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question at the election held pursuant to this Section 2 and Section 4929.26 of the Ohio Revised Code.

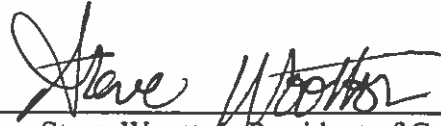
SECTION 3. Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this Ordinance, the Village, jointly with SOPEC, shall develop a plan of operation and governance for the Natural Gas Aggregation Program (the "Plan"). Before adopting such Plan, SOPEC, on behalf of the Council, shall hold at least two (2) public hearings on the Plan. Before the first hearing, notice of the hearings shall be published once a week for two (2) 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. No Plan adopted by this Village Council shall aggregate any retail natural gas customer unless it in advance clearly discloses to the person whose retail natural gas is to be so aggregated that the person will be enrolled automatically in the Natural Gas Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Natural Gas Aggregation Program the opportunity to opt-out of the program every two (2) years, without paying a switching fee. Any such person that opts out of the Natural Gas Aggregation Program pursuant to the stated procedure shall default

to the natural gas company providing distribution service for the person's retail natural gas load, until the person chooses an alternative supplier.

SECTION 4. This Village Council finds and determines that all formal actions of this Village Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Village Council, and that all deliberations of this Village Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

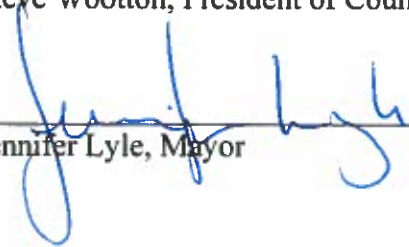
SECTION 5. That for the reasons stated in the preamble, which is hereby made a part hereof, this ordinance shall take effect and be in force at the earliest period allowed by law.

Passed: May 8, 2023



Steve Wootton, President of Council

Approved: May 8, 2023



Jennifer Lyle, Mayor

Attest:



Lynn Marlatt, Fiscal Officer

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.



Lynn Marlatt, Fiscal Officer