

ORDINANCE NO. 2013-01

**ORDINANCE AUTHORIZING AGGREGATION
OF ELECTRICAL LOAD AND ADOPTING
AN ELECTRIC AGGREGATION
PLAN OF OPERATION AND GOVERNANCE.**

Recitals

1. Recently the Illinois Power Agency Act, Chapter 20, Illinois Compiled Statutes, Act 3855, added Section 1-92 entitled Aggregation of Electrical Load by Municipalities and Counties (hereinafter referred to as the "Act").
2. Under the Act, the Township may operate the aggregation program under the Act as an opt-out program for residential and small commercial retail customers, if a referendum is passed by a majority vote of the residents pursuant to the requirements under the Act.
3. The Township submitted the question in a referendum on November 6, 2012, and a majority of the electors voting on the question voted in the affirmative.
4. The corporate authorities hereby find that it is in the best interest of the Township to operate the aggregation program under the act as an opt-out program and to implement the program according to the terms of the Act.
5. The Act requires that prior to the implementation of an opt-out electrical aggregation program by the Township; the Township must adopt an electrical power aggregation plan of operation and governance and hold not less than two (2) public hearings.
6. The Township held the required Public Hearings for the Electric Power Aggregation Plan of Operation and Governance on February 9, 2013 and February 12, 2013 and provided the required public notice.

BE IT ORDAINED BY THE TOWNSHIP SUPERVISOR AND BOARD OF TRUSTEES OF AURORA TOWNSHIP, KANE COUNTY, ILLINOIS, AS FOLLOWS:

Section One: The Corporate Authorities of the Township find that the recitals set forth above are true and correct.

Section Two: The Corporate Authorities of the Township find and determine that it is in the best interests of the Township to operate the electric aggregation program under the Act as an opt-out program.

Section Three:

A. The Corporate Authorities of the Township hereby are authorized to aggregate in accordance with the terms of the Act residential and small commercial retail

electrical loads located within the corporate limits of the Township, and for that purpose may solicit bids and enter into service agreements to facilitate for those loads the sale and purchase of electricity and related services and equipment.

B. The Corporate Authorities of the Township are granted the authority to exercise such authority jointly with any other municipality or county and, in combination with two or more municipalities or counties, may initiate a process jointly to authorize aggregation by a majority vote of each particular municipality or county as required by the Act.

C. The Aggregation Program for the Township shall operate as an opt-out program for residential and small commercial retail customers with a single rate for all customer classes.

D. The Aggregation Program shall be approved by a majority of the members of the Corporate Authority of the Township.

E. The Corporate Authorities of the Township with the assistance from the Illinois Power Agency and Progressive Energy Group shall develop a plan of operation and governance for the Aggregation Program and shall conduct such public hearings and provide such public notice as required under the Act. The Load Aggregation Plan shall provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers, shall describe demand management and energy efficiency services to be provided to each class of customers and shall meet any requirements established by law concerning aggregated service offered pursuant to the Act.

F. As an opt-out program, the Corporate Authorities of the Township shall fully inform residential and small commercial retail customers in advance that they have the right to opt-out of the Aggregation Program. The disclosure and information provided to the customers shall comply with the requirements of the Act.

G. The electric aggregation shall occur automatically for each person owning, occupying, controlling, or using an electrical load center proposed to be aggregated in the corporate limits of the Township, subject to a right to opt-out of the program as described under this ordinance and the Act.

H. The Corporate Authorities hereby grant the Township Supervisor or her designee in writing the specific authority to execute a contract without further action by the Corporate Authorities and with the authority to bind the Township with the following limitations:

- A term no longer than 36 months.
- With an electric price at least 10% lower than ComEd tariffed rates in the June 1, 2012 – May 31, 2013 timeframe.
- With a term that the winning electric supplier must match any ComEd tariffed rate, or allow Township residents and small businesses to revert back to

ComEd tariffed rates if the ComEd tariffed rates are ever lower than the contracted price.

- Winning electric supplier must utilize ComEd as the billing/invoicing agent.
- The contract contains no early termination fees.
- Township is to be reimbursed for administrative and legal fees up to \$1,000.

Section Four: The Corporate Authorities hereby adopt the Electrical Power Aggregation Plan of Operation and Governance as set forth in Exhibit "A" attached hereto and made a part hereof as if fully set forth by this reference.

Section Five: This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

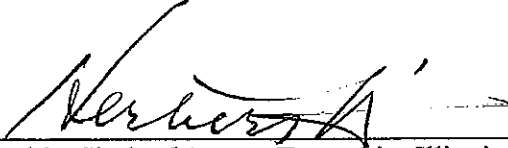
PASSED by the Township Supervisor and the Board of Trustees of Aurora Township, Kane County, Illinois, on the 14th day of February, 2013, and deposited and filed in the office of the Township Clerk in said Township on that date pursuant to roll call vote as follows:

Elected Trustees:

Ayes:

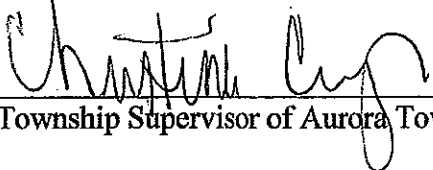
Nays:

Absent:



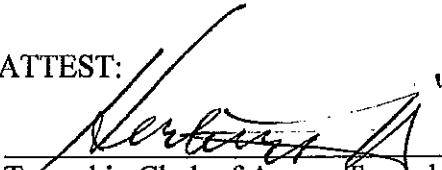
Township Clerk of Aurora Township, Illinois

APPROVED by the Township Supervisor of Aurora Township, Illinois, this 14th day of February, 2013.



Township Supervisor of Aurora Township, Illinois

ATTEST:



Township Clerk of Aurora Township, Illinois

Published in pamphlet form this _____ day of _____, 2013.