

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 2997

**AN ORDINANCE AMENDING THE ELECTRICITY
AGGREGATION PROGRAM PLAN OF
OPERATION AND GOVERNANCE OF THE CITY
OF COLUMBIA, ILLINOIS**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 4th day of February, 2013**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 4th day
of February, 2013**

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FEB -4 2013

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City Clerk

WHEREAS, the City of Columbia, Monroe and St. Clair Counties, Illinois (“City”) is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, Section 1-92 of the Illinois Power Agency Act (“Act”), 20 ILCS 3855/1-92, permits a municipality, if authorized by referendum, to adopt an ordinance by which it may operate a program to solicit bids and enter into service agreements for the sale and purchase of electricity and related services and equipment to residential and small commercial customers who do not opt-out of such a program; and

WHEREAS, the City participates in an electricity aggregation program pursuant to the Act; and

WHEREAS, on April 16, 2012, the City, by adoption of Ordinance No. 2946, adopted an Opt-Out Electricity Aggregation Program Plan of Operation and Governance (“Plan”); and

WHEREAS, although the Plan provided for opt-out procedures immediately following the implementation of the electricity aggregation program, the Plan did not outline opt-out procedures for new accounts; and

WHEREAS, the City now desires to amend the Plan to include opt-out procedures for new accounts that are enrolled in the City’s electricity aggregation program.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. That the preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one (“1”) of this Ordinance.

Section 2. That Section 3 of the City of Columbia, Illinois, Municipal Opt-Out Electricity Aggregation Program Plan of Operation and Governance shall be amended to read as follows:

“3) Opt-Out Process

Columbia will allow residents and small businesses an opportunity to Opt-Out of the Program in accordance with statute 20 ILCS 3855/1-92. Any resident or small business that follows the specified procedures to Opt-Out of the Program will remain on Ameren’s standard service offer listed on the Ameren website. A listing of the Ameren customer rates may be found for homes at <http://www.ameren.com/sites/aiu/Rates/Pages/ResidentialRates.aspx> and <http://www.ameren.com/sites/aiu/Rates/Pages/NonResidentialRates.aspx> for businesses.

Following completion of the RFP, and after Columbia has selected the ARES and has successfully locked in a fixed supply rate, Columbia will share the eligible customer list with the selected ARES. The winning ARES will have thirty (30) days from the receipt of the data to mail the opt-out notices to all eligible residential and small businesses included in the Program. This list will include all residential and small commercial accounts that are expected to realize savings through the accepted bid price. Furthermore, the City will not include residential customers receiving service through the Power Smart Pricing, Hourly Supply Service, Real Time Pricing, RES Service, and/or net metering programs. During the Opt-Out notification period, the winning ARES will operate an Opt-In for customers who are currently on Power Smart Pricing, Hourly Supply Service, and Real Time Pricing. This will ensure the maximum amount of participation for all customers under the Program.

Opt-Out Notices: A notice will be sent to all residential and small business accounts that are deemed eligible by Columbia. See “Eligible Customer Service Classes” section. A sample of the notice is provided in Appendix A of this Plan. The contents of the notice will be on Columbia’s municipal letterhead so as to avoid confusion with any other offers by licensed ARES in the state.

Distribution of Opt-Out Notices: The selected ARES will be required to pay for the cost of printing and mailing Opt-Out notices. The notices will be mailed to the owner or occupant residing at the electric account mailing address shown on Ameren’s customer list. The selected ARES and Columbia will agree upon the format of the Opt-Out notice prior to mailing it to the eligible service classes. The selected ARES will mail Opt-Out notices to eligible residential and small business accounts.

Opt-Out Period: After the mailing, there will be an Opt-Out Period of at least 15 days from the postmark date on the notice to postmark the return Opt-Out notice if the customer does not wish to participate in the Program. The Opt-Out notice will clearly notify the Resident/Small Business of the rates to be charged for electricity and other terms of the contract with the selected supplier.

Customer support during Opt-Out Period: The selected ARES will have a toll-free phone number and website explaining the steps for Opting-Out of the Program. If necessary the selected ARES will provide bilingual or multilingual customer support to explain the Opt-Out procedure to non-English speaking residents. During this period and through the initial procurement term, the Consultant (www.munienergychoice.com) will provide customer support for any and all issues not satisfied by ARES customer support.

Enrollment: Once the Opt-Out Period has passed, the selected ARES will not enroll those Ameren customers Opting-Out from Columbia's Program. In the event that an eligible resident or small business is inadvertently omitted from the Program, the selected ARES shall use its best efforts to enroll that customer at the Program rate for the remaining term.

Opt-Out for New Accounts: After the initial Opt-Out Process is completed, Columbia and the ARES may establish protocols and procedures to hold additional Opt-Out Processes for eligible new residential and small commercial accounts that were not mailed Opt-Out notices in earlier Opt-Out rounds within the term of the ongoing aggregation. Any new accounts shall be able to enroll in the aggregation program under the same terms, conditions, and pricing as accounts that were initially enrolled during the first Opt-Out round. However, newly enrolled accounts will only have the ability to participate in the ongoing aggregation program for the time remaining in the term of the agreement with the ARES. Costs (for example for printing and mailing) associated with subsequent Opt-Out rounds will be paid in the same manner as for the initial Opt-Out round.

Early Cancellation Charges: During the RFP process, Columbia will negotiate the penalties associated with customers leaving the Program before the expiration date of the ARES Power Supply Contract. Typically, leaving the Program will precipitate an Early Cancellation Charge (ECC). Ordinarily this is a one-time charge approximating \$25.00.

Opt-Out Steps Overview:

- 1- The selected ARES and Columbia will agree upon the format of the Opt-Out notice prior to its mailing to residential and small business customers.
- 2-The selected ARES will mail Opt-Out notices to all eligible customer service classes.
- 3-Recipients will have at least **fifteen (15)** days from the postmark on the notice to return the notice to the selected ARES if they want to be removed from the Program.
- 4-Recipients will be able to Opt-Out by returning an Opt-Out card via U.S. Mail to the selected ARES. The ARES will offer a toll-free phone number and website

to aid recipients with the notice and the Opt-Out procedure. Further support will be provided by the Consultant through a link on the City's website.

5-Additionally, residential and small businesses that do not Opt-Out, per step 4 above, will receive written notification from Ameren stating that they are about to be switched.

6-The notification from Ameren, described in step 5, will inform the customer that they have **five (5)** days to Opt-Out by contacting Ameren. The selected ARES will not enroll those accounts Opting-Out of the Program.”

Section 3. All other provisions of the Plan, not amended hereby, shall remain in full force and effect.

Section 4. This Ordinance shall be in full force and effect following its passage and publication in pamphlet form, as provided by law.

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Roessler, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Mathews and Reis.

NAYS: None.

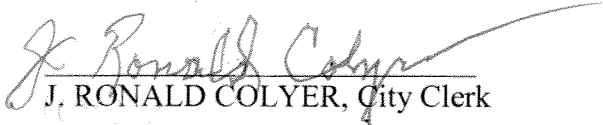
ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 4th day of February, 2013.


KEVIN B. HUTCHINSON, Mayor

ATTEST:


J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

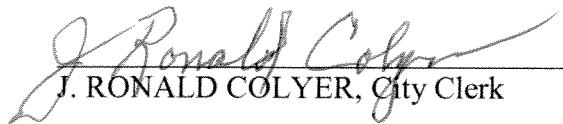
I, J. Ronald Colyer, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No.2997, entitled:

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to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois, City Council held on the 4th day of February, 2013.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 4th day of February, 2013.



J. RONALD COLYER, City Clerk

(SEAL)