



Legislation Text

File #: 2648-2020, **Version:** 1

Background: At the 2020 State of the City, Mayor Andrew J. Ginther announced the City's intention to pursue Community Choice Aggregation, and committed the City of Columbus to an aggregation program with a 100% renewable energy supply by 2022. The primary goals of the City's electric aggregation program will be to 1) provide competitive retail energy supply costs for Columbus citizens; 2) support renewable energy development, especially local renewable energy generation, to advance Columbus' sustainable economy; and 3) to ensure that supplier(s) provide quality, reliable service and first-rate customer service. The City is also committed to an aggregation program that supports sustainability efforts, energy efficiency, and other policy priorities of the City that benefit the Columbus community.

Ordinance 1642-2020 authorized the City of Columbus to perform all necessary actions to effect a Governmental Electricity Aggregation program for the City with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents and small businesses in the incorporated areas of the City of Columbus (the "Aggregation Program"). The City added this Program to the ballot on November 3, 2020 and it was approved by the majority of the electors, as required by law.

Emergency action is requested so that the City can efficiently file its PUCO application and maintain the necessary timeline to meet the 2022 goal, and ensure this clean energy initiative can commence as soon as possible.

Fiscal Impact: No funding is required for this legislation.

To adopt the Operation and Governance Plan, attached hereto, for the City to effect a Governmental Electricity Aggregation Program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code, which was approved by the majority of electors voting in the general election held on November 3, 2020; and to declare an emergency. (\$0.00)

WHEREAS, the City of Columbus is committed to pursuing governmental aggregation and providing a 100% renewable energy supply by 2022; and

WHEREAS, the City of Columbus has a community-wide goal to be carbon neutral by 2050, aligning with global efforts to combat climate change and limit global temperature rise by 1.5 degrees Celsius, and is committed to emissions reduction efforts, energy efficiency, and renewable energy development to help meet these goals; and

WHEREAS, pursuant to Ordinance 1642-2020, the Board of Elections of Franklin County was directed to ask the electors of the City of Columbus whether the City of Columbus shall have the authority to aggregate the retail electric loads located within the incorporated areas of the City, to support local clean energy generation, energy savings, and Columbus' sustainable economy and for that purpose, enter into services agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt-out, in accordance with Section 4928.20 of the Ohio Revised Code (the "Aggregation Program"); and

WHEREAS, the majority of the City of Columbus' electors voting upon the Aggregation Program approved the ballot measure on November 3, 2020, authorizing the City to establish an electric governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code, for the residents and small businesses in the incorporated areas of the City of Columbus, which may be established in conjunction with any other legislative authorities in the State

of Ohio as permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Ordinance 1642-2020; and

WHEREAS, a Plan of Operation and Governance Plan has been developed by the City and its energy broker/consultant/aggregator and two public hearings have been held, as required by Ohio Revised Code Section 4928.20 (C); and

WHEREAS, an emergency exists in the usual daily operation of the Department of Finance and Management in that it is immediately necessary to authorize the implementation of an Electric Aggregation Program and to adopt a plan of operation and governance for the Aggregation Program pursuant to Section 4928.20, Ohio Revised Code, so that the Aggregation Program can be implemented as quickly as possible and residents and businesses can have the option of benefiting from the economies of scale of aggregated electricity purchasing; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That this Council finds and determines that, in light of the approval of the opt-out Aggregation Program by a majority of the City of Columbus' electors voting upon the Aggregation Program through the ballot measure on November 3, 2020, it is in the best interest of the City, its residents, and small businesses located within the incorporated areas of the City to become certified as a governmental aggregator by the Public Utilities Commission of Ohio, and proceed with establishing and implementing an electric Aggregation Program to automatically aggregate, in accordance with Section 4928.20 of the Ohio Revised Code, the retail electric loads located within the incorporated areas of the City, and, for that purpose, enter into service Agreements to facilitate for those loads the purchase and sale of electricity, consistent with Ordinance 1642-2020.

SECTION 2. That, after holding two noticed public hearings on the plan of operation and governance for the Aggregation Program developed by the City and its energy broker/consultant/aggregator, this Council finds and determines that the attached plan of operation and governance for the Aggregation Program satisfies the requirements of Ohio law and regulations, is just and reasonable, and is hereby adopted. The operation and governance plan adopted by Council clearly discloses, in advance, to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The operation and governance plan describes in detail the opt-out aggregation program, who is eligible to participate, the roles of the City, its consultant, and the selected certified retail electric service provider, the enrollment process, billing, customer service, and the process by which the City's residents and small businesses may opt out of or decline to participate in the Aggregation Program without a fee or penalty. The plan also details the services to be provided under the Aggregation Program, specifies customers' rights and obligations under the Aggregation Program, and requires that a notice be sent to all eligible customers, which will disclose the rates, charges, and other terms and conditions of enrollment in the Aggregation Program prior to being enrolled in the Aggregation Program. The stated procedure allows any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least every three years, without paying a switching fee. Any such person who opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under Section 4928.141 of the Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that the deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect and be enforced from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.