



## Legislation Text

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AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, AND ARTICLE XVIII SECTION 4 OF THE OHIO CONSTITUTION; DIRECTING THE FRANKLIN COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS; AND TO DECLARE AN EMERGENCY

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WHEREAS, Article XVIII Section 4 of the Ohio Constitution grants the City of Gahanna (the "City") certain authority related to utility service; and

WHEREAS, pursuant to Chapter 4929 of the Ohio Revised Code, to facilitate competitive retail natural gas service to promote natural gas savings, lower cost natural gas supplies, and other benefits, certain governmental entities may aggregate certain natural gas consumers within their jurisdiction; and

WHEREAS, pursuant to Section 4929.26, Ohio Revised Code, the City is authorized to establish an opt-out natural gas aggregation program ("Gas Aggregation") for the benefit of certain natural gas consumers within the City so that the consumers may realize lower cost natural gas supplies and other benefits from the aggregation and collective purchasing of natural gas supplies; and

WHEREAS, Gas Aggregation provides an opportunity for natural gas consumers collectively to realize natural gas savings, lower cost natural gas supplies, and other benefits that the consumers may not otherwise be able to realize individually; and

WHEREAS, the city desires to submit to the electors of the City the question of whether the city should create a Gas Aggregation program to facilitate competitive retail natural gas service to promote natural gas savings, lower cost natural gas supplies, and other benefits in accordance with Section 4929.26, Ohio Revised Code; and

WHEREAS, the City is adopting this ordinance pursuant to the authority conferred by ARTICLE XVIII Section 4 of the Ohio Constitution and Section 4929.26, Ohio Revised Code; and

WHEREAS, in order to meet the deadlines established by the Franklin County Board of Elections it is necessary to move forward with this legislation in a timely fashion due to the fact that opportunities to coordinate aggregation activities with certain suppliers of natural gas may become limited; all of the immediate preservation of the public peace, health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN AND STATE OF OHIO, THAT:

Section 1. This Council finds and determines that to facilitate competitive retail natural gas service to promote natural gas savings, lower cost natural gas supplies, and other benefits, it is in the best interest of the City and certain natural gas consumers with the jurisdiction of the City to establish an opt-out natural Gas Aggregation program in the City pursuant to Section 4929.26, Ohio Revised Code. Provided that this ordinance and the Gas Aggregation p

rogram is approved by the electors of the City in accordance with this Ordinance, the City is hereby authorized to take all actions necessary to affect a Gas Aggregation program pursuant to Section 4929.26, Ohio Revised Code. The city may exercise this authority jointly with other entities to the full extent permitted by law. The city shall be authorized by the electors to be the only entity authorized to act for and on behalf of the enrolled natural gas consumers to determine and select the natural gas supplier(s) to provide the commodity and all other services for the Gas Aggregation program and the enrolled consumers.

Section 2. The city may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law. The Gas Aggregation program shall not apply to persons meeting any of the following criteria, as more specifically described in Section 4929.26 (A)(2), Ohio Revised Code: (i) the person is both a distribution service customer and a mercantile customer, (ii) the person has an existing commodity sale service contract with a retail natural gas supplier, (iii) the person has an existing commodity sales service as part of a retail natural gas aggregation pursuant to Rules and Orders of the Public Utilities Commission of Ohio (the "Commission"), or (iv) such other persons that are not eligible pursuant to Rules and Orders of the Commission or the plan of operations and governance (the "Plan") for the Gas Aggregation program.

Section 3. The Board of Elections of Franklin County is hereby directed to submit the following question to the electors of the City at the general election on November 4, 2003:

**"TO FACILITATE COMPETITIVE RETAIL NATURAL GAS SERVICE TO PROMOTE NATURAL GAS SAVINGS, LOWER COST NATURAL GAS SUPPLIES, AND OTHER BENEFITS, SHALL THE CITY OF GAHANNA HAVE THE AUTHORITY TO AGGREGATE RETAIL NATURAL GAS LOADS LOCATED IN THE CITY, AND ENTER INTO SERVICE AGREEMENTS FOR THE SALE AND PURCHASE OF NATURAL GAS COMMODITY AND OTHER SERVICES, SUCH AGGREGATION TO OCCUR AUTOMATICALLY EXCEPT WHERE ANY PERSON AFFIRMATIVELY ELECTS NOT TO BE SO ENROLLED BY A STATED PROCEDURE?"**

**FOR THE CITY TO FACILITATE COMPETITIVE RETAIL NATURAL GAS SERVICE TO PROMOTE NATURAL GAS SAVINGS AND OTHER BENEFITS BY ACTING AS AN AGGREGATOR. \_\_\_\_\_**

**NOT FOR THE CITY TO FACILITATE COMPETITIVE RETAIL NATURAL GAS SERVICE TO PROMOTE NATURAL GAS SAVINGS AND OTHER BENEFITS BY ACTING AS AN AGGREGATOR.**  
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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 Franklin County Board of Elections not less than seventy-five (75) days prior to November 3, 2003. The Gas Aggregation Program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question held in accordance with this ordinance and Sections 4929.26, Ohio Revised Code. Upon approval, the Gas Aggregation shall take effect at the earliest permissible point in time and continue thereafter in accordance with Section 4929.26, Ohio Revised Code, and other requirements of Chapter 4929, Ohio Revised Code.

Section 4. Upon the approval of a majority of the electors voting at the special election provided for in this ordinance, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Consumers enrolled in the Gas Aggregation program shall be supplied their natural gas requirements and other services in accordance with supply agreement(s) determined and arranged by the City, as opportunities become available to provide benefits on behalf of the natural gas consumers enrolled in the Gas Aggregation program and the consumers located within the jurisdiction of the City. the City shall be authorized by the electors to be the only entity authorized to act for an on behalf of the natural gas consumers that have enrolled in the Gas Aggregation program to determine and select the natural gas supplier(s) to

provide the commodity and all other services for the Gas Aggregation program and the enrolled consumers. Before adopting such plan, this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time and location of each hearing.

Section 5. The adopted plan shall not aggregate any retail natural gas load within the City unless the person whose retail natural gas load is to be so aggregated is notified in advance that the person will be enrolled automatically in the Gas and shall remain so enrolled unless the person affirmatively elects not to be so enrolled by a stated procedure. The disclosure shall state the rates, charges, and other terms and conditions of the enrollment. Once enrolled the consumer may only opt-out of the Gas Aggregation program every two years without paying a switching fee. Any such person that opts out of the Gas Aggregation Program 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 6. That the Franklin County Board of Elections shall cause an appropriate notice to be duly given of the election to be held on November 4, 2003 on the foregoing proposal and otherwise to provide for such election in the manner provided by the laws of the State of Ohio.

Section 7. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 8. That, for the reasons set forth in the preamble hereinabove, this Ordinance is declared emergency legislation and shall be in full force and effect after passage by this Council and on date of signature approval by the Mayor.