

**SPECIAL TOWNSHIP MEETING FOR ELECTRICAL AGGREGATION  
RESOLUTION APPROVAL**

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**STATE OF ILLINOIS**

**DuPage County, SS.**

**Township of Naperville**

**THE BOARD OF TOWNSHIP TRUSTEES** met at the office of the Township Clerk at 139 Water Street, November 15, 2012. Clerk Bertulis called the meeting to order at 5:30p.m. The Pledge of Allegiance was said. Clerk Bertulis called the roll. Quorum was established.

**PRESENT:** Gary Vician Township Supervisor  
Carol L. Bertulis Township Clerk  
David Wentz Township Trustee  
Esin Busche Township Trustee  
May Yurgaitis Township Trustee

**ABSENT:** Fred Spitzeri Township Trustee

**GUESTS:** None.

**NEW BUSINESS:**

**ELECTRICAL AGGREGATION REFRENDUM – ORDINANCE NO. 12-0814  
(See Attached Submission)**

Motioned by Trustee Wentz. Seconded by Trustee Yurgaitis.

Roll was called:

Ayes: Wentz, Yurgaitis, Vician, Busche  
Nays: None  
Absent: Spitzeri Motion passed.

**REGULAR MEETING ADJOURNMENT:** Motioned by Trustee Yurgaitis at 5:46pm,  
seconded by Trustee Busche.

Roll was called:

Ayes: Yurgaitis, Busche, Wentz, Vician  
Nays: None  
Absent: Spitzzeri Motion passed.

**DATE:** November 15, 2012

**TOWNSHIP CLERK:** Carol J Bertuly 

**SUPERVISOR:** Doug Vician



**NAPERVILLE TOWNSHIP  
RESOLUTION 12-1115**

A **RESOLUTION** providing for Naperville Township to authorize a Plan of Operation and Governance as authorized by the Illinois Power Energy Act on behalf of the residents of the unincorporated areas of the Township, and

**WHEREAS**, the Board of Town Trustees (the "Board") of Naperville Township, DuPage County, Illinois (the "Township"), recognizes that the electors of Naperville Townships approved the Electrical Aggregation Referendum on the Ballot in the November 6, 2012 General Election, and

**WHEREAS**, while the Board, is presently authorized and required, by Statute, to adopt an ordinance and authorize a "Plan of Operation and Governance" for electrical aggregation in the unincorporated areas of the Township, and,

**NOW, THEREFORE**, Be It Ordained by the Board of Town Trustees of Naperville Township, DuPage County, Illinois, as following Plan of Operation and Governance for Electrical Aggregation in the Unincorporated areas of Naperville Township:

**PLAN OF OPERATION AND GOVERNANCE-Naperville Township**

**Introduction.** The Illinois Power Agency Act (the "Act") was amended by Public Act 96-0176 to add 20 ILCS 3855/1-92 (the "Aggregation Statute"), which allows the corporate authorities of Naperville to adopt an ordinance under which it may aggregate the residential and small commercial retail electrical loads located within the township limits, to enter into service agreements to facilitate for those loads the sale and purchase of electricity and related services.

The Township engaged a Pre-Aggregation Services Provider to perform several pre-referendum functions, including without limitation (a) participating in Public Hearings to educate both the public and Township employees on aggregation, (b) assisting in the establishment of an advisory committee, (c) establishing a toll-free telephone number staffed by customer service personnel to address questions of potential Aggregation Members, (d) providing sample documentation such as Township communications pertaining to referendum, ballot language, Aggregation Program ordinance, Plan of Operation and Governance, and other communications in support of the referendum. Pursuant to the Aggregation Statute, on 12/21/2011, the Township passed a resolution authorizing a referendum on the 11/6/2012 ballot which asked the public for the authority to create an Opt-Out Aggregation Program. A majority of the voters approved the referendum at the November 6, 2012 election. After the Township held two public hearings on the matter, as required by the Aggregation Statute, the Township adopted this Plan of Operation and Governance.

**Duties of the Township.** The Township shall submit to the Utility in writing, a warrant demonstrating the passage of the Aggregation Program ordinance, the adoption of this Plan by the corporate authorities, and a request for the identification of retail and small commercial electric customer account information and generic load profiles. Customer information will be maintained in a confidential manner as required by law and the Township will use that information only for purposes of its Aggregation Program. Customer account information will be considered confidential and will not be disclosed to unauthorized entities or under the Freedom of Information Act. The Township (i) will select or has selected an ARES to serve as the electricity supplier to Aggregation Members ("Supplier"), (ii) will negotiate or has negotiated the terms and conditions of the supply, and (iii) will communicate or has communicated with ComEd and Supplier concerning enrollment data.

**Supplier Services.** The Supplier will (a) draft customer communications for Township's review, including an Opt-Out notice to potential Aggregation Members describing how to remove themselves from the Aggregation Program and a Welcome Letter to those who become Aggregation Members, (b) provide electricity supply to Aggregation Members, (c) mail informational materials and terms and conditions to potential Aggregation Members, (d) at the option of Township, establish a post-referendum website landing page to support the Aggregation Program, (e) assist with the completion of the Government Authority Aggregation Form and communications with the Utility surrounding data exchange, (f) maintain a secure database of potential Aggregation Members who elect to Opt-Out and of Aggregation Members, and (g) invoice Aggregation Members via the Utility's purchase of receivables program, and (h) provide periodic reports to the Township.

**Price and Terms.** Township has the right to negotiate a price, product type, and term with the Supplier or choose to not implement an Aggregation Program. Additional potential Aggregation Members may be allowed to enroll with the Supplier after the Opt-Out period; however they may pay a different rate than those who join during a planned Program Enrollment Period due to changing market conditions and to potentially different term from the initial offering.

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**Eligibility and Opt-Out Disclosures.** The Utility, in accordance with the Aggregation Statute and its tariffs, will provide the Township with the generic load profile (or estimated aggregated usage) and names and addresses of the potential Aggregation Members. Those eligible to be Aggregation Members are those who are permitted to participate according to the Aggregation Statute, are not at the time of the enrollment process served by an ARES, are not in an hourly rate class and are not on Bundled Hold. The Township must keep this information confidential, and provide it to the Supplier for the sole purpose of negotiating a price

for the Aggregation Program, administering the Opt-Out notice process, and enrolling and serving the Aggregation Members.

The Supplier, with assistance from the Township, will prepare and mail an Opt-Out notice to each potential Aggregation Member identified as eligible by the Utility. The Opt-Out notice will inform the eligible Aggregation Member that the Township has formed an Aggregation Program, the price for electric supply and other terms and conditions of service, and explain how the potential Aggregation Member can Opt-Out of the Aggregation.

The Supplier will receive all Opt-Out requests and adjust the list of Aggregation Members accordingly. In addition, if any Opt-Out notices are returned by mail to Supplier marked as undeliverable, those potential Aggregation Members will be removed from the Aggregation Program as well. Upon completion of the Opt-Out period (the length of which will be negotiated and agreed-upon between the Township and Supplier), the Supplier, with assistance from the Township, will notify the Utility of the accounts that will form the Aggregation, and, enroll the Aggregation. Upon enrollment, each participant will receive an enrollment notice from the Utility. Each Aggregation Member will also receive a welcome letter from the Supplier. Aggregation Member may rescind its participation in the Aggregation by contacting the Utility within the Utility's applicable rescission period.

Supplier shall repeat the Opt-Out enrollment process whenever the price changes at the end of an agreed-upon term (as agreed upon by the Township and Supplier) and accordingly Aggregation Member will have the opportunity to decline participation at that time without paying an early termination fee.

**Moving within the limits of the Township.** Aggregation Members who move from one location to another within the limits of Unincorporated Naperville Township and retain the *same* account number, will remain an Aggregation Member and will receive the same price and term they would have received if their location had not moved. Aggregation Members who move from one location to another within limits of the Township and are assigned a *new* account number may enroll their new account in the Aggregation Program and receive the same price as they would have received if they had not moved while served by Supplier, provided the new account is eligible for Aggregation. Aggregation Members who move and receive a new account number may be dropped from the Aggregation by the Utility, but they will not be charged an early termination fee by the Supplier. If an Aggregation Member is dropped from the Aggregation Program due to a move within the Township, the Aggregation Member should contact the Supplier to be re-enrolled at the earliest possible date.

**Moving outside the limits of the Township.** Aggregation Members that move out of the Township limits will no longer be eligible to participate in the Aggregation Program, but they will not be charged an early termination fee from the Supplier. Except as described above for re-location, an early termination fee may apply if an Aggregation Member terminates its Contract with the Supplier after the Opt-Out and rescission periods have ended and prior to the end of the current Term.

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**Enrolling after the Opt-Out Period.** Residential and small business accounts located within the Naperville Township limits that are eligible to join the Aggregation but initially chose to Opt-Out of the Aggregation, or otherwise were not included in the Aggregation Program, may become Aggregation Members after the expiration of the applicable Opt-Out Period by contacting Supplier. The Price of those joining after the expiration of the Opt-Out Period may be different from the price negotiated for the Aggregation.

**Renewal.** The Township and the Supplier will attempt to achieve a renewal Price before the expiration of the an agreed-upon Term. However, if mutually agreeable price and terms are not reached, the agreement between Naperville Township and the Supplier may be terminated by either the Township or Supplier, without penalty, at the end of any agreed-upon term by providing written notice to the other Party at least 30 days prior to the end of the Term.

**Contract between the Supplier and the Aggregation Member.** The electricity supply contract negotiated by Naperville Township for the Aggregation Members (the "Contract") shall be for firm, all-requirements electric supply service including capacity, transmission, energy, losses and various ancillary services. The Contract shall be between each individual Aggregation Member and the Supplier. Each Aggregation member will be individually bound to the Supplier by the Contract, and will be solely responsible for payment and performance. All electricity supply charges will be fully and prominently disclosed in consumer enrollment materials (such as the Opt-Out notice), available on the Supplier's website, and available by calling the Supplier's toll free customer service telephone number. The Contract will include an early termination fee for those that leave the Aggregation Program prior to the end of any agreed-upon term.

**Billing.** Aggregation Members will each receive a single, monthly bill from the Utility, which will include charges from the Supplier for its electricity supply, as well as the ordinary Utility charges, which includes delivery services, taxes, and other charges. Aggregation Members will be billed according to their Utility billing cycle.

**Credit, Collections and Deposits.** The Utility's credit and collection policy and policies regarding deposits will apply to the Aggregation Members and shall be administered by the Utility. Neither Naperville Township, nor the Supplier will implement additional policies with respect to credit, deposits and collections.

**Concerns and Complaints.** Aggregation Members will have multiple means of expressing concerns and reporting complaints. As a general rule, concerns regarding service reliability and billing should be directed to the Utility. The Utility will continue to read meters, handle billing, and generally have the most information about the physical service to a location or account. Questions regarding the administration of the Aggregation should be directed to the Supplier. The Supplier's customer service center shall be available by telephone 24 hours per day, 7 days per week. Any unresolved disputes should be directed to the Illinois Commerce Commission and/or the Citizens Utility Board. As a convenience, below is a list of helpful toll free telephone numbers.

<u>Nature of Concern/Complaint</u>	<u>Contact</u>	<u>Phone Number</u>
Downed wires/outage	Utility	800-334-7661
Service turn on/off	Utility	800-334-7661
Billing Disputes	Utility	800-334-7661
Price/Joining/Leaving Program	Supplier Customer Service	855-875-9836
Program Regulatory Questions	Supplier-Customer-Service	855-875-9836

**Education.** The Supplier and the Township will work cooperatively to develop a plan to help educate the community with respect to:

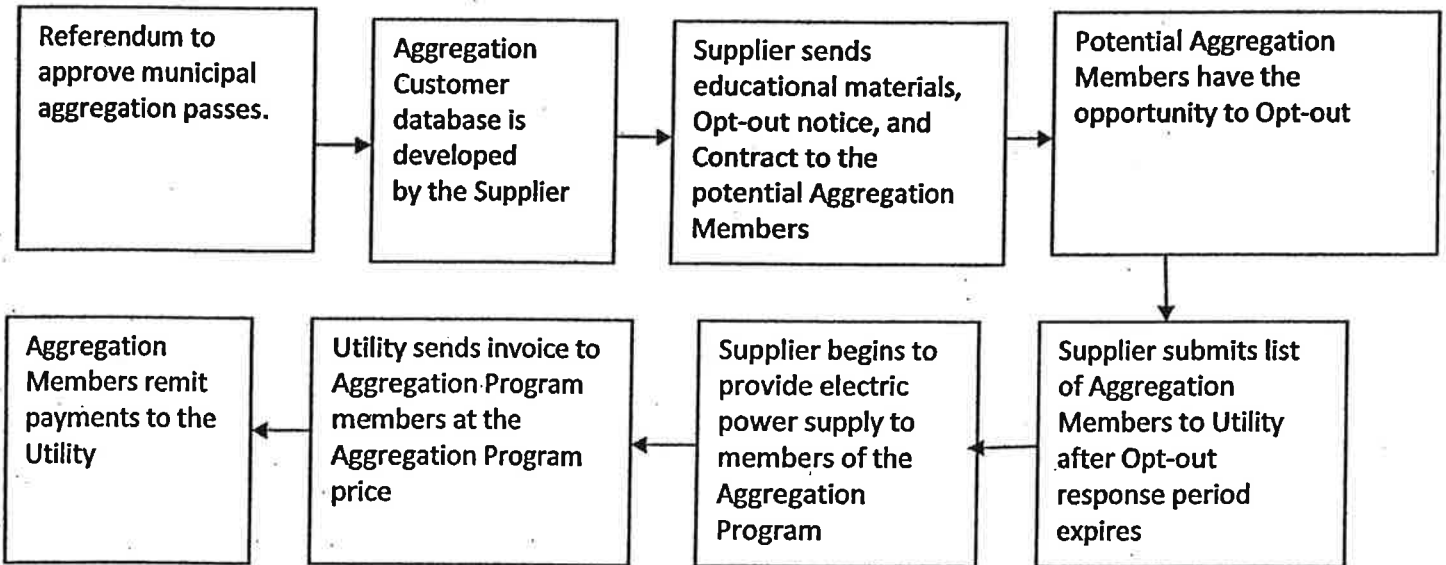
- aggregation, including the Opt-Out notices,
- any demand management or efficiency measures (if any) offered by the Supplier or promoted by the Township,

- renewable energy attributes (if any) associated with the supply that are above and beyond the attributes required by law, and
- projects (if any) that will be funded as a byproduct of the Aggregation.

**Reporting.**

The Supplier may provide periodic reports such as membership participation and/or comparisons to the Utility's pricing over the term upon request.

**Implementation Procedures**



**Glossary of Terms**

**“Aggregation Program”** shall mean the program developed by the Township, acting as facilitator pursuant to the Aggregation Statute, to provide residential and small commercial customers within the limits of Unincorporated Naperville Township with retail electricity supply from an ARES for those potential Aggregation Members that do not Opt-Out.

**“Aggregation Member”** shall mean those residential and small commercial customers (i) located within the limits of Unincorporated Naperville Township (ii) are permitted to participate according to the Aggregation Statute and any applicable Utility rules, (iii) do not Opt-Out of the Aggregation Program, (iv) are not at the time of the enrollment process served by an ARES, (v) are not in the hourly classes and (vi) are not on Bundled Hold with the Utility.

**“Alternative Retail Electric Supplier” or “ARES”** shall mean an entity certified by the Illinois Commerce Commission to offer electricity for sale, and shall include, without limitation, resellers, aggregators and power marketers but shall not include the Utility or Unincorporated Naperville Township.

**“Bundled Hold”** shall mean the time required by the Utility to remain on Utility supply service after an account has returned to the Utility's supply service after having switched to an ARES.

"Opt-Out" shall mean the process by which a customer who would be included in the Aggregation Program chooses not to participate in the Aggregation and notifies the Supplier of such choice as described in the Opt-Out notice with the Supplier.

"Utility" shall mean Commonwealth Edison.

A COPY OF THIS PLAN OF OPERATION AND GOVERNANCE SHALL BE KEPT ON  
FILE AT THE NAPERVILLE TOWNSHIP ADMINISTRATIVE OFFICES.

Roll Call Vote:

Ayes: GARY VICIAN, ESIN BUSCHE, MARY YURGARTIS, DAVE WENTZ

Nays: None

Absent: Fred Spitzzeri

Abstain: None

Adopted: November 15, 2012.

**BOARD OF TOWN TRUSTEES  
NAPERVILLE TOWNSHIP,  
DUPAGE COUNTY, ILLINOIS**

Gary Vician  
Supervisor

ATTEST:

Carol A. Bertucci  
Town Clerk





**SPECIAL TOWNSHIP MEETING FOR THE PURPOSE OF ELECTRICAL  
AGGREGATION RESOLUTION APPROVAL**

**November 15, 2012, 5:30 PM Naperville Township Board Room**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Electrical Aggregation Approval
5. Adjournment

STATE OF ILLINOIS  
COUNTY OF DUPAGE  
TOWNSHIP OF NAPERVILLE

BOARD OF TRUSTEES  
SPECIAL MEETING  
NOVEMBER 15, 2012

NAME

FULL ADDRESS

NAME	FULL ADDRESS
Wayne Garkis	1329 Oakton Ln. Naperville Il 60540
Erin Busche	1470 White Eagle Dr Naperville Il 60564
James Wentz	720 Clovertree Court, Naperville, IL 60563
Deq. Vian	737 Butterwey Circle, Naperville, IL 60564
Carol Bentulis	Clerk