

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: O-4-2017-010

**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MONROE
TO ESTABLISH A GOVERNMENT ENERGY AGGREGATION PROGRAM FOR
ELECTRICITY PURSUANT TO P.L. 2003, c. 24 AND N.J.A.C. 14:4-6**

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive marketplace through deregulation and restructuring of the electricity supply market;

WHEREAS, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

WHEREAS, the New Jersey Board of Public Utilities ("BPU") has adopted regulations governing the Implementation of government energy aggregation programs codified at N.J.A.C. 14:4-6,1 et seq.; and

WHEREAS, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93,1 et seq., the Township of Monroe ("Township") seeks to establish a Government Energy Aggregation Program ("Program") for the provision of electricity within the Township, for the purpose of obtaining power supply cost savings for residential participants; and

WHEREAS, the Township Council intends to serve as the Lead Agency conducting a Government Energy Aggregation Program in the Township and, in that capacity and consistent with applicable rules, to solicit proposals and enter into a contract for the provision of electric generation services on behalf of residential and commercial customers within the boundaries of the Township, to the extent that such a contract will produce power supply cost savings to residents properties; and

WHEREAS, the Township Council will from time to time during the effective period as defined below solicit proposals from electric power suppliers for electric generation services through the Program in which the Township Council will act as Lead Agency of the Monroe Community Energy Aggregation ("MCEA"); and

WHEREAS, the Township Council will from time to time during the effective period as defined below issue one or more Request for Proposals for electric generation services and energy aggregation services on behalf of the MCEA pursuant to the Local Public Contract Law Regulations, the Government Energy Aggregation Act, and the Electric Discount and Energy Competition Act; and

WHEREAS, the Township Council will only award contracts for electric generation services and energy aggregation services to electric power suppliers that are deemed qualified and who submit price bids lower than the prevailing price for utility-provided basic generation service; and

WHEREAS, residential customers will be permitted the opportunity to opt-out of the Program and commercial customers will be required to opt-in should they determine to participate; and

WHEREAS, pursuant to applicable BPU regulations, the Township will enter into an Electric Distribution Company Aggregation Agreement with the local electric distribution company, Jersey Central Power and Light Company ("JCP&L"); and

WHEREAS, N.J.S.A. 48:3-93.1 et seq. requires the Program to be established by ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Township Council as follows:

1. There is hereby established a Government Energy Aggregation Program, in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq.
2. The Mayor is authorized to execute and the Township Clerk to attest to the execution of an Electric Distribution Aggregation Agreement, in a form acceptable to the Township, with JCP&L.
3. The Township Council will act as Lead Agency of the MCEA and, in that capacity, and consistent with applicable rules, will solicit proposals for electric generation service and energy aggregation services on behalf of Township residents, and enter into a contract for such services provided that the lowest qualified bid price is below the prevailing price for utility-provided basic generation service.
4. As Lead Agency, the Mayor is authorized to execute and the Township Clerk is authorized to attest to the execution of a master performance agreement that obligates the participants in the MCEA to purchase electricity at terms and conditions stated therein with a third party supplier who has been awarded the contract by the Lead Agency on behalf of participating members of the MCEA, and provided that such contract shall be at prices reasonably estimated by the Township Council to provide savings to participants relative to the price charged for basic generation service by JCP&L.
5. The authorization provided to the lead agent shall be valid until May 31, 2019 (the "Effective Period"), at which time the MCEA will be subject to renewal for an additional 2-year period at the discretion of the Township Council.
6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
7. If any portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder shall survive in full force and effect.
8. This ordinance shall take effect upon adoption and twenty days after publication as required by law.

STEPHEN DALINA, Council President

RECORDED VOTE – INTRODUCTION – April 3, 2017						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilwoman Cohen						
Councilman Dipierro						
Councilman Leibowitz						
Council V. President Schneider						
Council President Dalina						

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on April 3, 2017. Said Ordinance will again be read and considered for final passage at a meeting of the Monroe Township Council to be held on May 1, 2017 at 7:00 p.m. in the Municipal Complex, 1 Municipal Plaza, Monroe Township, New Jersey. At said time and place all persons having an interest in the foregoing ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

PATRICIA REID, Township Clerk

RECORDED VOTE – SECOND READING & FINAL ADOPTION– May 1, 2017						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilwoman Cohen						
Councilman Dipierro						
Councilman Leibowitz						
Council V. President Schneider						
Council President Dalina						

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MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

GERALD W. TAMBURRO, Mayor

Date Signed _____