

RESOLUTION NO. 48-03
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul M. Gresham ON THE
15th DAY OF September, 2003.

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-IN PROVISIONS PURSUANT TO ARTICLE XVIII, SECTION 4, OHIO CONSTITUTION AND AUTHORIZING THE MIAMI VALLEY COMMUNICATIONS COUNCIL TO PREFORM ADMINISTRATIVE SERVICES FOR SUCH PURPOSES INCLUDING OPT-OUT AGGREGATION PROGRAM ADMINISTRATION PURSUANT TO OHIO REVISED CODE SECTIONS 4929.26 AND 4928.20.

WHEREAS, the Ohio Constitution provides for any municipality to acquire, construct, own, lease and operate within or without its corporate limits, any public utility the product or service of which is or is to be supplied to the municipality or its inhabitants, and may contract with others for any such product or service; and

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electric and natural gas deregulation through lower electric and natural gas rates which they would not otherwise be able to have individually; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-in provisions pursuant to Article XVIII, Section 4, Ohio Constitution and opt-out provisions pursuant to Ohio Revised Code Sections 4929.26 and 4928.20 (the "Aggregation Program"), for the residents, businesses and other electric and natural gas consumers in the City, as permitted by law.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:


SECTION 1. This Council finds and determines that it is in the best interest of the City, its residents, businesses and other electric and natural gas consumers located within the corporate limits of the City to establish the Aggregation Program in the City. The City may exercise such authority using Miami Valley Communications Council (MVCC) as to the full extent permitted by law, and for such purpose, the City Manager is hereby authorized to execute and deliver an administrative agreement with the MVCC. The aggregation will occur provided each interested person using natural gas service from Vectren Energy Delivery of Ohio within the city limits "opts-in" to the program by contacting the program supplier and, in the case of "opt-out", aggregation will occur automatically for each person owning,

occupying, controlling, or using an eligible natural gas account or electric account with Dayton Power & Light.

SECTION 2. That the City Manager is hereby authorized and directed to enter into an agreement with MVCC for administrative services, including contract negotiation and striking a price(s), and any other required services related to electric and natural gas utility deregulation for the City of Centerville and ratifying any such services heretofore performed.

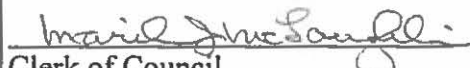
SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

PASSED THIS 15th day of September, 2003.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 48-03, passed by the Council of the City of Centerville, Ohio on the 15th day of September, 2003.



Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney