

Chapter 13

ELECTRICITY AGGREGATION PROGRAM

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3-13-1: PURPOSE: The provisions of this chapter are designed to describe the manner in which the Village shall implement an opt-out electricity aggregation program authorized by section 1-92 of the Illinois Power Agency Act.

3-13-2: FINDINGS: The Mayor and Board of Trustees hereby make the following findings of fact:

- A. Section 1-92 of the Illinois Power Agency Act, 20 ILCS 3855/1-1 et seq. (The AAct@), authorizes municipalities to aggregate the electric loads of residential and small commercial retail customers and to then solicit bids, select a retail electric supplier, and enter into a Supply Agreement to facilitate the purchase of electricity and related services and equipment on behalf of its participating residents and small businesses (collectively, an AAggregation program@)
- B. At the March 20, 2012 General primary Election, electors of the Village of Lincolnshire approved a referendum authorizing the Village to adopt an AOpt-Out@ Aggregation Program.
- C. The Village held public hearings on the proposed Plan of Operation and Governance (the APlan@) for the Aggregation Program on April 9, 2012, and April 23, 2012, notice of which was given prior to the first hearing once a week for 2 consecutive weeks in the Lincolnshire review, a newspaper of general circulation in the Village.
- D. On April 23, 2012, the Village adopted the Plan of Operation and Governance for the Electricity Aggregation Program herein described, a copy of which shall be available for public inspection and copying at the Village Hall.

3-13-3: DEFINITIONS: The following words and terms, wherever they occur in this Chapter, shall be defined as follows:

ACT

The Illinois Power Agency Act, 20 ILCS 3855/1-92, as may be amended from time to time.

CUSTOMER

Recipients of residential and small commercial retail electric loads as provided in the Act.

ELECTRICITY AGGREGATION PROGRAM

A program pursuant to the Act for the aggregation of residential and small commercial retail electric loads located within the corporate limits of the Village that provides customers with the opportunity to opt out of participating in that program as provided in the Act.

PLAN OF OPERATION AND GOVERNANCE

The Plan of Operation and Governance adopted by the Village on April 23, 2012, or as thereafter amended, which describes (1) how the Aggregation Program will provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers; (2) how demand management and energy efficiency services will be provided to each class of customers; and (3) how the Aggregation Program will meet any other legal requirements concerning aggregated electric service.

ALTERNATIVE RETAIL ELECTRIC SUPPLIER OR ARES

An entity certified by the Illinois Commerce Commission (ICC) to offer electric power or energy for sale, lease or in exchange for other value received to one or more retail customers, or that engages in the delivery or furnishing of electric power or energy to such retail customers, and shall include, without limitation, resellers, aggregators and power marketers but shall not include the incumbent electric utility. For purposes of this ordinance, the definition of alternative Retail Electric Supplier is more completely set forth in 220 ILCS 5/16-102.

3-13-4: ELECTRICITY AGGREGATION PROGRAM:

- A. The Village is authorized and hereby adopts an Electricity Aggregation Program in a manner not inconsistent with the Act.
- B. The Village is authorized to exercise its power to operate an Electricity Aggregation Program jointly with two or more other municipalities or counties.

- C. The Electricity Aggregation Program shall operate in the manner prescribed in the Plan of Operation and Governance, as amended from time to time.
- D. The Plan of Operation and Governance may be amended from time to time, without further public hearings, by an ordinance approved by the Mayor and Board of trustees, provided that at all times the Plan shall describe (1) how the Aggregation Program will provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers; (2) how demand management and energy efficiency services will be provided to each class of customers; and (3) how the Aggregation Program will meet any other legal requirements concerning aggregated electric service. (Amd. Ord. 14-3316-42, eff. 02/24/14)
- E. The Village Manager is designated as the Village's authorized representative for the purpose of (i) cooperating with other municipalities, townships or counties for the joint exercise of the power herein described, (ii) soliciting bids for electricity and other related services in the manner provided by the Act and the Plan of Operation and Governance, and (iii) negotiating and awarding a contract with an Alternative Retail Electric Supplier for the provision of electric power to Customers participating in the Electricity Aggregation Program. (Amd. Ord. 14-3316-42, eff. 02/24/14)
- F. Except for those Customers who opt out of the electricity Aggregation Program pursuant to the Plan of Operation and Governance and the Act, the Electricity Aggregation Program shall automatically apply to each person owning, occupying, controlling, or using an electrical load center proposed to be aggregated in the corporate limits of the Village.
- 3-13-5: SEVERABILITY:** In the event any provision or application of this Chapter is found unenforceable by a court of competent jurisdiction, such finding shall not affect any other application or the remaining provisions of this chapter to the maximum extent permitted by law.