**ORDINANCE NO. \_\_\_\_\_\_\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF TOWNSHIP NAME, COUNTY OF COUNTY NAME,**

**STATE OF NEW JERSEY,**

**AUTHORIZING THE ESTABLISHMENT OF A GOVERNMENT ENERGY AGGREGATION PROGRAM**

**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 promulgated rules (N.J.A.C. 14:4-6) for the implementation of government energy aggregation programs; and

**WHEREAS,** pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., the Township seeks to establish a Government Energy Aggregation Program (“Program”) for the provision of electricity within the Township, for the purpose of obtaining an increased renewable content in the power supply for residential customers (and commercial customers, optional) in the Township; and

**WHEREAS,** the TOWNSHIP NAME Council intends to serve as the lead agency conducting a Government Energy Aggregation Program in TOWNSHIP NAME 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 customers (and commercial customers, optional) within the boundaries of the Township, to the extent that such a contract will produce an increased renewable content in the power supply to residential customers (and commercial customers, optional); and

**WHEREAS,** and the New Jersey Board of Public Utilities (“BPU”) has promulgated rules (N.J.A.C. 14:4-6.3) which state residential customers shall automatically be included in the program unless the customer chooses to opt-out. A residential customer may not be charged an exit fee for leaving an aggregation program at any time. Optional: Non-residential customers shall be included in an energy aggregation program only if the non-residential customer indicates its desire to participate in the program by opting-in; and

**WHEREAS,** theTOWNSHIP NAME 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 NAME Council will act as Lead Agency of the NAME OF AGGREGATION ENTITY (“XXXX”); and

**WHEREAS,** theTOWNSHIP NAME 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 XXXX pursuant to the Local Public Contract Law Regulations, the Government Energy Aggregation Act and the Electric Discount and Energy Competition Act; and

**WHEREAS,** theTOWNSHIP NAME Council is interested in mandating that a fraction of the energy provided by XXXX come from renewable energy sources, and will therefore include provisions for the inclusion of renewable energy in the Request for Proposals for electric generation services and energy aggregation services on behalf of the XXXX; and

**WHEREAS,** the TOWNSHIP NAME Council will only award contracts for said electric generation service and energy aggregation services to electric power suppliers that are deemed qualified;

**WHEREAS**, pursuant to applicable BPU rules, the Township needs to enter into an Electric Distribution Company Aggregation Agreement with UTILITY NAME (“UTILITY\_ABBREVIATION”) Company; 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 governing body of the TOWNSHIP NAME, COUNTY NAME, State of New Jersey as follows:

**SECTION 1.** The Township hereby establishes 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.*

**SECTION 2.** The Mayor/Council President/Other is authorized to execute and the Clerk to attest to the execution of and Electric Distribution Aggregation Agreement, in a form acceptable to the Township, with UTILITY\_ABBREVIATION.

**SECTION 3.** The TOWNSHIP NAME Council will act as Lead Agency of the XXXX 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 businesses, and enter into a contract for such services provided that the lowest qualified bid containing renewable content in the power supply above the basic generation supply of the current default supplier.

**SECTION 4.** As Lead Agency the TOWNSHIP NAME Council will execute a master performance agreement that obligated the participants in the XXXX 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 XXXX, and provided that such contract shall be at prices reasonably forecast and estimated by the TOWNSHIP NAME Council to provide increased renewable content in the power supply relative to the basic generation service by UTILITY\_ABBREVIATION.

**SECTION 5.** The authorization provided to the Lead Agency shall be valid until \_\_\_\_\_\_ (the “Effective Period”), at which time the XXXX will be subject to renewal at the discretion of the TOWNSHIP NAME Council.

**SECTION 6.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 7.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.