

**ORDINANCE 2016-18 TO ESTABLISH A
GOVERNMENT-PRIVATE ENERGY AGGREGATION
PROGRAM IN THE TOWNSHIP OF BERLIN
IN ORDER TO PROVIDE ELECTRIC GENERATION
SERVICE AND SUPPLY SERVICE FOR RESIDENTIAL AND
NON-RESIDENT CUSTOMER PURSUANT TO THE GOVERNMENT
ENERGY AGGREGATION ACT OF 2003 (P.L. 2003, c.24)**

WHEREAS, The State of New Jersey is one of three States that has been engaged in a process to establish a competitive market place through deregulation and restructuring of the electric utility industry; and

WHEREAS, The Government Energy Aggregation Act of 2003 permits the Borough of Bound Brook to become a government Aggregator in order to provide electric generation service for use by residential and non-residential customers within the Municipality's geographic boundaries; and

WHEREAS, the Mayor and Township Council of the Township of Berlin have determined residential and non-residential citizens of the Township of Berlin have a substantial economic and social interest at stake in the purchase and supply of energy; and

WHEREAS, the Mayor and Township Council of the Township of Berlin finds it is in the best interest of the municipality's rate payers, both residential and non-residential, to create a Governmental-private Energy Aggregation Program; and

WHEREAS, the Township of Berlin is a member of the Educational Services Commission of New Jersey Cooperative Shared Services Agreement, under which and pursuant to the Local Public Contracts Law and a Fair and Open Process seeking an energy service provider, Good Energy L.P. has been selected to perform the New Jersey BPU aggregation program pursuant to N.J.A.C 14:4-6 et seq. and laws of the State of New Jersey; and

WHEREAS, the Township of Berlin shall and will have held a public hearing on _____, 2016, following proper notice and advertisement, on the proposed energy aggregation program and indicating its intent to solicit bids for the provision of electric generation service, either separately or bundled;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey according to the following:

- Section 1. Pursuant to the rules and regulations adopted by the New Jersey Board of Public Utilities under P.L. 2003, c.24, the Township of Berlin will follow Government-Private Option Two of the BPU Government-Private Aggregator Program.
- Section 2. The Township of Berlin is authorized to solicit bids for aggregate electric generation supply service according to the Local Public Contracts Law (P.L. 1991

c.198, N.J.S.A 40A:11-1, et seq.)

- Section 3. The Mayor and Township Administrator are hereby authorized to submit all necessary documentation to the New Jersey Board of Public Utilities and to provide any and all notices to residential customers to “opt-out” of the program and to non-residential customers to “opt-in” to the program.
- Section 4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.
- Section 5. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction,, such order of judgement shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.
- Section 6. This Ordinance shall take effect twenty days after final passage, adoption and publication according to law.

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on September 12, 2016 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on September 26, 2016 at 5:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood
Township Clerk