

**AN ORDINANCE OF THE TOWNSHIP OF WEST ORANGE , COUNTY OF ESSEX,
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 power supply cost savings for residential participants in the Township; and

WHEREAS, the West Orange Township Council intends to approve a Government Energy Aggregation Program in the Township and authorize the Mayor and/or Township personnel, consistent with any applicable rules, to solicit proposals and enter into a contract for the provision of electric generation services on behalf of residential customers within the boundaries of the Township, to the extent that such a contract will produce power supply cost savings to residents; and

WHEREAS, the Township may from time to time solicit proposals from electric power suppliers for electric generation services through the Program in which the Township and/or authorized personnel will be lead agents in administering the West Orange Community Energy Aggregation ("WOCEA"); and

WHEREAS, the Township may from time to time issue one or more Request for Proposals for electric generation services and energy aggregation services on behalf of the WOCEA pursuant to the Local Public Contract Law, the Government Energy Aggregation Act and the Electric Discount and Energy Competition Act; and

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

WHEREAS, pursuant to applicable BPU rules, the Township needs to enter into an Electric Distribution Company Aggregation Agreement with Public Service Electric and Gas 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 TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that there

should be created a Chapter 2, Section 93, of the Revised General Ordinances of the Township of West Orange, which shall provide as follows:

TOWNSHIP CODE § 2-93.1

2-93.1: 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.

2-93.2: The Mayor shall be and hereby is authorized to execute and the Clerk to attest to the execution of an Electric Distribution Aggregation Agreement, in a form acceptable to the Township, with Public Service Electric and Gas Company ("PSE&G").

2-93.3: The Township Council may oversee the WOCEA. The Mayor and appropriate Township employees or other authorized personnel, consistent with applicable rules, shall be lead agents and solicit proposals for electric generation service and energy aggregation services on behalf of Township residents. The Mayor may execute 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, consistent with any applicable law.

2-93.4: The Mayor may also execute a master performance agreement that obligates the participants in the WOCEA to purchase electricity at terms and conditions stated therein with a third party supplier who has been awarded the contract by the Township on behalf of participating members of the WOCEA, and provided that such contract shall be at prices reasonably forecast and estimated by the Township to provide savings to participants relative to the price charged for basic generation service by PSE&G.

2-93.5: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

2-93.6: 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.

Honorable Robert D. Parisi, Mayor

**Honorable Susan McCartney
Council President**

Karen J. Carnevale, Municipal Clerk

Introduced: July 16, 2013

Adopted: