

**BOROUGH OF  
KEYPORT  
ORDINANCE #4-14**

**AN ORDINANCE IN  
THE BOROUGH OF  
KEYPORT  
IN MONMOUTH COUNTY, 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., ("Act") 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.

WHEREAS, the New Jersey Board of Public Utilities has promulgated rules, N.J.A.C. 14:4-6.1, et seq., for the implementation of government energy aggregation programs ("BPU rules").

WHEREAS, pursuant to the Act and BPU rules, the Borough of Keyport ("Borough") seeks to establish a Government Energy Aggregation Program ("Program") for the provision of electricity within the Borough, for the purpose of obtaining power supply cost savings for residential and non-residential customers.

WHEREAS, the type of Program that the Borough intends to establish is an "Option 2"

which provides the procedures that a municipality must follow to solicit proposals and enter into a contract for the provision of electric generation service for residential customers (unless they Distribution Aggregation Agreement with Jersey Central Power & Light ("JCP&L"), the electric public utility serving customers within the Borough's boundaries; and (2) the solicitation of proposals from Third Party Suppliers "(TPS)" interested in supplying the electric generation service to participating customers within the Borough's boundaries, and contracting with TPS, to the extent that such a contract will produce power supply cost savings to residents and businesses.

WHEREAS, the Act and BPU rules require that the program be established by ordinance. NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey, as follows:

**Section 1. Program Establishment.** The Borough of Keyport hereby establishes a Government Energy Aggregation Program ("Program"), in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1, et seq., ("Act") and the rules of the New Jersey Board of Public Utilities has promulgated rules, N.J.A.C. 14:4-6.1, et seq., ("BPU rules"). The type of Program established herein shall be an "Option 2" Government-Private Energy Aggregation Program, as defined by N.J.A.C. 14:4-6.4 and 6.6, which provides the procedures that a municipality must follow to solicit proposals and enter into a contract for the provision of electric generation service for residential customers (who do

not opt-out) and non-residential customers (which opt-in) within the municipality's geographic boundaries, and shall be known as the "Keyport Community Energy Aggregation" ("KCEA"). The Borough shall Aggregation Agreement ("Agreement") with the electric public utility serving customers within the Borough's boundaries, which is JCP&L. The Agreement shall cover the working relationship between the borough and JCP&L during the establishment and operation of the Program, and shall be in a form acceptable to the Borough and as dictated by BPU rules.

**Section 3. Soliciting Proposals; Contract with a TPS.** As Lead Agency of the Program and consistent with BPU rules, the Borough shall solicit proposals from Third Party Suppliers ("TPS") interested in supplying the electric generation service to participating customers within the Borough's boundaries, and award and enter in a master performance agreement for such electric generation service and energy aggregation services with a TPS, provided that the price of the most-qualified proposal is below the prevailing price for utility-provided basic generation service and as reasonably forecast and estimated by the Borough to provide savings to participants (relative to the utility-provided generation service). The specifications and resulting contract shall comply with BPU rules governing same and consistent therewith, the Borough shall select the most advantageous proposal, price and other factors considered.

**Section 4. Effective Period.** The authorization provided to the Lead Agency shall

be valid until December 31, 2015 (The "Effective Period"), at which time the KCEA will be subject to renewal at the discretion of the Borough.

**Section 5. Repealer.** All ordinances and provisions thereof inconsistent with the subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall take effect immediately after final passage and publication as required by law.

Introduced: April 1, 2014

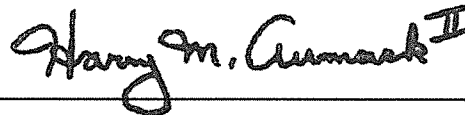
Public Hearing: April 15, 2014

Adopted: April 15, 2014

Attest:



Valerie T. Heilweil, Borough Clerk  
Borough of Keyport



Harry M. Aumack, II, Mayor  
Borough of Keyport