

**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF PLAINSBORO TO
RENEW A GOVERNMENT ENERGY AGGREGATION PROGRAM FOR
ELECTRICITY PURSUANT TO P.L. 2003, c. 24 AND N.J.A.C. 14:4-6**

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive marketplace through deregulation and restructuring of the electricity supply market; and

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 adopted regulations governing the implementation of government energy aggregation programs codified at N.J.A.C. 14:4-6.1 et. seq.; and

WHEREAS, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., on August 10, 2016 the Township Committee adopted Ordinance No. 16-12 establishing a Government Energy Aggregation Program (“Program”), which was named the Plainsboro Community Energy Aggregation (“PCEA”), for the provision of electricity within the Township, for the purpose of obtaining power supply cost savings for residential and commercial participants in the Township; and

WHEREAS, as a result of a Request for Proposals process initiated in October 2016 and concluded in November 2016 the Township Committee awarded a contract to a third-party supplier to provide electricity supply service and energy aggregation services to Township residents for a 21-month term commencing in March 2017 and ending in December 2018, which contract resulted in significant electricity supply cost savings for participating Township residents; and

WHEREAS, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., on February 12, 2019 the Township Committee adopted Ordinance No. 19-01 renewing the authorization of the PCEA, the Township has implemented two subsequent Request for Proposals processes, and the Township Committee has awarded two subsequent contracts to third-party suppliers to provide electricity supply service and energy aggregation services to Township residents that have resulted in additional electricity supply cost savings for participating Township residents, as well as provided for enhanced renewable energy content above and beyond the renewable energy content of electricity supply available from the electric utility; and

WHEREAS, the current third-party supply contract for Round 3 of the PCEA is scheduled to expire in May 2022; and

WHEREAS, the Township Committee intends to renew the PCEA and serve as the Lead Agency conducting the Government Energy Aggregation Program in Plainsboro Township and, in that capacity and consistent with applicable rules to solicit proposals and enter into another contract for the provision of electric generation services on behalf of residential and commercial customers within the boundaries of the Township, to the extent

that such a contract will produce power supply cost savings to residents and commercial properties; and

WHEREAS, the Township Committee will also provide in the Request for Proposals process for the solicitation of offers from third-party suppliers for electricity supply with enhanced renewable energy content, and will seek to award a contract for electricity supply with enhanced renewable energy content to the extent that the price for such product will still produce sufficient power supply savings to residents and commercial properties to warrant such a contract award; and

WHEREAS, the Township Committee 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 Committee will act as Lead Agency of the Plainsboro Community Energy Aggregation (“PCEA”); and

WHEREAS, the Township Committee 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 PCEA pursuant to the Local Public Contracts Law, the Government Energy Aggregation Act, and the Electric Discount and Energy Competition Act; and

WHEREAS, the Township Committee, will only award contracts for electric generation services 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, residential customers will be permitted to opt-out of the Program and commercial customers will be required to opt-in should they determine to participate; and

WHEREAS, pursuant to applicable BPU regulations, the Township has entered into an Electric Distribution Company Aggregation Agreement dated August 19, 2016 with the local electric distribution company, Public Service Electric and Gas (“PSE&G”); and

WHEREAS, N.J.S.A. 48:3-93.1 *et seq.* requires the Program to be established by ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee as follows:

1. There is hereby renewed and re-authorized 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. The Township Committee will act as Lead Agency of the PCEA and, in that capacity, and consistent with applicable rules, will solicit proposals for electric generation services on behalf of Township residents, 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.
3. As Lead Agency, the Mayor is authorized to execute and the Township Clerk is authorized to attest to the execution of a master performance agreement that obligates the participants in the PCEA 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 PCEA, and provided that such contract shall be at prices reasonably estimated by the Township Committee to provide savings to participants relative to the price charged for basic generation service by PSE&G.

4. The authorization provided to the lead agent shall be valid until December 31, 2024 (the “Effective Period”), at which time the PCEA will be subject to renewal at the discretion of the Township Committee.
5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
6. If any portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder shall survive in full force and effect.
7. This Ordinance shall take effect upon adoption and twenty days after publication as required by law.

Introduced at a Meeting of the Township Committee of the Township of Plainsboro on **January 12, 2020** and published on **January 19, 2022**. Adopted at a Meeting held on **February 09, 2022** and published on **February 14, 2022**.

