

ORDINANCE NO. 2204-22

ORDINANCE AUTHORIZING RENEWAL OF
AGGREGATION PROGRAM FOR ELECTRICAL LOAD

WHEREAS, Under Section 1-92 of the Illinois Power Agency Act, 20 ILCS 3855/1-1, et seq., (the "Act") a municipality may operate an electric aggregation program as an opt-out program for residential and small commercial retail customers, if a referendum is passed by a majority vote of the residents pursuant to the requirements under the Act; and

WHEREAS, the Village of Hawthorn Woods, Illinois ("Village") submitted the question to Referendum in the November 6, 2012 Election and a majority of the electors voting on the question voted in the affirmative; and

WHEREAS, the Village subsequently implemented its initial opt-out aggregation program in March 2013 for a 12-month term; and subsequently continued to renew the program with the current term of supplier agreement to end based on scheduled final meter read dates in February 2023; and

WHEREAS several thousand resident and small business electric accounts were originally enrolled in the program, and the aggregate savings have totaled over \$1.7 million throughout the entire community since initial implementation; and

WHEREAS, the Corporate Authorities hereby find that it is in the best interest of the Village to continue to operate the aggregation program under the Act as an opt-out program and to enter into an additional contract with a supplier pursuant to the terms of the Act.

NOW THEREFORE, BE IT ORDAINED by the Village Board of the Village of Hawthorn Woods, Lake County, Illinois, As Follows:

SECTION 1: That the Preamble of this Ordinance is declared to be true and correct and is incorporated by reference herein.

SECTION 2:

- A. Pursuant to Section 1-92 of the Illinois Power Agency Act, 20 ILCS 3855/1-1, et seq., (the "Act") the Corporate Authorities of the Village are hereby authorized to aggregate, in accordance with the terms of the Act, residential and small commercial retail electrical loads located within the corporate limits of the Village, and for that purpose may solicit bids and enter into service agreements to facilitate for those loads the sale and purchase of electricity and related services and equipment.
- B. The Aggregation Program for the Village shall continue to operate as an opt-out program for residential and small commercial retail customers.

- C. As an opt-out program, the Corporate Authorities of the Village shall fully inform residential and small commercial retail customers in advance that they have the right to opt-out of the Aggregation Program before the resident or commercial account is renewed. The disclosure and information provided to the customers shall comply with the requirements of the Act.
- D. The Corporate Authorities hereby grant the Mayor and Village Clerk the specific authority to execute a contract without further action by the Corporate Authorities and with the authority to bind the Village.
- E. The Village will engage Illinois Aggregation Consultants (IAC), the President and CEO of which has managed the Village's initial and ensuing aggregation programs. IAC will solicit bids from multiple suppliers and consult with the Village in our decision to select the supplier that best meets our needs. IAC will also assist with the conversion process, and provide assistance to residents with questions.

SECTION 3: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED THIS 24th DAY OF October, 2022.

AYES: Kaiser, Bayar, McCartney, Ryscuk

NAYS: 0

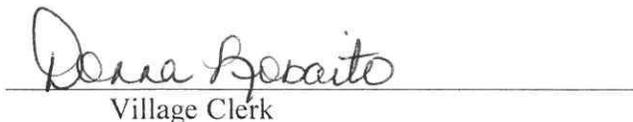
ABSENT AND NOT VOTING: Russo, David

APPROVED THIS 24th DAY OF October, 2022.



Mayor

ATTEST:



Village Clerk

EXTENDED TERM AGREEMENT AMENDMENT NO. 1

This Extended Term Agreement Amendment No. 1 (hereinafter the "ETA No. 1"), is entered as of this 25th day of October 2022 between the Village of Hawthorn Woods, Lake County, Illinois, an Illinois municipal corporation (hereinafter the "Village") and MC Squared Energy Services, LLC (hereinafter the "Supplier") (each a "Party" and collectively, the "Parties").

WHEREAS, Supplier and Village are the Parties to a Master Power Supply Agreement dated November 27, 2019 and amended on October 25, 2022 (hereinafter the "MPSA" which is hereby incorporated by reference)

WHEREAS, pursuant to the terms of the MPSA, including Section 5.1, the Parties mutually wish to extend the term of the MPSA.

NOW, THEREFORE, the Parties agree as follows:

1. The Parties agree to replace Exhibit A with Amended Exhibit A to reflect the mutually agreed extended term of twenty-four (24) months.
2. The Parties agree that by executing this ETA No.1, Extended Term will last until February 2025, subject to future mutual extensions.
3. The Parties agree that Supplier has the right to conduct subsequent opt-out cycles to add eligible customer accounts to Supplier Service and/or return eligible accounts to ComEd's Tariffed Service during the spring months of March through June in 2023 and within 2024.
4. Article 2.21 replace ""Power Supply Bid" means the bidding process conducted by the Municipality." with ""Power Supply Bid" means the bidding process conducted by Illinois Aggregation Consultants on behalf of the Municipality."

IN WITNESS WHEREOF, the Parties have duly executed this Agreement to be effective on the date first written above.

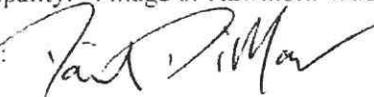
Supplier: MC Squared Energy Services, LLC

Municipality: Village of Hawthorn Woods

Signed:



Signed:



Printed/Typed Name:

Charles C. Sutton

Printed/Typed Name:

Dominick DiMaggio

Title:

President

Title:

Mayor

Date:

Oct. 27, 2022

Date:

10/24/22

Attest:

Santha Lynn

Signed

Samantha Komzak

Printed/Typed Name:

Marketing Analyst

Title:

Attest:

Donna Bobautu

Signed

Donna Lobato

Printed/Typed Name:

CAO Village Clerk

Title:



AMENDED EXHIBIT A

PRICE AND TERM

Eligible Customers as defined in Section 2.11 includes all residential and small commercial Aggregation customers within the Municipality excluding customers served by other alternative retail electric suppliers (ARES) including pending “with RES” status, and customers served under ComEd’s Hourly Tariffed supply service (Rate RRTP).

Eligible Customers in the initial and subsequent opt-out cycles will be placed on Supplier Service or Tariffed Service as defined in Section 2.38 of the Agreement (i.e., ComEd default tariff supply service) based on Supplier’s criteria including the customer’s usage patterns and wholesale market conditions. Eligible Customers will be assessed the same Customer Class Price and will continue to receive monthly invoice statements from ComEd without regard to whether they are served by Supplier or on Tariffed Service.

Eligible Customer Class Price: Variable rate equal to the ComEd published tariff supply service costs including the Purchased Electricity Charges (PEC), Transmission Service Charges (TSC) and the Purchased Electricity Adjustment (PEA) for each applicable month for the Term of the Agreement.

Termination Fee for Withdrawing Customers:

No Early Termination Fees - \$0 (zero) per utility account

Delivery Term: Twenty-four (24) months

February 2023 – February 2025

Percent of RECs:	0%
Civic Contribution:	\$6,000 annually

Supplier will provide an annual \$6,000 Civic Contribution to the Village per Term. The Civic Contribution will be payable in equal monthly installment payments of \$500/month to the Village within 30 days after the last meter read cycle of each delivery month (i.e., February 2023 payment will be paid in March 2023).

Supplier: MC Squared Energy Services, LLC

Municipality: Village of Hawthorn Woods

Signed:

[Handwritten Signature]

Printed/Typed Name:

Charles C. Sutton

Title:

President

Date: Oct. 27, 2022

Signed:

[Handwritten Signature]

Dominick DiMaggio

Printed/Typed Name:

Mayor

Title:

Date: 10/24/22

Attest:

[Handwritten Signature]
Signed

Samantha Komzak
Printed/Typed Name:

Marketing Analyst
Title:

Attest:

[Handwritten Signature]
Signed

Donna Lobaito
Printed/Typed Name:

CAO / Village Clerk
Title:

