

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF NORTH BRUNSWICK,  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, BY ADDING CHAPTER 28,  
AUTHORIZING THE ESTABLISHMENT OF A COMMUNITY ENERGY AGGREGATION  
PROGRAM THAT CREATES AN OPTION FOR 100% REGIONALLY SOURCED RENEWABLES**

**WHEREAS**, there is broad scientific consensus that Earth's climate is warming, and this warming is being caused by human activities that cause the release of greenhouse gases due to use of fossil fuels; and

**WHEREAS**, climate change has far reaching impacts, including increasing the likelihood of extreme weather events, sea level rise, flooding, drought, and mass extinctions; and

**WHEREAS**, co-pollutants from burning fossil fuels create significant respiratory ailments and deaths; and

**WHEREAS**, the impact of climate change can cause damage to public parks, roads, municipal properties, and equipment; and

**WHEREAS**, the cost of providing basic public services such as water treatment and snow removal can increase with climate change; and

**WHEREAS**, resources for first responders can be strained when climate change related extreme weather events arise; and

**WHEREAS**, it is less expensive to plan for and mitigate the impacts of climate change, rather than respond to emergencies when they happen; and

**WHEREAS**, many of the costs associated with the impacts of climate change or mitigating those impacts will be borne by state and local budgets, putting further strain on overstressed budgets; and

**WHEREAS**, studies show the feasibility of creating an energy system that is 100% renewable energy, while creating jobs and improving public health; and

**WHEREAS**, many municipalities currently lack the professional expertise and resources to mitigate climate change; and

**WHEREAS**, the United States was signatory to the Paris agreement that is working to strengthen the global response to the threat of climate change; and

**WHEREAS**, the Township Council and the Mayor ("Mayor") of North Brunswick Township ("Township") are interested in mandating 100% renewable electricity; and

**WHEREAS**, PJM Interconnection (PJM) is a regional transmission organization that coordinates the movement of wholesale electricity in all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia, but renewable electricity created outside of the PJM grid cannot be directly utilized by residents of the Township; and

**WHEREAS**, prioritizing generation of renewable electricity in the region served by the PJM grid will help improve local air quality, improve public health impacts, and decrease costs; 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**, 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 and business participants in the Township; and

**WHEREAS**, the Township will from time to time solicit proposals from electric power suppliers for electric generation services through the Program, in which the Township and its authorized personnel will be lead agents in administering the North Brunswick Township Community Energy Aggregation Program (“CEA”); and

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

**WHEREAS**, the Township is interested that the energy provided by CEA entirely come from renewable energy sources as soon as practicable, and the CEA will therefore include provisions requiring the inclusion of renewable energy in the request for proposals for electric generation services and energy aggregation services; and

**WHEREAS**, the Township will only award contracts for said electric generation service and energy aggregation services to electric power suppliers that are deemed qualified; and

**WHEREAS**, state regulations at N.J.A.C. § 14:4-6.9 governs rates for services provided to residential and non-residential customers under a government-private energy aggregation program, including when the electricity provided to residential customers is from a percentage of renewable energy exceeding the applicable percentage required under the state’s renewable portfolio standards at N.J.A.C. 14:8-2; and

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

**NOW, THEREFORE, BE ORDAINED** and enacted by the Township Council of Township of North Brunswick, in the County of Middlesex, New Jersey, that the Code of the Township of North Brunswick is amended by adding Chapter 28 as follows:

## **Chapter 28. Community Energy Aggregation**

### **§ 28-1 Authorization.**

**The North Brunswick Township (“Township”) hereby establishes a Community Energy Aggregation Program for residential and non-residential customers, in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., and the rules promulgated thereunder, N.J.A.C. 14:4-6.1, et seq.**

**§ 28-2. Lead Agency.**

The Township shall be the lead agency and any agreements entered into in connection with the Community Energy Aggregation Program by authorized personnel shall be subject to review by the Township.

**§ 28-3. Electric Distribution Aggregation Agreement; Terms; Master Performance Agreement.**

- A. The Mayor of North Brunswick Township (“Mayor”) shall be and is authorized to execute and the Clerk to attest to the execution of and Electric Distribution Aggregation Agreement, in a form acceptable to Township, with PSE&G.
- B. Pursuant to the terms and conditions of the Government Energy Aggregation Act and the rules promulgated thereunder, and specifically N.J.A.C. 14:4-6.2, the Township shall oversee the Community Energy Aggregation Program (“CEA”) as lead agency and, in that capacity, and consistent with applicable rules, shall solicit requests for proposals for electric generation service and energy aggregation services on behalf of Township’s residents and businesses. The Mayor may execute and enter into a contract for such services, subject to § 26-1.3(C)-(D), and provided that the lowest qualified bid price for electricity generation service is consistent with N.J.A.C. § 14:4-6.9 and notice is provided to residential customers should the price exceed the benchmark price, as required by N.J.A.C. § 14:4-6.9(g). Pursuant to the regulations of the Government Energy Aggregation Act, a public notice of the CEA will be issued whereby non-residential energy consumers may opt into the CEA and residential customers may opt out.
- C. The CEA must be fully implemented within one (1) year of the passage of this ordinance. Request for proposals for electricity generating services must state that no contract will be awarded unless it has an option for customers to opt up to 100% renewable electricity and a minimum percentage of renewable electricity for all program participants of:
- 50% from program inception through December 31, 2021;
  - 60% from January 1, 2022 through December 31, 2023;
  - 70% from January 1, 2024 through December 31, 2025;
  - 80% from January 1, 2026 through December 31, 2027;
  - 90% from January 1, 2028 through December 31, 2029; and
  - 100% after December 31, 2029.
- D. The renewable electricity attributes for the CEA should be sourced from within the region served by PJM to the maximum extent possible. The Mayor may not execute and enter into a contract for electricity generating services unless it meets the renewable percentages specified in § 26-1.3(C).
- E. The Mayor may also execute a master performance agreement that obligates the participants in the CEA to purchase electricity at terms and conditions stated therein with a third-party supplier who has been awarded the contract by Township on behalf of participating members of the CEA, and provided that such contract shall be at prices reasonably forecast and estimated by the Township to provide for basic generation service by PSE&G.

**BE IT FURTHER ORDAINED** that if any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

**BE IT FURTHER ORDAINED** that all other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern hereof.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon final passage and publication as required by law.

**RECORDED VOTE FIRST READING**

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
MEHTA				
LOPEZ				
GUADAGNINO				
ANDREWS				
DAVIS				
SOCIO				
MAYOR WOMACK				

**RECORDED VOTE SECOND READING**

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
MEHTA				
LOPEZ				
GUADAGNINO				
ANDREWS				
DAVIS				
SOCIO				
MAYOR WOMACK				

**CERTIFICATION**

I hereby certify that the above Ordinance was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on August 30, 2021.

\_\_\_\_\_  
Lisa Russo, Township Clerk

**EFFECTIVE DATE**

This Ordinance shall take effect on \_\_\_\_\_, 2021, upon passage and publication in accordance with applicable law.

- APPROVED
- REJECTED

\_\_\_\_\_  
Francis M. Womack III, Mayor  
Township of North Brunswick

Date Signed: \_\_\_\_\_, 2021