

**TOWNSHIP OF LUMBERTON, NEW JERSEY**

**RESOLUTION NO. 2014-02-044**

---

**RESOLUTION OF THE TOWNSHIP OF THE TOWNSHIP  
OF LUMBERTON, COUNTY OF BURLINGTON, NEW  
JERSEY AUTHORIZING A GOVERNMENTAL ENERGY  
AGGREGATION PROGRAM AND APPOINTING  
COMMERCIAL UTILITY CONSULTANTS, INC. AS  
ENERGY AGENT TO ASSIST THE TOWNSHIP IN THE  
IMPLEMENTATION OF THE TOWNSHIP'S ENERGY  
AGGREGATION PROGRAM AND MAKING OTHER  
DETERMINATIONS IN CONNECTION THEREWITH**

---

**WHEREAS**, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric and natural gas utility markets; and

**WHEREAS**, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, *N.J.S.A. 48:3-93.1 et seq.* ("Act") and the New Jersey Board of Public Utilities' implementing rules at *N.J.A.C. 14:4-6.1 et seq.* ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

**WHEREAS**, under a GEA Program the residential and non-residential electricity and gas ratepayers may have the opportunity to receive a direct reduction in their electric bills and gas bills through the bulk purchase of energy from a third-party energy supplier; and

**WHEREAS**, the realization of energy costs savings is in the interests of the health, safety and welfare of the residents of the Township of Lumberton, County of Burlington, New Jersey; Township of Lumberton; and

**WHEREAS**, pursuant to an ordinance adopted by the Township of Lumberton on September, 30 2013 ("Prior Ordinance"), the Township of Lumberton publicly declared its intent to commence a GEA Program within the Township of and to become an aggregator of electric power and natural gas on behalf of its residential and non-residential electricity and gas ratepayers pursuant to the Act and the Rules; and

**WHEREAS**, pursuant to the "Local Unit Electronic Technology Pilot Program and Study Act" (P.L. 2001, c.30) ("E-Procurement Act"), administered by the New Jersey Department of Community Affairs ("DCA"), the State of New Jersey has established a pilot program for the electronic purchase of certain commodities and services; and

**WHEREAS**, the E-Procurement Act allows municipalities in the State of New Jersey to purchase commodities and services, including energy supply, through online bidding and reverse auction programs approved by the DCA without the requirement of the traditional public

advertisement and bidding requirements contained in the New Jersey Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*); and

**WHEREAS**, pursuant to the Prior Ordinance, the Township of Lumberton appointed Commercial Utility Consultants, Inc. ("CUC") to assist the Township of Lumberton with the selection of a third-party energy supplier in connection with its energy aggregation program through the use of CUC's Reverse Energy Auction Platform pursuant to the E-Procurement Act; and

**WHEREAS**, the Township of Lumberton believes that it will benefit from the assistance of CUC, which has been approved by the New Jersey Board of Public Utilities ("BPU") to serve as an Energy Agent as defined in the Rules, with the GEA Program; and

**WHEREAS**, CUC has agreed to serve as the Energy Agent for the Township of Lumberton's GEA Program at no cost to the Township of Lumberton; and

**WHEREAS**, the Township of Lumberton, hereby finds that it is in the best interests of residential and non-residential electricity and gas ratepayers of the Township of Lumberton to appoint CUC to serve as Energy Agent in connection with the GEA Program pursuant to the E-Procurement Act.

**NOW, THEREFORE BE IT RESOLVED**, by the Township of Lumberton the Township of Lumberton in the County of Burlington, New Jersey, duly assembled in public session, as follows:

1. The Township of Lumberton hereby appoints CUC to serve as Energy Agent to assist the Township of Lumberton with the administration of its energy aggregation program, all at no cost to the Township of Lumberton.
2. The Mayor, Chief Financial Officer, Treasurer or other municipal officer is hereby authorized and directed to execute, on behalf of the Township, any documents necessary to carry out the purpose of this Resolution.
3. All resolutions, or parts thereof, inconsistent herewith are hereby repealed and rescinded to the extent of any such inconsistency.
4. This resolution shall take effect immediately upon adoption.

**BE IT FURTHER RESOLVED**, that the agreement is conditioned upon the Township Attorney's review and approval.



Stephanie N. Yurko, RMC/CMR  
Municipal Clerk