

LOCAL LAW NO. 6 of 2022

A Local Law known and cited as Amendments to Chapter 73 of the Town Code entitled
Community Choice Aggregation (Energy) Program

Be it enacted by the Town Board of the Town of Ossining as follows:

SECTION 1. Chapter 73 of the Town Code (entitled Community Choice Aggregation (Energy) Program) is hereby amended as follows (deletions in ~~double strike through~~ and additions in **bold and underline**):

§ 73-1. Legislative findings; intent and purpose; authority.

- A. It is the policy of both the Town of Ossining and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for ~~residential and small commercial customers~~ **Eligible Customers** in those markets. Among the policies and models that may offer benefits in New York is community choice aggregation (**“CCA”**), which allows local governments to ~~determine the default supplier of electricity~~ **procure electric** and natural gas **supply** on behalf of its ~~residential and small commercial customers~~ **Eligible Customers**.
- B. The purpose of this CCA Program is to allow participating local governments, including the Town of Ossining, to procure **Energy Services, such as** energy supply service **and Community Distributed Generation (CDG) Credits**, for their ~~residential and small commercial customers~~, **Eligible Customers**, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing ~~d~~Distribution ~~u~~Utility. This ~~e~~Chapter establishes a program that will allow the Town of Ossining to put out for bid the total amount of natural gas and/or electricity being purchased by local residential and small commercial customers. ~~Bundled customers~~ **Energy Services for bid. Eligible Customers** will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment, thereby, fulfilling the purposes of this chapter and fulfilling an important public purpose.
- C. The Town of Ossining is authorized to implement this Community Choice Aggregation (Energy) Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. ~~14-M-0564, Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester, Order Granting Petition in Part (issued February 26, 2015) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0564 (collectively, the “Order”). “Order” shall also mean orders of the Public Service Commission related to State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued December 15,~~

~~2104) to the extent that orders related to Case No. 14-M-0224 enable actions by the Town of Ossining not otherwise permitted pursuant to orders related to Case 14-M-0564; provided, April 20, 2016, hereinafter the CCA Framework Order.~~

- D. This Chapter shall be known and may be cited as the "Community Choice Aggregation (Energy) Program Law of the Town of Ossining."

§ 73-2. Definitions.

For purposes of this chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this chapter shall have the meanings **set forth below, or if not so defined, as** employed in the State of New York Public Service Commission's Uniform Business Practices; ~~or, if not so defined there, as indicated below:~~

~~**BUNDLED CUSTOMERS** — Residential and small commercial customers of electricity or natural gas ("fuels") who are purchasing the fuels from the distribution utility.~~

Community Choice Aggregation Program (or "CCA PROGRAM—Program"): A municipal energy procurement program, ~~which~~ **that** replaces the incumbent utility as the default ~~supplier~~ **electric and/or gas Supplier** for all ~~bundled customers~~ **Opt-out Eligible Customers** within the Town of Ossining. **The CCA Program may include Community Distributed Generation Credits on an opt-out basis and other DER offerings on an opt-in basis.**

~~**DISTRIBUTION UTILITY** — Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.~~

Community Distributed Generation (or "CDG"): Community shared renewables program expanding customer access to the environmental and system benefits of qualifying renewable project generation located behind a non-residential host meter based on remotely sharing net metering or VDER monetary credits through a monetary credit applied to the utility bills of Participating Customers.

Community Distributed Generation Credits (or "CDG Credits"): The monetary credit applied to the utility bills of Participating Customers through the CDG program.

Customers:

Eligible Customers: Customers of electricity and/or natural gas eligible to participate in CCA, either on an Opt-out or Opt-in basis, as delineated in the CCA Framework Order.

Opt-out Eligible Customers: Eligible Customers that are eligible for opt-out treatment as delineated in the CCA Framework Order.

Participating Customers: Opt-out eligible customers who have been enrolled subsequent to the opt-out process and other customers who have opted in.

Customer-specific Data: Utility data for all Opt-out Eligible Customers including account holder name, service address, primary language, if available, any customer-specific alternate billing name and/or address, and other relevant, authorized data.

Distributed Energy Resources (or “DER”): Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for participating consumers, optimize system benefits, and/or address infrastructure and demand challenges within the geography of the CCA including, but not limited to, local renewable energy projects, Community Distributed Generation, peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative initiatives.

Distribution Utility: Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

Energy Services: The provision of energy supply as electric power and/or natural gas or the provision of DER offerings.

Public Service Commission (or “PSC”): New York State Public Service Commission. SMALL COMMERCIAL — Nonresidential customers as permitted by the Order.

Suppliers: Energy service companies (ESCOs) ~~that procure electric power and natural gas~~ **and/or DER providers and/or other entities with authority to provide Energy Services** for ~~bundled customers~~ **Participating Customers** in connection with this ~~eChapter, or, alternatively,~~ ~~generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.~~

~~SUSTAINABLE WESTCHESTER~~ **Sustainable Westchester, Inc. (or “Sustainable Westchester”):** A not-for-profit organization comprised of member municipalities in Westchester County, New York.

Value of Distributed Energy Resources (or “VDER”): REV proceeding (Case 15-E-0751) that replaces the net metering program with a weighted value stack tariff mechanism for accurately pricing Distributed Energy Resources on the grid as a reflection of their system value. Value stack components include the price of energy, capacity, avoided carbon emissions, cost savings to customers and utilities, demand reduction and locational relief. The goal of this proceeding is to increase DER penetration and benefits of DER installations.

§ 73-3. Establishment of a Community Choice Aggregation (Energy) Program.

- A. A Community Choice Aggregation (Energy) Program is hereby established by the Town of Ossining, whereby the Town of Ossining shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the **CCA Framework** Order, as set forth more fully herein. The Town of Ossining's role under the CCA Program involves the aggregating of the ~~electric and/or natural gas supply~~ **demand for energy** of its residents **Eligible Customers** and the entering into ~~a contract with one or more s~~ **contracts for Energy Services**. Under the CCA Program, the operation and ownership of the utility service shall remain with the ~~distribution utility.~~ **Distribution Utility.**
- B. The Town of Ossining's ~~purchase of energy supply through~~ **participation in** a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Town of Ossining will not take over any part of the electric or gas transmission or distribution system and will not furnish any type

of utility service, but will instead negotiate with ~~s~~Suppliers on behalf of ~~participating residential and small commercial customers.~~ **Participating Customers.**

- C. In order to implement the CCA Program, the Town will adopt one or more resolutions that outline the process and conditions for participation in the CCA Program, including but not limited to signing a contract for a compliant bid with one or more suppliers, all as consistent with the ~~chapter~~ **local law** and the **CCA Framework** Order.
- D. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ~~ESCOs~~ **Suppliers**, the operation by which ~~ESCOs~~ **Suppliers** provide ~~e~~Energy ~~s~~Services, and the terms on which customers may be enrolled with ~~ESCOs and DERs~~ **Suppliers**.

§ 73-4. Procedures for eligibility; customer data sharing.

- A. As permitted by the **CCA Framework** Order, the Town of Ossining may request from the ~~distribution utilities~~ **Distribution Utilities** aggregated customer information by fuel type and service classification ~~on a rolling basis~~ **and other relevant, authorized data.**
- B. Sustainable Westchester, on behalf of the Town of Ossining, shall issue one or more requests for proposals to suppliers to provide energy to participants and may then award ~~a contract in accordance with the CCA Program.~~ **one or more contracts in accordance with the CCA Program.**
- C. Sustainable Westchester or the Town of Ossining if the Town of Ossining so chooses, will then request ~~individual customer data~~ **Customer-specific Data** from the ~~distribution utility~~ **Distribution Utility** in accordance with the CCA Program.
- D. Sustainable Westchester or the Town of Ossining if the Town of Ossining so chooses, and the selected ~~supplier~~ **Supplier(s)** will then notify ~~bundled customers~~ **Opt-out Eligible Customers** of the contract terms and ~~their~~ opportunity to opt out of the CCA Program **energy supply and/or CDG Credits.**
- ~~E.~~ In accordance with and for purposes of the **CCA Framework** Order, ~~the existing distribution utility, Con Ed (Consolidated Edison Company of New York, Inc. and/or New York State Electric and Gas Corporation)~~ **the Distribution Utility** will provide to Sustainable Westchester ~~aggregate and customer~~ **Customer-specific e**Data (including usage data, capacity tag obligations, account numbers, and service addresses) of all ~~bundled customers~~ **Eligible Customers** in the Town of Ossining. ~~not currently enrolled with an ESCO.~~
- F. Sustainable Westchester and the Town of Ossining will protect customer information as required by law, subject to the **CCA Framework** Order and the limitations of the New York State Freedom of Information Law.

§ 73-5. Choice of energy supplier; opt-out notice and procedure.

- A. The Town of Ossining ~~or in conjunction with the ESCO~~ will notify, **or will cause notification of,** its ~~residential and small commercial customers,~~ **Opt-out Eligible Customers** by letter notice, of the Town of Ossining's ~~decision to establish~~ **establishing** the CCA Program, of the contract terms with ~~an ESCO~~ **the Supplier**, and of the opportunity to opt out of the CCA Program **offerings**.
- B. The letter notice will be sent to each ~~customer~~ **Opt-out Eligible Customer** at the address provided by the ~~distribution utility~~ **Distribution Utility** and explain the CCA Program and the material provisions of the ~~ESCO~~ **Supplier** contract, identify the methods by which the customer can opt out of the CCA Program, and provide information on how the customer can access additional information about the CCA Program.
- C. The opt out period shall be ~~20 days,~~ **at least thirty (30) Days.**
- ~~D. CCA Program bundled customers, upon enrollment, will receive a welcome letter that will explain the customers' options for canceling the enrollment if they believe they were enrolled incorrectly or otherwise decide to withdraw from the CCA Program in favor of another Supplier. The welcome letter also will explain that residential customers are entitled to the added protection of the mandated three-day rescission period as detailed in Section 5(B)(3) of the Uniform Business Practices.~~

§ 73-6. Verification and reporting.

Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission, ~~which identifies the number of customers enrolled in the CCA Program by municipality and customer class, the number of customers who returned to utility service or service with another supplier during the reporting period, and the average cost of commodity supply by month for the reporting period.~~ **as required in the CCA Framework Order.**

SECTION 2. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 3. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State and the adoption of videoconferencing regulations by resolution of the Town Board.

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF OSSINING