RESOLUTION

On motion of Trustee Lambert, seconded by Trustee Fleisig the following Resolution was duly adopted:

86:22 ADOPTION OF PROPOSED LOCAL LAW D OF 2022 TO AMEND CHAPTER 110 COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM OF THE CODE OF THE VILLAGE OF HASTINGS-ON-HUDSON

RESOLVED: that the Mayor and Board of Trustees hereby adopt Proposed Local Law D of 2022 Amending Chapter 110 Community Choice Aggregation (Energy) Program of the Code of the Village of Hastings-on-Hudson as follows:

A LOCAL LAW TO AMEND CHAPTER 110 COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM OF THE CODE OF THE VILLAGE OF HASTINGS-ON-HUDSON

Be it enacted by the Board of Trustees of Village of Hastings-on-Hudson as follows:

(deleted language in strikeout, added language in bold)

SECTION 1: Chapter 110 of the Code of the Village of Hastings-on-Hudson is hereby amended To read as follows:

§ 110-1. Legislative findings; intent and purpose; authority.

A. It is the policy of both the Village of Hastings-on-Hudson 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 Eligible Customers 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 Village of Hastings-on-Hudson, 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 distribution utility Distribution Utility. This chapter establishes a program that will allow the Village to put out Energy Services for bid the total amount of natural gas and/or electricity being purchased by local residential and small commercial customers. Bundled customers 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 Village of Hastings-on-Hudson is authorized to implement this Community Choice Aggregation (Energy) Program pursuant to §Section 10- Subdivision (1)(i)(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 April 20, 2016, hereinafter the CCA Framework Order) December 15, 2104) to the extent that orders related to Case No. 14-M-0224 enable actions by the Village of Hastings-on-Hudson not otherwise permitted pursuant to orders related to Case No. 14-M-0564; provided, however, that in the event of any conflict between orders from Case No. 14-M-0564 and orders from Case No 14-M-0224, orders from Case No. 14-M-0564 shall govern the CCA Program.

D. This chapter shall be known and may be cited as the "Community Choice Aggregation (Energy) Program Law of the Village of Hastings-on-Hudson.


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
A municipal energy procurement program, which replaces the incumbent utility as the default supplier electric and/or gas Supplier for all bundled customers Opt-out Eligible Customers within the Village of Hastings-on-Hudson. The CCA Program may include Community Distributed Generation Credits on an opt-out basis and other DER offerings on an opt-in basis.

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 nonresidential 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
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 chapter, or alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

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.


A. A Community Choice Aggregation (Energy) Program is hereby established by the Village of Hastings-on-Hudson, whereby the Village 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 Village'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 suppliers for supply and service 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 Village's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Village 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 Suppliers on behalf of participating residential and small commercial customers Participating Customers.
C. In order to implement the CCA Program, the Village will adopt one or more resolutions that outline the process of 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 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 Energy Services, and the terms on which customers may be enrolled with ESCOs Suppliers.

§ 110-4. Procedures for eligibility; customer data sharing.

A. As permitted by the CCA Framework Order, the Village of Hastings-on-Hudson may request from the 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 Village of Hastings-on-Hudson, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award one or more contracts in accordance with the CCA Program.

C. Sustainable Westchester or the Village, if the Village so chooses, will then request individual customer data Customer-specific Data from the Distribution Utility in accordance with the CCA Program.

D. Sustainable Westchester or the Village, if the Village so chooses, and the selected supplier Suppliers(s) will then notify bundled customers Opt-out Eligible Customers of the contract terms and their opportunity to opt out of the CCA Program at no cost energy supply and/or CDG Credits.

E. In accordance with and for purposes of the CCA Framework Order, the existing distribution utility, Consolidated Edison Company of New York, Inc., Distribution Utility will provide to Sustainable Westchester aggregate and Customer-specific data (including usage data, capacity tag obligations, account numbers, and service addresses) of all bundled customers Eligible Customers in the Village of Hastings-on-Hudson.

F. Sustainable Westchester and the Village of Hastings-on-Hudson 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.
§ 110-5. Choice of energy supplier; opt-out notice and Procedure.

A. The Village of Hastings-on-Hudson 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 Village’s decision to establish Village 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 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.

§ 110-6. 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 by the CCA Framework Order.

SECTION 2. SEVERABILITY

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.
**ROLL CALL VOTE**

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<td>Trustee Mary Lambert</td>
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<td>Trustee Morgen Fleisig</td>
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<td>Mayor Nicola Armacost</td>
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**CERTIFICATION**

I, Anthony P. Costantini, Village Clerk of Hastings-on-Hudson, do hereby certify that I have compared the foregoing copy of the Resolution adopted at the Special Meeting of the Board of Trustees on August 16, 2022, with the original now remaining on file at this office and that the same is a correct transcript therefrom and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Village of Hastings-on-Hudson this 17th day of August, 2022.

Anthony P. Costantini  
Village Clerk