

Chapter 302

COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM

[HISTORY: Adopted by the Township Council of the Township of Mount Laurel 5-15-2017 by Ord. No. 2017-8. Amendments noted where applicable.]

§ 302-1. Legislative findings; intent and purpose; authority.

- A. It is the policy of both the Town of Yorktown 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 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 procure electric and natural gas supply on behalf of its eligible customers.
- B. The purpose of this CCA Program is to allow participating local governments including the Town of Yorktown to procure energy supply service and community distributed generation (CDG) for their eligible customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing distribution utility. This chapter establishes a program that will allow the Town of Yorktown to put out for bid the total amount of natural gas and/ or electricity being purchased by local eligible customers for both ESCO supply and CDG. 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 Yorktown is authorized to implement this Community Choice Aggregation (Energy) Program pursuant to § 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-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued 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 Yorktown."

§ 302-2. 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:

COMMUNITY CHOICE AGGREGATION PROGRAM (or "CCA PROGRAM"): — A municipal energy procurement program that replaces the incumbent utility as the default electric and/ or gas supplier for all opt-out eligible customers within the Town

of Yorktown. The CCA Program may include community distributed generation 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: —

- A. **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.
- B. **OPT-OUT ELIGIBLE CUSTOMERS** — Eligible customers that are eligible for opt-out treatment as delineated in the CCA framework order.
- C. **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.

PUBLIC SERVICE COMMISSION (or "PSC") — New York State Public Service Commission.

SUPPLIERS — Energy service companies (ESCOs) that procure electric power, natural gas and/or DERs for participating customers in connection with this chapter or, alternatively, generators of electricity, natural gas and/or DERs or other entities who procure and resell electricity, natural gas or DERs.

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.

§ 302-3. Establishment of community choice aggregation (energy) program.

- A. A Community Choice Aggregation (Energy) Program is hereby established by the Town of Yorktown, whereby the Town of Yorktown shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the order, as set forth more fully herein. The Town of Yorktown role under the CCA Program involves the aggregating of the electric and/or gas supply of its residents and the entering into a contract with one or more suppliers for ESCO supply and CDG services. Under the CCA Program, the operation and ownership of the utility service shall remain with the distribution utility.
- B. The Town of Yorktown's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Town of Yorktown 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 customers.
- C. In order to implement the CCA Program, the Town of Yorktown 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 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 and DERS, the operation by which ESCOs and DERS provide energy services and the terms on which customers may be enrolled with ESCOs and DERS.

§ 302-4. Procedures for eligibility; customer data sharing.

- A. As permitted by the CCA framework order, the Town of Yorktown may request from the distribution utilities aggregated customer information by fuel type, service classification and other relevant, authorized data.
- B. Sustainable Westchester, on behalf of the Town of Yorktown, 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 Town of Yorktown, if the Town of Yorktown so chooses, will then request customer-specific data from the distribution utility in accordance with the CCA Program.
- D. Sustainable Westchester or the Town of Yorktown, if the Town of Yorktown so chooses, and the selected supplier(s) will then notify opt-out eligible customers of the contract terms and opportunity to opt out of the CCA Program ESCO supply and/or CDG.

- E. In accordance with and for purposes of the CCA framework order, ConEd and NYSEG will provide to Sustainable Westchester customer-specific data (including usage data, capacity tag obligations, account numbers, and service addresses) of all eligible customers in the Town of Yorktown.
- F. Sustainable Westchester and the Town of Yorktown 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.

§ 302-5. Choice of energy supplier; opt-out notice and procedure.

- A. The Town of Yorktown or in conjunction with the supplier will notify its opt-out eligible customers by letter notice of the Town of Yorktown establishing the CCA Program, of the contract terms with an ESCO and/or CDG, and of the opportunity to opt out of the CCA Program offerings.
- B. The letter notice will be sent to each opt-out eligible customer at the address provided by the distribution utility and explain the CCA Program and the material provisions of the ESCO and/or CDG 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 at least 30 days.

§ 302-6. Verification and reporting.

- A. Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission as required in the CCA framework order.