

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of West Carthage
- Town
- Village

FILED
STATE RECORDS
JAN 05 2021

DEPARTMENT OF STATE

Local Law No. Local Law #3 of the year 20 20

A local law adding Chapter 37 to the village code entitled "Community Choice Aggregation Energy Program"
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

- County
- City of West Carthage as follows:
- Town
- Village

§37-1.
Legislative Findings; Intent and Purpose; Authority

A. It is the purpose of this Local Law to seek to reduce the cost of natural gas and electricity to its residents.

B. The purpose of this CCA Program, as described to the Village of West Carthage by the Administrator, is to allow participating local governments including the Village of West Carthage to procure energy supply service for their residential and commercial 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 Village of West Carthage or its designated agent for that purpose, to put out for bid the total amount of natural gas and/or electricity being purchased by their residential and Commercial customers. Bundled Customers will have the opportunity to have more negotiating strength and consequential potential to lower their overall energy costs, and to improve customer choice and value, by providing an additional alternative source for electricity and natural gas; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

C. The Village of West Carthage is hereby authorized to participate in a 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-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs, Order Authorizing Framework for Community Choice Aggregation Opt-Out Program (issued April 20, 2016), including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 24-M-0224 (collectively, the "Order").

D. This Chapter shall be known and may be cited as the "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law" of the Village of West Carthage

§37-2. 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 employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

Administrator – Good Energy, a New York State company.

Bundled Customers – Residential and Commercial customers of electricity or natural gas ("fuels") who are purchasing the fuels from the Distribution Utility.

Commercial – Non-residential customers as permitted in the Order.

Community Choice Aggregation Program or CCA Program – A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the Village of West Carthage

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 – New York State Public Service Commission.

Suppliers – Energy service companies (ESCOs) that produce electric power and natural gas for Bundled 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.

§37-3. Establishment of a COMMUNITY CHOICE AGGREGATION (ENERGY) Program.

A. A Community Choice Aggregation (Energy) Program is hereby established by whereby the Village of West Carthage shall cooperate with the Administrator by participating in the CCA Program to the full extent permitted by the Order, as set forth more fully herein. The Village of West Carthage's role under the CCA Program involves the aggregating of the electric and/or natural gas supply for its residents, and the entering into a contract with one or more Suppliers, through the Administrator, for the procurement of electricity and/or natural gas supply for its residential and Commercial customers. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.

B. The Village of West Carthage's procurement of energy supply through a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Village of West Carthage 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 through the Administrator on behalf of participating residential and Commercial customers.

C. In order to implement the CCA Program, the Village of West Carthage shall adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, as consistent with the Local Law and the Order. The Village shall adopt the following policies and agreements consistent with the Order: (i) an Implementation Plan; (ii) a Data Protection Plan; (iii) a Data Security Agreement; and (iv) a Certification of Local Authority (collectively, the "Policies"). The Policies shall be adopted, submitted, amended, supplemented and filed in accordance with the Order.

D. The Public Service Commission supervises retail markets and participates in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

§37-4. Customer Eligibility.

A. Residential and Commercial customers, regardless of size, shall be eligible to participate in the CCA Program.

B. The Administrator shall apply opt-in and opt-out status to customers in accordance with the Order.

§37-5. Supplier Selection; Supplier Contracts.

- A. The Administrator, on behalf of the Village of West Carthage 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.
- B. The terms of the Supplier contracts ("CCA Contract") shall comply with the Order.

§37-6. Opt-Out Notice and Procedures.

- A. The Administrator shall provide information and education to potential CCA customers over no less than a two (2) month period.
- B. The Village of West Carthage shall mail opt-out letters to eligible opt-out customers provided: (i) the Policies have been filed; and (ii) the opt-out letters have been deemed compliant.
- C. The opt-out letter shall comport with the requirements set forth in the Order.
- D. The initial opt-out period shall be thirty (30) days after notification is sent to the customer.

§37-7. Customer Data Sharing.

- A. The Administrator may request the Distribution Utility's aggregated customer information on all Bundled Customers in the Village of West Carthage provided the Public Service Commission has approved the Policies.
- B. Provided the Administrator has complied with the requirements of (A), the Distribution Utility shall transfer the aggregated customer and usage data within twenty (20) days of a request from the Administrator in accordance with the Order.
- C. Customer-specific information may be requested for all eligible customers once the Administrator demonstrates that the requisite contracts with ESCOs have been entered into and executed. Detailed customer information may be requested for eligible customers who did not opt-out once the initial opt-out period has closed.
- D. After the Administrator has entered into a CCA Contract with an ESCO, the Distribution Utility shall transfer customer-specific data to the Administrator within five (5) days of a request in accordance with the Order.

E. The Administrator, the contracted Supplier, and the Village of West Carthage will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law.

Section 2. This local law shall take effect upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 20 of the (County)(City)(Town)(Village) of West Carthage was duly passed by the Board of Trustees on December 7 20 20, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____, above.

Deborah A. Pierce
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/7/2020

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Jefferson

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Lawrence D. Hasseler
Signature
Lawrence D. Hasseler
Title

County _____
City of West Carthage
Town _____
Village _____

Date: December 14, 2020