

NEW ROCHELLE, N.Y.  
PUBLIC HEARING NOTICE  
PROPOSED AMENDMENT TO CITY CODE, CHAPTER 131-1  
LOCAL LAW, INTRO. NO. 3

RE: COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM

NOTICE is hereby given that the City Council of the City of New Rochelle, New York, will hold a Public Hearing in accordance with the provisions of Section 16 of Article III of the Charter of the City of New Rochelle and in accordance with the provisions of the Municipal Home Rule Law of the State of New York, in the Council Chambers, City Hall, 515 North Avenue, New Rochelle, New York, on Tuesday, July 12, 2022, at 7:00 P. M., on a proposed Local Law, Intro. No. 3, as follows:

A LOCAL LAW, INTRO NO. 3\_ TO AMEND THE COMMUNITY  
CHOICE AGGREGATION (ENERGY) PROGRAM.

Be it enacted by the City Counsel of City of New Rochelle as follows:

Section 1. Chapter 131 of the Code of the City of New Rochelle titled "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM," is hereby amended to read as follows:

**§ 131-1. Legislative findings; Intent and Purpose; Authority.**

A. It is the policy of both the City of New Rochelle and the State of New York to reduce municipal operating costs [while providing] 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] 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 City of New Rochelle 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 [c]Chapter establishes a program that will allow the City of New Rochelle to put out [for bid the total amount of natural gas and/or electricity being purchased by local residential and small commercial 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 City of New Rochelle 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 City of New Rochelle not otherwise permitted pursuant to orders related to Case 14 M 0564; provided,] April 20, 2016, hereinafter the CCA Framework Order). [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 Of the City of New Rochelle."

#### § 131-2. 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”):** A municipal energy procurement program, which replaces the incumbent utility as the default [supplier] electric and/or gas Supplier for all bundled customers within the City of New Rochelle. 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 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.

**ENERGY SERVICES:** The provision of energy supply as electric power and/or natural gas or the provision of DER offerings.

**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]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[c]Chapter.

**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.

### **§ 131-3. Establishment of a program.**

- A. A Community Choice Aggregation (Energy) Program is hereby established by the City of New Rochelle, whereby the City of New Rochelle 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 City of New Rochelle'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 services.] 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 City of New Rochelle'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 City of New Rochelle 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 City of New Rochelle will adopt one or more measures] 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 [s]Suppliers, all as consistent with this chapter 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.

#### § 131-4. Procedures for eligibility; customer data sharing.

- A. As permitted by the CCA Framework Order, the City of New Rochelle 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 City of New Rochelle, shall issue one or more requests for proposals to [s]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 City of New Rochelle, if the City 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 City of New Rochelle, if the City 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, 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 [d]Data (including usage data capacity tag obligations, account numbers, and service addresses) of all [bundled

customers]Eligible Customers in the City of New Rochelle. [not currently enrolled with an ESCO.]

- F. Sustainable Westchester and the City of New Rochelle 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.

§ 131-5. Choice of energy supplier; opt-out notice and procedure.

- A. The City of New Rochelle [or in conjunction with the ESCO Supplier] will notify, or will cause notification of, its [residential and small commercial customers,] Opt-out Eligible Customers by letter notice, of the City of New Rochelle[‘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 Section5(B)(3) of the Uniform Business Practices.]

§ 131-6. Verification and reporting.

- A. 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. This local law shall take effect upon filing with the Secretary of State.

PURPOSE AND JUSTIFICATION: To offer a community solar program (Solar Credit Offering) that will provide a financial benefit and a guaranteed savings of up to 10 per cent on electricity bills for Westchester Power Community Choice Aggregation (Energy) Program’s eligible customers (residents) with a low to moderate income or live in Environmental Justice Areas.

All persons interested are invited to attend said Public Hearing or submit written communications to the City Clerk at or before the Public Hearing.

By order of the City Council dated June 21, 2022, pursuant to Resolution duly adopted. .

Michelle Oliveros, City Clerk