



Capital of the Adirondacks™

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NOTICE OF PUBLIC HEARING

Please Take Notice that the Village Board of the Village of Saranac Lake will hold a public hearing pursuant to Section 7-708 of the NYS Village Law on proposed Local Law 2-2021 “Community Choice (Energy) Program” to the Village of Saranac Lake Code. The intend of this legislation is to reduce energy costs and provide energy cost certainty for Village residents; to encourage economic development and promote energy efficiency and the use of renewable energy resources such as wind and solar. A complete copy of the proposed law is available at the Village Office or at www.saranaclakeny.gov under about us, documents and forms, public notices. The public hearing will be held on September 13, 2021 at 5:30 PM at the Harrietstown Auditorium at 39 Main Street, Saranac Lake, New York.

LOCAL LAW NO. #-2021

**A LOCAL LAW TO ESTABLISH A
COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM
IN THE VILLAGE OF SARANAC LAKE**

Be it enacted by the Board of Trustees of the Village of Saranac Lake a new Chapter of the Code of the Village of Saranac Lake as follows:

SECTION 1.

SHORT TITLE

This Local Law shall be cited as Local Law #X of 2021 of the Village of Saranac Lake and is entitled “Community Choice Aggregation (Energy) Program.”

SECTION II.

LEGISLATIVE FINDINGS

Through the adoption of this Chapter, it is the legislative intent of the Village of Saranac Lake (“Village”) Board of Trustees to: (1) reduce energy costs and provide energy cost certainty for Village residents; (2) encourage economic development; and (3) promote energy efficiency and the use of renewable energy resources such as wind and solar. Community Choice Aggregation (“CCA”), which allows local governments to determine the default supplier of electricity on behalf of eligible consumers, has the potential to help the Village achieve these legislative goals.

The purpose of CCA is to allow participating local governments to procure energy supply service for consumers who choose to not opt out of the procurement, while maintaining transmission and distribution service from the existing distribution utility. This Chapter establishes a program (“CCA Program”) that will allow the Village and other local governments to work together through a shared purchasing model to put out for bid the total amount of electricity being purchased by eligible consumers within the jurisdictional boundaries of participating municipalities. Eligible consumers 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 legislative intent underlying this Chapter and serving an important public purpose.

SECTION III.

AUTHORITY

This Chapter of the Code of the Village of Saranac Lake is enacted by the Board of Trustees of the Village of Saranac Lake pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10. This Chapter implements authority provided to New York State municipalities to develop and implement CCA Programs by the New York State Public Service Commission.

SECTION IV.

AMENDMENTS

The Code of the Village of Saranac Lake is amended to add a new Chapter as follows:

§1. Title

This Chapter shall be entitled the Community Choice Aggregation (Energy) Program.

§2. Purpose

The purpose of this Chapter is to provide for the development and implementation of a program intended to reduce the energy costs and provide energy cost certainty for Village residents and for purposes of economic development and to promote energy efficiency and the use of renewable energy resources such as wind and solar.

§3. 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:

- A. "Aggregated Data" shall mean aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service class.
- B. "CCA Administrator" shall mean the Village's duly authorized representative for putting out for bid the total amount of electricity and/or natural gas being purchased by Participating Consumers. CCA Administrator is responsible for Program organization, administration, procurement, and communications, unless otherwise specified.
- C. "Customer Specific Data" shall mean customer specific information, personal data and utility data for all consumers in the Village eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.
- D. "Data Security Agreement" shall mean an agreement between the Distribution Utility and the Village that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of

confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

- E. “Default Service” shall mean supply service provided by the Distribution Utility to consumers who are not currently receiving service from an energy service company (ESCO). Eligible Consumers within the Village that receive Default Service, and have not opted out, will be enrolled in the Program as of the Effective Date.
- F. “Distributed Energy Resources” (“DER”) shall mean local renewable energy projects, shared renewables like community solar, hydro, energy efficiency, demand response, energy management, energy storage, microgrid projects and other innovative Reforming the Energy Vision (REV) initiatives that optimize system benefits, target and address load pockets/profile within the CCA’s zone and reduce cost of service for Participating Consumers.
- G. “Distribution Utility” shall mean the owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.
- H. “Eligible Consumers” shall mean eligible customers of electricity and/or natural gas who receive Default Service from the Distribution Utility as of the Effective Date, or New Consumers that subsequently become eligible to participate in the Program, at one or more locations within the geographic boundaries of the Village, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the Village, as such boundaries exist on the effective date of the ESA.
- I. “ESCO” or “Energy Services Company” shall mean an entity duly authorized to conduct business in the State of New York as an ESCO.
- J. “New Consumers” shall mean consumers of electricity that become Eligible Consumers after the effective date of the ESA, including those that opt in or move into Village.
- K. “Participating Consumers” shall mean Eligible Consumers enrolled in the Program, either because they are consumers who receive Default Service from the Distribution Utility as of the Effective Date and have not opted out or are New Consumers.
- L. “Program Organizer” shall mean the group responsible for initiating and organizing the CCA. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.
- M. “PSC CCA Order” shall mean the PSC’s Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, “Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs.”

N. “Public Service Commission” or “PSC” shall mean New York State Public Service Commission.

O. “Supplier” shall mean an ESCO that procures electric power and natural gas for Eligible Consumers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§4. Establishment of a Community Choice Aggregation (Energy) Program.

A. A Community Choice Aggregation (Energy) Program is hereby established by the Village, whereby the Village may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.

B. The Village may act as aggregator or broker for the sale of electric supply, gas supply, or both to Eligible Consumers and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of Eligible Consumers.

C. The Village may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to: (i) develop and implement the CCA Program; (ii) act as CCA Administrator; and/or (iii) develop offers of opt-in distributed energy resources (DER) products and services to Participating Consumers, including opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative Reforming the Energy Vision (REV) initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.

D. The operation and ownership of the utility service shall remain with the Distribution Utility. 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 shall 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 Consumers.

§5. Eligibility.

A. All consumers within the Village, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program. All such consumers shall be enrolled on an opt-out basis except for consumers: (i) that are already taking service from an ESCO; (ii) that have placed a freeze or block on their account; or (iii) for whom inclusion in the CCA Program will interfere with a choice the customer has already made to take service pursuant to a special rate. Those consumers may be enrolled on an opt-in basis.

B. New Consumers shall be enrolled on an opt-out basis.

§6. Opt-Out Process.

A. An opt-out letter, printed on municipal letterhead, shall be mailed to Eligible Consumers at least 30 days prior to customer enrollment. The opt-out letter shall include information

on the CCA Program and the contract signed with the selected ESCO including specific details on rates, services, contract term, cancellation fee, and methods for opting-out of the CCA Program. The letter shall explain that consumers that do not opt-out will be enrolled in ESCO service under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.

- B. All consumers shall have the option to opt-out of the CCA Program at any time without penalty.
- C. Termination fees shall not be charged to consumers that cancel their CCA service as a result of moving out of the premises served.

§7. Customer Service.

Participating Consumers shall be provided customer service including a toll-free telephone number available during normal business hours (9:00 A.M.- 5:00 P.M. Eastern Time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the Supplier.

§8. Data Protection Requirements.

- A. The Village may request Aggregated Data and Customer Specific Data from the Distribution Utility provided, however, that the request for Customer Specific Data is limited to only those Eligible Consumers who did not opt-out once the initial opt-out period has closed.
- B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Village or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the Village or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. The Village must enter into a Data Security Agreement with the Distribution Utility for the purpose of protecting customer data.

§9. CCA Advisory Group.

- A. A CCA Advisory Group is hereby established to develop and review CCA related proposals, make recommendations to the Village Board of Trustees regarding the award of said proposals, and forward information regarding such recommended awards to the Village Board of Trustees for consideration.
- B. Membership to the CCA Advisory Group shall include the Village Manager, Treasurer and Community Development Director.

§10. Administration Fee.

The Village may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§11. Reporting.

- A. Annual reports shall be filed with the Village Board of Trustees by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted-out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

SECTION V.

SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

SECTION VI.

EFFECTIVE DATE

This Local Law shall take effect immediately, as provided by law, upon filing with the New York State Secretary of State.