

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 14-M-0224 - Proceeding on Motion of the Commission to
Enable Community Choice Aggregation Programs.

ORDER MODIFYING COMMUNITY CHOICE AGGREGATION PROGRAMS AND
ESTABLISHING FURTHER PROCESS

Issued and Effective: January 19, 2023

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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on January 19, 2023

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
Diane X. Burman, dissenting
James S. Alesi
Tracey A. Edwards
John B. Howard, dissenting
David J. Valesky
John B. Maggiore

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BY THE COMMISSION:

INTRODUCTION

Increasing the ability of individuals and communities to manage their energy usage bills, facilitating wider market-based deployment of clean energy and energy efficiency, increasing the penetration of large-scale renewables and distributed energy resources (DERs), and increasing the benefits of retail competition for residential and small non-residential customers through well-designed Community Choice Aggregation (CCA) programs supports New York State in meeting its clean energy goals and facilitates the objectives of the Reforming the

Energy Vision (REV) proceeding.¹ CCA programs can provide substantial opportunities for local, community, and individual engagement on topics related to energy needs, such as innovative energy programs, products, and services that promote and advance local goals. With the continued changes in energy markets, CCA programs can potentially provide municipalities an opportunity to stabilize supply prices for their constituents through fixed rate supply agreements.

In this Order, the Public Service Commission (Commission) adopts recommendations made in the Department of Public Service Staff's (Staff) Whitepaper on Community Choice Aggregation Programs (CCA Whitepaper).² The recommendations adopted herein will provide CCA program improvements by: (a) creating additional consistency, transparency, and clarity between, and amongst, each CCA Administrator's programs; (b) developing processes to clarify existing requirements and how to comply with these requirements; (c) implementing an enforcement mechanism to ensure CCA market participants act in a fair and principled manner; and (d) instituting price caps on commodity products to ensure customer benefits. Adopting program standardization and uniformity, standardization amongst utilities, streamlined filing processes, and modified program requirements will improve the CCA program by ensuring that clear, consistent, and accurate information is being provided to all customers, regardless of the CCA Administrator or program,

¹ Case 14-M-0101, Reforming the Energy Vision, Order Instituting Proceeding (issued April 25, 2014); Case 12-M-0476 et al., Residential and Small Non-Residential Retail Energy Markets, Order Instituting Proceeding and Seeking Comments Regarding the Operation of the Retail Energy Markets in New York State (issued October 19, 2012).

² Case 14-M-0224, Department of Public Service Staff Whitepaper on Community Choice Aggregation Programs (filed April 14, 2021).

and allow for ease or comparison between programs by consumers, municipalities, and Staff.

BACKGROUND

Since the adoption of the initial CCA Framework Order,³ the CCA program has seen great success in furthering New York State's REV initiative and the State's Climate Leadership and Community Protection Act (CLCPA) by providing residents with more affordable clean energy supply choices.⁴ At the end of December 2021, four Commission-approved CCA Administrators (Administrators) were providing services to nearly 100 municipalities across the State and giving more than 200,000 residents more control over their energy future, as well as additional access to value-added program offerings.⁵ Due in part to recent volatility in energy markets, voided energy service company (ESCO) contracts, and utility billing issues, the number of active municipalities has decreased, but the program continues to serve close to 190,000 New York State residents. This success, however, has not come without program challenges.

On April 14, 2021, Staff filed the CCA Whitepaper, which described the then-current status of New York's CCA programs, detailed the successes and challenges faced since the

³ Case 14-M-0224, Order Authorizing Framework for Community Choice Aggregation Opt-Out Program (issued April 21, 2016) (CCA Framework Order).

⁴ See Chapter 106 of the Laws of 2019 (codified, in part, in Public Service Law (PSL) §66-p). The CLCPA, which became effective on January 1, 2020, codified and expanded several statewide clean energy and climate goals, including that New York develop 6 gigawatts (GW) of distributed solar projects by 2025, and that 70 percent of New York's electricity come from renewable energy sources, such as wind and solar, by 2030.

⁵ See Matter No. 17-00974, In the Matter of Financial Reports for Community Choice Aggregation Programs.

initiation of these programs, identified potential program improvements, and presented recommendations based upon the experience of Staff in conducting oversight and monitoring of the CCA programs. The CCA Whitepaper included Staff recommendations including, but not limited to, standardization of CCA program filing requirements, streamlining of the filing process, modification of existing requirements, and adoption of additional requirements.

NOTICE OF PROPOSED RULE MAKING

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rule Making was published in the State Register on May 5, 2021 [SAPA No. 14-M-0224SP21] (SAPA Notice). The time for submission of comments pursuant to the SAPA Notice expired on July 5, 2021. Additionally, the Secretary to the Commission (Secretary) issued a Notice Soliciting Comments on April 27, 2021, and established an initial comment deadline of July 6, 2021, with reply comments due July 20, 2021 (Secretary's Notice).⁶ There were 23 comments received in response to these notices, with six stakeholders filing reply comments. These comments are discussed below under the relevant topic areas.

LEGAL AUTHORITY

The Commission's authority stems from the Commission's jurisdiction over gas and electric corporations, including the utilities and ESCOs; the provision of gas and electric service; and the sale of gas and electricity. PSL §5(1) grants the Commission jurisdiction and supervision over the sale or distribution of gas and electricity. Section 5(2) requires the

⁶ Case 14-M-0024, Notice Soliciting Comments (issued April 27, 2021).

Commission to "encourage all ... corporations subject to its jurisdiction to formulate and carry out long-range programs, individually or cooperatively, for the performance of their public service responsibilities." Pursuant to Section 65(1), every gas corporation and electric corporation must safely and adequately "furnish and provide [gas and electric] service, instrumentalities, and facilities." Section 66(1) extends general supervision to gas corporations and electric corporations having authority to maintain infrastructure for the "purpose of furnishing or distributing gas or of furnishing or transmitting electricity" such that the Commission may direct terms under which ESCOs will be provided retail access to distribution systems and to customer data.

Pursuant to Section 66(2), the Commission may "examine or investigate the methods employed by ... corporations ... in manufacturing, distributing, and supplying gas or electricity," as well as "order such reasonable improvements as will best promote the public interest ... and protect those using gas or electricity." Pursuant to Section 66(3) the Commission may prescribe "the efficiency of the electric supply system." Further, pursuant to Section 66(5), the Commission is authorized to "examine all persons, corporations and municipalities under its supervisions and keep informed as to the methods, practices, regulations and property employed by them in the transaction of their business." Accordingly, the Commission has the jurisdiction over the gas utilities, electric utilities, and ESCOs affected by this Order to require them to comply with the requirements outlined herein.

In addition, CCA programs utilizing an opt-out method of customer enrollment are not possible without Commission authorization because, pursuant to the Uniform Business Practices (UBP) adopted by the Commission, DERs and ESCOs cannot

request customer data or enroll customers without individual customer authorization. Since such CCA programs depend on the ability of the municipality, DER, or ESCO to contact and enroll customers on an opt-out basis, Commission action is necessary to authorize CCA programs. Furthermore, the Commission can exercise oversight of CCA programs, including by setting practices for the establishment and operation of those programs, by conditioning the ability of the DER or ESCO to receive data and enroll customers in compliance with Commission directives.

DISCUSSION

Program Standardization and Uniformity

As proposed in the CCA Whitepaper, the creation of standardized templates and specific guidelines for meeting program requirements would provide clarity and uniformity for all current and potential CCA stakeholders, including utilities, municipalities, Administrators, and participating CCA customers. Staff proposed that the Commission approve the use of standardized templates, not specific templates or forms, which would thereby allow Staff the flexibility to modify templates as experience with CCA programs continues to develop. Under this proposal, Commission action would not be required every time a change to such a form is necessary, thus allowing Staff to be efficient with its resources as well as dynamic in its oversight of CCA programs and Administrators. Staff recommends within the CCA Whitepaper that the Commission require use of standardized templates and specific guidelines for meeting program requirements, including but not limited to, outreach and education plans and opt-out letters. This would ensure all requirements had been met, necessary information had been captured, and ensure consumers are being properly educated about their municipality's opt-out CCA program.

Comments

Municipal Electric and Gas Alliance (MEGA), the Joint Utilities,⁷ Eligo Energy NY, LLC (Eligo), Citizens for Local Power (CLP), Sustainable Westchester (SW), Good Energy, L.P. (Good Energy), and M&R Energy Resources Corporation (M&R) support program standardization of elements in the CCA program filings, and outreach and education, as well as the templates and guidelines suggested in the CCA Whitepaper. Joule Assets, Inc. (Joule), SW, and CLP caution against the over standardization that could impede the municipality's ability to customize CCA programs or execute them in the manner they deem best for residents.

Roctricity, JU, SW, Joule, and NRG Energy, Inc. (NRG) support uniformity and standardization, but caution against over-limiting the language surrounding these programs. According to these commenters, standardization should not impede the ability of the CCA Administrator and participating municipality to customize a CCA program in the manner deemed best for residents. Joule emphasizes that any template must be based only on the Commission required outreach and education and that they should never be in a situation where they have submitted documentation of completed outreach and education and it is unknown if Staff will grant approval. Joule also seeks specific requirements on what Staff expects from outreach and

⁷ The Joint Utilities are comprised of: Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; National Fuel Gas Distribution Corporation; New York State Electric & Gas Corporation; the Brooklyn Union Gas Company d/b/a National Grid NY; KeySpan Gas East Corporation d/b/a National Grid; Niagara Mohawk Power Corporation d/b/a National Grid; Orange & Rockland Utilities, Inc.; PSEG Long Island on behalf of the Long Island Power Authority; and Rochester Gas & Electric Corporation (collectively, Joint Utilities or JU).

education events. Good Energy suggests that a CCA opt-out letter be approved prior to the 60-day outreach period or soon after the CCA price and product selection is decided by the municipality as the timing of such approval can significantly jeopardize customer enrollment for the start month of the ESCO CCA energy supply agreement.

Determination

The Commission hereby adopts the use of standardized templates and specific guidelines for CCA Administrator compliance filings. These include the Master Implementation Plan and the Municipality Filing, which will include, but not be limited to, the Outreach and Education Plan, the opt-out letter, and Frequently Asked Questions (FAQs). Regarding the FAQs template, the substance of the questions and answers are all that Administrators are required to include with their opt-out letter, and Administrators are free to modify the formatting of the document to reflect, for example, a header with the name of the Administrator and/or CCA program. Standardized templates and specific guidelines will also be available for program reporting and notifications of billing issues. Consistent with the proposal in the CCA Whitepaper, the Commission adopts the use of templates. Staff is afforded the flexibility to modify these templates as experience with CCA programs continues to develop. The Commission directs Staff to post these templates on the Department of Public Service's (Department) CCA webpage.⁸ This simple modification to the CCA program will facilitate Staff oversight over the program, including making it easier to determine if an Administrator is following the required Commission rules, as well as reducing the time necessary to review filings.

⁸ <https://www3.dps.ny.gov/W/PSCWeb.nsf/ArticlesByTitle/82F83CAC4E71F05D8525835900429D8F?OpenDocument>.

A majority of those who commented on this issue support the use of standardized templates for program compliance filings. Regarding those who oppose standardization that could limit customization of CCA programs, the Commission understands these concerns and does not expect standardized templates to unnecessarily restrict the Administrator/municipality's ability to customize programs for their residents. These compliance filings are required of the CCA Administrator to ensure the required details are being conveyed to the program participants. By allowing customization of these filings, such as opt-out letters, it greatly increases the amount of review time and necessary revisions before an item can be potentially approved. The use of templates will make the review process more efficient and decrease the time necessary for such review. Moreover, this type of standardization will ensure that clear and consistent information is being conveyed to customers regardless of which municipality they live in. This will further assist customers in making informed decisions regarding whether or not to participate in a CCA program.

The Commission does not wish to impede municipalities' ability to inform and educate their constituents and encourages municipalities to create their own materials to share with their constituents. These materials are not part of the opt-out program requirements, and the municipality is free to customize them however they would like. However, these items should not be paid for by the CCA program participants or somehow built into the administrative fee pricing related to the program. Any actions the municipality chooses to take should not be tied to the CCA Administrator or the program for funding.

To further support clarity and consistency for CCA Administrators, Staff is directed to file a complete listing of CCA Program Rules within 60 days of the effective date of this

Order. The CCA Program Rules will include all existing requirements that have been adopted by the Commission, including those discussed in this Order, and will identify the responsibilities and requirements of CCA market participants. This filing will serve as a valuable resource to market participants by providing a single location where CCA Program Rules are clearly spelled out. These CCA Program Rules will be updated as rules are added or modified by the Commission and will be available on the Department's CCA webpage.

An Administrator will self-attest to the acknowledgment of these program rules when submitting their Master Implementation Plan. All currently approved CCA Administrators will have 60 days after the filing of the CCA Program Rules to acknowledge and attest to compliance with the CCA program requirements and their responsibilities as an Administrator.

A. Program Structure

To promote the standardization of program structure, Staff recommends within the Whitepaper developing a uniform filing structure that would reduce the need for duplicate filings by restructuring the required compliance filings a CCA Administrator must submit.

Comments

Joule proposes a municipal checklist that should begin with the first filing for a municipality and each time a filing is made the checklist is updated and attached to the cover letter of each subsequent filing, allowing for a record of municipal compliance to be in a single place. They also advocate for an administrative change working group, grandfathering of existing Administrators, set repetitive periods for changes of interpretations, and introduction of new opt-in offerings at the discretion of the municipality. Joule

further asserts that the Commission should limit the requirement of Staff approval of documents and submissions related to requirements clearly stated in orders.

Determination

Up to this point, there has not been a clear rule on how individual program filings should be prepared and filed. This lack of defined requirements has resulted in four very different program structures that make it nearly impossible for Staff, municipalities, or customers to really understand the operational differences in each. Staff receives appendix filings, municipal specific filings, program filings, and/or aggregation filings, all depending on the CCA Administrator, and these filings come in at different times depending on the program. With that being said, the Commission adopts the following CCA program filing structure which is based around municipality specific filings.

- Each prospective CCA Administrator shall continue to petition the Commission to become an authorized CCA Administrator. The petitioning party shall use the Master Implementation Plan template discussed above and submit their plan for Commission consideration. The petitioner shall also submit an attestation that they understand and will comply with the Commission's CCA rules, which will be compiled in the listing of CCA Program Rules, as described above. As the Data Protection Plan has been replaced by the Data Security Agreement, detailed below, there is no need for it to continue to be included in the filing.
- Upon seeking to add a new municipality to the program, the CCA Administrator shall submit the Municipality Filing template that includes the local law filing, completed outreach and education plan with required verification, a copy of the Request for Proposal (RFP) and Energy Service

Agreement (ESA), and a final template opt-out letter(s) for Staff approval. A Staff letter shall be filed in the Document Matter Management (DMM) system either approving or rejecting the filing, based on whether or not the filing complies with Commission requirements.

- Once the Municipality Filing is approved, the Administrator is permitted to mail out the opt-out letter approved in the filing.⁹ The opt-out letters shall include the FAQ document included in Appendix A and available on the Department's CCA webpage.
- When a contract is 120-days from the date of expiration, the CCA Administrator shall file a letter with the Secretary advising of the intent of the municipalities that are part of the ESA. This letter should list the names of the municipalities and include the plans for either seeking another contract, renewing the existing contract, or discontinuing in the program. This filing is meant to be a notification of intent and does not require approval. However, if there are any intended changes to the operating structure, outside of the approved Master Implementation Plan, then the CCA Administrator will need to file an updated Master Implementation Plan for Commission approval. Subsequent to this filing, the CCA Administrator will need to file a Municipality Filing which shall include municipal specific information as described above, before receiving approval to go forward.

⁹ Per the CCA Framework Order, once a CCA program has started providing service, the municipality may request a monthly list from the relevant utilities of new customers in the municipality. The opt-out letter template found in Appendix A can also be used to enroll customers identified as newly eligible for the CCA program.

- These filings should all be done in DMM via the e-filing process, and, unless otherwise identified, should be filed in the CCA proceeding, case number 14-M-0224.¹⁰

B. Inconsistency of CCA Program Pricing

The CCA Whitepaper recommends requiring CCA programs to enroll all program participants in the same rate class under the same rate, regardless of when they have joined the CCA, unless they voluntarily choose a different option, such as a green opt-up.

Comments

Constellation New Energy, Inc. (CNE), supports Staff's recommendation to have a single price for the term of the contract for the default energy supply, regardless of when a customer joins. However, CNE does support different prices for customers who select different products and value-added services, such as enhanced renewable content or home warranty services. Family Energy, Inc. (Family Energy) believes the paramount consideration should be transparency of pricing to consumers, and that CCAs should be held to high levels of consumer protection. NRG prefers the ability to enroll new participants on a different rate due to seasonality and price risk.

Determination

All CCA program participants on the same product are required to receive the same product pricing, regardless of when they were enrolled. This is necessary for ensuring that all customers are receiving the same level of benefit that has been discussed during the required outreach and education period and

¹⁰ Information on how to file documents with the Secretary, including the E-Filing Manual, can be found at: <https://www3.dps.ny.gov/W/PSCWeb.nsf/All/4BDF59B70BABE01585257687006F3A57?OpenDocument>.

the information included on the opt-out letters. Additionally, allowing for multiple pricing of the same product for the same CCA would cause additional work, and potentially money, in order for the CCA Administrators to meet the requirements for program reporting which could, in turn, increase the overall rate to all participants to cover those additional costs. The Commission recognizes that, under traditional ESCO enrollment processes, some customers receive a rate that is reflective of the market rates at the time of enrollment. However, given the scale of CCA aggregations and the process utilized for enrollment, ensuring that all participants receive that same rate under the same terms as was offered to the municipality as a whole is more equitable. Customers who enroll outside of the original opt-out period, whether due to the fact that they originally opted-out and are deciding now to participate or because they are new to the area, shall be enrolled on the same rate as if they had enrolled during the original opt-out period. Those customers, along with the rest of the aggregation, will receive the current market rate when and if a bid and subsequent contract are executed for the entire opt-out eligible population of the municipality.

C. Program and Administrator Websites

Staff recommends issuance of set guidelines for what is required to be on CCA program websites and further recommends modifying the program verification and approval process to formally include Staff review of the CCA program websites. Further, Staff recommends requiring that each CCA Administrator have a single CCA website that can be used as the starting point for information on the municipalities and their CCA program offerings.

Comments

The JU, SW, NRG, and CLP support establishing minimum guidelines for CCA program websites. CLP does not agree that all CCA websites be uniformly located on the website of the Administrator. Joule recommends that the Commission does not extend Staff's review authority to program websites, and SW, CLP, and NRG also caution against the potential time it would take Staff to review Administrator websites and the urgency that is in some cases needed for review to be completed.

Determination

The minimum requirements identified in Appendix B of the CCA Whitepaper included information that should already be available to current and prospective CCA program customers. This includes the CCA Administrator name and contact information; a list and link to all participating municipalities' program information, including contract information with rates, identification of the ESCO providing commodity, price to compare information, opt-out periods, and outreach and education; municipal liaison information; customer service and complaint filing information; links to clearly identified opt-in offerings; links to the Department's CCA webpage and New York State Energy Research and Development Authority (NYSERDA) CCA resource information (NYSERDA CCA Toolkit); contact information for incumbent utility; and adopted FAQs. To ensure this information is available to municipalities and customers, the Commission adopts the requirement to include the above data points on the CCA program websites. This change will help ensure that consumers are properly educated and will promote transparency so that anyone can publicly compare programs, offerings, and Administrators. Up to this point, this level of program transparency has not been easily available.

The CCA Administrators who do not currently include this information on their program websites are directed to make this change within 90 days of the effective date of this Order, and shall submit a letter to the Secretary confirming completion within that timeframe. Staff will then review and confirm the website has been properly updated.

Regarding the opposition to Staff review of the CCA Administrator websites, the Commission sees this as no different than review relevant to outreach and education information especially since these websites should be including the information regarding CCA program details. As for the concern about timing, the Commission disagrees that this review would somehow significantly increase Staff's review period, so long as the websites currently include these basic requirements. As such, the Commission adopts the review of the CCA Administrator and CCA Program webpages as part of Staff's review and approval of completion of outreach and education.

D. Utility Website CCA Information

Staff recommends establishing set requirements for what must be included on utility websites regarding CCAs. This information would include, at a minimum, CCA Administrator and program information, links to the CCA webpage and the NYSERDA CCA Toolkit, utility points of contact for Administrators, and a clear price to compare.

Comments

Roctricity, the JU, CLP, and NRG support the addition of CCA materials on utility websites. Joule emphasizes that one of the challenges with requiring information in so many places is the burden of ensuring it is kept updated.

Determination

As discussed in the CCA Whitepaper, upon review of utility websites, Staff found little or no information for

consumers, municipalities, or CCA Administrators on CCA programs or processes. The ability to find clear and consistent information is necessary for the success of any program and utility websites are one of the first places that individuals will look for information related to utility service, even if it is not a utility driven program.

The Commission reminds the utilities of their needed support to ensure the State's CCA program is recognized as a Commission approved program and, for that reason, the Commission agrees with the commenters in support of this requirement and adopts the recommendation to include on distribution utility websites, this basic information. Any distribution utility with tariffed provisions providing for CCAs in their territory shall update their websites to include a dedicated CCA page that includes the name of the CCA Administrator(s) and Administrator specific information including: (1) Administrator phone numbers; (2) Administrator websites; (3) links to the Departments' CCA webpage and the NYSERDA CCA Toolkit; (4) utility points of contact for Administrators; and (5) a link to the 12-month trailing average data provided on the utility websites. The Administrators will be responsible to inform the utility of any changes to the above information so that the utility can keep this webpage updated. The Commission understands Joule's concern but does not agree that this should be problematic for the utility to keep a CCA webpage up to date.

E. Price Information

Staff recommends defining the price to compare for the CCA market (to be used by utilities and CCA programs) as the utility rate plus Merchant Function Charge (MFC) plus any other defined adder that applies to utility supply customers but not ESCO customers. The price to compare, Staff suggests, should be a consistent calculation across all CCA programs and utilities

and should be clearly posted on utility and CCA program websites. Additionally, as the utility billing changes are made, and the ability to include an ESCO price to compare is provided on the bill, Staff recommends that this information also be provided on CCA participant bills for the ESCO that is supplying the CCA program.

Comments

Roctricity, Family Energy, and M&R propose either creating a new tool to take in indicative CCA supply pricing and, given historic usage data, provide a meaningful comparison to the current and past monthly utility supply rates or modify the Power to Choose site to be effective for this purpose. MEGA, JU, SW, Eligo, Good Energy, and NRG do not agree with the proposal surrounding the price to compare. These commenters generally argue that the definition of the "price to compare" is misleading and confusing. Comparing a fixed CCA rate for 24-months in the future cannot be correctly compared to a 12-month trailing average variable utility rate. The JU recommend using the quarterly 12-month trailing average price to define the price to compare for the CCA market. Eligo believes that a fixed CCA rate (often for up to 36 months) should not be compared - let alone be capped by a 12-month trailing average variable utility rate.

Joule believes that the lookback should be at least the same length of the CCA contract, there should be a mechanism to account for known future changes in price, Staff's proposal should also include the CES, and that the industry should consider how a 100% renewable rate is compared to the utility rate. Good Energy is concerned that the method proposed by Staff "excludes some bypassable cost items such as Zero Emissions Credits (ZECs), [Renewable Energy Credits (RECs)], and

other items related to NY renewable and low carbon energy policies.”¹¹

In reply comments, the Utility Intervention Unit (UIU) supports the Staff recommendation that the price to compare information be included on individual customer bills and believe that the Joint Utilities’ comments do not describe or identify incremental costs associated with a monthly on-bill price comparison.

Determination

The discussion about what would be a reasonable CCA price to compare is not a new one. It was at the CCA Round Table held June 26, 2019, that Staff, CCA Administrators, utility and ESCO representatives formally discussed this for the first time. Following that discussion, the industry began utilizing the 12-month trailing average posted on utility websites which consists of the utility rate plus Merchant Function Charge (MFC) plus any other defined adder that applies to utility supply customers but not ESCO customers. This information has been included on opt-out letters throughout program operation, but only became a point of contention when pricing was no longer in the favor of CCA programs. As a result, Staff was required to repeatedly remind Administrators that this information is required to be included in opt-out letters per the Administrators’ Commission approved Master Implementation Plans.

Consistency is important to mitigate any customer confusion, and this applies to both utility and CCA Administrator representation of a CCA price to compare. While the Commission applauds the out of the box thinking for recommending modification to The Power to Choose website, that

¹¹ Good Energy Comments, p. 4.

path would not be possible as the site is not audited by Staff to determine the accuracy of price reporting and there is no consistency in how pricing is determined. In fact, Staff has on numerous occasions rejected the use of opt-out letters that use Power to Choose comparisons because this information is not audited.

With that, the Commission adopts the recommendation that the price to compare shall be the 12-month trailing average consisting of the utility rate plus Merchant Function Charge (MFC) plus any other defined adder that applies to utility supply customers but not ESCO customers. The Commission also affirmatively disallows the use of Power to Choose pricing not only for customer outreach and education but also in regard to the information given to the municipalities. This price comparison is meant for the potential participant to understand how much their bill will change through enrolling in a CCA versus as a full-service utility customer.

The Commission understands the CCA Administrator concerns that, especially in the current market conditions, it is becoming increasingly difficult to find and promote product offerings. However, this is a relatively recent change to the market and for the previous years of CCA program operations there have been no issues with how the price to compare was calculated. If the CCA Administrator is unable to obtain a bid for the municipality that is reasonable during the current market and feels the only way to represent program pricing in a positive manner is by deviating from existing practice for the price to compare, then it is questionable why the program should be going forward when the pricing is so much higher than the default utility price and there is no price benefit for the customer. Opt-out enrolling customers in a product offering that will significantly increase their bill, without an adequate

notice of rates and the price comparison, is not in the public interest. Customers must be provided with the information necessary to make an informed decision with respect to CCA participation. Inclusion of a monthly price to compare on the utility bill will be addressed as part of the Commission's generic Retail Access proceedings.¹² As utility systems evolve and the ability to show the price to compare on the bill for ESCO participants becomes available, that monthly price to compare shall also be available to CCA participants.

F. CCA Program Identification on Utility Bills

Staff recommends that each utility be required to include the CCA program name where the ESCO supplier name is currently provided on the customer's utility bill. Additionally, the ESCO contact information section should be consistent with the customer service contact information included in each approved Municipality Filing and confirmed with the CCA Administrator prior to customers receiving billing for the CCA program.

Comments

Roctricity, CLP, and NRG agree with Staff that the Administrator name should be displayed on the customer's bill. The JU also agree, and stress that the ESCO should not be replaced but instead the Administrator program be added in a way similar to SW's current operation where the bill includes the CCA Administrator name and serving ESCO.

Determination

The Commission agrees with the JU recommendation that the ESCO name should not be replaced but instead, the CCA Administrator name should simply be added. This will allow the customer to see on the bill who the ESCO providing commodity

¹² Cases 15-M-0127, 12-M-0476, and 98-M-1343.

service is as well as who their CCA Administrator is. The Commission adopts the requirement for the CCA Administrator name (not the program name) and the ESCO serving name to be available on the customer bill. Additionally, the contact information provided on the bill shall be for whomever is performing customer service for the municipal program, whether it is the ESCO or the Administrator.

G. Billing Errors

Staff recommends establishment of standardized processes and requirements for billing errors to include utility requirements regarding error correction and communications with Staff, CCA Administrators (and the serving ESCO), municipalities, and customers. Implementing specific processes and requirements for customer billing errors, as they pertain to CCA programs, ensures that if another billing issue arises, there is existing guidance available about what must be done and by whom.

Comments

MEGA, CLP, Joule, and NRG agree that standardized processes and requirements should be established for billing errors. NRG believes that the utilities should be responsible for notifying Staff, the CCA Administrators, ESCOs, municipalities, and customers of any errors that occur and the remedies that have been adopted for correction. The JU caution against a "one size fits all" solution as all billing errors are unique to the situation.

Determination

The Commission agrees that standardized processes and requirements should be established for errors and that there is a need to be aware of the uniqueness of potential billing issues. Taking this into consideration, the Commission adopts the standardized process, described below, for CCA

Administrators, ESCOs, and utilities to report and address a billing issue without placing additional requirements, outside of what may already exist such as in Home Energy Fair Practices Act (HEFPA) or the Uniform Business Practices (UBP), on how to correct billing issues. Upon awareness of a billing issue that impacts 50 or more participants, the CCA Administrator, ESCO, and utility must notify each other and Staff by furnishing the required reporting template of the suspected billing issue within 48-hours of awareness. Upon resolution, notification of when and how the issue was resolved must be filed in the below identified Matter. The Billing Issue template will be located on the Department CCA webpage and is included in Appendix A. This process will allow Staff to create a billing issue process that is transparent and allows review of how many issues are occurring and what the underlying causes are. To facilitate this process, all templates and documents related to these issues should be filed in Matter 23-00028 - In the Matter of Community Choice Aggregation Issue Resolution.

H. Customer Enrollment Errors

With respect to customer enrollments, Staff recommends that in the event a customer has been incorrectly enrolled, and the customer has not been billed yet, the account should be backdated to correct the error as soon as possible. If the account has already been billed, Staff proposes, the account should be corrected and, if the customer was billed more than they should have been, the utility should immediately credit the account overcharge and send a letter to the customer explaining the error and subsequent correction. If the customer was charged less than they should have been, the account should not be charged the difference and the customer should be notified of the error. Finally, Staff proposes that if a customer is improperly not enrolled, the utility should credit the account

if the customer was charged more and send an approved notification letter to the customer. If the customer was undercharged, the account should not be charged the difference and the customer should be sent an approved notification letter.

Comments

The JU believe that Staff's recommendations are inconsistent with the Commission's residential and non-residential billing rules and the Commission's clear direction that CCA Administrators, and, ultimately, municipalities are responsible for accurate enrollment. According to the JU, the entities that run enrollment campaigns and compile and transmit enrollment data, ESCOs and CCAs, must continue to bear responsibility for the enrollment data's accuracy. Joule believes that utilities should clearly communicate about daily enrollment limits of their systems. They believe the utility should give preference to an enrollment over a drop. NRG believes that the party at fault should be responsible for providing the letter and the credit. If the customer was underbilled, NRG continues, they should not be charged the difference, however the customer should be notified by a letter. NRG further argues that, when backdating enrollments or making other adjustments, the customer's load should also be adjusted, and the numbers provided to the New York Independent System Operator, Inc. (NYISO) for settlement purposes.

Determination

The Commission does not wholly support the JU assertion that municipalities are responsible for accurate enrollment. While municipalities, with the CCA Administrator and ESCO, are responsible for sending the electronic data interchange (EDI) enrollment transaction, the list of opt-out eligible customers is provided by the utility. That list is the first place an enrollment error could be derived from, and since

the CCA program's initiation, there have been repeated issues with the ability of CCA Administrators to receive accurate eligible customer lists.

The other primary issues that Staff had been made aware of are the utility system errors in enrolling/dropping customers and utility system crashes due to unspecified limits on daily transactions. The CCA Whitepaper recommendations were made to address these ongoing issues. The Commission does not adopt the enrollment error recommendations, partly in recognition of existing HEFPA and ESCO UBP requirements. However, the utilities are each directed to file, within 60 days of the effective date of this Order, the specific daily transactional limitations of their billing systems so that the CCA Administrators and ESCOs can properly plan their enrollments without having to worry about crashing the utility systems. Additionally, when new systems or changes are made to existing systems that impact these daily transactional limits, the utilities should notify parties of the new limits.

I. Customer Communications

Staff recommends requiring use of a standardized and uniform utility notification letter sent to new CCA enrollees that clearly indicates that the notification letter is for enrollment in the CCA program and not for traditional mass-market ESCO enrollment. The notification letter would include the CCA program contact information as well as the information to contact utility customer service representatives who have been trained on CCA programs. As proposed, the letter would notify the customer that they have been enrolled with the CCA program and direct questions and opt-out requests to the CCA or ESCO for handling. To limit customer confusion during a CCA program contract renewal, CCA program participants should not

receive a new utility notification letter at renewal, even if the ESCO serving the program changes.

Staff also recommends that when there are issues in a CCA program originating with a utility, each utility must clearly and proactively communicate with CCA customers - using Staff approved written communications - information that includes resolution timeframes, utility phone numbers and contact information, the ability for a customer to enroll in payment plan agreements where appropriate, and disconnection holds placed on customer accounts.

Comments

CNE, CLP, and NRG support Staff recommendations for a consistent notification letter as well as proper utility customer service training in order to properly inform customers. Joule also agrees and stresses the importance of limiting customer confusion by sending utility communications to customers only after the municipal letter. The JU do not agree that customers served by an ESCO through a CCA program should be treated differently than other customers receiving supply directly from an ESCO when there is a change in ESCO. They recommend no changes to the existing switch letter process.

Determination

Since the time the CCA Whitepaper was issued, customer notification has continued to be an ongoing issue, with some utilities sending additional letters without notice to municipalities, Administrators, or Staff. These challenges led to Staff requiring a modification to these letters, to the extent possible with some utility system limitations. For these reasons and those noted in the Staff Whitepaper, the Commission adopts the use of standardized information to be included on the utility notification letter. The notification letter must clearly indicate it is for enrollment in the CCA program, and

include the contact information for the CCA Administrator and the utility customer service representatives who have been trained on CCA programs, and direct questions and opt-out requests to the CCA or ESCO for handling. This necessary change will result in less customer confusion and increased program clarity.

Regarding the proposal for utility communications regarding CCA to be approved by Staff, no comments were received on this recommendation. Providing clear and concise information to customers is necessary in all instances. When the utility has determined it needs to send communications to CCA program participants due to errors, including but not limited to billing errors, the need for customers awareness, or other issues, these communications must first be approved by Staff. These communications should be emailed to the CCA email box¹³ for Staff review and informal approval for use. At the same time any approved customer communication is sent to customers, the utility shall also file the customer communication in Matter 23-00028 - In the Matter of Community Choice Aggregation Issue Resolution.

J. Utility Role in CCA Program Opt-Out Requests

Staff recommends that, during a CCA program opt-out period, the utility be required to maintain a record of every customer that contacts them to opt-out or to have an ESCO enrollment block placed on their customer account for the purpose of CCA program opt-out. This CCA opt-out report should be provided by the utility to the CCA Administrator at the end of the opt-out period. Additionally, this report should include the opt-out categories, as described in the Program Reporting section below.

¹³ cca@dps.ny.gov.

Comments

CNE, Joule, and NRG generally agree with Staff's recommendation that the utility maintain a record of the number of customers who contact the utility directly to opt-out of a CCA. CNE also supports requiring the utility to maintain a record of the reason for the customer opt-out. Joule believes that the utility sided opt-out information should be provided by municipality and by service class. Joule further advocates for this information to be divided into two periods; the opt-out period and the period immediately following the utility notification letter. The Joint Utilities oppose this recommendation.

Determination

One of the new requirements for CCA programs, discussed below in this Order, is that a customer's decision regarding participation, including the decision not to participate, be recognized for the life of the CCA program. This is only possible if the CCA Administrator is aware of all avenues of an opt-out request being received, including customer calls to the utilities. The JU did not provide a valid argument for why they opposed this recommendation. The Commission understands that this will require the utilities to develop some process to track this information, but the utilities are not being directed to make changes to their individual IT systems. The utilities should have sufficient personnel and IT resources to be able to create a list of names of customers who called and specifically identified themselves as wanting to opt-out of the CCA program. As for Joule's request for the information to be provided by municipality and service class, the Commission is not adopting that requirement as it would be potentially administratively burdensome on the utility, who is ultimately not responsible for CCA Administrators having an accurate record

of opt-outs. If a CCA Administrator cannot identify an individual by the name and address provided within the existing customer contact list, then they can request clarification from the utility. Since the reason for opt-out is required as part of the program reporting, it would be helpful for the utilities to also capture this information. However, understanding that may not be possible, the program reporting opt-out categories will be expanded to include "Utility Reported" which will allow the number to be captured without the defined reason of the opt-out.

K. Streamlined Filing Process

Staff recommends continued evaluation, and adoption, of a streamlined filing and tracking process for CCA documents that enables efficient and timely filing by Administrators. Additionally, after establishment, the process would create an automated process that supports Staff oversight of and reporting on CCA programs by providing a public centralized CCA tracking database that could easily be queried, track compliance, and record program information. Staff also recommends the creation of a public facing CCA database dashboard to better understand and analyze the performance of CCA programs.

Comments

The JU, SW, Joule, and NRG all support the recommendation to streamline the CCA filing process. SW suggests pulling reporting information from the annual reports filed each year by administrators and questions what additional data is necessary. They also suggest displaying data on the Department's Power-to-Choose webpage.

Determination

As part of the streamlined filing and tracking process, Staff evaluated numerous internal resource options but was unable to find a solution that would address the needs of

the CCA program. This lack of an IT resource continues to cause numerous issues in program oversight and compliance determination. To facilitate a standardized, streamlined filing process, and to ensure Staff is able to continue oversight and reporting of an ever-expanding CCA program, the Commission directs Staff to identify and implement an IT solution that will meet all the relevant needs of the program, including those new program requirements adopted in this Order. This IT solution should include a database that allows for Staff to track and report on all CCA municipalities efficiently, thereby reducing the amount of time and resources necessary to oversee the CCA program. Upon implementation of the IT solution, Staff will then be able to modify the existing Department CCA webpage to include a public facing CCA database dashboard.

Modification of Requirements

To warrant program evolution while ensuring sufficient customer protections and program awareness is available to all potential participants, Staff provides several recommendations for improvements within the CCA Whitepaper to existing CCA requirements. Any existing requirements adopted from the CCA Framework Order or any subsequent orders, if not addressed specifically in this Order, will remain unchanged.

A. Provision of Customer Data

1. Data Security Agreement (DSA)

Staff recommends that the CCA DSA be replaced with the requirements of the energy services entity (ESE) DSA established in the Cybersecurity Order,¹⁴ which would also ensure the

¹⁴ Case 18-M-0376, et al., Cyber Security Protocols and Protections in the Energy Market Place, Order Establishing Minimum Cybersecurity and Privacy Protections and Making Other Findings (issued October 17, 2019).

requirements could be expediently updated upon Commission decision.

Comments

Joule and CLP support Staff's recommendation, as do the JU, but they stress that modifications would need to be made to address customer consent. NRG disagrees and suggests this item be tabled until progress has been made on the Data Access Framework initiative.

Determination

Since the CCA Whitepaper was issued, the need for a DSA that also addressed community distributed generation (CDG) data became necessary. The Commission understands that the utilities and CCA Administrators have mutually agreed to the use of the ESE DSA with an addendum that addresses both the consent concerns and includes the necessary data for facilitation of opt-out community programs. The Commission supports the continued use of this voluntary option to utilize the ESE DSA where appropriate until the broader issue is addressed through the Data Access Framework.

2. Aggregated Data

Staff recommends that the distribution of meter reads be provided in the aggregated data set. Additionally, in order to recognize utility responsibility for accuracy of the data being provided, Staff recommends the utilities be required to determine the most accurate means by which CCA eligible accounts' meter read dates can be compiled.

Comments

The JU request further information on the methods that CCA accounts are obtained. CNE, Joule, and NRG support Staff's recommendations to provide additional meter read information. CLP suggest that utilities be directed to create a category of "non-supply" CCA customers, applicable to residents and small

businesses who are ineligible to participate in supply contracts and have not been given the option to participate in CCA. CLP argues that it is important for Administrators to still be able to reach these groups in order to market them value-added services such as energy efficiency or demand response. NRG also believes that aggregated data set should provide the customer's bill cycle and period codes, rate class, and NYISO ICAP tags and zones, as these fields are necessary for ESCOs to accurately price customers and prepare a bid.

Determination

In the interest of making the CCA process easier for both the utilities and Administrators, some of the utilities already began including the distribution of meter reads in the aggregated data set. The Commission applauds those utilities who recognized the benefit to this change and implemented it previous to this Order. For clarity and consistency, the Commission adopts the requirement for the distribution of meter reads to be included in the aggregated data set and leaves it to the utilities to determine the most accurate means by which CCA eligible accounts' meter read dates can be compiled.

3. Privacy Screens

Staff recommends removal of the requirement for CCA aggregated data to pass privacy screens before being released, as the CCA Administrators all had a DSA in place.

Comments

NRG agrees with Staff regarding the removal of privacy screens as the data is already anonymized and all parties have executed Data Security Agreements. Joule agrees but emphasizes the process must be in compliance with data security requirements. The JU believe aggregated data should continue to be required to pass privacy screens.

Determination

The CCA Framework Order requires that, as part of its filing to the Commission, the CCA Administrator must have a Data Protection Plan (DPP) approved as well. The DPP has evolved into the use of a DSA for ensuring protection of customer privacy. With the requirement for a DSA to be in place before any data can be shared, there is no need to pass a privacy screen as the customer consent requirement has been replaced by municipal consent and the DSA ensures the appropriate handling and system protections of such data.

4. Customer Specific Contact Information

Staff recommends including the following data within the customer specific contact information data set: meter read data to include bill cycle and period code; tax-exempt status; net metered/value of distributed energy resource (VDER)/solar account indicator; and, dual meter indicator.

Comments

CNE supports Staff's recommendation to include this additional data with the customer specific contact information data set provided by the utility and recommends that Staff explore the ability to enhance customer experiences in the CCA program with alternative methods of communication. Joule agrees with Staff's recommendation and believes the second set of data should include information on budget bill status, tax-exempt status, and, if possible, net metered/VDER/solar account indicator and dual meter indicator. Joule also advocates for more information regarding what method is used when account numbers are provided and why the list must be in exactly the same order. Joule recommends providing Administrators with key data at an earlier stage in the process to better plan communications with customers and avoid errors. NRG agrees with

Staff's recommendation but would include two more data fields to the list: customer rate class and budget billing indicator.

Determination

Consistent with the addition of the distribution of meter reads being included in the aggregated data set, some utilities have also been including the additional requested items without the need for Commission direction, which has been extremely helpful to CCA Administrators. The Commission agrees and adopts the requirement to include meter read data to include bill cycle and period code, tax-exempt status, net metered/VDER/solar account indicator, and dual meter indicator as part of the Customer Specific Contact Information data set. However, the Commission does not, at this time, modify the Customer Specific Contact Information data set to include NRG's recommendations for budget billing indicator and customer rate class. NRG did not provide a persuasive argument as to why this change would be beneficial and necessary. Additionally, this information is already provided upon customer enrollment, which is when it is most relevant.

5. Timeframe Expectations

Staff recommends further detailing utility expectations for providing accurate data in the required timeframes and establishing a dispute resolution process.

Comments

The JU recommends that the timeframes outlined in the CCA Framework Order should be viewed as flexible guidelines that depend on the number and size of the CCA requests. NRG suggests the customer specific data be provided to ESCOs immediately after the ESCO is chosen for the CCA or within one business day.

Determination

Contrary to the Joint Utilities' recommendation, the timeframes defined in the CCA Framework Order are not flexible.

They are defined to ensure that sufficient time has been allowed for the necessary data request to be fulfilled. In fact, the CCA supply data requests have been done for years now without issues meeting the deadline. However, that does not mean that the data is always correct. The Commission upholds the existing timeframes adopted in the CCA Framework Order for all CCA related datasets.

Additionally, the Commission finds that there have been sufficient issues to justify the need for a dispute resolution process. The Commission therefore adopts a dispute resolution process for disputes between Administrators, ESEs, and utilities in relation to a CCA program. This process shall be substantially similar to the dispute resolution process contained at UBP Section 8, with minor changes to apply to the CCA entities. The following process is adopted:

Applicability

This Section describes the dispute resolution processes available at the Department to resolve disputes relating to Community Choice Aggregation (CCA) programs involving utilities, CCA Administrators, and/or Energy Service Entity (ESE).¹⁵ The processes are not available to resolve disputes between customers and Administrators, ESEs, or distribution utilities. They are also not applicable to matters that, in the opinion of the Department Staff, should be submitted by formal petition to the Public Service Commission for its determination or are pending before a court, state, or federal agency. The availability of the processes does not limit the rights of a distribution utility, Administrator, or ESE to submit any dispute to another body for resolution.

Dispute Resolution Processes

The parties shall in good faith use reasonable efforts to resolve any dispute before invoking any of these processes. Distribution utility tariffs and operating and service agreements between the parties

¹⁵ Energy Service Entity in this context is any entity providing service to a municipality, and its constituents, as part of a CCA program, such as an ESCO or DER provider.

shall identify the processes used to resolve disputes and shall refer to the dispute resolution processes described in this Section as acceptable processes to resolve disputes.

Standard Process: The parties shall use a method to send documents described in this paragraph that will verify the date of receipt. Any distribution utility, Administrator, or ESE may initiate a formal dispute resolution process by providing written notice to the opposing party and Department Staff. Such notice shall include a statement that the CCA dispute resolution process is initiated, a description of the dispute, and a proposed resolution with supporting rationale. Department Staff may participate in the process at this or any later point to facilitate the parties' discussions and to assist the parties in reaching a mutually acceptable resolution.

1. No later than ten calendar days following receipt of the dispute description, if no mutually acceptable resolution is reached, the opposing party shall provide a written response containing an alternative proposal for resolution with supporting rationale and send a copy to Department Staff.
2. No later than ten days after receipt of the response, if no mutually acceptable resolution is reached, any party or Department Staff may request that the parties schedule a meeting for further discussions. The parties shall meet no later than 15 calendar days following such request, upon advance notice to Department Staff, unless the parties and Department Staff agree upon another date. The Department may assign one or more Staff members to assist the parties in resolving the dispute.
3. If no mutually acceptable resolution is reached within 40 calendar days after receipt of the written description of the dispute, any party may request an initial decision from the Department. A party to the dispute may appeal the initial decision to the Public Service Commission.
4. If the parties reach a mutually acceptable resolution of the dispute, they shall provide to Department Staff a description of the general terms of the resolution.

Expedited Process: In the event that an emergency situation arises to justify immediate resolution of a dispute, any party may file a formal dispute resolution request with the Secretary to the Public Service Commission asking for expedited resolution. An emergency situation includes, but is not limited to, a threat to public safety or system reliability or a significant financial risk to the parties or the public. The filing party shall provide a copy of the request to other involved parties and the Department Staff designated to receive information related to dispute resolution under this Section. The request shall describe in detail the emergency situation requiring expedited resolution, state in detail the facts of the dispute, and, to the extent known, set forth the positions of the parties.

6. Proxy ID Numbers

While CCA data sets have been provided by the utility with the use of proxy ID numbers, those ID numbers are only associated with the customer during the initial opt-out period and do not stay with that specific account throughout the life of the account. This has led to the inability to match the proxy ID number to the same customer during subsequent CCA program actions, such as during contract renewal periods. If a customer has previously opted-out of CCA participation, the CCA program should not be sending them another opt-out letter at renewal. However, the CCA is unable to easily match the proxy ID number of customers who have previously opted-out with a new list of customer proxy ID numbers, since the numbers do not stay with the customer. For that reason, Staff recommends that the utility assign a proxy ID number for each potential CCA program customer account and that this proxy ID number remain for the life of the utility account. This action will address the current difficulty and lays the foundation for possible future modifications determined by the Data Access Framework. Ideally, each utility customer in New York would be assigned a unique identifier that stayed with them, regardless of utility. This

would enable portability, remove the need for account numbers for enrollment purposes, and further ensure data privacy.

Comments

The JU are exploring Staff's suggestion in the Integrated Energy Data Resource (IEDR) proceeding. CNE, Family Energy, NRG, and CLP support Staff's recommendation for a proxy ID number. CLP suggests adding a suffix descriptor as well that can identify Time of Use customers. Good Energy believes this change should be addressed in the data proceeding.

Determination

While the Commission understands why the JU suggested this be handled through the IEDR, the JU is confusing the use of an alternative account identifier as part of the IEDR with the current practice of including proxy ID numbers as part of the CCA data sets. IEDR is a specific use case and what is adopted for the IEDR would not necessarily apply to CCA data sets. The Commission agrees that this proceeding is not the place to make a determination regarding a statewide requirement, which would be done, as Good Energy suggested, through the Data Access Framework. As this topic is being considered at a statewide level, the Commission does not adopt the recommendation here that the proxy ID number remain for the life of the utility account and instead lets the determination of a statewide alternative account identifier or proxy ID number be decided through the Data Access Framework proceeding. With that, and to be in compliance with Commission requirements, utilities remain responsible to use a proxy ID number, or an alternative method to identify customers, instead of the customer's account numbers

when transmitting customer contact information to the Administrator.¹⁶

B. Customer Eligibility

Staff recommends that each utility compile a filing that details a specific opt-out eligible service class, as specified in Appendix C of the CCA Framework Order, and that defines all sub-classes for those service classes. The filing would also explain how each utility intends to handle the identification and separation of sub-classes that should not be eligible for opt-out enrollment. Staff also recommends requiring that the utilities use any available data points to properly identify and remove those accounts that are not eligible for opt-out treatment or those that have been identified by the CCA Administrator as needing to be excluded, before providing the data sets.

Comments

The JU generally agree with Staff's recommendation but believe it is not the role of the utility to determine which subclasses should be included by the CCA Administrator for opt-out treatment. NRG agrees with Staff's recommendation and CNE also believes utilities should be required to provide a count of excluded customers by category (e.g., low-income customers and accounts already enrolled with an ESCO).

Determination

The Commission agrees that it is not the role of the utility to determine which subclasses should be included for opt-out treatment. The CCA Administrator and municipality are able to determine which of the defined eligible classes should be included in their program. However, they do not know what

¹⁶ Case 14-M-0224, Order Approving Community Choice Aggregation Program and Utility Data Security Agreement with Modifications (issued October 19, 2017), pp. 22-23.

sub-classes are included in each of these eligible classes which may not be eligible for opt-out enrollment, such as time-of-use customers who were mistakenly enrolled previously because they were included in the opt-out eligible listing provided to the CCA Administrator. The Commission supports Staff's recommendation and requires the utilities to each file, within 60 days of the effective date of this Order, a filing that details a specific opt-out eligible service class, as specified in Appendix C of the CCA Framework Order and defines all sub-classes for those service classes. This filing should also explain how each utility intends to handle the identification and separation of sub-classes that should not be eligible for opt-out enrollment and confirm that available data points will be used to properly identify and remove those accounts that are not eligible for opt-out treatment or those that have been identified by the CCA Administrator as needing to be excluded, before providing the data sets.

1. New Service Classes and Rate Structure

Staff anticipates the continued expansion of rate offerings by the utilities, including those with demand components, and as such, provided the following recommendations regarding newly implemented service classes and rate structures as they apply to CCA programs and participants.

- If a CCA intends to serve a new rate structure, the CCA Administrator must first submit to the Commission, for approval, a filing detailing the CCA product offering and showing how it will benefit the customer over the new utility rate structure.
- New rate structures are not eligible for opt-out treatment unless: (a) they are a sub-class of a service class included in Appendix C of the CCA Framework Order; and (b)

there is a comparable product being offered by the CCA that the customer will benefit from.

- Current CCA customers are excluded from being automatically enrolled in a new utility service class or rate structures without demonstration by the utility that the customer will receive a higher benefit by leaving the CCA. Such information should be provided to the Commission as part of any petition for approval of a new utility service class or rate structure.
- When an eligible service class includes demand customers, and a demand customer does not opt-out of the program, the CCA participant should remain enrolled with the CCA even if their service class subsequently changes to one that is not eligible for opt-out treatment.
- The utility should communicate with the CCA Administrators and Staff regarding possible enrollment of current CCA participants into any new service classes, to determine where the customer may receive the most benefit.

Comments

The JU believe it is not appropriate for utilities to be involved in the selection of suppliers or description of benefits and disadvantages of CCAs, and instead proffer that it is the responsibility of the CCA to educate customers so that they are equipped to make informed choices regarding the CCA's product offerings and rates. They request clarification on the third bullet, specifically as to what a higher benefit is.

Joule supports communication between the CCA and the utility that limits errors enrolling time of use customers. NRG believes it imperative to relay new rate information from utilities to ESCOs along with meter read cycles, period codes, and other pertinent information.

Determination

The Commission agrees that it is not appropriate for the utilities to be involved in the selection of suppliers or discussions about benefits or disadvantage of CCA program participation. For clarification, the third bullet relates to when the utility is intending to opt-out enroll a CCA participant in a utility program/rate class that would interfere with the customer choice to participate in the CCA program. If the utility program/rate class will provide that customer a better rate or higher savings than they would achieve by participating in the CCA program, then the utility must include the necessary information to validate this as part of their filing. If this is not received or approved as part of the filing, the utility will not be able to opt-out enroll the customer in the new offering.

As rate classes and programs continue to expand to meet the needs of customers, there must be a process in place to address these potential changes and how they impact CCA program participants. Therefore, the Commission adopts the CCA Whitepaper's recommendations regarding how to address new service classes and rate structures that would impact CCA program participants.

C. Opt-Out Process

1. Eligible Customers

Staff recommends that customers who have opted-out in the past have that choice recognized for the life of the CCA program. Further, the CCA Administrator should be required to maintain a listing of such customers, to be used for identifying those customers as ineligible for opt-out enrollment. This should not, according to Staff, exclude these customers from opting-in to a CCA program.

Comments

Family Energy, CLP, and NRG agree with Staff's proposal. CNE would like further clarification on the utility's role in this recommendation as not all CCA Administrators may possess the capabilities to manage this customer information. Roctricity does not support the recommendation instead suggesting that the opt-out last only for the length of the current supply contract.

Determination

The Commission adopts the requirement that a customer's choice to not participate be recognized for the life of the program and the responsibility for tracking that choice falls on the CCA Administrator. The utility does not have a responsibility to maintain a listing of customers who opt-out. The CCA Administrator is provided a listing of all eligible customers and must identify customers who have opted-out, so as to not send them opt-out notifications in the future. Moreover, with the requirement adopted above that utilities communicate to the CCA Administrator any customers that contact the utility to opt-out, the CCA Administrator will have a full picture of the customers who have opted-out of any particular program.

The Commission does not agree with Roctricity that the opt-out should only last as long as the length of the supply contract. If a customer changes their mind about participation, they can always opt-in to the program. Continuing to try to opt-out enroll customers that have clearly expressed that they do not want to participate is overburdensome on the customers and in contradiction to the customer's stated choice.

2. Newly Eligible Customers

Staff recommends that the utilities establish a process to eliminate any incorrect customer accounts from the newly eligible list or add an identifier that defines why the

account is included on the newly eligible list. The CCA can then proceed with enrollment for the appropriate newly eligible customer accounts.

Comments

NRG believes that the utilities should establish a process to eliminate any incorrect customer accounts from the newly eligible list or add an identifier as to why the account is newly eligible. Joule seeks clarification on whether an opt-out letter must be approved for newly eligible customers if the letter mailed is identical to the letter initially approved by DPS and the only changes are the opt-out period dates, contract start date and length of contract.

Determination

The Commission supports the CCA Administrator request to have the utilities identify why an account is included on the newly eligible list. This will help reduce the number of incorrect accounts that are included and assist with enrollment for the appropriately eligible accounts. To ensure consistency, the utilities, jointly, are directed to file a list of the categories they will all use for identification of newly eligible customers. This information will be filed with the Secretary within 60 days of the effective date this Order. The Commission recommends that the utilities work with the CCA Administrators in order to understand what is needed to make this process work for both parties.

Pertaining to the newly eligible opt-out letter clarification requested by Joule, all opt-out letters will be created using DPS issued templates, including for the newly eligible, eliminating the need for separate letter approvals. These letters, including the newly eligible, will be filed and approved as part of the Municipality Filing. As the enrollment dates will change depending on when the newly eligible letters

are mailed, a copy of the approved letter with the dates must be filed in DMM prior to mailing them. For clarification, the newly eligible letter will not need to be approved again, the filing of the letter is to ensure the required 30-day minimum opt-out period has been observed.

3. Additional Meeting Requirement

Staff recommends modifying this requirement to allow for the notification, or announcement, of the contract-specific informational meeting to be included in the opt-out letter, with the letter being sent before the meeting is held and the meeting taking place during the opt-out period. This modification would only apply for initial program implementation when outreach and education has recently been performed. The additional meeting held prior to the mailing of opt-out letters will still need to be held for contract renewals to ensure that sufficient outreach is being done regarding the contract changes.

Comments

Joule suggests that the meeting with contract-specific information always be held during the opt-out period, allowing for advertisement of the meeting(s) in the opt-out letter. In the case of renewals, Joule comments, it is preferred and better for customers that additional outreach and education happen in advance of contract execution (requirements of this should be clearly defined). NRG agrees with DPS Staff's suggestion of revising the opt-out letter to include notice about the upcoming informational meeting so long as the ESCO is made aware of the change ahead of time and has ample time to update the letter.

Determination

The Commission agrees with Staff's recommendation to modifying the additional meeting, also known as the post-award meeting requirement, to allow for the notification, or announcement, of the contract-specific informational meeting to

be included in the opt-out letter, with the letter being sent before the meeting is held and the meeting taking place during the opt-out period. This modification would only apply for initial or new program implementation when outreach and education has recently been performed.

To ensure sufficient outreach is being done at the time of contract renewals, an Administrator will still be required to conduct an additional meeting in each municipality after an ESCO is selected and prior to opt-out letters being mailed. This may necessitate multiple meetings be conducted if the CCA program serves multiple municipalities. The Commission is also clarifying that if there is a break in a municipality's program, meaning customers are returned to the utility while a new contract is sought and put into place, the Commission considers a gap in contracts as an end to the program and, therefore, a full outreach and education period shall be required to restart the program.

D. ESCO Participation & RFP Bidding Process

Comments

As M&R notes, over one hundred natural gas and electric ESCOs are eligible to serve retail customers in New York State, yet the number that participate in a CCA RFP are minimal. M&R believes this is due to a lack of competition in the CCA market. M&R suggests that Staff actively investigate why so few ESCOs participate. They propose a bidding opportunities portal for increased transparency.

Determination

The Commission agrees with M&R that the lack of ESCOs participating in the CCA market is concerning and finds there has been a lack of competition in some of the bids. This has led to instances where only one bid was received, and that bid was subsequently accepted even though it was a much higher rate

than previously, and no customer benefit could be demonstrated. There should never be a case where a contract is signed because it was the only choice in order to keep the program going. In other words, the continuance of the CCA program should not take precedence over the benefit to customers. The Commission adamantly agrees with M&R that this is problematic and therefore directs Staff to file, within 90 days of the effective date of this Order, proposed standards related to requests for proposals and energy service agreements, including but not limited to, standards for what constitutes a competitive solicitation, ways to promote the competition in CCA solicitations, pricing and education, and customer benefits. These requirements would ensure competitiveness and consumer protections are prioritized and in place. Once adopted, these changes would be included as part of the outreach and education templates including the outreach and education record, opt-out letter, and RFP/ESA guidelines.

E. Opt-In Process

Staff recommends suspending the customer authorization verification requirement of the UPB Section 5(B)(1) for CCA opt-in purposes only, while retaining the ability to reinstitute these requirements if an issue with unauthorized enrollment develops in the CCA market.

Comments

Roctricity, CLP, and NRG agree with Staff's recommendation. Family Energy instead proposes development of customized questions that accurately describe and apply to CCA programs. M&R believes CCA should have the same enrollment requirements as an ESCO for all Mass Market consumers.

Determination

The Commission agrees that continuing to use the customer authorization verification process for customers

calling to opt-in to a CCA program can lead to customers choosing not to participate. While the CCA Framework Order suspends this requirement for opt-out enrollment, it does not for opt-in CCA program enrollments. When a customer is calling to opt-in, they are initiating the engagement and affirmatively making the choice to participate. Conversely, in typical ESCO enrollments, the ESCO is initiating the engagement with the customers in an effort to enroll that customer in commodity service. Therefore, the Commission suspends the requirements of UBP Section 5(B)(1) for CCA program opt-in enrollments only and reserves the right to reinstitute this requirement in the event it is needed.

F. Product Pricing

Staff recommends adopting a 5% cap on fixed-rate commodity product offerings. Fixed-rate products should be limited to a price no greater than the trailing 12-month average utility supply rate plus a premium of no more than 5%. Additionally, the CCA Whitepaper sought stakeholder input regarding the application of additional price restrictions on CCA product offerings.

Comments

Marathon agrees with adopting a 5% cap on commodity product offerings but believes a failure to implement a consistent price cap for both ESCOs and CCAs would be unfair to ESCOs and would be harmful to consumers. Roctricity, MEGA, CNE, Family Energy, SW, Eligo, CLP, Joule, GE, NRG, and M&R all oppose Staff's recommendation, each providing potential suggestions. Roctricity believes that since the State prioritizes renewable purchases, it is difficult for a fixed rate product to beat the trailing 12-month utility average. MEGA states that as the price to compare price is flawed, and to use a baseless price construct and impose a 5% cap is

nonsensical. CNE believes placing a limit on fixed term products restricts both renewable deployment and value-added products that customers may desire to improve their experience with the CCA program. CNE states that CCA Administrators already negotiate with ESCOs for the best possible pricing, and they do not agree with Staff's recommendation.

Family Energy believes that CCA product pricing should be subject to the same product pricing restrictions as individual ESCO offerings. They are concerned that an opt-out consumer will assume a CCA product is automatically better than any potential ESCO product. Sustainable Westchester worries that a price limitation would completely forestall communities from effectively contributing a market for new renewable energy. Eligo is worried a cap would end many CCA programs as cheap pandemic-induced trailing average utility prices are artificially compared to more expensive forward-looking energy costs. CLP believes that a top-down prescriptive cap is unnecessary and potentially burdensome. Joule believes that the market is not in a favorable position right now to consider a cap. Instead, they suggest adopting a required disclaimer for customers. GE believes an arbitrary cap of 5% may preclude the ability of CCAs to make prudent risk management decisions based on market information and could also create contract timing issues in a volatile market. NRG believes that placing a cap on these programs will kill innovation and the opportunities CCAs offer. M&R believes if there is a change due to the lack of available RECs or expense of RECs, then such accommodations must be available to both CCAs and ESCOs.

In reply comments, UIU disagrees with comments opposing Staff's recommendation to place a cap on commodity product offerings. According to UIU, an ESCO who seeks to provide commodity service through a CCA will likely have lower

acquisition costs and may have a better understanding of the likely customer load for the upcoming year than ESCOs not providing CCA service, so theoretically it should be even easier for ESCOs to offer lower prices than the default utility within a CCA context.

Determination

The Commission finds it concerning that parties seem to be more concerned about simply having a product to offer instead of ensuring that the CCA program creates a benefit for participating customers. CCA participants are only allowed to be opt-out enrolled when the necessary customer protections and requirements are in place and have been met. With the changes in the energy market, it is imperative that the Commission continues to ensure CCA participants are not being opt-out enrolled in a CCA program that is not providing a financial benefit, and may jeopardize the customer's ability to maintain essential commodity service. Accordingly, the Commission adopts the following pricing requirements for standard supply products, consistent with the mass-market ESCO requirements. Fixed-rate products should be limited to a price no greater than the trailing 12-month average utility supply rate plus a premium of no more than 5%, and variable-rate products must be a guaranteed savings. Renewable product offerings will not have a price cap due to the limited ability to determine reasonableness of price. Therefore, instead of imposing a strict pricing requirement on renewable CCA offerings, the Commission adopts an additional consumer protection to ensure municipalities, and potential participants, understand the significant pricing difference before choosing to participate in a renewable product offering. Thus, Administrators offering a renewable energy product must include a disclosure on the opt-out letter regarding the price of renewable products compared to non-renewable offerings. In

addition, Administrators offering a renewable energy product shall also explicitly disclose the product pricing, including a potential premium for renewable energy, at the post-award meeting detailing the supply contract terms and conditions.

G. Additional Program Offering Requirements

In the CCA Whitepaper, Staff recommends establishing supplementary requirements that would apply to any additional offerings within the CCA program. These requirements, to be consistent with existing program requirements, would limit potential customer confusion when reading notification letters and clearly delineate between the CCA supply offering and additional opt-in products offered by Administrators.

Comments

CNE and Sustainable Westchester support Staff's recommendation to identify additional product offerings. Ampion believes that municipalities should only be required to submit proposed activities if they want them to be included in the CCA structure and it is clear that the Commission would have authority over the program. CLP agrees that there should be some type of reporting requirement to the Secretary for projects not already outlined in an Administrator's Master Implementation Plan. Family Energy believes that CCA program product offerings should be subject to the same restrictions applied by the Commission to ESCO product offerings to individual customers. Joule believes that introduction of new opt-in offerings are at the discretion of the municipality, and that Staff does not have a role in approval. The JU agree with Staff's recommendation but caution against a set of blanket requirements. NRG believes additional product offerings are currently restricted by Commission retail access policy, and that flexibility should be allowed to entertain other options while maintaining the current CCA rules that are in place.

Determinations

The Commission agrees with Joule and Ampion that Staff should not play a role in approving or denying opt-in product offerings. As such, the Commission adopts the requirement that additional opt-in product offerings not appear on the CCA supply opt-out letter. Instead, the opt-out letter can point CCA program participants to where they might find these additional offerings through a website link, phone number, etc., but CCA participants cannot opt-in to additional offerings using the opt-out letter. Since these products will not be included under the CCA program, no additional reporting requirements will be necessary, aside from any existing Commission requirements that would apply outside the administration of CCA.

H. Program Reporting

Staff recommends the expansion and modification of the existing annual reporting requirements to include standardized and detailed reporting requirements, categories, clear guidelines, the incorporation of additional reporting requirements established after the CCA Framework Order, and the development and implementation of a reporting mechanism that would allow for quarterly reporting of all CCA opt-out offerings. These recommendations would ensure all CCA Administrators are accurately capturing, and providing, the necessary information for the current status of CCA programs in addition to the annual reporting.

To facilitate the standardization of program reporting, Staff recommends providing CCA Administrators a form in which CCA Administrators will enter all relevant reporting information on a quarterly basis for all opt-out CCA offerings which will allow the required data for annual reports to be generated from the completed quarterly reporting. As there are other non-numerical items required as part of the annual

reporting, CCA Administrators would still need to fill in the other annual report information on the form before submitting. With the growth in CCA and program offerings, having a Staff provided reporting form allows inclusion of new reporting requirements. A Program Report Summary example is included in Appendix A.

Comments

NRG supports this proposal if the template is easy to work with, does not change frequently, and makes practical sense. Roctricity acknowledges the importance of tracking information but is hesitant to support provisions that require additional work on behalf of the municipality. CLP and Joule support the standardization so long as stakeholder feedback is incorporated. GE believes this requirement is unnecessarily burdensome and advocates for the CCA Framework Order requirements.

Determination

Concise and standardized reporting is needed for Staff to analyze the data, provide comparisons of programs, and provide the necessary transparency of program operations for all stakeholders. The Commission agrees with Staff and parties that a template and expansion of necessary reporting information is necessary to standardize the information received and for the performance of programs to be easily evaluated by any stakeholder at the municipality level. This data will be included on the Department CCA webpage to ensure transparency for anyone seeking information of the existing CCA Administrators and programs. As such, the Commission adopts the expansion and modification of the existing program reporting requirements to include standardized and detailed reporting requirements, categories, clear guidelines, the incorporation of additional reporting requirements established after the CCA

Framework Order, and the development and implementation of a reporting mechanism that would allow for quarterly reporting of all CCA opt-out offerings. The Commission further adopts the use of a standardized form for quarterly reporting of this data. Additionally, for clarification the reporting period is January 1 - December 31 and must include information on all CCA participants, this means both opt-in supply and opt-out participants. Quarterly reporting will be due 90 days from the end of the quarterly period and annual reports will continue to be due by March 31 and must cover the previous year.

1. Complaint Reporting

Staff recommends that the complaint reporting requirements in the CCA Rules be expanded to include all complaints received, including, but not limited to, those received by the ESCO, DER, Administrator, or Municipality.

Comments

NRG agrees with this recommendation, but Good Energy believes the proposal needs further refinement. In addition to categorizing standard sets of complaints by type to help improve consistency in reporting, Good Energy suggests that Staff create distinctions in communication types.

Determination

Throughout program operations it has become apparent that complaints have been coming in through multiple sources but, up to this point, these complaints have not all been reported or included in the annual report. Knowing how many complaints are being received and what for can be used for identifying potential issues such as needing more outreach and education or billing issues. The Commission adopts the recommendation to modify complaint reporting to include complaints received by all sources, this includes the CCA

Administrator, ESCO, municipality, DER, and DPS Office of Consumer Services.

2. Complaint Categories

Staff recommends expansion of the CCA Rules to include defined complaint categories for use by all CCA programs. Staff also recommends that the CCA Administrator be required to include complaint numbers from all sources, under these categories, in the program report and define possible actions Staff or the Commission may take in response to these complaint statistics.

Comments

NRG cautions that requiring complaints to be captured and catalogued may require system programming and other costly actions.

Determination

In order to ensure uniform reporting of the complaints, the Commission adopts the use of defined reporting categories to be included in the program reporting templates.

3. Opt-Out Reporting and Categories

Staff recommends the following categories for opt-out reporting:

- Does not agree with opt-out enrollment.
- Is unfamiliar with the program or its offerings.
- Does not like the CCA program or Administrator.
- Does not feel they will benefit from the CCA program; and,
- Other.

Comments

Joule requests clarification regarding whether this recommendation is asking customers why they are opting out of the program. NRG comments that this change will necessitate additional workload and training.

Determination

CCA program opt-out reporting is a required part of the annual reporting, but without understanding what is driving the opt-out then the information doesn't provide the value that it could. As such, the Commission adopts the opt-out categories detailed above. In addition, to fully understand the scope of customers opting-out, this information must also be recorded by the utility and provided to the CCA Administrator each year to be included in the required annual reporting.

I. Environmental Disclosure Label

Staff recommends working with the CCA ESCO to manually create the CCA specific Environmental Disclosure Program (EDP) label which would then be posted on the DPS website, as is currently done for other manually created labels. In order for manual labels to be created, Staff would need the CCA programs to file the detailed load information in its program reporting, as described above.

Comments

The Joint Utilities support this recommendation, as long as the CCA EDP label is posted to the New York Generation Attribute Tracking System website, and a process is in place to ensure no double-dipping between ESCOs' CCA and non-CCA customers. CNE agrees that it is critical to work with Department of Public Service and NYSERDA to comply with the New York EDP label process for CCAs. CLP notes that it is unacceptable for ESCOs not to provide separate EDP data for the CCAs they serve, either automatically or manually. NRG believes the EDP label process needs updating. NRG would be happy to work in conjunction with Staff to improve the EDP labels and provide input into the design and adds that automating this process is critical to getting customers the correct information in the format that is required.

Determination

The EDP label provides valuable information to customers, and the availability of this information should not be limited by participation in a CCA program. The Commission adopts the recommendation to have Staff work with the CCA ESCO to manually create the CCA specific EDP label which would then be posted on the Department website, as is currently done for other manually created labels.

J. Enforcement Mechanism

Staff sought comment on the development of an enforcement mechanism to address bad behavior and ensure that all CCA market participants act fairly and conduct business in a way that will protect the CCA market and, in turn, create a more positive, robust CCA program for the State as a whole.

Comments

Family Energy believes the enforcement mechanism should be tailored to address potential misconduct by all of the entities involved in making the CCA product offering to consumers and should incorporate notice and process requirements akin to those provided under the UBP. CLP and NRG believe that all errors will be publicly disclosed and promptly corrected, and a further enforcement mechanism is not needed. Joule points to the approach regarding opt-out utility tariffs and recommends that Staff formalizes a proposed enforcement protocol and submit it for public comment before the Commission considers action.

Determination

The Commission believes there have been enough issues since CCA programs were implemented to support the need for an enforcement mechanism to address any bad actors or parties acting in bad faith. An opt-out program should have stricter requirements and protocols in place to limit the potential for any harm to participants. As such, the Commission adopts the

enforcement mechanism described below, which is substantially similar to the UBP enforcement mechanism for ESCOs.

A CCA Administrator may be subject to an enforcement action for reasons, including, but not limited to: failure to comply with any Commission Order; failure to comply with the Administrator's Commission-approved plan for program implementation; failure to comply with applicable NYISO requirements, reporting requirements, or Department oversight requirements; failure to adhere to the policies and procedures described in the CCA service agreement with the municipality; failure to comply with required customer protections; a material pattern of consumer complaints on matters within the Administrator's control; or failure to comply with any federal, state, or local laws, rules, or regulations.

In determining the appropriate consequence for a failure or non-compliance in one or more of the categories above, the Commission or Department may take into account the nature, the circumstances, including the scope of harm to individual customers, and the gravity of the failure or non-compliance, as well as the Administrator's history of previous violations. An enforcement action may be initiated by either (1) notification to the Administrator in writing of its failure to comply and request that the Administrator take appropriate corrective action or provide remedies within the directed cure period, which will be based on a reasonable amount of time given the nature of the issue to be cured, or (2) order that the Administrator show cause why a consequence should not be imposed. The Commission may impose the consequences described below if (1) the Administrator fails to take corrective actions or provide remedies within the cure period; or (2) the Commission determines that the incident or incidents of non-compliance are substantiated and the consequence is appropriate.

Consequences shall not be imposed until after the Administrator is provided notice and an opportunity to respond.

A CCA Administrator found to be non-compliant may be subject to consequences, including, but not limited to: revocation of the Administrator's ability to conduct CCA programs in New York State, or any specific distribution utility territory; additional outreach and education requirements; forfeiture of any administrative fees collected; and issuance of refunds to customers.

K. Long Island CCA Participation

Staff recommends CCA programs on Long Island be reviewed and approved consistent with existing processes, as well as those proposed in the CCA Whitepaper.

Comments

The JU, CNE, CLP, and NRG support this recommendation. The JU agree that a CCA natural gas program should be consistent with the rest of the State.

Determination

The Commission adopts the recommendation that, when CCA electric programs in the Long Island Power Authority's (LIPA) service territory become available, they will be approved consistent with existing processes. Gas programs on Long Island are already approved consistent with these processes.

Outreach and Education Requirements

Since the CCA Whitepaper was issued, the Commission has become increasingly aware of the need for changes to the outreach and education requirements, including: (1) extending the outreach and education period; (2) increasing the number of necessary items and events; and (3) requiring additional outreach and education when a CCA Administrator is unable to prove sufficient community awareness of opt-out enrollment or when there is a specific circumstance that should require

additional outreach and education events to be performed in a community. Based on on-going feedback and complaints from participating communities, there continues to be a lack of awareness of the CCA program and, in some instances, this is supported by CCA Administrator Outreach and Education records that show little to no participants at the CCA informational meetings.

The Commission finds that it is more important than ever to ensure that CCA Administrators are doing their due diligence in providing more than just adequate outreach and education to potential opt-out program participants and therefore directs Staff to file, within 90 days of the effective date of this Order, proposed changes to the outreach and education requirements to include, but not limited to, those discussed above. This proposal would be issued for public comment and subject to subsequent Commission approval, with the expectation that any changes would be reflected in a modified outreach and education template and CCA Rules.

Opt-Out CDG

The CCA Whitepaper recommends that the Commission adopt an opt-out CDG model for integration into existing CCA programs. This recommendation was further expanded upon in the Department of Public Service Staff Straw Proposal on Opt-Out Community Distributed Generation.¹⁷ Those recommendations are still before the Commission for consideration and the Commission will not, in this Order, adopt a CDG program to be offered on an opt-out basis.

In relation to its consideration of opt-out CDG, the Commission seeks more information on potential alternatives to

¹⁷ Case 14-M-0224, et al., Department of Public Service Staff Straw Proposal on Opt-Out Community Distributed Generation (filed March 29, 2022).

the model that has been discussed to date. One potential avenue to furnish the benefits of CDG to more customers could be the adoption statewide of a program similar to the Expanded Solar For All (E-SFA) program approved in the Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) service territory.¹⁸ For example, such a program could potentially provide benefits to a larger number of low-income customers than the proposed out-out CDG program. While the proposed out-out CDG program would serve low-income customers in a community first, only those low-income customers who reside in a CCA participating community would receive a benefit. Conversely, with a statewide solar for all program, all low-income customers - whether in a CCA community or not - would be able to benefit from CDG savings.

The Commission is also interested in exploring the potential for added efficiencies through the solar for all model that could streamline CDG billing and crediting. The Commission will gain valuable experience with such a model as the E-SFA program, including the credit pooling mechanism, is implemented in the National Grid service territory, and seeks additional information of the scalability of a solar for all program statewide. Thus, Staff is directed to, within 120 days of the effective date of this Order, file a proposal for the implementation of a statewide solar for all program. This proposal shall be issued for public comment before coming back to the Commission for a determination.

¹⁸ Case 19-E-0735, NY-Sun Program Funding and Extension of Program Through 2025, Order Approving Expanded Solar for All Program with Modifications (issued January 20, 2022) (E-SFA Order).

CONCLUSION

The CCA program in New York State has significantly developed and expanded since its inception over six years ago and functions as an essential tool in assisting the State achieve its clean energy goals. This Order identifies necessary improvements that will allow the program to continue this growth moving forward. The recommendations adopted here will expedite Administrator submittals, more efficiently convey program rules and requirements, and generally standardize the overarching program structure in a way that allows Staff to manage it more effectively. These changes will facilitate increased opportunities for community engagement through streamlined processes and give consumer participants assurance that they can safely and effectively engage in opt-out CCA programs with appropriate consumer protections in place. Adopting these modifications will ensure CCA programs continue to flourish and provide New York State residents and municipalities with the ability to take control of their energy usage bills.

The Commission orders:

1. The recommendations made in the April 14, 2021 Department of Public Service Staff Whitepaper on Community Choice Aggregation Programs are adopted, with modifications, consistent with the discussion in the body of this Order.
2. Community Choice Aggregation Administrators shall, within 90 days of the effective date of this Order, modify their program websites to include basic program information, consistent with the discussion in the body of this Order, and shall submit a letter to the Secretary confirming completion.
3. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., National Fuel Gas Distribution Corporation, New York State Electric & Gas

Corporation, the Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, Niagara Mohawk Power Corporation d/b/a National Grid, Orange & Rockland Utilities, Inc., and Rochester Gas & Electric Corporation (collectively, the Utilities) shall file, within 60 days of the effective date of this Order, the specific daily transactional limitations of their billing systems, consistent with the discussion in the body of this Order.

4. The Utilities identified in Ordering Clause No. 3 shall each file, within 60 days of the effective date of this order, a filing that details a specific opt-out eligible service class, and defines all sub-classes for those service classes, consistent with the discussion in the body of this Order.

5. The Utilities identified in Ordering Clause No. 3 shall jointly file, within 60 days of the effective date this Order, a list of the categories they will all use for identification of newly eligible customers, consistent with the discussion in the body of this Order.

6. Department of Public Service Staff is directed to file a complete listing of CCA Program Rules within 60 days of the effective date of this Order, consistent with the discussion in the body of this Order.

7. Department of Public Service Staff is directed to file, within 90 days of the effective date of this Order, proposed standards related to requests for proposals and energy service agreements requirements, including but not limited to, the number of bid respondents, standards for what constitutes a competitive solicitation, ways to promote the competition in CCA solicitations, pricing and education, and customer benefits, consistent with the discussion in the body of this Order.

8. Department of Public Service Staff is directed to file, within 90 days of the effective date of this Order, proposed changes to the outreach and education requirements, consistent with the discussion in the body of this Order.

9. Department of Public Service Staff is directed to file, within 120 days of the effective date of this Order, a proposal for the implementation of a statewide solar for all program, consistent with the discussion in the body of this Order.

10. In the Secretary's sole discretion, the deadlines set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least three days prior to the affected deadline.

11. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

Appendix A:
CCA Templates

Master Implementation
Plan Template

Telephone	Website

1. If you intend to provide services under a DBA, provide a copy of your certificate of assumed name and list the name(s) here:

2. During the past 36 months, have any criminal or regulatory sanctions been imposed on the contact, any senior officer, any corporate entity with an ownership interest of 10 percent or more, or any energy affiliates of the CCA Administrator?
 Yes / No

If yes, identify the entities or individuals subject to sanctions and provide a detailed explanation of the sanctions:

3. Disclose any decisions or pending escalated regulatory actions in other states that affect the CCA Administrator’s ability to operate in New York, such as suspension, revocation or limitation of operating authority:

4. List and describe any current formal investigations involving the CCA Administrator being conducted by law enforcement or regulatory entities:

5. List and explain any acquisitions, mergers, dissolutions, or bankruptcy involving the CCA Administrator that occurred in the previous 36 months:

6. List and describe any security breaches associated with customer information in the last 36 months that involved the CCA Administrator, including a thorough description of the actions in response to any such instances:

Part 2 - Contact Information

Executive Contact (Owner, CEO, or Executive responsible for New York service)

Name and Title		
Address		
City	State	Zip Code
Telephone	Email	

Regulatory Contact (Individual(s) responsible for ensuring compliance with regulatory requirements)

Name and Title		
Address		
City	State	Zip Code
Telephone	Email	

Consumer Inquiry Contact (Individual(s) responsible for responding to consumer inquiries and complaints from DPS)

Name and Title		
Address		
City	State	Zip Code
Telephone	Email	

Part 3 - CCA Program

Provide a short description of the CCA program you hope to implement, its goals, and plans for value-added services.

Description:

Goals:

Plans for value-added service:

Part 4 - Opt-Out CCA Product Information

Please indicate which offerings you are seeking authorization for:

Product Type:	<input type="checkbox"/> Electric	<input type="checkbox"/> Gas	
Product Offering:	<input type="checkbox"/> Standard	<input type="checkbox"/> Renewable	
Offering Price:	<input type="checkbox"/> Fixed	<input type="checkbox"/> Variable	
Rate Class:	<input type="checkbox"/> Residential	<input type="checkbox"/> Small-Commercial	<input type="checkbox"/> APP

Part 5 - Attestation

By signing this form, I am attesting to the following:

- I am an owner, partner, or officer for the above named CCA Administrator;
- The answers and any materials provided with this form are complete and accurate;
- I understand that a CCA Administrator that knowingly makes false statements on this form can be subject to denial or revocation of Commission authorization for the CCA Administrator and for any of its operating CCA programs;
- I understand that if the Commission approves our Petition, we are responsible for ensuring compliance with all CCA Program Rules, Commission requirements, State, Local, and Federal regulations; and

Signature:

Title:

Print Name:

Date:

Municipal Filing Template

Part 2 – ESA / Contract Award Information

Please populate the table below with information relating to the ESA and the winning supply contract.

Date Contract Awarded		Contract Start Date	Contract End Date
ESE			
Utility Service Territory			
# of RFP sent out	# of RFP responses		

Please populate the following table with information relating to all available supply products provided in the municipality and check the boxes below.

Product	Product Price (\$,0000)	Customer Class	Utility 12-month Average Price (\$,0000)

- All renewable products state the percentage of energy that comes from renewable sources in the Product Name
- All products that serve APP customers have a Staff approved guaranteed savings product and comply with all other ESCO requirements outside of the CCA program
- All fixed rate standard product offerings are limited to a price no greater than the trailing 12-month average utility supply rate plus a 5% premium

Part 3 – Contact Information

Please populate the tables below with all relevant contact information relating to the program.

Municipality Liaison Contact Information

Name	Title	Phone Number
Email Address		

Additional Contact Information (if Applicable)

CCA Program Contact Information

Name	Title	Phone Number
Email Address		
Program Website Link		
Additional Contact Information (if Applicable)		

Part 4 – Outreach & Education

Please fill in the table below with general Outreach & Education information.

O&E Period Start Date	O&E Period End Date

Outreach & Education Guidance Requirements

- Outreach & Education must be performed over a period of no less than 60 days. This period begins with the first outreach & education action conducted in the municipality after the passing of the Local Law. In the event that Outreach & Education was completed more than 6 months previous to the opt-out enrollment request, a new outreach & education period will be necessary before being approved to move forward.

- Outreach & Education actions must be performed by the **CCA Administrator** authorized in the Master Implementation Plan. O&E actions must also be conducted within the municipality that the program serves in order to satisfy O&E requirements.
- Multiple forms of Outreach & Education must be provided to ensure sufficient customer education and awareness of their opt-out enrollment in the CCA program. These forms may include:
 - o **Public meetings** that are held in person and are open to municipal residents. A webinar may be offered in conjunction with the public meeting as long as it allows for the ability for participants to ask questions.
 - o **Tabling events** within the municipality to promote the program
 - o Media such as:
 - **Local radio and television advertisements about the program (advertising of upcoming meeting/event does not count)**
 - **Newspaper ads about the CCA program (advertising of upcoming meeting/event does not count)**
 - **Posters or other print media placed in community public locations such as local government offices, community centers, etc.**

At a minimum, Outreach & Education must include the following information:

- o CCA Administrator name and, if applicable, Program name
- o CCA Administrator contact information and program specific website link
- o General information about the program
- o Information to inform municipal residents of opt-out enrollment
- o Information that informs customers how to read and comprehend their energy bills
- o When available, contract terms, pricing, ability to opt-up or opt-down, price comparison including disclosing customers may pay a premium for renewable supply services though they will be contributing to NYS clean energy goals.
- Public meeting requirements:
 - o At least 1 public in-person meeting must occur after the CCA enabling local law has been passed and before the program contract has been awarded within the municipality that provides the details above.
 - o Additionally, a public in-person post-award meeting must be held within the municipality and include the specifics of the contract detailed above. For new programs, this meeting may occur either before the mailing of the opt-out letters or be included as part of the opt-out letter included in this submittal, all details of its planned date, time, and location must be included in the table below. For contract renewal post-award meetings, at least 1 public in-person meeting must occur after the program contract has been awarded and prior to opt-out letters being mailed and include the specifics of the contract detailed above.
 - o Announcements of public meetings/events are not considered Outreach & Education on their own unless they also include comprehensive educational information about the program.
- The record of Outreach & Education that has been performed must clearly record the event and include links to evidence of occurrences. Whenever applicable, direct website links to the Outreach & Education event, as well as the supporting advertisement of the event, must be included in the table below.
- If municipality is currently participating in a CCA program and that contract is expiring with a new contract being executed without a gap in contracts, skip to Part 5.

Please populate the table below with each Outreach & Education action that is planned or has occurred within the municipality. If additional space is needed, please add rows to this table until fully captured.

Type of Outreach & Education	Location & Short Description	Date	Number of Participants
1.			
2.			
[Link to O&E action verification placeholder]			
3.			
[Link to O&E action verification placeholder]			
4.			
[Link to O&E action verification placeholder]			

Part 5 – Post Award Meeting

Please populate the table below with all required additional post contract award outreach and education actions that have occurred within the municipality. If additional space is needed, please add rows to this table until fully captured. For new contracts that have the post award meeting detailed on the opt-out letter please provide the scheduled date/location of the meeting and the other mechanisms by which the meeting is being advertised. For contract renewals please provide the completed post award meeting information below.

Location & short description	Date	Number of Participants	Date and method of advertisement
1.			
[Link to O&E action verification placeholder]			
2.			
[Link to O&E action verification placeholder]			

Part 6 – Additional Required Materials

To be included in this submittal at the time of filing, please include copies of the following documents specific to this program and check the corresponding box:

- Municipality Local Law enabling CCA programs with appropriate State department approval
- Request for Proposal submitted to ESCOs
- Energy Service Agreement
- Opt-Out Letter
- Newly Eligible Opt-Out Letter
- FAQ Document

Part 7 – Attestation

By signing this form, I am attesting to the following:

- The answers and any materials provided with this form are complete and accurate;
- I understand that a CCA Administrator that knowingly makes false statements on this form can be subject to denial or revocation of Commission authorization for the CCA Administrator and for any of its operating CCA programs;

Signature:

Title:

Print Name:

Date:

Reporting Templates

CCA Administrator Name:

Quarterly or Annual Reporting Period:

Municipality	Electric Supply											
	Number of accounts served at beginning of reporting period	Number of accounts served at end of reporting period	Default Product (Standard or % Renewable)	Standard Load (kWh)	Renewable Load (kWh)	Total Load	% of Total Renewable Load	Initial Opt-Out Rate % (If applicable)	Annual Drop Rate %	Price of Standard Product	Price of Renewable Product	Reporting Period's Average Utility Rate
Total	0	0	0	0	0	0	0					

		Natural Gas Supply					
Municipality	Number of accounts served at beginning of reporting period	Number of accounts served at end of reporting period	Natural Gas Load (Therm)	Initial Opt-Out Rate % (if applicable)	Annual Drop Rate %	Natural Gas Price	Reporting Period's Average Utility Rate
Total	0	0	0				0

		Complaints									
		Source				Total Number of Complaints in Reporting Period	Reason for Complaint				
Municipality		CCA Administrator	ESCO	Municipality	DER		Does not agree with opt-out enrollment	Is unfamiliar with the program or its offering	Does not like the CCA program or Administrator	Does not feel they will benefit from the CCA Program	CDG specific complaint
Total	0				0	0	0	0	0	0	0

Program Financials

Municipality			
Revenue			
Aggregation			
Other income			
Total revenue	\$-	\$-	\$-
Expense			
Data Services & IT			
Direct Program Expenses			
Operations			
Outside Services			
Salaries and Related			
Total Expense	\$-	\$-	\$-
Net Revenue	\$-	\$-	\$-

Billing Error Template



**COMMUNITY CHOICE AGGREGATION (CCA)
BILLING ISSUE REPORTING FORM**

Upon awareness of a billing issue that impacts 50+ participants, the CCA Administrator, ESCO serving, and utility must notify each other and Staff using this form of the suspected billing issue within 48-hours of awareness. This form is to be filed in Matter #23-00028: In the Matter of Community Choice Aggregation Issue Resolution. If final resolution is not completed at time of filing, a subsequent filing is required that details and affirms all impacted accounts have been corrected.

Reporting Party	Reporting Party Name	
<input type="checkbox"/> Utility / <input type="checkbox"/> ESCO / <input type="checkbox"/> CCA Administrator		
Individual Name	Individual Phone Number	Individual Email
Have other parties been alerted of this issue? If yes, please explain when and how below.		
<input type="checkbox"/> Yes / <input type="checkbox"/> No		

In the text box below, please provide information on who has been contacted about this issue and when.

Part 2 – Billing Error Information

Billing Issue Related to:	Billing Issue Cause:
<input type="checkbox"/> Delivery Charge / <input type="checkbox"/> Supply Charge / <input type="checkbox"/> Other (explain below)	<input type="checkbox"/> Utility / <input type="checkbox"/> ESCO / <input type="checkbox"/> CCA Administrator
Number of Accounts Impacted	Have customers been contacted?
	<input type="checkbox"/> Yes (explain below) / <input type="checkbox"/> No

In the text box below, please provide a short description of the billing error, when the error occurred, how the error occurred, how customers will be affected by the error, and how many customers were affected.

Is the issue municipality specific? If so, please identify the impacted municipalities. Has the municipality been contacted? If so, when and how.

Part 3 – Billing Error Remedy

In the text box below, please provide a short description of what steps have already been taken to remedy the billing issue, what additional steps need to occur, and the estimated time of completion.

Opt-Out Letter Template

[MUNICIPAL LETTER HEAD]

Dear _____,

The [Municipality Name] is pleased to announce our participation in [the program renewal of] a Community Choice Aggregation (CCA) program administered by [CCA Administrator], that puts control of energy supply choices into local hands. [You are receiving this letter because you are newly eligible to participate in the CCA program]. Through a competitive procurement process [ESCO] has been selected to replace [utility] as the default supplier of [electricity, natural gas, or electricity and natural gas] for residential and small-commercial accounts within our community. We have chosen [standard or renewable] supply as the default product offering for our community [but you have the choice to (opt-up or opt-down) to a (standard or renewable) supply option by contacting [ESCO/Admin] at [phone# or website]].

All eligible residential and small-commercial [electricity, natural gas, or electricity and natural gas] customers will be automatically enrolled in the [standard or renewable] supply product[s] beginning with the bill cycle following [date] and will be able to continue to receive the CCA program price of [\$,xxxxx/kWh for electricity and/or \$,xxxxx/Therm for natural gas] through [date]. You may cancel at any time with no fee or penalty [or identify termination fee].

Below is a comparison of [utility] [electricity, natural gas, or electricity and natural gas] supply pricing with the CCA program pricing. While this is not indicative of pricing going forward, it does provide a basis for comparison of standard supply offerings. [If you choose the renewable product offering, you will pay a premium for this product over the utility standard product pricing, however, you will be contributing to NYS clean energy goals.]

	Residential	Small-Commercial
[Utility] Standard Electric Supply*		
[Utility] Standard Natural Gas Supply*	\$.00000/Therm	\$.00000/Therm
CCA Standard Supply	\$.00000/kWh	\$.00000/kWh
CCA Renewable Supply	\$.00000/kWh	\$.00000/kWh
CCA Natural Gas Supply	\$.00000/Therm	\$.00000/Therm

* 12-month trailing average for [time period] as defined by the Public Service Commission

Please note that if you do not opt-out, you will be enrolled in ESCO service under the contract terms and your information, including energy usage data and APP status, will be provided to [ESCO].

How To Opt-Out

If you decide not to participate in the program, please respond in one of the three ways below:

1. Mail: Return the "Opt-Out" card
2. Phone: Call [] at [].
3. Web: Visit: []. Your Opt-Out Code is [].

Your Municipal Liaison information can be found here: [link](#)
An additional meeting is being held at [location] on [date and time] to outline the program and answer any questions you may have. Please join us!

Sincerely,
 Municipality

FAQ Template

COMMUNITY CHOICE AGGREGATION (CCA)

FREQUENTLY ASKED QUESTIONS

The New York State Public Service Commission has adopted the use of templates to manage the State's Community Choice Aggregation program more effectively. While other templates used in the program should not have their formatting altered, Administrators are free to modify the FAQ template formatting so long as the substance of the questions and answers remains unchanged. Please include all the information below, formatted appropriately, when submitting a completed Municipality Filing.

What is Community Choice Aggregation?

On April 21, 2016, the NYS Public Service Commission enabled Community Choice Aggregation (CCA) Opt-Out Programs, which offer residential and small-commercial customers an opportunity to receive more attractive energy supply terms through the bargaining power that aggregation provides. As well as educating, encouraging, and empowering communities and individuals to take control of their energy future through engagement with existing opportunities and development of new programs.

What is a CCA Administrator?

The CCA Administrator is a company, non-profit, or local government that has been authorized by the Public Service Commission to administer a CCA program in New York State. The CCA Administrator is responsible for working with participating municipalities to design and implement a CCA program consistent with the goals of the municipality and its constituents and in compliance with the CCA program requirements. The CCA Administrator solicits bids, awards a supply contract, and performs the necessary program outreach and education to ensure residents are well educated about the program. For those customers who do not opt-out of the program, the CCA Administrator works with your utility to ensure proper enrollment.

What role does my municipality play?

The municipality is the primary party responsible for meeting the requirements established by the Public Service Commission. First, to enable CCA in your municipality, there must be a Local Law passed that allows for opt-out enrollment for eligible residential and small-commercial accounts. The municipality would then either administer the CCA program themselves or select a CCA Administrator to perform the necessary CCA program requirements.

What does opt-out enrollment mean?

Opt-out enrollment means that you will automatically be enrolled to participate in the CCA program unless you are already receiving supply service from an ESCO, have a ESCO block on your account, or take action to opt-out of the program. You will continue to receive your electric and/or gas bill from your utility. However, under the Supply section of your utility bill you will see the CCA supply rate and the name of the CCA program and ESCO serving the program. Once you opt-out of the program, that choice will be recognized for the life of the program.

Who is eligible to participate?

Most residential and small-commercial customers are eligible to be opt-out enrolled in the CCA program. However, if you have placed a ESCO block on your account or are currently receiving supply services from a ESCO you would not be eligible for opt-out enrollment. If you are an Assistance Program Participant (APP) you would be eligible to participate only if the CCA program has an approved guaranteed savings product offering.

Does the CCA Program replace my utility company?

No. You will still receive one bill from the utility company, but the supply section of your bill will show the name of the ESCO/CCA Program. The utility company will still be responsible for your billing and responding to any power outages.

Will I save money on my monthly bill?

Unless you are receiving a guaranteed savings supply product offering, such as what is required for APP customers, there is not a savings guarantee over the utility supply rate. However, with the ability to aggregate or pool demand this would potentially lead to competitive pricing for CCA program participants that would potentially provide greater savings than what the individual account would receive without participating. If your municipality has chosen a renewable supply product offering, you may pay a premium over the default utility supply rate.

How will my bill change?

You will continue to receive your bill from the utility company. The only portion of the bill that will change will be the Supply section which would now include the name of the ESCO and CCA Program serving your municipality.

What products are available?

There are multiple ways to opt-out of participation: by phone, online, or by mail. The specific contact information, as well as the date you must opt-out by, will be included on the opt-out letter.

Can I participate if I opted out previously?

Yes, you can always opt-back into the program after previously opting-out, but you may need to wait until the next billing period for the change to take effect. Contact your CCA Administrator to join the program.

Will this program affect my APP status?

The CCA program will not affect APP status. If a CCA intends to serve APPs, it must first get approval of the guaranteed savings product that it intends to provide to its APP customers to ensure that the product will provide them with a guaranteed savings.

Is there a fee for cancellation or opting-out?

No, there is never a fee for cancellation or opting-out. [revise language if fee exists after 3 billing cycles allowed under CCA Framework Order]

What account information is being shared?

Customer energy usage data is aggregated and anonymized and used for bid solicitations, this does not contain any customer specific details. Your name and address are provided in order to send the opt-out letter. Upon enrollment, your information, including energy usage data and APP status will be provided to the ESCO serving the CCA program.

How is my information being protected?

Before receiving any data from the utility, the CCA Administrator and ESCO must sign a Data Security Agreement (DSA) with your utility. The DSA ensures they have the appropriate cybersecurity and privacy protections in place to protect your information.

Who can I contact to report a problem or voice a complaint?

Complaints should be made to the CCA Administrator, Municipal Liaison, or the ESCO supplier. There information should be listed on the opt-out letter and website. Additionally, complaints can always be made to the NYS Department of Public Service Office of Consumer Services at 1-800-342-3377.