SUSTAINABLE WESTCHESTER

WESTCHESTER POWER

CCA PROGRAM

REQUEST FOR PROPOSALS

Accounts Served by

Con Edison Utility Territory

June 21, 2024

Responses must be received on or before July 3, 2024 at 12PM
and must be submitted by email to dan@sustainablewestchester.org,
luke@auctionurenergy.com, & te.pricing@transparentedge.com.

Table of Contents

Purpose

Sustainable Westchester, Inc. (“SW”) seeks, via this Request for Proposals (“RFP”), an Energy Services Company or Companies (“ESCO”) licensed to supply electricity in New York State to supply electric power to municipalities in the Con Edison utility service area that participate ("Participating Municipalities") in the Westchester Power Community Choice Aggregation ("CCA") Program ("CCA Program").

The selected ESCO/s will sign an Electric Service Agreement ("ESA") with Participating Municipalities and SW to supply electricity for the CCA Program that will begin with participating customers' first meter read date on or after November 1, 2024, in accordance with terms and specifications described in this RFP and its attachments. This ESA will be substantially in the form of the 2024 Con Ed ESA Template as posted on the RFP webpage at**:**

https://sustainablewestchester.org/wp/bids-2024-con-ed-rfp/

RFP Submission and Bidding Process Overview

The bidding process for the 2024 Con Edison ESA is being managed by SW's Auction Service consultant, AuctionUREnergy, with the assistance of Transparent Energy.

Bidders should review this RFP document and:

1. Fill in the "Basic Company Information" in Attachment 1 and provide the information requested in Attachment 2
2. Initial the "Acknowledgement of Key Elements of the Electric Service Agreement"
3. Sign and return this document to the contacts indicated
4. Coordinate with Jamil Ahmed and Transparent Energy's pricing desk for details of participating in the final bid submission.

2024 Westchester Power Con Edison Contract Schedule

- RFP: June 21 – July 3
- Selection and notification of winning bid (Executable bid due): July 10 - July 16
- Contract document finalization and execution: July 16 - July 23
- Mailing Prep: August 1 – August 23
- Notification Letters Mailed: August 26
- Opt Out Period: September 13 - October 13
- Enrollment Data Submitted: October 14 - November
- Service starts on first participating customer meter read date on or November 1, 2024

REC Purchase In Two Phases

We understand that the current market for the Tier 2 voluntary Renewable Energy Certificates (RECs) is constrained, and that at the time of bidding suppliers may only be able to commit to offering a 50% renewable product for the default supply (i.e., an electric supply that includes the voluntary purchase of RECs in an amount equal to 50% of the Participating Consumers' electricity usage including any additional RECs required to account for line loss), with a 100% renewable product offered for opt-up purchases only. We also understand that there may be an opportunity to secure additional RECs prior to the opt-out mailing such that the default product may be switched to a 100% renewable product for Participating Municipalities that wish to do so, made up either of Tier 1 RECs that become available to match electricity usage in the calendar year 2025 or with additional Tier 2 RECs. We have provided a template for an amendment to the 2024 ESA to our municipalities to facilitate such a modification in the event that a 100% renewable product may become available as the default. This template format is available on the 2024 Con Ed RFP web page for review. Consistent with Section 4.10 of Exhibit A of the 2024 ESA Template, which contemplates the potential to alter the default product prior to the mailing of opt-out letters, we expect that the winning supplier will consult with SW to assess the availability and pricing of Tier 1 or Tier 2 RECs in sufficient quantities to support an alteration of the default product. Assuming RECs are available in sufficient quantities, and one or more Participating Municipalities elect to alter the default supply to a 100% renewable product, the winning supplier will sign the amendment and will be required to execute these amendments and secure the additional RECs as indicated.

Electric Service Agreement Template

The ESA template follows previous contracts in substance, adheres to current program requirements set out by the New York Public Service Commission (PSC) and New York Department of Public Service (DPS), and has been accepted by our municipal participants. Accordingly, we do not have the flexibility to make material changes. Respondents are nevertheless welcome to submit comments. Questions are welcome and answers deemed to be applicable to the RFP as a whole will be posted at the above link.

Background

CCAs in New York State are enabled and governed by the Order Authorizing Framework for Community Choice Aggregation Opt-Out Program (Case 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation) ("Initial CCA Framework Order") issued by the PSC on April 21, 2016, as well as and the January 19, 2023 “Order Modifying Community Choice Aggregation Programs and Establishing Further Process” (the “CCA Framework Modification Order,” and together with the Initial CCA Framework Order, the “CCA Framework Orders”). The CCA Framework Orders are provided for download on the RFP web page.

ESCOs that submit a response to this RFP (“Respondents”) must comply with the CCA Framework Orders, other applicable CCA Rules issued by the DPS, and subsequent clarifying orders, as well as all requirements of this RFP and its attachments.

The Westchester Power Program is the first CCA in New York State, having been authorized initially as a pilot under the PSC’s Order Granting Petition in Part (Case 14-M-0564, Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester), issued February 26, 2015.

SW is a 501(c)(3) non-profit organization with 45 member municipalities (44 Villages, Towns and Cities, as well as Westchester County). SW serves as the administrator for the CCA Program (“CCA Program Administrator”), organizing the procurement, overseeing ESCO performance under the ESAs, organizing educational outreach activities and, in conjunction with the ESCO, providing customer service. Under the CCA Framework Order & CCA Rules, SW is further tasked, as CCA Program Administrator, with working with ESCOs, municipalities and other parties to promote other elements of the NY State “Reforming the Energy Vision” (“REV”) energy plan.

The CCA Program has been in operation since 2016 when it launched with 20 municipalities, 17 in the Consolidated Edison service territory, and 4 in NYSEG territory (Bedford is in both). The current ESA for the Con Edison service territory (“2022 Con Ed ESA”) terminates on October 31, 2024.

Eligible Customer Classes

Under the CCA Framework Order, all customers in the Residential and Small Commercial service classes are eligible for opt-out treatment in CCAs, however, the CCA Program does not have a time-of-use product offering for electricity supply and so Con Edison time-of-use supply service classes are not treated as opt-out eligible. Accounts with time-of-use service classes can opt in to the program fixed rate. Energy Assistance Program Participants are not eligible to participate.

The current enrollments in the 2022 Con Ed ESA include the following service classes:

Residential classes – opt-out eligible

- SC 1 – Residential and religious
- SC7 – Residential & religious heating

Small commercial class – opt-out eligible

- SC 2 – General - small

Residential classes – not opt-out eligible (previously opted-in)

- SC 8 Multiple Dwellings -Redistribution
- SC 12 Multiple Dwelling - Space Heating
- SC 13 Bulk Power - Housing Developments

2024 Con Ed MOUs

An executed Memorandum of Understanding (MOU) commits a municipality to signing the 2024 Con Ed ESA if compliant bids are received and a winning supplier is selected. All of the executed MOUs of Participating Municipalities as of the issuance of this RFP are included as Attachment 3. The chart below indicates the status of each participating municipality. SW will forward all newly executed MOUs to all respondents as they become available.

Participating Municipalities & Current MOU Status

	Muni	Date of Local Enabling Law	GRT*	100%	MOU Status
1	City of New Rochelle	September 16, 2015	1%	Yes	Approved
2	City of Peekskill	October 22, 2018	1%	TBD	Under review
3	City of Rye	November 7, 2018	1%	TBD	Under review
4	City of White Plains	September 8, 2015	1%	TBD	Under review
5	Town of Bedford	July 7, 2015	NA	Yes	Approved 6/4
	Muni	**Date of Local Enabling Law**	**GRT***	**100%**	**MOU Status**

6	Town of Greenburgh	September 29, 2015	NA	TBD	Under review
7	Town of Mamaroneck	July 22, 2015	NA	Yes	MOU Included
8	Town of New Castle	September 21, 2015	NA	Yes	Approved
9	Town of Ossining	July 14, 2015	NA	Yes	MOU included
10	Village of Ardsley	March 19, 2018	1%	TBD	Under review
11	Village of Croton	July 13, 2015	1%	Yes	Approved
12	Village of Dobbs Ferry	December 18 2018	1%	Yes	Approved
13	Village of Hastings	October 20, 2015	1%	Yes	MOU Included
14	Village of Irvington	August 10, 2015	1%	Yes	Approved
15	Village of Larchmont	October 19, 2015	1%	Yes	Approved
16	Village of Mamaroneck	November 23, 2015	1%	TBD	Under review
17	Village of Mount Kisco	September 21, 2015	1%	TBD	Under review
18	Village of Ossining	July 1, 2015	1%	Yes	Approved
19	Village of Pelham	November 3, 2015	1%	Yes	MOU included
20	Village of Pleasantville	August 24, 2015	1%	Yes	MOU included
21	Village of Rye Brook	June 23, 2015	1%	TBD	Under review
22	Village of Sleepy Hollow	April 24, 2018	1%	TBD	Under review
23	Village of Tarrytown	September 8, 2015	1%	No	Included
24	Village of Tuckahoe	August 15, 2015	1%	Yes	MOU included

Where indicated above as “Approved”, the Board of a Participating Municipality has authorized the signing of the MOU and SW is coordinating with local authorities to obtain the executed document. “Yes” in the “100%” column indicates the municipality has indicated in their MOU a desire to execute the amendment to change the default to 100% renewable as described above.

Aggregated Data

The CCA Framework Order provides that SW may share with Respondents certain aggregated utility data (“Aggregated Data”) for each Participating Municipality. This includes the number of eligible customers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months by service class to the extent possible, and the aggregated energy (kWh) for electricity by month for the past 12 months by service class. Per DPS, this Aggregated Data shall not include any data for any service class that contains so few customers, or in which one customer makes up such a large portion of the load, that the aggregated information could provide significant information about an individual customer's usage.

The Aggregated Data will be provided to bidders after receipt of an executed copy of the Data Confidentiality Agreement. This authorization to use the Aggregated Data expires on October 31, 2024.

Acknowledgement of Key Elements of the Electric Service Agreement

a) Upon completion of the RFP, the Selected ESCO/s will be expected to enter into an ESA substantially in the form of the 2024 Con Ed ESA with Participating Municipalities and SW. The 2024 Con Ed ESA grants the Selected ESCO/s the exclusive right to be the default provider of Firm Full-Requirements Power Supply to participating residents and small businesses in each of the Participating Municipalities. The Respondent must provide 100% of the electricity supply requirements for these accounts.

b) The Selected ESCO/s must coordinate with Participating Municipalities' designated staff, SW, and its partners in order to deliver services required under the ESA.

c) The Selected ESCO/s warrants that it has internal monitoring procedures and processes to ensure faithful performance of the 2024 Con Ed ESA and compliance.

d) Con Edison remains responsible for delivering power through its transmission and distribution systems and for maintaining system reliability. Selected ESCO/s shall notify Participating Consumers that if they have service reliability problems, they should contact the appropriate utility for repairs.

e) The Selected ESCO/s will arrange for a single consolidated utility bill to be sent to Participating Consumers by the appropriate utility.

f) Collection and credit procedures are to be the responsibility of Con Edison and the individual Participating Consumer. Participating Consumers will be required to remit and comply with the payment terms of Con Edison. Sustainable Westchester and the Participating Municipalities will not be responsible for late payment or non-payment on the part of any of its Participating Consumers and will have no separate credit or deposit policy.

g) The Selected ESCO/s will assist SW to develop performance reports to the PSC by providing tracking information related to price, service, participation rates, complaints, and other factors deemed as required. Reporting requirements are specified in the 2024 Con Ed ESA.

h) The Selected ESCO/s must provide customer service for Participating Consumers comparable to that provided by utility customer representatives, including those requiring non-English verbal and written assistance. The Selected ESCO must provide customer service for hearing impaired Participating Consumers.

i) SW will maintain a website with account management functionality (i.e., onboarding of opt in, opt out, and changes to other offered supply options). SW will then report this activity to the Selected ESCO, who must maintain a database to track account enrollment and billing data. The SW website will also provide basic information concerning the CCA Program and other resources as required by the CCA Rules.

j) Opt-Out Notices shall be in the form mandated by the DPS. The Opt-Out Notices will be mailed at the expense of the Selected ESCO in accordance with the ESA.

k) The Selected ESCO/s will coordinate with SW to establish the mailing list for the Opt-out Notices. In order to allow time for the 30 day opt-out and mandated rescission period, the notification letters for the launch of the 2024 Con Ed ESA should be mailed out in September 2024.

l) In November of 2021 in CASE 20-M-0082 - Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data, fees for provision of data by utilities to CCAs were eliminated, and as such there will be no fee for either aggregated data or detailed customer data for mailings.

m) Selected ESCO/s shall pay a program management fee to SW and an auction service fee to the Auction Service Company, as set forth in Section 7.2 and 7.5 of the ESA.

n) Selected ESCO/s shall, at its expense, print and mail one letter or postcard per year to all active Participating Consumers (additional to the initial Opt-out Notice and subsequent newly eligible refreshes over a contract term), the design of which shall be determined by the Participating Municipalities and/or SW.

o) SW requires certain data to be provided to it by the Selected ESCO on a regular schedule for the purposes of stakeholder reporting and customer service. The requirements are detailed in Exhibits B & C of the 2024 Con Ed ESA.

Respondent acknowledges the aforementioned elements of the Electric Service Agreement:

____

Initials

Compliant Bid Criteria

Respondents must submit a compliant bid that meets the below criteria ("Compliant Bid Criteria")

1. Price

The price for Firm Full-Requirements Power Supply, as defined in the ESA, must meet the requirements specified in and the 2024 Con Ed ESA Template, be inclusive of fees owed to Program Manager, Auction Service Company and all other fees related to providing the Standard Product, the 50% Renewable Clean Power Product, and the 100% Renewable Clean Power Product, as outlined below.

Bidders should include a NY Public Policy Transmission Costs charge of $0.00440/kWh. No cost should be included in the fixed price for the NYSERDA Tier 2 REC program.

Future changes to these costs during the delivery term shall be passed through to customers as set forth in section 4.9.2 of Exhibit A in the 2024 Con Ed ESA.

DPS Standard Product Price Requirements: Qualified bids for a non-renewable (less than 50% renewable) product offering must comply with DPS CCA Rules, which require that the price at the time of award cannot be greater than 5% of the most recently posted trailing 12-month average utility supply rate. The price not to exceed based on this criteria for a Standard product is broken out in the table below.

Residential	**Small Commercial**
$.098343	$.089355

2. Products

Respondents must provide an indicative supply quote for each of the two following electricity products in their RFP Submission:

a. Standard Product that meets all New York State requirements including the New York Clean Energy Standard.
b. 50% Renewable Clean Power Product, which is comprised of the Standard Product plus New York Voluntary Clean Power RECs as set out in Exhibit A of the 2024 Con Ed ESA Template. The 50% Renewable Clean Power Product includes a voluntary purchase of RECs, supporting the NY Environmental Disclosure Program that are sourced from New York Voluntary EDP Renewable RECs in an amount equal to 50% of the Participating Consumers' electricity usage including any additional RECs required to account for line loss. This is in addition to Competitive Supplier's obligation to make REC purchases associated with New York Clean Energy Standard requirements applicable to Competitive Supplier.
c. 100% Renewable Clean Power Product, which comprises the Standard Product plus New York Voluntary Clean Power RECs as set out in Exhibit A of the 2024 Con Ed ESA Template. The 100% Renewable Clean Power Product includes a voluntary purchase of Renewable Energy Certificates ("RECs"), supporting the NY Environmental Disclosure Program that are sourced from New York Voluntary EDP Renewable RECs in an amount equal to 100% of the Participating Consumers' electricity usage including any additional RECs required to account for line loss. This is in addition to Competitive Supplier's obligation to make REC purchases associated with New York Clean Energy Standard requirements applicable to Competitive Supplier. **At this time, the 100% Renewable Clean Power Product will be an "opt-up" product only.**

3. Terms

Respondents must provide supply quotes for the Products outlined above for the following terms:

- Required terms:
    - 12 Month term
    - 18 Month term
    - 24 Month term

- Optional terms:
    - 36 Month term
    - Additional terms may be provided at Respondents desire to identify lower cost options

4. Tranches of Quotes

A unique set of bids consist of prices for all three products and required terms. The data provided has been divided into multiple tranches. Respondents must provide indicative supply quotes for each scenario below:

1. Aggregation of all accounts across all service classes - 1 unique set of bids
2. Aggregation of all residential service class accounts - 1 unique set of bids
3. Aggregation of all commercial service class accounts - 1 unique set of bids

RFP Submission and Bid Participation

RFP Submission

Respondents must deliver their response to this RFP, inclusive of indicative supply quotes, to the contacts indicated below via email by 12PM, EST, July 2, 2024, which date shall be subject to change based on review of RFP submissions or feedback from respondents. Please provide the name and contact information (phone, fax, email, cell phone number) for the sales representative that will accept and process the ESA. If different from the above, please also provide the name and contact information (phone, fax, email, cell phone number) for the sales representative that will manage the ESA.

Bid Platform Registration

Respondents must coordinate with the Transparent Energy team to submit final & executable bids through Transparent Energy's proprietary platform, which bids may be submitted as part of an auction to occur on a date provided by Transparent Energy, no earlier than July 10th. Respondents are encouraged to have any existing Transparent Energy representative submit bids, however, Transparent Energy will provide additional training for other employees as needed.

Correspondence

Email submissions, and any questions and correspondence should be made to the following contacts at SW and its agents for this solicitation:

Dan Welsh
Westchester Power Program Director
dan@sustainablewestchesterpower.org
(914) 242-4725 x 101

Luke McAuliffe
AuctionURenergy, Founder/President
luke@auctionurenergy.com
(917) 623-9554

Jamil Ahmed
Transparent Energy, VP of Operations
Te.pricing@transparentedge.com
(862) 210-8770

Requests for Clarification

Respondents are required to submit any question about the RFP to the email addresses indicated above. The deadline for receipt of questions is 2:00pm EST on June 26, 2024. Respondents are requested to keep all questions concise. For those questions deemed to be applicable to the RFP as a whole, SW will post questions and answers on the 2024 Con Ed RFP web page and notify all other Respondents by email.

Respondent Comments on ESA

If the Respondent is hesitant to agree to any of the Key Elements or any other clause of the ESA, please submit a detailed reason why.

Proposal Evaluation

- It is the intent of SW to select a single ESCO or multiple ESCOs to serve all Participating Municipalities through the CCA Program.
- This is a non-binding RFP.

- The award decision will be made on the basis of best value.
- SW reserves the right to ask for a “Best & Final” bid prior to award.
- SW will determine compliant bids based on the criteria described above.
- Respondents’ proposals, when submitted, become the property of SW. SW does not guarantee any award, whether partial or full, to any Respondent.
- SW reserves the right to disqualify from consideration any Respondent who does not comply with the conditions of this RFP.

Respondents’ proposals will be evaluated for the best value to Participating Municipalities based upon the following criteria. The weight of each criterion in the final selection decision is indicated by the percentage value assigned to it.

Evaluation Weighing

The price offered by the Respondent for the 50% Renewable Clean Power Product	75%
The price offered by the Respondent for the 100% Renewable Clean Power Product	5%
The price offered by the Respondent for the Standard Product	5%
The Respondent’s qualifications as informed through the qualification review process, industry reputation, past performance as a program supplier (if applicable) and contribution to a competitive market	10%
The Respondent’s willingness to sign the ESA substantially in the form presented and/or adherence to key elements	5%

Reservation of Rights

- This RFP is not an offer to purchase power supply and associated services.
- SW reserves the right to accept or reject any and all responses and also reserves the right to cancel or reissue this RFP at any time throughout the process.
- SW is not responsible for any costs incurred by other parties in the preparation of responses to this RFP.

- SW reserves the right to waive any RFP requirements that are not material.

Confidentiality and the New York State Freedom of Information Law

SW will treat all information provided by Respondents as public information following the conclusion of the selection process unless Respondent requests information to be treated as confidential at the time of bid submission. Any request for confidential treatment of information must be included in the cover letter of Respondent's response and must explain why disclosure of the information is not in the best interest of the public and must then identify a specific basis under the New York State Freedom on Information Law (Public Officers Law, Article 6, Sections 84-90) for the exemption from disclosure of such information. The cover letter must also contain the name, address and telephone number of the individual authorized to respond to SW about the confidential nature of the information. If the Respondent designates any information in its proposal as confidential, the Respondent must also submit one (1) copy of the response from which confidential information has been redacted. The confidential material must be redacted in such a way as to allow the public to determine the general nature of the material removed and to retain as much of the response as possible.

Acknowledgement / Signature

____

Signature

____

Name of Signatory

____

Name of Company

Attachment 1 - Basic Company Information

Company Name:	
Principal Address:	
Submittal Contact Person:	
Contact Phone:	
Contact Fax:	
Contact Email:	
Contact Address:	
Company Website:	
Business Type (C-Corp, S-Corp, Partnership, etc.):	
Describe your company's organization structure including parent, affiliate and subsidiary companies (if any):	
New York Office Address (if any):	

Attachment 2 - Questionnaire

(Supplementary attachments for the questions below are encouraged).

Authority To Supply

1. Is your company registered to serve both residential and commercial customers in Con Edison service territory?

Yes No

2. Has your company completed the EDI Testing process provided by Con Edison?

Yes No

Fixed price format

3. All of the supply options for the program must include electrical energy, capacity, reserves, and ancillary services, transmission services, transmission and distribution losses, congestion management, and other such services or products necessary to provide firm power supply at a fixed contract price. Is your company willing to bid on supply contracts on that basis?

Yes No

Power and Renewable Energy

4. Please indicate any and all physical electric generation assets that are owned and or controlled by your company. Indicate whether ownership and/or control are within your organization or a parent organization. If you do not intend to use your own generation, explain how your power will be sourced and your qualifications for trading electric contracts.

In March of 2018, the NY Public Service Commission clarified that renewable energy products offered by CCAs must comply with the environmental attribute and delivery rules of the PSC's Environmental Disclosure Program.

5. Please indicate your capability to serve a large number of "green" customers, including your procedure for buying and registering RECs so that individual communities are credited for this in NY Environmental Disclosure Program reporting.

<u>Experience</u>

6. Indicate how many years you have been in the electric supply business. List all states in which you are currently licensed to supply electric generation (if applicable). What year did your company begin selling electricity to retail customers in the U.S.? In NY State?

7. List any CCA Programs that you have served or are currently serving.

8. Please include information on the number of residential accounts currently served through CCA programs. Please list the estimated number of accounts served, broken down by state and by year.

9. Please provide CCA references. Include the name, address, contact person and phone number of each community. Briefly describe the product or service provided to each community.

<u>Financial ability to undertake</u>

The financial strength and stability of the potential supplier are key evaluation criteria. Please provide sufficient evidence to support this review.

10. Is your company a publicly traded firm?

Yes No

11. If not, please provide three consecutive years of audited financial statements. (These will be treated with confidentiality and not released to any third party).

12. Has your company or its affiliates ever defaulted or threatened to default on a contract in the municipal aggregation space?

13. If an affiliate, do you have a Parental Guarantee from the parent company that is sufficient to cover the exposure of your portfolio with this buying group added?
Yes No

14. Is your company's debt considered investment grade by a major credit agency?

15. What is the rating of your company's or parent company's long-term unsecured debt?

Moody's Standard & Poor's

16. Has your company filed for bankruptcy in the past three years?

Yes No

Data and mailing costs

17. The selected ESCO will be responsible for all costs associated with the duplication and mailing of the opt-out notices.

Concur? Yes No

18. The selected ESCO will be responsible for all costs associated with the duplication and mailing of additional mailing set out in 5.7 of the Electric Service

Agreement.

Concur? Yes No

Customer Service Operations

SW has historically maintained a customer service operation for first-line phone customer interaction. Many of the questions that come in concern the basic nature of the program, the participation of the municipality, opt-in and opt-out processes, green energy, etc., and we have found that our familiarity with the local backdrop and program history is an advantage in those dialogues. Although SW may elect to continue to do so in its sole discretion, in accordance with Section 5.2 of the 2024 Con Ed ESA, the selected ESCO will be required to maintain full customer service capability to respond to customer service inquiries from the public.

19. Describe your customer service resources and systems. In what countries are your call centers? Where is your primary call center located? What are its hours of operation?

20. Describe your process for handling billing inquiries or disputes. Please provide an average timeframe for answering requests for billing inquiries and number of inquiries handled in an average month.

21. The CCA program is different from traditional retail ESCO business in significant ways. How will you ensure that your customer service staff are knowledgeable about the program?

22. ESCO and CCA rules require that Limited English Proficient (LEP) customers be provided program information and are generally served in their native/primary languages. Please describe your capabilities and processes for non-English translation and interpretation.

CCA Enrollment

23. The PSC Order and CCA Rules governing CCAs set out the requirements for the opt-out process. The selected ESCO will execute the opt-out mailings in coordination with SW. The opt-out package shall include a frequently asked questions sheet with the opt-out letter itself. The initial notification mailing shall be mailed so as to allow for transition by customers to the new contract on the first meter read after the nominal start date set out in the 2024 Con Ed ESA, and after: a) the contract between the selected ESCO and the Municipality has been signed, and b) the ESCO has been provided the customer mailing list. The mailing list will be comprised of current customers plus the Newly Eligible customer list obtained from the utility.

Concur? Yes No

24. The utility provides “Newly Eligible” files for customers that become opt-out enrollment eligible within a Participating Municipality upon the Administrator’s request during the term of the supply agreement. The schedule for Newly Opt-out Eligible Customer mailings is set out in the 2024 Con Ed ESA. Eligible customers who have previously opted out of the program will not be automatically re-enrolled in the program unless the customer elects to opt-in.The selected ESCO shall execute the opt-out mailing and enrollment process for these.

Concur? Yes No

25. At the end of the term of this agreement, if the agreement has not been renewed, the ESCO will return all participating customers to the utility.

Concur? Yes No

26. Customers will have the right to opt out or opt in at any time with no fee or penalty.

Concur? Yes No

27. Customers will have the right to switch between supply options at any time with no fee or penalty.

Concur? Yes No

Taxes and compliance with applicable laws

28. Your company will be responsible for ensuring that all federal, state and local laws are followed.

Concur? Yes No

29. Your company will be responsible for fulfilling all requirements necessary to conduct business in the individual member communities' service territory.

Concur? Yes No

30. Your company will be responsible for collecting and remitting all applicable taxes, including local gross receipts tax where assessed.

Concur? Yes No

Additional energy and cost saving measures

31. CCAs offer a unique opportunity to introduce customers to energy saving and other related value added products. Please describe any such products and services that you currently market to your CCA or retail customers and which, if any, of those products and services you feel might be of benefit to our customers and would like to offer.

Data Systems, Provision of Data

32. Please confirm your Electronic Data Interchange computer network is fully functional at all times and includes backup file saving systems, and is capable of handling Con Edison's's residential and small commercial retail electric customers for this aggregation.

Confirm? Yes No

33. In order for program administrators and participants to have visibility into their participation with the program, your company will provide data by secure means, in a regular format, on a weekly basis to our data service company. The data files and formats are set out in the 2024 Con Ed ESA, and generally should include:

a. Customer records will contain, among other fields, basic contact & billing information.

b. Retailer Contract Account records will define what Contract Type is active with the Customer, as well as what was applied to any given invoice. They will include, among other fields, the rate, start date, and expiration date of the contract.

c. Invoice Records will contain information relating to the billing period, charges billed, kWh billed for, and any additional fees put to the Customer.

d. Utility Account Records will contain information relating to the Utility Account, including Distribution Company, Account Number, Read Cycle, Service Address, Rate Class, and Meter Number.

Concur? Yes No

Attachment 3 - Signed Memoranda of Understanding from Participating Municipalities

[See RFP web page - https://sustainablewestchester.org/wp/bids-2024-con-ed-rfp/]