

**RESOLUTION
TOWN OF UNADILLA**

**RESOLUTION ADOPTING COMMUNITY CHOICE AGGREGATION PROGRAM
EDUCATION AND OUTREACH PLAN AND CUSTOMER OPT-OUT LETTER**

A special meeting of the Town Board of the Town of Unadilla, located in Otsego County, New York was convened in public session at the Town Hall located at 1648 New York State Route 7, Unadilla, New York 13849 on Friday, January 19, 2018 at 4 p.m.

WHEREAS, the Town of Unadilla has established a Community Choice Aggregation ("CCA") Program to aggregate the energy supply needs of residents and small commercial businesses, and to negotiate and enter into energy supply contracts with Energy Service Companies ("ESCOs") on behalf of these citizens to obtain stable, lower-cost energy prices, as well as environmental benefits and/or a community-based solution to meeting our collective energy needs; and

WHEREAS, the Town of Unadilla is required to adopt a community-specific plan for engaging in public education and outreach regarding the CCA Program in this community, as well as an opt-out letter on the Town's letterhead, informing members of the public of their right to opt-out of the CCA Program, and providing a clear procedure for so doing; and

WHEREAS, these community-specific documents, once adopted, will be incorporated into the CCA Program Implementation Plan, to be administered by the CCA Administrator, as approved by the New York State Public Service Commission ("NYSPSC"), to ensure compliance with rules and regulations governing CCAs;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Unadilla hereby adopts a public education and outreach plan and CCA opt-out letter; and

BE IT FURTHER RESOLVED THAT, the plan and letter will be provided to the CCA Administrator and New York State Department of Public Service staff charged with reviewing on behalf of the NYSPSC, for incorporation into the CCA Program Implementation Plan.

A motion was made by Councilman Chambers and seconded by Councilman Willsey, to adopt the Resolution. The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Chambers voted	<u>yes</u>
Councilman French voted	<u>yes</u>
Councilman Reed voted	<u>absent</u>
Councilman Wilsey voted	<u>yes</u>
Supervisor DeNys voted	<u>yes</u>

The resolution was thereupon declared duly adopted by a vote of 4 to 0.

CERTIFICATION

STATE OF NEW YORK)

) : ss

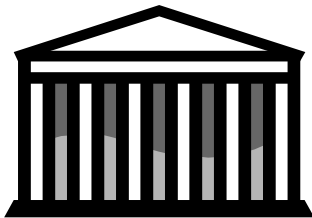
COUNTY OF BROOME)

I, Linda Jackson, the Deputy Town Clerk of the Town of Unadilla, do hereby certify that the foregoing is a true copy of the resolution adopted by the Town Board of the Town of Unadilla on the 19th day of January, 2018; that it was adopted by the affirmative vote of the five-member Town Board present and voting thereon, at a special meeting duly called and held on January 19, 2018; and that it has been compared by me with the original resolution officially recorded in my office in the minute book of the Town of Unadilla.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Deposit this 19th day of January, 2018.


Linda Jackson, Deputy Town Clerk

(Town seal)



Town of Unadilla

PO Box 455 1648 State Hwy 7
Unadilla, NY 13849
607-369-4433

APPENDIX B: SAMPLE OPT-OUT LETTER (ON MUNICIPALITY LETTERHEAD AND ENVELOPE)

[MONTH XX], 2018

Dear Residential or Small Business Customer:

The Town of Unadilla is able to offer residents and small businesses an opportunity to lower and stabilize rates on your electric bill. New rules in New York State allow our community to develop a Community Choice Aggregation (CCA) Program where you and your neighbors increase your individual buying power through a group purchase of electricity.

As an eligible Participant, you can easily take advantage of this opportunity. Your electric account will be transitioned to the CCA Program, unless you opt-out by [MONTH] XX, 2018. There are no enrollment or switching fees and your new electricity fixed rate will be **\$0.0XXX** through [MONTH 20XX].

NYSEG will still be responsible for your electricity delivery, general maintenance and respond to power outages. You will still receive one bill and pay NYSEG, you can still take advantage of budget billing and you can participate in the CCA if you have solar.

Our community has joined with others in our region and through the power of aggregation and a competitive bidding process, the Energy Services Company [ESCO] was selected to replace NYSEG as your default supplier of electricity.

[ESCO] is able to offer our community electric supply at a fixed rate of **\$0.0XXX** for a period of XX months. With a fixed rate, you will pay the same price per kilowatt hour each month through [MONTH 20XX].

Price Comparison	NYSEG Average Price*	CCA Fixed-Rate Price	Estimated Savings
Residential			
Small Commercial			

*NYSEG price is the average supply cost for the past 24 months (XXXX through XXXX)

With the Town of Unadilla's CCA there are:

- ***No Rate Increases for Term of Contract (through [MONTH 20XX])***
- ***No Changes in Billing or Service Delivery***

CCA Enrollment Information

After your enrollment is finalized, you will receive two additional letters. One from [ESCO] welcoming you to the CCA Program and one from NYSEG to confirm your enrollment with [ESCO] as your new electric supplier. NYSEG is required by law to inform you of your option to rescind your enrollment (not participate in the CCA) with adequate notice prior to the scheduled switch.

How to Opt-Out

If you do not wish to participate in the Town of Unadilla's CCA Program, you must opt-out by Month XX, 2018.

If you wish to opt-out:

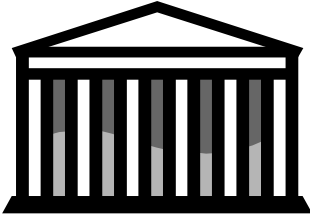
1. Mail: return the enclosed pre-paid postcard
2. Phone: call [ESCO] at [XXX.XXX.XXXX]
3. Web: visit [opt-out url]

No penalties or fees will be charged to you for opting out of the Program. No penalties or fees will be charged if you move before the contract expires. [If there is an opt-out fee charged after the end of the third billing cycle it will be indicated here.]

If you have any questions, please refer to the enclosed Frequently Asked Questions document, contact [ESCO] toll-free at XXX-XXX-XXXX or visit megacca.org. Representatives are available 24 hours a day, 7 days a week.

Sincerely,

Supervisor/Municipal Officials
Town of Unadilla



Town of Unadilla

PO Box 455 1648 State Hwy 7
Unadilla, NY 13849
607-369-4433

ASSISTANCE PROGRAM PARTICIPANT (APP) SAMPLE OPT-OUT LETTER (ON MUNICIPALITY LETTERHEAD AND ENVELOPE)

[MONTH XX], 2018

Dear Residential Customer:

The Town of Unadilla is able to offer residents and small businesses an opportunity to lower and stabilize rates on your electric bill. New rules in New York State allow our community to develop a Community Choice Aggregation (CCA) Program where you and your neighbors increase your individual buying power through a group purchase of electricity.

As a participant in one of NYSEG's payment assistance programs, you can easily take advantage of this opportunity. There are no enrollment or switching fees to participate and your new electricity fixed rate will be **\$0.0XXX** through [MONTH 20XX]. Through the CCA Program you will be guaranteed savings over your existing costs of electric supply. Your electric account will be transitioned to the CCA Program, unless you opt-out by [MONTH] XX, 2018.

NYSEG will still be responsible for your electricity delivery, general maintenance and respond to power outages. You will still receive one bill and pay NYSEG, you can still take advantage of budget billing and you can participate in the CCA if you have solar.

Our community has joined with others in our region and through the power of aggregation and a competitive bidding process, the Energy Services Company [ESCO] was selected to replace NYSEG as your default supplier of electricity.

[ESCO] is able to offer participants in NYSEG's payment assistance program electric supply at a fixed rate of **\$0.0XXX** for a period of XX months. With a fixed rate, you will pay the same price per kilowatt hour each month through [MONTH 20XX]. In addition, as a participant in a payment assistance program you are guaranteed savings over your existing costs of electric supply.

NYSEG Average Price*	CCA Fixed-Rate Price	Estimated Savings

*NYSEG price is the average supply cost for the past 24 months (XXXX through XXXX)

With the Town of Unadilla's CCA there are:

- ***No Rate Increases for Term of Contract (through [MONTH 20XX])***
- ***No Changes in Billing or Service Delivery***
- ***Participants in payment assistance programs are guaranteed savings***

CCA Enrollment Information

After your enrollment is finalized, you will receive two additional letters. One from [ESCO] welcoming you to the CCA Program and one from NYSEG to confirm your enrollment with [ESCO] as your new electric supplier. NYSEG is required by law to inform you of your option to rescind your enrollment (not participate in the CCA) with adequate notice prior to the scheduled switch.

How to Opt-Out

If you do not wish to participate in the Town of Unadilla's CCA Program, you must opt-out by Month XX, 2018.

If you wish to opt-out:

1. Mail: return the enclosed pre-paid postcard
2. Phone: call [ESCO] at [XXX.XXX.XXXX]
3. Web: visit [opt-out url]

No penalties or fees will be charged to you for opting out of the Program. No penalties or fees will be charged if you move before the contract expires. [If there is an opt-out fee charged after the end of the third billing cycle it will be indicated here]

If you have any questions, please refer to the enclosed Frequently Asked Questions document, contact [ESCO] toll-free at XXX-XXX-XXXX or visit megacca.org. Representatives are available 24 hours a day, 7 days a week.

Sincerely,

Supervisor/Municipal Officials
Town of Unadilla

APPENDIX C: DETAILS OF THE TOWN OF UNADILLA'S EDUCATION AND OUTREACH PLAN

The goal of the CCA Education and Outreach Plan is to ensure that residents in your community understand the CCA process and benefits of the CCA Program with specific focus on their opportunity to opt-out of the CCA Program. The fundamental goal of CCA education and outreach is to enable residents to make informed choices about their energy supply options. A minimum of one informational community meeting is required, this meeting can occur in association with a formal public hearing (required before passage of a local law)

In consideration of the different constituencies within the community (e.g. seniors, young families) we plan to undertake the following actions, with the support of MEGA, over a minimum of two months, to raise awareness and educate on CCA:

☐ **Informational Community Meeting (Public Hearing REQUIRED)**

	Date/Time of Meeting	Meeting Location	Attendance
Meeting One	April 20 th , 2017 - 7:00pm – 8:30pm	Unadilla Town Hall, Unadilla, NY	6
Meeting Two	May 11 th , 2017 - 7:00pm – 8:00pm	Fire House, 77 Clinton Street, Unadilla, NY	1
Meeting Three			
Public Hearing	December 12th, 2017 at 6:30pm	Unadilla Town Hall, Unadilla	2

☐ **Printed Materials**

	Date	Item Type	Notes
Item One	4/12/2017	CCA Posters – Generic and Information Session Advert	
Item Two			
Item Three			
Item Four			

☐ ***Information in water or tax bills***

	Date	Item Type	Notes
Insert One			

☐ **Web-based Education**

☐ *Materials Posted on Municipal and/or Community Websites*

	Date	Item	Website URL	Notes
Site One				
Site Two				

☐ **Press**

☐ *Local Newspaper Articles/Press Releases*

	Date	Paper Name	Topic	Notes
One	April 19 th , 2017 and May 10 th , 2017	Tritown News	CCA/Public Info Session	
Two	May 9 th - May 10 th , 2017	WCDO Interview	CCA	Radio Interview: http://www.wcdoonline.com/localnews/wcdo-news-tuesday-5-9-17/
Three	April 19 th and 20 th 2017, May 5 th – 10 th 2017	The Daily Star	CCA – Meeting notice	
Four				

Review of all materials will be the responsibility of our municipal CCA Liaison:

Greg Relic
(Name)

Supervisor
(Title)

(607) 369-4433
(Office Phone)

(Secondary Phone Number)

gamach@frontiernet.net
(E-mail)

Local Law Filing

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Unadilla

FILED
STATE RECORDS

DEC 20 2017

Local Law No. 5 of the year 2017

DEPARTMENT OF STATE

A local law authorizing a community choice aggregation program
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Unadilla as follows:

A Local Law Authorizing a Community Choice Aggregation Program

Local Law Number 5 of the Year 2017.

A Local Law to add a section to the General Law of the Town of Unadilla, authorizing the creation of a Community Choice Aggregation Program, and adopting certain provisions to facilitate Program implementation.

Be it enacted by the Town Board of the Town of Unadilla as follows:

Section 1. Purpose and Intent

It is the intent of the Town of Unadilla to establish a Community Choice Aggregation ("CCA") Program to aggregate the energy supply needs of residents and eligible small commercial customers, and to negotiate and enter into, or authorize its agent to negotiate and enter into, Energy Supply Agreements ("ESAs") with Energy Service Companies ("ESCOs") on behalf of eligible citizens to obtain stable, lower-cost energy prices, as well as environmental benefits and/or a community-based solution to meeting our collective energy needs. The purpose

of this Local Law is two-fold: to establish a CCA Program in the Town and to adopt certain provisions relating to the creation and implementation of the CCA Program.

Section 2. Findings

- A. New York State's energy industry is in the midst of a significant transition; a shift away from the old top-down, utility-centered model toward a cleaner, more affordable, more resilient system in which consumers and communities will have a substantial role to play. The State's ongoing Reforming the Energy Vision ("REV") initiative emphasizes the importance of reliability and grid-resilience, distributed energy resources, increased renewable generation, and greater opportunity for citizens to take an active role in helping the State reach its energy goals and in making more informed energy choices in their homes, businesses and communities.
- B. As part of this REV initiative, the New York State Public Service Commission ("NYSPSC"), on April 21, 2016, adopted an Order authorizing cities, towns and villages within the State to create Community Choice Aggregation Programs, by themselves or in concert with other municipalities (hereinafter "NYSPSC Order Authorizing CCAs"), and/or to retain a CCA Administrator to implement the program and negotiate ESAs.
- C. CCA Programs allow communities to take control of their energy supply through an open, transparent and competitive electric and/or gas supply procurement process driven by the consumers themselves.
- D. A successful CCA Program offers citizens cost savings, more stable energy prices, deterrence of deceptive marketing practices by unscrupulous ESCOs, fair contracts negotiated directly with energy suppliers, and/or the opportunity to pursue goals and initiatives important to the community, such as reliability, grid resiliency, supporting renewable energy generation, cutting greenhouse gas emissions, protecting the State's natural resources, and improving energy efficiency.
- E. The Town has explored the CCA policy and background, and believes it would provide numerous benefits in this community, enhancing the public welfare and making energy more affordable and costs more predictable for our residents.
- F. Therefore, the Town authorizes the creation of an opt-out CCA Program pursuant to rules of the NYSPSC in this community for the provision of electric and/or natural gas supply service, as well as other high priority energy related value-added services as may be determined to meet the community's goals.

Section 3. Authority

The NYSPSC Order Authorizing CCAs expressly empowers cities, towns and villages in this state to create CCA Programs. Further, the New York Municipal Home Rule Law, Article 2, Section 10, authorizes a municipality to adopt general laws relating to its property, affairs and government, the protection and enhancement of its physical and visual environment, the

protection and well-being of persons within the municipality, and for other authorized purposes.

Section 4. Definitions

AUTOMATICALLY ELIGIBLE CUSTOMERS: shall mean customers' accounts in those utility service classes eligible for inclusion in the CCA Program on an opt-out basis, as set forth in the NYSPSC Order Authorizing CCAs, Appendix C, or as otherwise specified by the Commission. Generally, these classes of customers include those receiving residential electric or gas supply service, including those in multi-family housing, certain types of institutions, and some small commercial customers covered by "small general service" class designations. Automatically Eligible Customers shall not include customers' accounts that have already been enrolled in service through an ESCO, enrolled in utility programs which require them to take supply service from their current utility, or that have a block on their utility account at the time of CCA formation; those customers' accounts shall be eligible to participate on an opt-in basis, if they so desire.

ELIGIBLE CUSTOMERS: shall mean all automatically eligible customers plus those utility customers eligible for inclusion in the CCA Program on an opt-in basis, as set forth in the NYSPSC Order Authorizing CCAs or otherwise authorized by the Commission. Those customers eligible to participate in the CCA Program on an opt-in basis currently include: those customers already enrolled in service through an ESCO at the time of CCA formation, customers in large commercial, institutional, or industrial utility service classes that cannot be automatically enrolled in the CCA on an opt-out basis, and all other customers not considered "automatically eligible customers." References to the broader class of "eligible customers" shall signify the entire pool of customers participating in the aggregation, either because they have been automatically enrolled on an opt-out basis, or because they have affirmatively opted in.

CCA ADMINISTRATOR: An agent of the municipality charged with overseeing creation, implementation and operation of a CCA Program, as well as competitively procuring and negotiating Energy Supply Agreements with ESCOs. The CCA Administrator shall be retained by the municipality via a separate CCA Administration Agreement, adopted by Resolution of the municipality's governing board.

COMMUNITY CHOICE AGGREGATION (CCA)/CCA PROGRAM: A Program authorized by the New York State Public Service Commission (NYSPSC) to aggregate residential and commercial electric and/or natural gas supply and/or energy related value-added products and services within a given municipality, and/or among multiple municipalities, in order to leverage that energy demand to negotiate favorable Energy Supply Agreements directly with ESCOs. Customers within a CCA Program would no longer purchase their energy supply directly from their utility. However, the utility would continue to deliver energy to these customers, to charge for that delivery, and will retain its transmission and distribution network. The energy supply portion of a customer's energy service is provided by an ESCO or ESCOs, pursuant to an Energy Supply Agreement competitively procured and negotiated for the CCA Program at large, then delivered to customers via the local utility.

ENERGY SUPPLY AGREEMENT (ESA): An agreement between an energy customer and an Energy Services Company (ESCO) to provide electricity or gas service to the customer for a fixed or variable price. For purposes of this Local Law, the CCA Administrator would conduct a competitive procurement on behalf of all eligible customers, and would enter into an Energy Service Agreement(s) with an ESCO to provide power to all such customers in the community.

ENERGY SERVICES COMPANY (ESCO): A third-party energy supplier eligible to sell electricity, natural gas and/or energy related value-added services to customers in New York State, utilizing the transmission and distribution systems of existing utilities. ESCOs are regulated by the New York State Department of Public Service and the New York State Public Service Commission, and must comply with the New York State Public Service Law.

MUNICIPALITY/Town: Reference to these terms throughout this Local Law indicate the Town of Unadilla, unless otherwise noted.

UTILITY: This term refers to traditional electric and/or natural gas utilities regulated by the New York State Department of Public Service and the New York State Public Service Commission and permitted to provide electric and/or gas supply, transmission and distribution services to all customers within their designated service territory. For purposes of this Local Law, the term Utility will refer to the New York State Electric & Gas Corporation.

Section 5. Establishing Community Choice Aggregation

The Town hereby establishes a CCA Program for aggregation of electric and/or natural gas supply to serve all eligible customers in its jurisdiction. This Program shall only be available to all residents of the Town who reside outside the limits of the Village of Unadilla. All automatically eligible customers shall be included in the CCA Program on an opt-out basis, and shall be afforded the opportunity to opt-out of the CCA Program, within a specified period, at no cost. All customers who are not automatically eligible to be included in the CCA Program on an opt-out basis shall be permitted to affirmatively opt into the program in accordance with the terms of the ESA and/or the NYSPSC Order Authorizing CCAs.

Section 6. Provisions for Implementing CCA Program

Part A. Implementation Plan

1. The Town, with support from its CCA Administrator, will create and follow a CCA Implementation Plan which shall outline the details of how the CCA Program will be created and operated, including how public outreach and education will occur, what rules will apply to the Program, how the procurement process will be implemented, how energy contracts will be selected, and how responsibilities will be divided amongst CCA Administrator, municipality, and eligible customers.
2. In accordance with the NYSPSC Order Authorizing CCAs, the CCA Implementation Plan will be reviewed and approved by the Public Service Commission. Such review may involve NYSPSC approval of a generic CCA Implementation Plan, with the

understanding that community-specific Appendices would be submitted later and would outline appropriately tailored local education and outreach efforts.

3. Where a generic CCA Implementation Plan will be used, the Town and the CCA Administrator will make community-specific revisions to the Plan's Appendices to ensure the Plan is properly tailored to the needs of the Town's residents. Therefore, prior to or in conjunction with the enactment of this Local Law, and thereafter from time to time, the Town, with support from the CCA Administrator, will create and update a CCA Program Opt-Out Letter, as well as an Education and Outreach Plan, as provided in the Implementation Plan Appendix for this community.
4. The Town's Opt-Out Letter and Education and Outreach Plan shall conform to those requirements for public outreach, education, and opt-out procedures set forth in the NYSPSC Order Authorizing CCAs, and in any other applicable laws or regulations, and shall ensure that the Town and its CCA Administrator engage in a robust effort to educate and inform the community about the CCA Program and their options for participating or opting out.
5. Opt-out letters will be provided to all automatically eligible customers no less than 30 days prior to the time at which those customers would be automatically enrolled in the CCA Program. The letters will be printed on Town letterhead, in official Town envelopes. The logo of the CCA Administrator and selected ESCO may also be included on these letters, so long as it is clear that the letter is official correspondence from the Town.

Part B. Public Outreach and Education

1. The Town, together with its CCA Administrator, will provide public notices, presentations, information sheets, and other forms of outreach, as outlined in the Appendix of the Implementation Plan, to ensure residents are informed about the CCA Program and their options for participating or opting out.
2. Once the CCA Program is operating, the Town and its CCA Administrator will continue to engage in public outreach to keep CCA customers informed about any changes to the CCA Program; opportunities for new products or services available through the CCA Program, such as renewable energy buying options; important terms and durations of ESAs; information about the selected ESCOs; and any other matters related to the CCA Program.

Part C. Customers Moving into or out of the Community After CCA Adoption

Residents and small commercial customers who establish utility accounts in this community after the effective date of this Local Law shall be afforded the opportunity to join the CCA Program within a reasonable time after their utility account is established, in accordance with contractual agreements between the CCA Administrator any ESCO(s) providing service to the Program.

Part D. Customer Data Protection

The Town, or its CCA Administrator, will create and follow a Customer Data Protection Plan which ensures that any confidential or sensitive personal customer information provided by the utility to the Town, its CCA Administrator, and/or the selected ESCO(s), will be given all privacy protections required by law and regulation, and protected from unauthorized release or use to the greatest extent possible. This Customer Data Protection Plan will ensure that the CCA Program and any selected ESCO(s) handle all confidential or sensitive customer data in keeping those customer data protections already afforded by the Utility prior to the enactment of this Local Law. This Plan will also ensure that CCA customer data, such as contact information, is not used for inappropriate purposes, such as solicitation of business unrelated to the CCA Program, its goals and objectives.

Section 7. CCA Administrator

Part A. CCA Administration Agreement

The Town will enter into a CCA Administration Agreement with its CCA Administrator. Such agreement will set forth the various rights and responsibilities of the parties, and will govern the manner in which the CCA Program is run. This Agreement shall also authorize the CCA Administrator to act as the Town's agent for the purpose of procuring energy supply or other energy related value-added services for CCA Program eligible customers.

Part B. Customer Service, Complaints

The CCA Administrator will provide the Town with clear, up-to-date contact information for customer questions, concerns or complaints. The CCA Administrator shall, from time to time, and/or at the request of the Town Board, report to the Town regarding customer service matters.

Section 8. Compliance with Public Service Law and Regulations

In accordance with the NYSPSC Order Authorizing CCAs, it shall be the responsibility of the Town, supported by any CCA Administrator that may be under contract, to ensure the CCA Program is operated in compliance with all applicable provisions of the New York State Public Service Law, regulations of the New York State Public Service Commission and/or the New York State Department of Public Service, the Uniform Business Practices (to the extent applicable), the NYSPSC Order Authorizing CCAs and any other relevant laws or regulations. This provision applies regardless of whether a CCA Administrator is retained to organize and implement the Town CCA Program. This shall include, but not be limited to, compliance with any reporting requirements related to the CCA Program.

Section 9. Review and/or Dissolution of the CCA Program

- A. The Town will, from time to time, review the CCA Program and its progress to determine how the program is faring, confirm it is affording benefits to the community, and provide information to the public thereon.
- B. As the expiration of its ESA(s) approaches, or in the event an ESCO provides notice of its intention to terminate an ESA (where authorized by the terms of that ESA), the Town may consider whether it wishes to discontinue the CCA Program. Dissolution of the CCA Program will require (1) enactment of a Local Law amending or repealing this Local Law, (2) lawful termination of ESAs in accordance with their terms, (3) lawful termination of the CCA Administration Agreement, in accordance with its terms, and (4) at least 60 days' notice to customers that their energy services will be automatically returned to the Utility, an effective date upon which such a change would occur, and information on what other options may be available to those customers, if applicable.

Section 10. Conflicts

In the event the New York State Public Service Commission, the State Legislature, or other State agency, enacts laws or regulations regarding the operation of CCAs which are in conflict with this Local Law, the state provisions shall govern.

Section 11. Liability

Nothing in this Local Law shall be read to create liability on the part of the Town related to the provision of electric and/or natural gas service to customers. The ESCO selected to provide such service will be ultimately responsible for compliance with all applicable laws, rules and regulations governing retail energy services, and will assume any liability stemming from the provision of such service to retail customers, including any potential liability associated with the service itself, customer data and information, and any other matters which would traditionally fall under the purview of a merchant utility providing the same service to customers prior to the formation of the CCA. This Local Law is meant merely to facilitate the creation of an aggregation program in this community. The Town will not assume the role of ESCO or utility in the sale or delivery of energy services.

Section 12. Severability

Each provision of this Law is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this Law, which shall nonetheless remain in full force and effect.

Section 13. Effective Date

This Local Law shall take effect upon the filing with the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2017 of the Town of Unadilla was duly passed by the Town Board on December 12, 2017, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)

on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative

vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____

(Name of Legislative Body) _____ 20____ and was (approved)(n

(repassed after disapproval) by the _____ on _____ 20____. Such local (Elective Chief Executive Officer*)

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ in accordance with the applicable provisions of law.

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

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

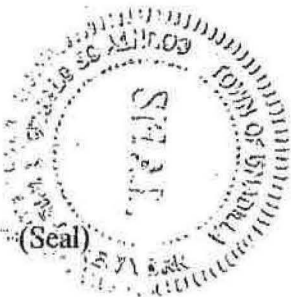
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

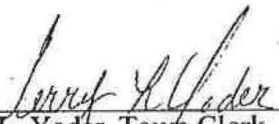
6. (County local law concerning adoption of Charter.)

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

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

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




Perry L. Yoder, Town Clerk
Town of Unadilla

Dated: DECEMBER 12, 2017