



October 22, 2025

Dan Welsh
Program Director
Sustainable Westchester
40 Green Street
Mount Kisco, NY 10549
(914)242-4725 ext. 101

Re: Case 14-M-0224 – Proceeding on Motion of
the Commission to Enable Community Choice
Aggregation Program.

Dear Dan Welsh:

On January 19, 2023, the Public Service Commission (Commission) issued its Order Modifying Community Choice Aggregation Programs and Establishing Further Process (Order) in Case 14-M-0224. As part of that Order, CCA Administrators were directed to file a completed Municipality Filing for each participating municipality that included, among other things, the Local Law authorization, a completed Outreach and Education Record, and final versions of the template based opt-out letters for Department of Public Service Staff (DPS Staff) review and approval. Only after that approval would a CCA Administrator be able to mail the approved opt-out letter and perform the required opt-out period outreach and education.

DPS Staff has identified universal deficiencies in the Municipality Filings for the Cities of New Rochelle, Rye, and Yonkers; Towns of Bedford, Mamaroneck, New Castle, North Salem, and Pound Ridge; and the Villages of Ardsley, Dobbs Ferry, Hastings-on-Hudson, Irvington, Larchmont, Pelham, Pleasantville, and Tuckahoe. These universal deficiencies are consistent with those identified in the recently issued Municipality Filing rejections¹ which include, but are not limited to, inability for Staff to review supporting documentation on the website, incorrect or outdated information on the websites, and providing non-compliant opt-out letters for approval. Therefore, these municipalities are not approved to move forward with opt-out enrollment.

Upon correction of the universal deficiencies, and after performing a thorough review of each Municipality Filing to ensure any errors have been corrected and minimum requirements have been met, Sustainable Westchester must file updated Municipality Filings for Staff review, with determination being provided within 15-business days of the updated filing being made.

Sincerely,

Marco L. Padula

Marco L. Padula
Director, Markets and Innovation

¹ Case 14-M-0224: Villages of Croton-on-Hudson and Tarrytown Municipality Filing Rejection Letter, filed on October 15, 2025; Villages of Sleepy Hollow and Ossining and Town of Ossining Municipality Filing Rejection Letter, filed on October 15, 2025; Village of Rye Brook Municipality Filing Rejection Letter, filed on October 16, 2025; and Cities of Peekskill and White Plains and Town of Greenburgh Municipality Filing Rejection Letter, filed on October 20, 2025.



August 15, 2025

Dan Welsh
Program Director
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Mount Kisco, NY 10549
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Re: Case 14-M-0224 - Proceeding on Motion
of the Commission to Enable Community
Choice Aggregation Program.

Dear Dan Welsh:

On January 19, 2023, the Public Service Commission (Commission) issued its Order Modifying Community Choice Aggregation Programs and Establishing Further Process (Order) in Case 14-M-0224. As part of that Order, CCA Administrators were directed to file a completed Municipality Filing for each participating municipality that included, among other things, the Local Law authorization, a completed Outreach and Education Record, and final versions of the template based opt-out letters for Department of Public Service Staff (DPS Staff) review and approval. Only after that approval would a CCA Administrator be able to mail the approved opt-out letter and perform the required opt-out period outreach and education. Upon filing, Staff has 15-business days to complete its review and file a letter either approving or rejecting the Municipality Filing, into the Document Matter Management (DMM) system.

DPS Staff has completed review of the August 4, 2025, Municipality Filing for the Village of Rye Brook and has identified the following deficiencies from the CCA Program Rules related to Outreach and Education (O&E) requirements:

1. **Did not meet minimum 30-day Post-Award O&E Period¹**
 - a. The Municipality Filing identifies the post-award period as occurring from June 14, 2025, to August 4, 2025, but does not provide verifiable evidence of a countable O&E event/action occurring on June 14, 2025.
2. **Did not provide compliant O&E meeting notice²**
 - a. Did not provide multiple forms of electronic and physical formats:
 - i. Two of the three flyer posting locations were outside the Village of Rye Brook.

¹ CCA Program Rules, Rule 32

² CCA Program Rules, Rule 33

3. **Did not meet minimum requirements for outreach events and supplemental materials³**
 - a. Omitted the recording link for the July 8 information session.
 - b. Omitted supplemental information.
 - c. Statements made within the virtual information session inaccurately advised that there may not always be a premium for renewable energy contrary to program disclosure requirements.⁴
4. **Did not meet minimum Program Website requirements⁵**
 - a. Omitted complete opt-out period details including opt-out period dates and process,
 - b. Did not provide readily available or understandable price-to-compare information,
 - i. Quick Links section includes a ‘Compare Rates’ link which brings users to a video showing how to log into their Con Edison account but does not actually provide rate comparison information.
 - c. Omitted disclosure of any renewable energy premium.

In light of these deficiencies, the Village of Rye Brook is not approved to mail opt-out letters or begin the opt-out period. Upon correction of the identified deficiencies, Sustainable Westchester will need to file an updated Municipality Filing. Staff review and determination will be provided within 15-business days of the updated filing being made.

Sincerely,

Marco L. Padula

Marco L. Padula
Director, Markets and Innovation

³ CCA Program Rules, Rule 34

⁴ DPS Staff review of municipal meetings, accessed at https://www.youtube.com/watch?v=kpjMTaY_pDY (last viewed August 13, 2025).

⁵ CCA Program Rules, Rules 34 and 39

October 15, 2025

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Re: Case 14-M-0224 – Proceeding on Motion
of the Commission to Enable Community Choice
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Dear Dan Welsh:

On January 19, 2023, the Public Service Commission (Commission) issued its Order Modifying Community Choice Aggregation Programs and Establishing Further Process (Order) in Case 14-M-0224. As part of that Order, CCA Administrators were directed to file a completed Municipality Filing for each participating municipality that included, among other things, the Local Law authorization, a completed Outreach and Education Record, and final versions of the template based opt-out letters for Department of Public Service Staff (DPS Staff) review and approval. Only after that approval would a CCA Administrator be able to mail the approved opt-out letter and perform the required opt-out period outreach and education. Upon filing, Staff has 15-business days to complete its review and file a letter either approving or rejecting the Municipality Filing, into the Document Matter Management (DMM) system.

DPS Staff has completed review of the September 24, 2025, Municipality Filing for the Village of Rye Brook. Staff has identified the following deficiencies from the CCA Program Rules related to Outreach and Education (O&E) requirements:

1. **Did not meet provide minimum O&E meeting notices¹**
 - a. Staff cannot verify Flyers (8/25/2025 and 8/29/2025) and Tabling Event (8/27/2025) meeting notice content as images are too small and are unable to be magnified.
2. **Did not meet minimum requirements for outreach events and supplemental materials²**
 - a. Staff cannot verify Flyers (8/25/2025 and 8/29/2025), Tabling Event (8/27/2025) supplemental information content as images are too small and are unable to be magnified.
 - b. News12 Westchester (9/19/2025) supporting documentation does not show News12.
 - c. Omitted recording links for virtual information session held Wednesday, 9/10/2025 at 12:00pm and 5:00pm and in-person meetings held on Tuesday, 9/9/2025 at 5:30pm and

¹ CCA Program Rules, Rule 33

² CCA Program Rules, Rule 34 and 36

Thursday, 9/11/2025 at 5:00 pm.

3. Did not meet Opt-out letter requirements³

- a. Did not use the Opt-out Letter template language.

4. Did not meet minimum Program Website requirements⁴

- a. Did not provide correct Con Edison Zone H 12-month trailing averages for July 2024 – June 2025.
- b. Did not provide correct current contract pricing.
- c. Did not provide correct CCA fixed rate contract price beginning May 2025 in the Rate Comparison Section.
- d. Does not provide correct listing of all municipality names and liaison information from the Municipal Filings.
- e. Omitted links to recorded O&E meetings and information sessions Did not meet minimum requirements for outreach events and supplemental materials.⁵

In light of these deficiencies, the Village of Rye Brook is not approved to mail opt-out letters or begin the opt-out period. Upon correction of the identified deficiencies, Sustainable Westchester will need to file updated Municipality Filings. Staff review and determination will be provided within 15-business days of the updated filing being made.

Sincerely,

Marco L. Padula

Marco L. Padula
Director, Markets and Innovation

³ CCA Program Rules, Rule 41

⁴ CCA Program Rules, Rule 38

⁵ CCA Program Rules, Rule 34

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Dear Dan Welsh:

On January 19, 2023, the Public Service Commission (Commission) issued its Order Modifying Community Choice Aggregation Programs and Establishing Further Process (Order) in Case 14-M-0224. As part of that Order, CCA Administrators were directed to file a completed Municipality Filing for each participating municipality that included, among other things, the Local Law authorization, a completed Outreach and Education Record, and final versions of the template based opt-out letters for Department of Public Service Staff (DPS Staff) review and approval. Only after that approval would a CCA Administrator be able to mail the approved opt-out letter and perform the required opt-out period outreach and education. Upon filing, Staff has 15-business days to complete its review and file a letter either approving or rejecting the Municipality Filing, into the Document Matter Management (DMM) system.

DPS Staff has completed review of the September 23, 2025, Municipality Filings for the Villages of Sleepy Hollow and Ossining, and the Town of Ossining. Staff has identified the following deficiencies from the CCA Program Rules related to Outreach and Education (O&E) requirements:

1. Did not provide municipal specific information and education¹

- a. Upon review of Municipal Filings for the Town and Village of Ossining, Staff determined that Sustainable Westchester did not provide municipal specific O&E meetings. As the meetings and notice information were tied together, neither municipality has met the minimum requirements to request approval.
- b. Sustainable Westchester provided a shared meeting space clarification, stating the facility where the meetings were held is shared by both the Town and Village. The CCA Program Rules allow for, with requirements, a meeting to be held outside of the municipality in the event there is no meeting space available.² However, there is no CCA Program Rule that allows for joint municipal O&E to occur.

¹ CCA Program Rules, Rule 7, 28

² CCA Program Rules, Rule 31

2. Did not provide minimum O&E meeting notices³

- a. Village of Sleepy Hollow
 - i. Staff cannot verify Flyer (9/3/2025), River Journal News (9/5/2025), and Hudson Independent Online (9/5/2025) meeting notice content as images are too small and are unable to be magnified.

3. Did not meet minimum requirements for O&E events and supplemental materials⁴

- a. Village of Sleepy Hollow
 - i. Staff cannot verify Flyer (9/3/2025) and Tabling Event (9/20/2025) supplemental information content as images are too small and are unable to be magnified.
 - ii. Journal News Print (9/5/2025) is a meeting notice, not a supplemental.
 - iii. Omitted recording links for virtual information session held Tuesday, 9/16/2025 at 6:30pm and Wednesday, 9/17/2025 in-person meetings held at 12:00pm and 6:30 pm.
 - iv. Supporting documentation links go to 650-page master document, not the municipality specific O&E event supporting documentation

4. Did not meet minimum Program Website requirements⁵

- a. Did not provide correct Con Edison Zone H 12-month trailing averages for July 2024 – June 2025.
- b. Did not provide correct current contract pricing.
- c. Did not provide correct CCA fixed rate contract price beginning May 2025 in the Rate Comparison Section.
- d. Does not provide correct listing of all municipality names and liaison information from the Municipal Filings.
- e. Omitted links to recorded O&E meetings and information sessions.

5. Did not meet Opt-out letter requirements⁶

- a. Village of Sleepy Hollow
 - i. Did not use the Opt-out Letter template language.
- b. Village of Ossining
 - i. Did not use the Opt-out Letter template language.
 - ii. Opt-out letter includes conflicting information about default product offering.
 - iii. Incorrect default product offering listed on Newly Eligible letter.
- c. Town of Ossining
 - i. Did not use the Opt-out Letter template language.

In light of these deficiencies, the Villages of Sleepy Hollow and Ossining, and the Town of Ossining are not approved to mail opt-out letters or begin the opt-out period. Upon correction of the identified deficiencies, Sustainable Westchester will need

³ CCA Program Rules, Rule 33

⁴ CCA Program Rules, Rule 34 and 36

⁵ CCA Program Rules, Rule 38

⁶ CCA Program Rules, Rule 41

to file updated Municipality Filings. Staff review and determination will be provided within 15-business days of the updated filing being made.

Sincerely,

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Director, Markets and Innovation

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DPS Staff has completed review of the September 22, 2025, Municipality Filings for the Villages of Croton-on-Hudson and Tarrytown and has identified the following deficiencies from the CCA Program Rules related to Outreach and Education (O&E) requirements:

1. Municipal Filing Template Errors

- a. Village of Croton-on-Hudson
 - i. Supporting documentation links go to 650-page master document, not the municipality specific O&E event supporting documentation.
- b. Village Tarrytown
 - i. Missing municipal representative dated signature for the CCA Municipal Attestation of Program Requirements.
 - ii. Supporting documentation links go to 650-page master document, not the municipality specific O&E event supporting documentation.
 - iii. O&E Record incorrectly lists both information sessions for the same time and is missing notice date for Patch.

2. Did not provide minimum O&E meeting notices¹

- a. Village of Croton-on-Hudson
 - i. Staff cannot verify Flyer (9/5/2025) and River Journal News (9/5/2025) meeting notice content as images are too small and are unable to be magnified.
 - ii. Patch (9/5/2025) incorrectly provided notice that there would be two information sessions on Friday, 9/19/2025.
- b. Village of Tarrytown
 - i. Staff cannot verify Flyer (8/25/2025) and Village E-Blast (8/29/2025) meeting notice content as images are too small and unable to be magnified.
 - ii. River Journal Print Ad (9/1/2025) does not include meeting notice information.
 - iii. Staff cannot verify Patch entry as it does not include any other information, such as date or type or notice.

3. Did not meet minimum requirements for O&E events and supplemental materials²

- a. Village of Croton-on-Hudson
 - i. Staff cannot verify Flyer (9/5/2025) supplemental information content as images are too small and are unable to be magnified.
 - ii. Journal News (9/18/2025) provided incorrect 12-month trailing average information.
 - iii. Omitted recording links for Thursday 9/18/2025 in-person meetings held at 12:00pm and 5:00 pm and virtual information session held Friday, 9/19/2025 at 12:00pm.
- b. Village of Tarrytown
 - i. Staff cannot verify Flyer (8/25/2025), Village E-Blast (8/29/2025), Hudson Independent (9/18/2025), and Tabling Event (9/20/2025) supplemental information content as images are too small and are unable to be magnified.
 - ii. Supporting documentation link did not include proof of Tarrytown Patch (9/19/2025) supplemental.
 - iii. In-person meeting (Monday, 9/8/2025 @ 12:00pm) incorrect current contract pricing and incorrectly identified default as 50%. Additionally, referenced annual contract price adjustments and referenced a rate adjustment that occurred in May 2025 because “we had put in too high of a number for that”.³ There is no billing error report on file or information related to an adjustment to the fixed rate contract price.
 - iv. Virtual information session (Monday, 9/12/2025 at 12:00pm) incorrect current contract rates.⁴
 - v. Omitted recording links for Monday, 9/8/2025 4:30pm in-person meeting and 9/12/2025 virtual information sessions held Friday, 9/12/2025 at 5:30pm.

¹ CCA Program Rules, Rule 33

² CCA Program Rules, Rule 34

³ <https://www.youtube.com/watch?v=mbX2DGLHaYg> (21:11)

⁴ <https://www.youtube.com/watch?v=SDbxqA34mwo>

4. Did not meet minimum Program Website requirements⁵

- a. Did not provide correct Con Edison Zone H 12-month trailing averages for July 2024 – June 2025.
- b. Did not provide correct current contract pricing.
- c. Did not provide correct CCA fixed rate contract price beginning May 2025 in the Rate Comparison Section.
- d. Does not provide correct listing of all municipality names and liaison information from the Municipal Filings.
- e. Omitted links to recorded O&E meetings and information sessions.

5. Did not meet Opt-out letter requirements⁶

- a. Village of Croton-on-Hudson
 - i. Did not use the Opt-out Letter template language.
 - ii. Did not provide correct 12-month trailing average information.
- b. Village of Tarrytown
 - i. Did not use Opt-out Letter template language.
 - ii. Opt-out letter includes conflicting information about default product offering
 - iii. Incorrect default product offering and pricing listed on Newly Eligible letter.

In light of these deficiencies, the Villages of Croton-on-Hudson and Tarrytown are not approved to mail opt-out letters or begin the opt-out period. Upon correction of the identified deficiencies, Sustainable Westchester will need to file updated Municipality Filings. Staff review and determination will be provided within 15-business days of the updated filing being made.

Sincerely,

Marco L. Padula

Marco L. Padula
Director, Markets and Innovation

⁵ CCA Program Rules, Rule 34 and 39

⁶ CCA Program Rules, Rule 41

October 17, 2025

Dan Welsh
Program Director
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Re: Case 14-M-0224 – Proceeding on Motion
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Aggregation Program.

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DPS Staff has completed review of the September 25, 2025, Municipality Filings for the Cities of Peekskill and White Plains and the Town of Greenburgh. Staff has identified the following deficiencies from the CCA Program Rules related to Outreach and Education (O&E) requirements:

1. Missing required information on Municipality Filing Form¹

- a. City of Peekskill
 - i. Default Product Offering was not identified in Part 4 of the Municipality Filing.
- b. City of White Plains
 - i. Omitted attendee numbers for meetings.

2. Did not meet minimum number of supplemental types²

- a. City of Peekskill
 - i. Staff is unable to verify Flyers (9/5/2025), Peekskill Herald (9/19/2025), and Tabling at Peekskill Farmer's Market (9/20/2025) supplemental information content as images are too small and are unable to be magnified.

¹ CCA Program Rules, Rule 5

² CCA Program Rules, Rule 32

- ii. Journal News (9/18/20205) provided incorrect 12-month trailing average information.
 - iii. Staff is unable to verify City FB Post (9/18/2025) as there is no link to the FB post showing content and date.
 - iv. Staff is unable to verify Lohud Ad (9/24/2025) as there is no link to the ad showing content and date.
- b. City of White Plains
 - i. Staff is unable to verify Flyers (8/25/2025 and 9/13/2025), Tabling at Fall Wellness (9/10/2025) supplemental information content as images are too small and are unable to be magnified.
 - ii. Examiner Ad (9/20/2025) provided incorrect 12-month trailing average information.
- c. Town of Greenburgh
 - i. Staff is unable to verify Tabling (8/22/2025 and 9/14/2025), Flyers (8/22/2025, 8/23/2025, and 9/4/2025), and News12 (9/24/2025) supplemental information content as images are too small and are unable to be magnified.
 - ii. FB post (9/21/2025) does not qualify as supplemental as it was posted by Sustainable Westchester.
 - iii. Staff is unable to verify Patch (9/22/2025) as provided documentation shows a different date.

3. Did not meet provide minimum O&E meeting requirements³

- a. City of Peekskill
 - i. Staff cannot verify Flyers (9/5/2025) as images are too small and are unable to be magnified.
 - ii. Peekskill Herald Event Ads (9/5/2025) did not provide notice for the Monday, 9/15/2025 virtual meeting to be held at 5:00pm.
 - iii. Omitted recording links for Monday, 9/15/2025, virtual information sessions held at 12:00pm and 5:00pm and Tuesday, 9/16/2025, in-person meetings held at 10:00pm and 5:00pm.⁴
- b. City of White Plains
 - i. Staff is unable to verify Tabling (8/27/2025) and Flyers (8/27/2025) as they are not included in the O&E record link.
 - ii. Staff is unable to verify Library (8/27/2025) and Patch (8/29/2025 and 9/2/2025) as the date posted is not shown.
 - iii. Staff is unable to verify Library (9/11/2025) as the link leads to “Page not found”.
 - iv. Staff is unable to verify Tabling (9/10/2025) and Flyers (9/13/2025) as images are too small and are unable to be magnified. Omitted recording link for Wednesday, 9/24/2025, in-person meeting held at 2:00pm.
 - v. Virtual Information Session (9/15/2025)
 - Difficulty answering question about what would happen with billing during change over from one contract to the other.
 - When meeting participant was asking about cost savings that aggregation is intended to provide, SW representative was not able to

³ CCA Program Rules, Rule 32 and 33

⁴ CCA Program Rules, Rule 36

clearly explain that this savings relates to over utility, not ESCO market. Instead pointed participant to Power to Choose, which has been specifically excluded as a method for comparison, and advised individual needs to look up information himself, but that SW has an internal spreadsheet they can't share. After further questions, SW representative pulled up an internal spreadsheet and then tried to explain what the ESCO contract rates and terms are. Did not at any point explain that WP 100% renewable rate has not been lower than utility rate since before program relaunch in 2022 or that there is full historical information available on the WP website.

- c. Town of Greenburgh
 - i. Omitted recording links for virtual information sessions held on Tuesday, 9/2/2025, at 12:00pm and 7:00pm and in-person meetings held on Wednesday, 9/3/2025, at 12:00pm and 5:00pm.
 - ii. Staff is unable to verify Flyers (8/22/2025 and 8/23/2025), Tabling (8/22/2025) meeting notice content as images are too small and are unable to be magnified.

4. Did not meet Opt-out letter requirements⁵

- a. City of Peekskill
 - i. Did not use the Opt-out Letter template language.
- b. City of White Plains
 - i. Did not use the Opt-out Letter template language.
- c. Town of Greenburgh
 - i. Did not use the Opt-out Letter template language.

5. Did not meet minimum Program website requirements⁶

- a. Does not provide correct listing of all municipality names and liaison information from the Municipal Filings.
- b. Omitted links to recorded O&E meetings and information sessions.
- c. Did not provide correct current contract pricing.
- d. Did not provide correct CCA fixed rate contract price beginning May 2025 in the Rate Comparison Section.

In light of these deficiencies, the Cities of Peekskill and White Plains and the Town of Greenburgh are not approved to mail opt-out letters or begin the opt-out period. Upon correction of the identified deficiencies, Sustainable Westchester will need to file updated Municipality Filings. Staff review and determination will be provided within 15-business days of the updated filing being made.

Sincerely,

Marco L. Padula

Marco L. Padula
Director, Markets and Innovation

⁵ CCA Program Rules, Rule 41

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