

Ludlow Power Choice

Municipal Aggregation Plan

January 10, 2025

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I. Introduction

Ludlow Power Choice is an electricity aggregation program offered by the Town of Ludlow. The Town developed the Program to bring the benefits of price stability and electricity choice to its residents and businesses.

II. Definitions

Annual Report – means the report that Municipalities shall file annually with the Department that includes Program information for the previous year.

Auto-Enroll Customer – means an Electric Customer who is eligible to be enrolled in the Program on an opt-out basis, specifically all Basic Service customers except for those customers who (1) have informed the Electric Distribution Company they do not want their account information shared with their municipality, or (2) are participating in an optional “green power” program that requires them to remain on Basic Service.

Basic Service – means the electric supply product that the Electric Distribution Company provides to Electric Customers in its service territory that are not receiving an electric supply product from a Competitive Supplier or through participation in a municipal aggregation program.

Competitive Supplier – means an entity licensed by the Department to sell electric supply products to Electric Customers, as defined in 220 CMR 11.02.

Consultant – means the entity retained by the Town to assist with the development and operation of the Plan and Program.

Default Product – means the Product that Participants in the Program receive unless they affirmatively select an alternate Product.

Department – means the Department of Public Utilities.

DOER – means the Department of Energy Resources.

Electric Customer – means the customer of record of an account with an Electric Distribution Company.

Electric Distribution Company or EDC – means the electric distribution company serving the Town, NSTAR Electric Company d/b/a Eversource Energy.

Electric Service Agreement or ESA – means the contract between the Town and a Competitive Supplier concerning electricity supply for the Program.

Electricity Broker – means an entity that is licensed by the Department to facilitate or otherwise arrange for the purchase and sale of electric supply and related services to customers, as defined in 220 CMR 11.02.

Environmental Justice Population – in Massachusetts, an environmental justice population is a neighborhood that meets one or more of the following criteria:

- the annual median household income is not more than 65 percent of the statewide annual median household income;
- minorities comprise 40 percent or more of the population;
- 25 percent or more of households lack English language proficiency; or
- minorities comprise 25 percent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 percent of the statewide annual median household income.¹

Guidelines – means the Department-approved Municipal Aggregation Guidelines.

Opt-In Product – means a Product that Participants in the Program must affirmatively select to receive.

Opt-Out Notice – means the document sent to Auto-Enroll Customers to inform them of their right to opt-out of such enrollment (see Section IV.B.6.a below).

Participant – means an Electric Customer that is participating in the Program.

¹ See *Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs* (Updated June 24, 2021) available at <https://www.mass.gov/doc/environmental-justice-policy6242021-update/download>.

Petition – means the petition submitted by the Town to the Department for review and approval of the Plan.

Plan – means this municipal aggregation plan.

Product – means an electric supply product available to Participants in the Program.

Program – means the Ludlow Power Choice program.

Program Supplier – means the Competitive Supplier that is providing electric supply and, if applicable, energy-related products and services to Participants.

Town – means the Town of Ludlow.

III. Procedural Requirements

III.A. Initiation of the Process

The Town obtained authorization to initiate the process of municipal aggregation by a majority vote of its town meeting on January 9, 2023.

III.B. Consultation with DOER

The Town consulted with DOER in developing its Plan, pursuant to G.L. c. 164, § 134(a), in a meeting on March 5, 2024.

III.C. Public Review

The Town made its proposed Plan available for public review from February 23, 2024 through March 29, 2024 through a prominent link on its website home page. Table III.C identifies the methods by which the Town provided the public with information related to the proposed Plan.

Table III.C Public Access to Plan

Plan Locations/Outreach Activities	Description
Municipal website	Announcement of the public comment period, access to the Plan, and a link to detailed Program information displayed on the homepage of the municipal website.
Program website	Announcement placed on the home page with a link to view and download the Plan and Opt-Out Notice.
Municipal buildings	Hard copies of the Plan and Opt-Out Notice available in Town Hall.
Customer support by telephone and email	Live customer support specialists available to answer customer questions and provide additional information. On-demand phone interpreting in 200 languages.
Physical postings in a municipal building	Posting on a bulletin board in Town Hall.
Town social media accounts	Posts on official Town social media accounts, including Facebook and Instagram.
Municipal cable access TV	Announcement sent to Ludlow Community Television.

Announcements to local media	Announcement sent to regional and local newspapers, <i>The Register</i> and <i>The Reminder</i> .
Municipal departments, boards, and committees	Announcement sent to municipal entities for sharing with their staff the those they serve, including Ludlow Veteran’s Services, the Ludlow Council on Aging, the Ludlow Conservation Commission, the Ludlow Planning Board, and the Ludlow Housing Authority.
Community organizations	Announcement sent to community organizations with a request that they publicize the announcement to their constituents: <u>Civic organizations</u> such as the Ludlow Lions and Rotary Club of Ludlow. <u>Organizations supporting vulnerable community members</u> such as Friends of the Ludlow Senior Center.
Public presentation	A hybrid meeting held via Zoom and in person in Town Hall

As described in the table above, the Town’s outreach initiative included activities designed to provide access to those members of the public who are hard to reach, have limited English proficiency, require audial or visual assistance, may not routinely access the Town’s website and/or reside in Environmental Justice populations. These activities included physical postings, local media, and sending the announcement to municipal departments and community organizations that serve these members of the public.

The Town did not receive any public comments.

IV. Plan Elements

IV.A. Organizational Structure of the Program

Table IV.A identifies the entity or entities (Town, Consultant, Program Supplier) that will perform the core functions of the Program.

Table IV.A – Organizational Structure

Core Function	Performing Entity			Plan section in which tasks are described
	Town	Consultant	Program Supplier	
Liaisons/Representatives/Agents				
Representative or agent for the Town before the Department ²		✓		V
Liaison with DOER		✓		III
Liaison with EDC(s)		✓		VIII
Plan Elements				
Procurement of supply		✓		IV.B.2
Product determination	✓			IV.B.3
Other funding/costs	✓			IV.B.4
Customer enrollment			✓	IV.B.5
Customer notifications/outreach/education		✓		IV.B.6
Ongoing Program information		✓		IV.B.7
Program termination	✓			IV.B.8
Annual reports		✓		VI
Customer service ³		✓		IV.A

IV.B. Program Operations

IV.B.1. Statutory Requirements

IV.B.1.a. Universal Access

All Electric Customers residing or located in the Town will be eligible to participate in the Program, either through an automatic enrollment process or upon request of the customer to join the Program. (See Section IV.B.5, below.)

² Municipal contact for Department correspondence: Marc Strange, Town Administrator: 413-583-5600; mstrange@ludlow.ma.us.

³ Customer service contacts: Consultant: 1-888-203-6454, Support@LudlowPowerChoice.com; Town: 413-583-5600; Program Supplier: TBD.

IV.B.1.b. Reliability

The Town has retained the services of MassPowerChoice, LLC, a Department-approved Electricity Broker that is licensed to provide municipal aggregation consulting services. The Town offers this as demonstration that it has the technical expertise necessary to operate and manage the Program.

IV.B.1.c. Equitable Treatment of Customer Classes

Table IV.B.1.c identifies the Plan elements for which the treatment between customer classes or subclasses may vary. For each Plan element identified, the Plan explains (in the applicable section below) why the varied treatment is reasonable and appropriate in consideration of the disparate characteristics of each customer class or subclass.

Table IV.B.1.c – Equitable Treatment of All Customer Classes

Plan Element					
Procurement of Supply (§ IV.B.2)	Product Rate Setting / Renewable Energy Content (§ IV.B.3)	Other Funding Sources / Costs (§ IV.B.4)	Customer Enrollment (§ IV.B.5)	Customer Notification (§ IV.B.6)	Ongoing Program Information (§ IV.B.7)
	√		√		

IV.B.2. Procurement of Supply

Table IV.B.2 identifies: (1) the actions the Town expects to take, upon Department approval of the Plan, to procure supply for the Program; and (2) the expected timeline for each action, identified as the number of days after Department approval, based on the assumption that the Department approves the Plan on Day 0.

Table IV.B.2 – Procurement of Supply

Procurement Steps	Expected Timeline (Days following Department approval)
Issue RFQs/RFPs	Day 30
Evaluate/Select Bids	Day 60
Negotiate/Execute Contracts	Day 60

Within fourteen days of Department approval of its Plan, the Town will file updated expected timelines for the procurement of supply in its docketed proceeding and with the Electric Distribution Companies serving Electric Customers within the town. The Town shall file such updates monthly until the Town has provided notification of contract execution to the applicable Electric Distribution Company, as set forth in Section VIII.B, below.

IV.B.3. Product Information

Table IV.B.3 identifies, for each Product, (1) the components of the rates that will be charged to Participants, and (2) the renewable energy content, including the types of renewable energy resources

that comprise the voluntary component. All funds collected through rates will be used specifically for the benefit of the Program.

Table IV.B.3 - Product Information

	Ludlow Standard (Default)	Ludlow 100% Green (Opt-In)	Ludlow Basic (Opt-In)
Rate Components (\$/kWh)			
Supply and Renewable Energy Content	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Consultant Services	<i>0.001</i>	<i>0.001</i>	<i>0.001</i>
Municipality Services	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Total	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Renewable Energy Content (% of total)			
Required	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Voluntary	RPS Class I	<i>TBD</i>	<i>0</i>
	National Wind	<i>TBD</i>	<i>0</i>
	Other	<i>TBD</i>	<i>0</i>
Total	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Supplier Name	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Effective Dates	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>

The Town has not yet determined: (1) the value of the rate components of each Product; (2) the level of voluntary renewable energy content of the Opt-In Products; or (3) whether to include a rate component for Municipality or other Program-related services. The Town will make final decisions on these matters after Plan approval. The Town will do so after conducting a competitive procurement and receiving price bids and in consideration of factors including cost, environmental impact, Massachusetts renewable energy requirements, and value to Participants.

The Town has reviewed the DOER’s *Recommended Best Practices for Advancing Clean Energy in Municipal Aggregation Plans*. The Town intends to support clean energy through the Program by including voluntary renewable energy content in the Default Product and one Opt-In Product.

The Town has not identified any other energy-related products and services that it intends to offer to Participants.

The Program may solicit price bids by customer class and prices may differ accordingly. Such differential treatment is equitable because it will be based on the cost to serve each customer class.

The information in Table IV.B.3 will be updated as provided in Section IV.B.7, Ongoing Program Information.

IV.B.4. Other Funding Sources/Other Costs to Participants

The Town has not identified other funding sources. Participants will incur no costs other than those they incur through Product rates.

IV.B.5. Customer Enrollment

IV.B.5.a. Initial Enrollment

Auto-Enroll Customers will be automatically enrolled if they do not opt out.

Prior to enrollment, the Town will send an Opt-Out Notice to all Auto-Enroll Customers informing them that they will be automatically enrolled in the program unless they take the actions specified in the Notice. The Town will provide Auto-Enroll customers with at least 30 calendar days (plus six to account for delivery) to opt out of the Program. After that time, the Town will enroll Auto-Enroll Customers in accordance with the requirements of the Electric Distribution Company. Auto-Enroll Customers that do not opt out will be enrolled in the Default Product unless they notify the Town that they wish to receive an Opt-In Product.

The Town recognizes that, if it does not begin the initial enrollment of Participants within two years of Department approval, the Department will deem the Program to be terminated. The Town further recognizes that, if it seeks to reinstate its Program at a later date, it must comply with the procedural requirements set forth in the Guidelines, Section III.

IV.B.5.b. Ongoing Enrollment

On a periodic basis, the Town will automatically enroll New Auto-Enroll Customers, subject to the opt-out provisions for initial enrollments described above.

Electric Customers may voluntarily enroll in the Program by any of the following methods: 1) calling the Program's toll-free number; 2) submitting a form on the Program website; or 3) calling the Program Supplier's toll-free number.

Medium/Large commercial and industrial customers that join the Program after Program launch may be charged a market-based price rather than the contract price. After Program launch, such customers will not be automatically enrolled. Such differential treatment is equitable because these customers have more choices in the marketplace and impose greater costs on the Program than other customers when they join after Program launch.

Customers that previously opted out and later wish to re-enroll in the Program may be offered a market-based price. This differential treatment is equitable because these customers previously made a choice not to participate in the Program and as a result their load was no longer planned for by the Program Supplier.

IV.B.5.c. Opt-In Product Enrollment

Participants may enroll in an Opt-In Product by any of the following methods: 1) calling the Program's toll-free number; 2) submitting a form on the Program website; or 3) calling the Program Supplier's toll-free number.

The Town will notify Participants enrolled in an Opt-In Product prior to any change in the Product's price or renewable energy content. At the commencement of new price/renewable energy content, Participants will continue to be enrolled in the Program, and will continue to receive their current

Product, subject to the new price and renewable energy content, unless the Participant informs the Town otherwise.

A Participant enrolled in an Opt-In Product that is not being continued must select one of the other Products being offered. If the Participant does not make a selection, the Participant will be enrolled in the Default Product.

IV.B.6. Customer Notifications

IV.B.6.a. Opt-Out Notice

The Town will deliver an Opt-Out Notice to all Auto-Enroll Customers at least 36 calendar days prior to enrollment. The Notice will inform customers (1) that they are to be automatically enrolled in the Program, (2) that they have the right to opt out of the Program without penalty, and (3) of the actions they must take to opt-out. The Notice will include Product information related to price, term, and renewable energy content, and will identify the actions that a customer must take to select an Opt-In Product. Finally, the Notice will include information on Basic Service rates, including how to access it, and the fact that it is available to them without penalty. Attachment IV.B.6.a includes a representative form of the Town's proposed Opt-Out Notice.

The Town will (1) send Opt-Out Notices in a clearly marked municipal envelope that identifies that it contains important information regarding participation; and (2) includes a self-addressed, postage-paid envelope for the opt-out reply card.

IV.B.6.b. Notification of Product Change

The Town will notify Participants of changes in price or renewable energy content of Products. The notification will identify both the existing and new price and renewable energy content, and identify the actions a Participant must take if they no longer seek to purchase the existing Product. The notification will also inform Participants that additional information is available on the Program website. Attachment IV.B.6.b describes the information that will be included in the Notification of Product Change.

IV.B.6.c. Other Notifications

IV.B.6.c.i. General Program Information

The Town may send information and educational materials regarding the Program to each Electric Customer within the Town, including customers that are not eligible for automatic enrollment. The Town request that the Electric Distribution Company provide the information (customer name, mailing address (and service address, if different) and rate class) necessary to facilitate such notifications. The Town will not share this information with Program Suppliers.

If the Town sends such information and educational materials to customers enrolled with a Competitive Supplier, the materials will inform those customers that, if they enroll in the Program, they may incur an early cancellation fee from the Competitive Supplier, and that they should check with their Competitive Supplier on this matter before enrolling.

IV.B.6.c.ii. Program Supplier Communications

Upon approval from the Town, the active Program Supplier may communicate with Participants regarding the Program and, if applicable, energy-related products or services.

IV.B.7. Access to Ongoing Program Information

The Town will provide the public with access to the ongoing program information listed in sections a through c, below. The Town will make this information available to the public through a prominent link on the Town’s website. Table IV.B.7 identifies the methods by which the Town will communicate to the public how they can access this information.

Table III.C / IV.B.7 – Public Access to Ongoing Program Information

Locations/Outreach Activities	Description
Municipal website	Announcements will be placed on the home page. Program information will be placed in a prominent location. The website will also include a permanent, prominent link to the dedicated Program website.
Program website	The website will include detailed program information, current utility Basic Service prices, and the Department-approved Plan and Opt-Out Notice. Announcements will be posted on the home page. Machine translation available on the website.
Customer support by telephone and email	Live customer support specialists available to answer customer questions and provide additional information. On-demand phone interpreting in 200 languages.
Town social media accounts	Posts on official Town social media accounts, such as Facebook and Instagram.
Municipal cable access TV	Announcements will be sent to Ludlow Community Television.
Announcements to local media	Announcements will be sent to regional and local newspapers, such as <i>The Register</i> and <i>The Reminder</i> .
Physical postings in a municipal building	Announcements will be posted on a bulletin board in Town Hall.
Municipal departments, boards, and committees	Announcements will be sent to municipal entities for sharing with their staff and those they serve.
Community organizations	Announcements will be sent to community organizations with a request that they publicize the announcement to their constituents, such as: <u>Civic organizations</u> such as the Ludlow Lions and Rotary Club of Ludlow. <u>Organizations supporting vulnerable community members</u> such as Friends of the Ludlow Senior Center

As described in the table above, the Town’s outreach efforts will include activities designed to provide access to those members of the public who are hard to reach, have limited English proficiency, require audial or visual assistance, may not routinely access the Town’s website and/or reside in Environmental Justice populations. These activities include physical postings, local media, and sending the announcement to municipal departments and community organizations that serve these members of the public.

IV.B.7.a. Updated Product Information

The Town will update Product rates and renewable energy content as necessary, in the format shown in Table IV.B.3.

IV.B.7.b. Annual Program Information for the Previous Year

The Town will provide the following Program information annually for the previous calendar year:

- i. Product information - rate components, renewable energy content, and participation;
- ii. Product rate component information – a description of the services provided;
- iii. Renewable energy content information - the number of megawatt-hours of electricity provided through the Program that will be matched to voluntary renewable energy certificates and the mechanism (e.g., NEPOOL Generation Information System) by which the purchases/retirements of renewable energy certificates were tracked;
- iv. Organizational structure, as set forth in Table IV.A;
- v. Equitable treatment of customer classes, as set forth in Table IV.B.1.c;
- vi. Supply procurement activities, as set forth in Table IV.B.2;
- vii. Representative examples of all notifications sent during the previous year;
- viii. Methods of public access, as set forth in Table IV.B.7.c.iii; and
- ix. Other funding sources / other costs to Participants, if applicable.

IV.B.7.c. General Program Information

The Town will provide Program-related (1) documents (e.g., Plan, press releases, Department Orders) and (2) information (e.g., Program description, consumer choice, continuing role of the Electric Distribution Company, etc.).

IV.B.8. Termination of the Program

The Town will take all reasonable actions to ensure a continuous supply of electricity to Participants. However, the Program could be terminated upon the termination or expiration of the ESA without any extension, renewal, or negotiation of a subsequent ESA.

In order to minimize the chances of termination, the Town will solicit bids for a new ESA no later than 90 days before the end date of each ESA.

In the event of termination, the Program Supplier will return customers to the Electric Distribution Company's Basic Service unless the customers choose an alternative Competitive Supplier.

At least 90 days prior to a planned termination of the Program, the Town will send a direct notice to the Electric Distribution Company.

At least 30 days prior to termination, the Town will:

- Send a notice to the Department service list for the docket that approved the Program;

- Notify Participants by issuing a media release and posting a notice on the Town website and Program website, and through posts on the Town's social media accounts. In addition, Participants will receive notice of a supplier change on their bill from the Electric Distribution Company.

In the event of Program termination, the Town will not file a new Plan for Department approval for a minimum of two years from the date of termination, defined as the date by which the Town has returned all Participants to Basic Service. The new Plan will fully describe the circumstances that led to the termination, and the steps the Town has taken to protect against a second termination.

IV.C. Rights and Responsibilities of Program Participants

Participants will be able to: (1) select any of the Products offered to their applicable customer class or subclass, (2) switch from one Product to another by contacting the Consultant, and (3) leave the Program at any time without penalty by contacting the Consultant or the Electric Distribution Company.

V. Department Review

The Town will submit this Plan to the Department for review and approval.

VI. Annual Reports

The Town will submit the following information annually to the Department related to Program operations during the previous year:

- An Excel spreadsheet in the format shown in the Guidelines, Attachment VI;
- A document that includes the information requirements set forth in Section IV.B.7.b, above.

VII. Applicability of Rules Governing the Restructuring of the Electric Industry (220 CMR 11.00)

The Town and Program Supplier are exempt from certain rules and regulations that apply to Electricity Brokers and Competitive Suppliers, as specified in Guidelines, § VII.

VIII. Notifications to Electric Distribution Companies

VIII.A. Plan Filing

The Town notified the EDC upon filing the Plan with the Department. The Town will notify the EDC upon receiving a Department order approving the Plan.

VIII.B. Electric Service Agreement Signing

The Town will (1) notify the EDC, in a timely manner, when it has executed an agreement with a Program Supplier, and (2) provide the EDC with the information necessary to enroll customers with the Program Supplier. The Town shall file the notification in its docketed proceeding. Customer enrollment will begin no sooner than 60 days from when the Town provides the necessary information to the EDC.

IX. Plan and Program Changes

IX.A. Plan

In the event that the Town seeks to modify its Plan in a manner consistent with the Guidelines, it will allow at least 30 calendar days for public review of the revised Plan. Following public review, the Town will submit the revised Plan to the Department for informational purposes. The Town may seek consultation with the Department to determine if a proposed modification is consistent with the Guidelines.

IX.B. Program Consultant

In the event that Town hires a new Consultant, it will notify the Department in writing, identifying the new Consultant and including, if applicable, documentation that the Consultant is an Electricity Broker licensed to provide municipal aggregation consulting services (see Section IV.B.1.b, above).