



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 66 OF 2024

RESOLUTION AUTHORIZING THE SETTLEMENT OF LITIGATION AGAINST COLUMBIA UTILITIES, LLC

WHEREAS, on or about April 30, 2021, the City of Beacon (the “City”) entered into a Community Choice Aggregation Electricity Supply Agreement (“Supply Agreement”) with Columbia Utilities, LLC or its affiliate (“Columbia”) as Energy Service Company (“ESCO”) and Joule Assets Inc. (“Joule”), as Community Choice Aggregation Administrator, to provide energy benefits to certain residential and small non-residential customers within the City; and

WHEREAS, on April 19, 2022, Columbia notified the Public Service Commission that it intended to transfer these customers to the local utility, Central Hudson Gas & Electric Corp. (“Central Hudson”), which transfer constituted an alleged breach of the Supply Agreement by terminating service without cause or in accordance with the terms of the Supply Agreement; and

WHEREAS, on June 3, 2022, the City, together with other participating municipalities (two of which later joined), Joule, and individual plaintiffs (collectively, the “Plaintiff Parties”) filed a Verified Complaint (the “Complaint”) against Columbia in New York State Supreme Court, captioned Town of Saugerties et al., v. Columbia Utilities Power, LLC et al., Index No. EF2022-1113 (N.Y. Sup. Ct., Ulster Co.) (the “Action”), seeking injunctive relief and damages in connection with the CCA Program and Columbia’s purported intention to terminate the Supply Agreement and transfer all of its CCA Program customers back to Central Hudson; and

WHEREAS, the New York State Public Service Commission (the “PSC”) intervened in the Action on behalf of the Plaintiff Parties; and

WHEREAS, the parties to the Action engaged in extensive discovery as part of the litigation and subsequently sought to explore whether a resolution was possible; and

WHEREAS, on April 3, 2024, the Plaintiff Parties, PSC, Columbia, and Central Hudson participated in a day-long mediation with Fred Fucci of Fucci Law & ADR, PLLC (the “Mediation”); and

WHEREAS, as a result of the Mediation, all of the parties’ desire to resolve this action under terms set forth in the Settlement Agreement attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED, that settlement of the Action, under the terms of the Settlement Agreement (Ex. A) is hereby authorized and approved and that the City of Beacon City Administrator is authorized to execute the Settlement Agreement in the form attached hereto, subject to any non-material changes deemed necessary in the City Administrator’s and City Attorney’s reasonable discretion and to take all administrative actions necessary to effectuate this resolution.

Resolution No. 66 of 2024			Date: July 1, 2024				
<input type="checkbox"/> Amendments			<input type="checkbox"/> 2/3 Required				
<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake	x				
		Amber Grant	x				
		Molly Rhodes	x				
x		Jeffrey Domanski	x				
		Pam Wetherbee	x				
	x	Dan Aymar-Blair	x				
		Mayor Lee Kyriacou	x				
		Motion Carried	x				