

11/10/2025

City of Peekskill
Attn: Matthew C. Alexander
840 Main Street,
Peekskill, NY 10549

Sustainable Westchester
Attn: Noam Bramson, Executive Director
40 Green Street
Mount Kisco, NY 10549

RE: Mutual Termination of Electric Service Agreement – City of Peekskill Community Choice Aggregation Program

Dear Mr. Alexander and Mr. Bramson:

This letter serves as formal notice that, by mutual agreement, the Parties – City of Peekskill (“Municipality”), Sustainable Westchester, Inc. (“Program Manager”), and Constellation NewEnergy, Inc. (“Constellation”) – agree to terminate the Electric Service Agreement by and between the Parties dated 6/5/25 (“ESA”), prior to the commencement of service to the Municipality’s customers.

The Parties acknowledge and agree that, as of the date of this letter, the ESA has not commenced and Constellation has not begun providing electric supply services to the Municipality’s customers pursuant to the terms of the ESA. In connection with the ESA, certain regulatory outreach and education filings by the Municipality and Program Manager are required for approval by the New York State Public Service Commission (“PSC”) prior to Constellation’s ability to issue opt-out notices, enroll Participating Customers, and commence service. The Parties further acknowledge that, despite good faith efforts, the necessary PSC approvals for these filings were not obtained, and as a result, the ESA cannot be implemented as originally contemplated.

Accordingly, the Parties mutually agree to not move forward, and therefore, the ESA shall be terminated effective as of 11/10/2025. This termination is executed prior to the commencement of any service, delivery, or performance under the ESA.

The Parties expressly agree that, due to the absence of any performance, delivery, or reliance under the ESA, no Party shall be liable to any other Party for any damages, penalties, costs, or other obligations of any kind arising out of or relating to the ESA or its termination. Each Party irrevocably waives any claim for consequential, incidental, punitive, exemplary, or indirect damages, lost profits, or business interruption damages, as further supported by Article 19.2 of the ESA. No Party shall have any continuing or future obligation to any other Party under the ESA, except for obligations, if any, that may have accrued prior to the effective date of termination (which, in this instance, are none). Terms not otherwise defined in this mutual termination letter shall have the meaning set forth in the ESA.

Please evidence your agreement to this termination by having a person with the appropriate authority sign below and return this letter by mail or email to:

Constellation NewEnergy, Inc.
Attn: Contract Administration
1001 Louisiana Street, Suite 2300
Houston, TX 77002
contractadmin@constellation.com

With a copy to

Sustainable Westchester, Inc.
Attn: Noam Bramson
40 Green Street
Mt Kisco, NY 10549
Noam@sustainablewestchester.org

Please reach out to your sales representative if you have any questions or concerns.

Regards,

Amanda Stewart
Vice President – Retail Operations

READ, ACKNOWLEDGED AND AGREED TO:

City of Peekskill

Signature: _____

Printed Name: Matthew C. Alexander

Title: City Manager

Sustainable Westchester, Inc.

Signature: _____

Printed Name: Noam Bramson

Title: Executive Director