

Substantial Changes to HVCP Energy Supply Agreements (vs. 2019 version)

Note that all changes were provided in previous version. Almost all changes are formatting or non-material.

More substantial changes are provided in the redlined document attached.

Additionally, below is a description of the most substantial changes

Preamble: added more info about parties.

Recitals: Included more comprehensive, accurate and up to date history, list of PSC orders etc. Clarified that 100% renewable product is default.

Definitions. Some general clean ups and clarifications. For example, changed “Default Service” to “Basic Utility Service” to be clear what we’re talking about the default service offered by the utility, and not the default under the CCA program. Also clarified definitions and distinctions concerning “CCA Renewable Electricity Product and Price”, and a “CCA Conventional Electricity Product and Price.” Changed definition of “Program Manager” to “Program Administrator.” Clarified an ambiguity in “Effective Date.” Clarified definition of “Eligible Consumer”. Clarified definition of “Environmental Disclosure Program. Added definition of CCA “Framework Order.” Clarified definitions of Regulatory Event and Qualifying Regulatory Event.

Section 2.3 Added Muncipal covenant that Local Law is adopted and will remain in effect for term.

Section 2.5 added language about supplier’s compliance with data security requirements and payment of fees in relation to data.

Section 2.6 Added language about Supplier compliance with Environmental Disclosure Program.

Section 3.2 Moved Supplier obligations here to Article 9.

Section 4.1 Clarification about terminations dates as to customers.

Section 4.2(d) Clarify termination by Muni if the court or PSC makes a ruling that material alters the role of the muni.

Section 4.3 Clarifies Supplier’s obligation to move to another supplier if selected by muni after term of agreement

Sections 5.6/5.7 clarified approval of communications.

Section 5.11 Added supplier creditworthiness provisions

Section 5.12 Added compliance with RFP Provisions

Article 9. Added Suppler obligations.

Article 12. Clarified reporting obligations.

Section 17.2 increases threshold of what costs can be passed on to customers in the event of a Qualifying Regulatory Event. Specifies that customers are entitled to reductions as well.

Article 18. Reference to Exhibit C included in main body of agreement. See Exhibit C below.

Section 18.4 moved addresses for notice to Exhibit B.

Section 18.12 added Digital Signature provision

Section 18.14 clarified Advertising limitations.

Section 18.15 Clarified Press Release provisions

Section 19.2 Clarified limitations of liability.

Section 19.3 Added Supplier Disclaimer

Exhibits A and B Changing name of default and non-default product for clarity. Clarifying definition of RECs/Removed reference to fixed pricing as that is an unlikely scenario and we can add if necessary.

Exhibit C. Describing mechanism for price readjustment if Program Administrator obtains renewable supply as replacement for supply under the contract, subject to agreement of the parties.