

ILLINOIS POWER AGENCY PROCUREMENT EVENTS Supplemental PV Procurement

Invitation to Comment on the Contract Form for the Supplemental PV Procurement

On October 28, 2014, the Illinois Power Agency (“IPA”) submitted a Supplemental Photovoltaic Procurement Plan (“Supplemental Plan”) in accordance with Section 1-56(i) of the IPA Act. The Illinois Commerce Commission (“ICC”) issued its Order with regard to the Supplemental Plan on January 21, 2015. The Supplemental Plan approved by the ICC provides for two procurements of renewable energy credits from photovoltaics in 2015 using the Renewable Energy Resources Fund (“RERF”). The first such procurement event took place in June 2015. The second such procurement event is scheduled for November 2015. NERA Economic Consulting has been retained by the IPA as the Procurement Administrator.

On Friday, September 18, 2015, the Procurement Administrator posted to the procurement website (<http://ipa-energyrfp.com/supplemental-pv-procurement-section>) a Draft REC Purchase and Sale Agreement proposed to be the standard contract form. The Procurement Administrator invites interested parties to submit their comments on the Draft REC Purchase and Sale Agreement. There will only be one round of written comments.

All comments received in accordance with the process outlined below will be reviewed by representatives from the IPA, the Procurement Administrator, the Procurement Monitor, and Staff of the ICC. The timeline and process for interested parties to provide comments is as follows:

- Please submit your comments on the Draft REC Purchase and Sale Agreement by email to the Procurement Administrator at: Illinois-RFP@nera.com.
- Please provide telephone and email contact information in the event that the Procurement Administrator seeks clarification regarding your comments.
- Each of your comments must be clearly indicated with tracked changes in Microsoft Word. We strongly encourage you to provide explanatory notes either in a separate document or highlighted in tracked changes.
- The deadline to provide comments is **Monday, September 28, 2015 at 6 PM CPT.**

For your convenience, the Appendix to this Invitation to Comment contains a set of changes made to the REC Purchase and Sale Agreement used during the June 2015 procurement event for this upcoming procurement event.

Please direct any questions regarding this comment process to the “Ask a Question” page of the procurement website (<http://ipa-energyrfp.com/ask-a-question/>).

Appendix

This appendix is provided for convenience only. This appendix explains selected changes made to the REC Purchase and Sale Agreement; however, interested parties are entirely responsible for reviewing and understanding the Draft REC Purchase and Sale Agreement.

The following are changes made to the contract form dated May 13, 2015 and used for the June 2015 procurement event:

- For administrative ease, a contract number is added to the header, coversheet, and exhibits. The IPA will add this contract number at the time of execution. See an example in item 1 below.
- Dates are required to be entered in various places in the contract. Placeholders for these dates have been added as a reminder of this requirement. See an example in item 2 below.
- A “Maximum Contract Amount” is added to Exhibits A and B to conform to Illinois State requirements. This amount reflects (a) the payment for RECs under the contract and (b) the refund amount of the Performance Assurance once the system is energized and registered with the PJM-EIS GATS/M-RETS.
- The “Certificate of Completion” is now named explicitly as a document that can be provided as proof of an Interconnection Agreement.
- For contracts based on a forecast quantity, a date is added. This date is the earliest date at which systems can be identified and still provide adequate time for the completion of execution formalities and for such contract to be recorded by the State of Illinois before it is amended for the identification of new systems. The changes are shown in item 3 below.
- A contract expiration date is added in Exhibit D to conform to Illinois State requirements. The date is two calendar months after the Delivery Term End Date.
- Appendices are numbered rather than being designated by letters.

Item 1:

<p><u>Contract No:</u> _____</p> <p><u>Posted: September 18, 2015</u></p>

Item 2:

<p>_____</p> <p>(“Seller”)</p>	<p><i>Party Name</i></p>	<p>Illinois Power Agency</p> <p>(“Buyer”)</p>
	<p><i>Signature</i></p>	
	<p><i>Printed Name</i></p>	
	<p><i>Title</i></p>	
<p>_____, 20</p>	<p><i>Date</i></p>	<p>_____, 20</p>

Item 3:

Earliest System Identification Date	_____, 20__ (first day of Contract Quarter immediately following the Bid Date or 20 Business Days following the Bid Date, whichever is later)
<p><u>1.17. “Earliest System Identification Date” means the date entered as such in Part 2 of Exhibit B to the Cover Sheet. This is the earliest date by which a Seller who has been awarded this Agreement based on a Forecast REC Quantity may provide Buyer with an amended Part 2 of Exhibit B and may execute an Additional Agreement for each such identified system. This is generally the first day of Contract Quarter immediately following the Bid Date or twenty (20) Business Days after the Bid Date, whichever is later.</u></p>	
<p>3.2.2. Once a System is identified <u>by Seller</u> under the term of this Agreement, <u>and no earlier than the Earliest System Identification Date:</u></p> <ul style="list-style-type: none">• Seller shall notify the Buyer by providing an amended Part 2 of Exhibit B. <u>Any such amended Part 2 of Exhibit B received prior to the Earliest System Identification Date shall be reviewed and processed by Buyer on or after the Earliest System Identification Date.</u>	