

**Vistra Corp.’s Comments on Draft Proposal Requirements for Coal to Solar Procurement
(issued February 18, 2022)**

Vistra Corp. (Vistra) is submitting the following comments on the draft Proposal Requirements for the Coal to Solar Procurements (issued by the Procurement Administrator on February 18, 2022). References in these comments to section numbers and titles are to the section numbers and titles in the Draft Proposal Requirements.

Vistra’s point of contact for these comments is:

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Section 1 – Purpose

In Section 1, ComEd and AIC are defined as “Company.” Vistra notes that in the Draft REC Contract for Coal to Solar, the utility is defined as “Buyer.” This is one of several instances in which the Draft Proposal Requirements create a defined term that differs from the comparable defined term in the Draft REC Contract. Vistra recommends that the Proposal Requirements use the same defined terms as the REC Contract to the maximum extent possible.

Section 2 – Overview of Proposal Submission Process

There should be a statement at the start of Section 2 that capitalized terms in quotation marks are defined terms for purposes of these Proposal Requirements.

Section 2.4

Section 2.4 should state when (*i.e.*, at what point in the process) submission of the proposal assurance collateral will be required/due.

Section 2.6

Section 2.6 should expressly reference Exhibit E-1 to the Coal to Solar REC Contract as the form of Letter of Credit to be used.

Section 2.12

Section 2.12 is one of several places in the Draft Proposal Requirements where reference is made to the “Coal to Solar Initiative Rules.” Vistra has not seen any document comprising “Coal to Solar Initiative Rules,” nor is this term defined in the Draft Proposal Requirements. The Draft Proposal Requirements should expressly state/define what is meant by the “Coal to Solar Initiative Rules.”

Section 3 – Draft Proposal Requirements – Site Specific Information

Coal Facility Information

This subsection should provide more detail, or provide examples, as to what “documentation” will be necessary/acceptable to establish that the electric generating facility burned coal as its primary fuel source as of January 1, 2016.

Section 3 – Draft Proposal Requirements – Project Specific Information

Seller Information

Vistra notes that per IPA Act 1-75(c-5), the owner of the solar and energy storage facilities must be the entity that is/was the owner of the coal-fueled electric generating facility at the site.

Certifications by Seller

The fifth bullet in this subsection should be revised to state that the Project has reached the appropriate development milestones to fully expect the Project will deliver its first REC on or before the applicable commercial date provided in the Proposal, as adjusted for any allowable delays or extensions as provided for in Section 1-75(c-5)(8) of the Illinois Power Agency Act and in the form Coal to Solar REC Contract.

Vistra notes that at the end of this subsection, there is a sentence marked with (*), which would typically be understood to denote a footnote to the preceding text, but none of the preceding text in the subsection is marked with (*) to indicate the footnote is applicable.