

January 7, 2019

Dear Program Administrator:

Below are comments to the Adjustable Block Program's Program Administrator from NextEra Energy Resources, LLC (NEER) regarding the draft contract requirements.

We appreciate the opportunity to provide our input for your consideration.

Common Contract Requirements for All Business Models

The right of rescission should be required only in contracts with individuals

The right of rescission within three or more calendar days is typical for and should apply only for residential customers and not sophisticated business parties

"As-built" engineering drawings should be permissible for engineering, design and installation details

Should system design specification require documentation describing engineer, design, and installation specification, engineering drawings should be permissible with the ability to be later amended to the contract after energization of the project. For instance, for information on type of panels, the submittal of one-line drawings with the name of the ICC-certified installer would be an efficient method for developers to share details on the specification of their systems.

Name of ICC-certified DG installer should not be required for a PPA or Service Level Agreement (SLA)

The timeline for contracts for large commercial installations generally differs from those for residential installations. Decisions related to the installation are made further in the process for large commercial installations and thus renders the requirement impractical at the time when the PPA or SLA is signed.

Contract Requirements Specific to Lease Transactions

Require lessee's rights and obligations upon selling the property only if the PPA/Lease includes site control

We recommend amending the language to qualify that a lessee's rights and obligations upon the sale of the property should only be included if site control is included in the PPA or Lease. Generally, the lessee's right and obligations are addressed in a separate site lease, easement or license.