

[Commenter 8 Letterhead]

December 19, 2018

SENT VIA ELECTRONIC MAIL

RE: Comments on ABP Draft Contract

Dear Program Administrator,

[Commenter 8] appreciates the opportunity to comment on the ABP Draft Contract. Below are our comments on the contract contents and the administration on the contract:

Partial Delivery Years

The contract does not clearly describe how partial delivery years and REC performance within those years is going to be evaluated. For example, systems will become energized each month and each has a unique energization date which will be the starting point of the 15 years. Given that performance is evaluated on an annual basis it will be important to clearly define how the performance of a system in its first year will be evaluated. The contract does state that a “partial year” would be pro-rated by the number of days online. However, this does not account for seasonality of solar production will likely lead to underperformance for systems energized in the winter season. We recommend evaluating the performance of each asset by the first full delivery year, on a last twelve month basis, rather than partial years to avoid such complexity.

Surplus REC Accounts (Exhibit G)

We believe surplus RECs should be tracked at the system ID level and the seller should have the option to pay for the shortfall rather than using surplus RECs from other systems. This is an important option to have to allow a well-performing system to use their excess RECs to offset any future underproduction. Automatically applying the surplus RECs to underperforming assets could have a negative effect on the performing asset at a future date.

Netting Statement

For the sake of clarity, it should be defined that the netting statement will not include any collateral drawdown payment. Collateral payments should be handled separately to ensure clear and transparent accounting between parties.

General Comments:

The annual reporting requirements may become quite burdensome as the number of batches/contracts increase between the Utility and Seller. It would be to the benefit of all parties to allow these reports to be aggregated by Seller, rather than by batch/contract.

We appreciate the opportunity to provide any additional feedback or comments as needed throughout the process.

Best Regards,

[Commenter 8 representative's contact information]