

Invitation to Comment on the Contract Form

SEPTEMBER 28, 2022

Public Act 102-0662 (the “Climate and Equitable Jobs Act”) was signed into law and became effective on September 15, 2021. This legislation calls for updates to the Solar for All Program, which currently supports new photovoltaic distributed generation and community solar projects through 15-year contracts. On March 21, 2022, the IPA developed a revision to its Long-Term Renewable Resources Procurement Plan (“2022 Long-Term Plan”) and filed this plan with the Illinois Commerce Commission (“ICC” or “Commission”). The Commission released a Final Order approving the 2022 Long-Term Plan with modifications on July 14, 2022. To conform with the 2022 Long-Term Plan and the ICC’s Final Order, updates to the Illinois Solar for All REC Contract are now needed. A copy of the Revised Plan is available [here](#).

On September 28, 2022, the Program Administrator posted to the www.illinoisSFA.com website a draft of the Illinois Solar for All Program REC Contract (the “September 2022 Draft REC Contract”). The September 2022 Draft REC Contract is proposed to be the standard contract form for the Illinois Solar for All Program between each Approved Vendor and Ameren Illinois Company (“AIC”), Commonwealth Edison Company (“ComEd”) or MidAmerican Energy Company (“MEC”).

As explained further below, an additional version of the REC Contract featuring the State of Illinois as the counterparty (and thus incorporating various forms, disclosures, and standard terms and requirements required under Illinois law) will be released at a later date.

The Program Administrator invites interested parties to submit their comments on the September 2022 Draft REC Contract. All comments received in accordance with the process outlined below will be reviewed by representatives from the Illinois Power Agency (“IPA”), the Illinois Solar for All Program Administrator (Elevate Energy), AIC, ComEd, MEC, Staff of the Illinois Commerce Commission, and the IPA’s Procurement Administrator (NERA Economic Consulting). The timeline and process for interested parties to provide comments is as follows:

- Please submit your comments on the September 2022 DRAFT REC Contract by email to the Program Administrator at: comments@illinoisSFA.com

- Please provide telephone and e-mail contact information in the event that the Program 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 5 PM Central Prevailing Time (“CPT”) on Wednesday, October 5, 2022.

Written comments submitted to the Program Administrator according to the process above and submitted prior to the deadline will be posted to the illinoisSFA.com website and made publicly available.

Please direct all questions to the Program Administrator at: comments@illinoisSFA.com

Explanatory Notes

To facilitate the review of the September 2022 Draft REC Contract by interested parties, we provide the following notes:

- (a) The REC Contract may include multiple Transactions. One batch of systems submitted by Seller and approved by the ICC corresponds to one Transaction, and the key terms of such Transaction (such as pricing and size of the Designated Systems within the batch) are specified in the Product Order applicable to such Transaction. For avoidance of doubt, each batch will only consist of system(s) within a specific Illinois Solar for All sub-program; a Product Order shall not include systems approved pursuant to different sub-programs. (Additionally, this contract is only for systems participating in the Illinois Solar for All Program. It is separate from any contracts entered into for systems participating in the Adjustable Block Program).
- (b) The form of the Product Order is provided in Exhibit A, and each Product Order contains three (4) schedules, Schedule A, Schedule B, Schedule C and Schedule D. Schedule A to a Product Order shall include summary information of each Designated System proposed by Seller under the Illinois Solar for All Program for which batch has been approved by the ICC for inclusion in the REC Contract. Once a Designated System is Energized, the IPA or its designee shall prepare and complete Schedule B to the Product Order for such Designated System, which includes updated summary information related to the Designated System, and which shall be the basis for determining applicable payments under the REC Contract. Schedule C includes a summary of the size information of Designated Systems within the Product Order and is updated when a Designated System(s) within the Product Order is removed from the REC Contract or has a change in size between the initial application (Part I) and energization (Part II). Schedule D includes information related to a Designated System if it is being removed from the REC Contract during the term of the Agreement.
- (c) In order to facilitate a meaningful review of the changes between the September 2022 Draft REC Contract and the June 2021 REC Contract, a redline comparison between the September 2022 Draft REC Contract and the June 2021 REC Contract

has been provided along with the September 2022 Draft REC Contract for your convenience.



(d) Under the Illinois Solar for All Program, there shall be two standard forms of REC Contract as follows:



(i) A REC Contract to be used between the Approved Vendor and an electric utility (AIC, ComEd or MEC), which is the September 2022 Draft REC Contract issued on September 28, 2022

(ii) A separate REC Contract to be used between the Approved Vendor and the IPA will be issued at a later date and will incorporate several forms, disclosures, and standard terms and conditions required by the State of Illinois. A separate announcement will be posted to the Illinois Solar for All website (illinoisSFA.com) when such contract becomes available.

Summary of Key Changes

The September 2022 Draft REC Contracts have been updated to include:

a) Removal of 100% Low Income Subscriber Owned Projects.

b) Updates to the sub-program structure. (Contract Section 1.102 & Exhibit A)

c) Addition of Energy Sovereignty payments. (Contract Section 2.7(c) & 5.6)

d) Extended deadlines for energization. (Contract Section 2.4)



e) Extension of demonstration periods and cure periods. (Contract Section 9.2)