

**VERIFIED TESTIMONY OF ROGER A. FLICK, II
MANAGER, RATES AND REGULATORY STRATEGY
DUKE ENERGY BUSINESS SERVICES LLC
ON BEHALF OF DUKE ENERGY INDIANA, LLC
BEFORE THE
INDIANA UTILITY REGULATORY COMMISSION**

I. INTRODUCTION

1

2 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

3 A. My name is Roger A. Flick, II and my business address is 1000 East Main Street,
4 Plainfield, Indiana 46168.

5 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

6 A. I am employed by Duke Energy Business Services LLC, as Manager, Rates and
7 Regulatory Strategy. In this capacity, I provide various rate analysis services for
8 Duke Energy Indiana, LLC (“Petitioner,” “Duke Energy Indiana” or the
9 “Company”), and other utility operating subsidiaries of Duke Energy Corporation
10 (“Duke Energy”).

11 **Q. WHAT IS YOUR PRIMARY RESPONSIBILITY AS MANAGER, RATES
12 AND REGULATORY STRATEGY?**

13 A. As Manager, Rates and Regulatory Strategy, my job duties span a spectrum of
14 activities. At the highest level, I provide technical regulatory, financial,
15 accounting, analytic and strategic support to Duke Energy stakeholders. My work
16 focuses on Duke Energy Indiana, but I do participate in work that extends into
17 other Duke Energy jurisdictions.

18 **Q. PLEASE BRIEFLY DESCRIBE YOUR PROFESSIONAL AND
19 EDUCATIONAL BACKGROUND.**

1 A. I began my career with the Company in 2000 as an Analyst in the Rates
2 Department. I continued working in the Rates Department in positions of
3 increasing responsibility until 2014 when I moved to Pricing, Load Analytics, and
4 Regulatory Solutions in the Customer Solutions and Strategies group and have
5 continued to hold positions of increasing responsibility. I hold Bachelor of
6 Science degrees in Finance and Legal Studies from Indiana University's Kelley
7 School of Business and a Master of Business Administration degree from Indiana
8 State University's Scott College of Business. Prior to working for the Company, I
9 was employed by National City Bank, which was subsequently acquired by PNC
10 Bank, as a Commercial Credit Analyst.

11 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS**
12 **PROCEEDING?**

13 A. The purpose of my testimony is to explain and support the relief requested by
14 Duke Energy Indiana in its Verified Petition, which was filed on March 1, 2021.

15 **Q. PLEASE BRIEFLY DESCRIBE THE EXHIBITS TO YOUR TESTIMONY.**

16 A. Attached to my direct testimony is Petitioner's Exhibit 1-A (RAF), a copy of the
17 March 1, 2021 Verified Petition filed in this Cause, and Petitioner's Exhibit 1-B
18 (RAF), a copy of the Company's proposed Excess Distributed Generation
19 ("EDG") tariff.

20 **Q. WHAT RELIEF IS DUKE ENERGY INDIANA SEEKING IN THIS**
21 **PROCEEDING?**

1 A. Duke Energy Indiana is seeking the Commission's approval of: 1) the Company's
2 proposed Excess Distributed Generation Rate; 2) the proposed netting period for
3 use in applying the EDG rate; 3) the proposed EDG Tariff; and 4) certain relief
4 related to the expiration of accrued EDG credits when a customer leaves a
5 premise.

6 **II. DEFINITIONS**

7 **Q. PLEASE DEFINE THE TERM "DISTRIBUTED GENERATION" AS**
8 **USED IN YOUR TESTIMONY.**

9 A. I am using the term "Distributed Generation" as defined in Indiana Code § 8-1-
10 40-3:

11 (a) As used in this chapter, "distributed generation" means electricity
12 produced by a generator or other device that is:

13 (1) located on the customer's premises;

14 (2) owned by the customer;

15 (3) sized at a nameplate capacity of the lesser of:

16 (A) not more than one (1) megawatt; or

17 (B) the customer's average annual consumption of
18 electricity on the premises; and

19 (4) interconnected and operated in parallel with the electricity
20 supplier's facilities in accordance with the commission's
21 approved interconnection standards.

22 (b) The term does not include electricity produced by the following:

1 (1) An electric generator used exclusively for emergency
2 purposes.

3 (2) A net metering facility (as defined in 170 IAC 4-4.2-1(k))
4 operating under a net metering tariff.

5 **Q. PLEASE DEFINE THE TERM “EXCESS DISTRIBUTED GENERATION”**
6 **AS USED IN YOUR TESTIMONY.**

7 A. I am using the term “Excess Distributed Generation” as defined in Indiana Code §
8 8-1-40-5:

9 As used in this chapter, “excess distributed generation” means the
10 difference between:

11 (1) the electricity that is supplied by an electricity supplier to a
12 customer that produces distributed generation; and

13 (2) the electricity that is supplied back to the electricity
14 supplier by the customer.

15 **III. RATE CALCULATION**

16 **Q. PLEASE DESCRIBE THE STATUTORY DEFINITION OF THE**
17 **FORMULA TO DETERMINE THE RATE TO BE CREDITED TO**
18 **CUSTOMERS FOR THE PROCUREMENT OF EXCESS DISTRIBUTED**
19 **GENERATION.**

20 A. Under Indiana Code § 8-1-40-17, the proposed rate is the product of (1) the
21 average marginal price of electricity paid by the electricity supplier during the

1 most recent calendar year; multiplied by (2) one and twenty-five hundredths
2 (1.25).

3 **Q. HOW DID DUKE ENERGY INDIANA CALCULATE THE AVERAGE**
4 **MARGINAL PRICE OF ELECTRICITY PAID BY THE COMPANY**
5 **DURING THE MOST RECENT CALENDAR YEAR?**

6 A. Duke Energy Indiana calculated this in accordance with the Indiana Code § 8-1-
7 40-17. Specifically, the Company calculated the average marginal price of
8 electricity by averaging the 2020 real time hourly LMPs at the CIN.PSI load
9 node. The average was calculated by summing the hourly LMPs for the
10 preceding calendar year and then dividing by 8,784, which represents the total
11 hours in the 366 days in 2020. The result was \$23.185/kWh.

12 **Q. WHAT IS THE EDG RATE FOR THE PROCUREMENT OF EXCESS**
13 **DISTRIBUTED GENERATION USING THE FORMULA AND INPUT**
14 **DESCRIBED ABOVE?**

15 A. The rate, referenced immediately above, is \$23.185 per MWh which when
16 converted to a per kilowatt-hours (*i.e.*, divided by 1,000) is \$0.023185 per kWh.
17 Indiana Code § 8-1-40-6, calls for that marginal cost of electricity, \$0.23185 per
18 kWh to be multiplied by 125%. The product of that formula is \$0.028981 per
19 kWh. This rate, \$0.028981 per kWh, is offered for Commission review and
20 approval for use valuing excess distributed generation. Workpaper 1 is offered to
21 further support the rate's calculation.

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IV. EDG NETTING PERIOD

Q. WHAT NETTING PERIOD IS THE COMPANY PROPOSING?

A. Indiana Code § 8-1-40-5 defines EDG as the difference between: (1) the electricity that is supplied by an electricity supplier to a customer that produces distributed generation (imports); and (2) the electricity that is supplied back to the electricity supplier by the customer (exports). Unlike the regulations setting the methodology for net metering,¹ the statutory definition for EDG is silent as to the appropriate period of time a utility should use to net a customer's imports and exports of energy over. The parties in Cause No. 45378 proposed two possibilities for the frequency of the statutorily required EDG calculation. The utility proposed that EDG be calculated "instantaneously." Other parties in Cause No. 45378 proposed that EDG be calculated monthly, just like net metering. The Commission's Order in Cause No. 45378 approved the instantaneous netting term. The Company took notice of this finding and is proposing instantaneous netting for determining aggregate import and export positions.

Q. ARE THERE ANY OTHER ISSUES DUKE ENERGY INDIANA SEEKS TO ADDRESS IN ITS TESTIMONY?

A. Yes. While it appears clear that Indiana Code § 8-1-40-18 requires that participating customers receive a credit on their monthly bills for the total EDG

¹ 170 IAC 4-4.2-7 provides, in relevant part, that "[t]he investor-owned electric utility shall measure the difference between the amount of electricity delivered by the investor-owned electric utility to the net metering customer and the amount of electricity generated by the net metering customer and delivered to the investor-owned electric utility *during the billing period*["] [emphasis added).

1 that month and that any excess credit carries forward to the next month, the
2 statute is silent as to application of any excess EDG credit if a DG customer
3 leaves the premises before that credit has been fully set off against the customer's
4 other charges. The Company proposes that when/if a customer leaves his/her
5 premise any unused credits at the time of a customer leaving expire.

6 **Q. WILL INDIANA CODE §§ 8-1-40-10 AND -12 AFFECT THIS**
7 **PROCEEDING?**

8 A. No. The aggregate amount of net metering facility capacity (62,440 kW)² under
9 Duke Energy Indiana's net metering tariff was approximately 1.2% of its most
10 recent summer peak load (5,091,000 kW)² and thus is not expected to equal 1.5%
11 of Duke Energy Indiana's most recent summer peak load before July 1, 2022.³
12 Consequently, Duke Energy Indiana reasonably expects that its current net
13 metering tariff will remain available until July 1, 2022. The approach proposed
14 herein will allow the Commission to determine the relevant issues in an orderly
15 manner and in advance of July 1, 2022.

16 **Q. UNDER INDIANA CODE 8-1-40-15, ELECTRICITY SUPPLIERS SHALL**
17 **PROCURE THE EXCESS DISTRIBUTED GENERATION PRODUCED**

² Figure reported in the Commission's 2020 year end Net Metering Report, dated March 2021.

³ Indiana Code § 8-1-40-10 provides: "Before July 1, 2022, if an electricity supplier reasonably anticipates, at any point in a calendar year, that the aggregate amount of net metering facility nameplate capacity under the electricity supplier's net metering tariff will equal at least one and one-half percent (1.5%) of the most recent summer peak load of the electricity supplier, the electricity supplier shall, in accordance with section 16 of this chapter, petition the commission for approval of a rate for the procurement of excess distributed generation."

1 BY A CUSTOMER AT A RATE APPROVED BY THE COMMISSION.

2 PLEASE EXPLAIN HOW THIS EXPENSE WILL BE RECOVERED.

3 A. As this procurement represents a purchase by Duke Energy Indiana of excess
4 generation, to serve other customers on Duke Energy Indiana's system, these
5 costs will be recovered as fuel costs, specifically purchased power costs, in its
6 monthly Fuel Adjustment Clause ("FAC").

7 Q. IS THERE ANYTHING ELSE YOU WOULD LIKE TO MENTION
8 RELATED TO THIS MATTER?

9 A. Yes. The Company has proactively engaged a wide range of stakeholders in an
10 effort to develop a voluntary alternative tariff to the legislatively required EDG
11 Tariff for customers. Details of this alternative proposal are uncertain at this
12 time. However, if agreement can be reached with stakeholders, the proposal will
13 also be filed with the Commission for its consideration.

14 V. CONCLUSION

15 Q. WHAT IS YOUR RECOMMENDATION TO THE COMMISSION?

16 A. That the Commission approve Duke Energy Indiana's requested rate and relief
17 and methods expressed above.

18 Q. WERE PETITIONER'S EXHIBITS 1-A (RAF) AND 1-B (RAF)
19 PREPARED BY YOU OR AT YOUR DIRECTION?

20 A. Yes, they were.

21 Q. DOES THIS CONCLUDE YOUR PREPARED DIRECT TESTIMONY?

22 A. Yes, it does.

FILED
March 1, 2021
INDIANA UTILITY
REGULATORY COMMISSION

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF DUKE ENERGY INDIANA, LLC)
FOR APPROVAL OF A TARIFF RATE FOR)
THE PROCUREMENT OF EXCESS) CAUSE NO. 45508____
DISTRIBUTED GENERATION PURSUANT TO)
INDIANA CODE 8-1-40 ET SEQ.)

VERIFIED PETITION

Duke Energy Indiana, LLC (“Duke Energy Indiana” or “Petitioner”) petitions the Indiana Utility Regulatory Commission (“Commission”) for approval of a tariff rate for the procurement of excess distributed generation (“Rider EDG”) pursuant to Indiana Code 8-1-40 et seq.

1. **Duke Energy Indiana’s Corporate and Regulated Status.** Petitioner is an Indiana corporation with its principal office in the Town of Plainfield, Hendricks County, Indiana. Duke Energy Indiana’s mailing and business address is 1000 East Main Street, Plainfield, Indiana 46168. Duke Energy Indiana has the corporate power and authority, among others, to engage, and it is engaged, in the business of supplying electric utility service to the public in the State of Indiana. Accordingly, Duke Energy Indiana is a “public utility” and an “electricity supplier” within the meaning of those terms as used in the Indiana Public Service Commission Act, as amended, and is subject to the jurisdiction of the Commission in the manner and to the extent provided by the laws of the State of Indiana.

2. **Duke Energy Indiana’s Electric Utility Service.** Petitioner owns, operates, manages and controls plants, properties and equipment used and useful for the production, transmission, distribution and furnishing of electric utility service to the public in the State of Indiana. Duke Energy Indiana directly supplies electric energy to over 858,000 customers located in 69 counties in the central, north central and southern parts of the State of Indiana. Duke Energy Indiana also sells electric energy for resale to Wabash Valley Power Association, Inc., Indiana

Municipal Power Agency and to other utilities which in turn supply electric utility service to numerous customers in areas not served directly by Duke Energy Indiana. In addition, Duke Energy Indiana provides steam service to an industrial customer whose manufacturing facility is located adjacent to Duke Energy Indiana's Cayuga Generating Station.

3. **Background.** Indiana Code 8-1-40 et seq. (the "Distributed Generation Statute") establishes the regime under which Petitioner, Duke Energy Indiana, procures electricity supplied by customers with qualifying distributed generation resources and offsets the cost of the electricity supplied to such customers. The Distributed Generation Statute requires that an electricity provider (such as Duke Energy Indiana) shall file with the Commission a petition requesting a rate for the procurement of excess distributed generation by the electricity supplier. Indiana Code § 8-1-40-16. After approval by the Commission, the electricity supplier shall submit on an annual basis, not later than March 1 of each year, an updated rate for excess distributed generation in accordance with Indiana Code § 8-1-40-17.

4. As of December 31, 2020, Duke Energy Indiana has approximately 13,925.01 kilowatts (kW) of net metering capacity remaining (based on a summer peak in 2020 of 5,091,000 kW and 62,439.99 kW of net metering resources in operation).

5. Duke Energy Indiana does not have any participants for Biomass installations, nor has Duke Energy Indiana received any applications for Biomass installations for review.

6. The procedure under which public utilities may request a rate for the procurement of excess distributed generation is governed by Indiana Code § 8-1-40-16 and requires Duke Energy Indiana to petition the Commission by March 1, 2021 for approval of such rate.

7. Duke Energy Indiana's proposed Rider EDG establishes a rate for the procurement of excess distributed generation that is consistent with Indiana Code § 8-1-40-17, which states in

part that the Commission shall review a petition filed under Indiana Code § 8-1-40-16 and, after notice and public hearing:

“...approve a rate to be credited to participating customers by the electricity supplier for excess distributed generation if the commission finds that the rate requested by the electricity supplier was accurately calculated and equals the product of:

(1) the average marginal price of electricity paid by the electricity supplier during the most recent calendar year; multiplied by

(2) one and twenty-five hundredths (1.25).”

8. Pursuant to Indiana Code § 8-1-40-18, compensation to the Rider EDG customer shall take the form of credit on the customer’s monthly bill and any excess credit shall be carried forward and applied against future charges to the customer for as long as the customer receives electric service from the electricity supplier at the premises.

9. **Relief Sought by Duke Energy Indiana.** In accordance with Indiana Code § 8-1-40-16, Duke Energy Indiana petitions the Commission for approval of its Rider EDG for the procurement of excess distributed generation.

10. Any applications received and approved while Duke Energy Indiana has remaining net metering capacity, as defined in Indiana Code § 8-1-40-12, will remain eligible for and be compensated under the terms of Duke Energy Indiana’s Net Metering tariff (Standard Contract Rider 57) through July 1, 2032, assuming the customer’s net metering facility is not removed or replaced, in accordance with Indiana Code § 8-1-40-13. In the event Duke Energy Indiana reaches the net metering capacity as defined in the Distribution Generation Statute, Indiana Code § 8-1-40-10(1) states that Net Metering will remain available for new customers until January 1 of the first calendar year after the net metering capacity is reached or July 31, 2022, whichever is earlier.

Duke Energy Indiana presently anticipates that its Net Metering tariff will remain in effect until July 31, 2022.

11. **Applicable Law.** Duke Energy Indiana considers the provisions of the Public Service Commission Act, as amended, including Indiana Code 8-1-40 et seq., among others, and 170 IAC 4-4.2 et seq. to be applicable to the subject matter of this proceeding and believes that such statutes and regulations provide the Commission authority to approve the requested relief.

12. **Petitioner's Counsel.** Petitioner's counsel of record, duly authorized to accept service of papers in this Cause are:

Elizabeth A. Heneghan, Attorney No. 24942-49
Melanie Price, Attorney No. 21786-49
Duke Energy Business Services LLC
1000 East Main Street
Plainfield, IN 46168
Telephone: (317) 838-1254
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13. **Proposed Procedural Schedule.** Pursuant to 170 IAC 1-1.1-9, Petitioner hereby provides notice to this Commission that the Parties reasonably anticipated to participate in this proceeding, Duke Energy Indiana and the Office of Utility Consumer Counselor ("OUCC"), are in agreement with the following Proposed Procedural Schedule:

March 1, 2021:	The date the Company is filing this Verified Petition with the Commission.
May 27, 2021:	The latest date by which the Company shall prefile its Testimony and Exhibits supporting this Verified Petition (and provide the OUCC with its applicable Workpapers).
September 9, 2021:	The latest date by which the OUCC or any Intervenor shall prefile its Testimony and Exhibits concerning this Verified Petition.

- September 30, 2021:** The latest date by which the Company shall prefile its Rebuttal Testimony and Exhibits.
- October 25-29, 2021:** The week in which the Company requests that the evidentiary hearing concerning this Verified Petition be held.
- June 29, 2022:** The end target date by which the Company requests the issuance of the Commission's Final Order concerning this Verified Petition.

WHEREFORE, Duke Energy Indiana, LLC respectfully requests that the Commission promptly publish notice, make such investigation and hold hearings as are necessary or advisable, and thereafter, make and enter appropriate orders in this Cause:

- (a) approving a rate for the procurement of excess distributed generation, in accordance with Indiana Code §§ 8-1-40-16 and -17;
- (b) approving proposed Rider EDG; and
- (c) granting all other appropriate relief.

Dated: March 1, 2021

Respectfully submitted,

DUKE ENERGY INDIANA, LLC



By: _____
Counsel for Petitioner

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VERIFICATION

I, Roger A. Flick, II, Rates and Regulatory Strategy Manager for Duke Energy Business Services, LLC, a service company affiliate of Duke Energy Indiana, LLC, affirm under the penalties of perjury that the statements and representations in the foregoing Verified Petition are true to the best of my knowledge, information and belief.

Dated: 03/01/2021



Roger A. Flick, II
Rates and Regulatory Strategy Manager
Duke Energy Business Services LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Verified Petition was electronically delivered this 1st day of March, 2021.

Randall C. Helmen
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Duke Energy Indiana, LLC
1000 East Main Street
Plainfield, Indiana 46168

IURC NO. 15
Original Sheet No. 54

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EXCESS DISTRIBUTED GENERATION

Availability

Duke Energy Indiana, LLC ("Duke Energy Indiana") customers with Distributed Generation ("DG") Resources within its service territory and subject to the terms and provisions of Indiana Code 8-1-40.

Requirements include, but are not limited to the following:

- (1) DG having a rated nameplate capacity of not greater than one (1) megawatt AC; and sized not to exceed the customers' annual average energy consumption absent the generating resource.
- (2) The DG is located on the customer's premise and owned by the customer; and
- (3) Is connected in parallel with the Company's electric distribution or transmission system; subject to an executed Duke Energy Indiana Interconnection Agreement.

Participation will also be subject to Duke Energy Indiana's exercise of reasonable discretion in determining if adequate facilities and power supplies are available.

Definitions

Advanced Metering Infrastructure ("AMI") – An integrated system of smart meters, communications networks, and data management systems.

Excess Distributed Generation (Exports) – The difference between the electricity that is supplied by the Company to a customer that produces distributed generation and the electricity that is supplied back to the electricity supplier by the customer.

Imports - The monthly aggregation of instantaneous measurements of energy supplied to customer from Duke Energy Indiana.

Instantaneous Netting - The shortest period of time Duke Energy Indiana's AMI technology measures and records the directional flow of energy, currently thirty (30) minutes.

Billing

The measurement of net electricity supplied by Company and delivered to Company shall be calculated in the following manner. Company shall instantaneously measure the difference between the amount of electricity delivered by Company to customer and the amount of electricity generated by the customer and delivered to Company during the billing period, in accordance with normal metering practices. If the kWh delivered by Company to the customer exceeds the kWh delivered by the customer to Company during the billing period, the customer shall be billed for the kWh difference. If the kWh generated by the customer and delivered to Company exceeds the kWh supplied by the Company to customer during the billing period, the customer shall be credited in the next billing cycle. When customer elects to discontinue Net Metering service, any unused credit will be granted to Company.

Bill charges and credits will be applied in accordance with the standard tariff that would apply if the customer did not participate in this rider.

Issued:

Effective:

Duke Energy Indiana, LLC
1000 East Main Street
Plainfield, Indiana 46168

IURC NO. 15
Original Sheet No. 54

Page 2 of 2

EXCESS DISTRIBUTED GENERATION

Marginal DG Price

Is the average marginal price of energy paid by the Company during the most recent calendar year, multiplied by one and twenty-five hundredths (1.25), in accordance with Indiana Code § 8-1-40-17 and equals:

\$0.028981 per kWh.

Metering

The Company shall provide metering at a single location through an AMI meter capable of measuring the flow of electricity in two (2) directions thereby capturing periodic energy imports and exports.

If existing metering equipment is not capable of net metering, the Company will replace the metering equipment with enabling equipment. The Company reserves the right to determine the optimal location of metering placement.

Special Terms and Conditions

Customer shall maintain homeowners, commercial, or other insurance providing coverage in the amount of at least one hundred thousand dollars (\$100,000) for the liability of the insured against loss arising out of the use of generation equipment associated with net metering under this rider.

Company and customer shall indemnify and hold the other party harmless from and against all claims, liability, damages, and expenses, including attorney's fees, based on any injury to any person, including loss of life or damage to any property, including loss of use thereof, arising out of, resulting from, or connected with, or that may be alleged to have arisen out of, resulted from, or connected with an act or omission by such other party, its employees, agents, representatives, successors, or assigns in the construction, ownership, operation, or maintenance of such party's facilities used in net metering. This indemnification provision is not applicable to government net metering customers that are restricted from entering into indemnification provisions.

The supplying of, and billing for, service and all conditions applying thereto, are subject to the jurisdiction of the Indiana Utility Regulatory Commission ("IURC") and the Company's General Terms and conditions, as filed with the IURC.

Interconnections

Customer shall make an application for Interconnection Service and execute an Interconnection Agreement as outlined in Standard Contract Rider No. 80 – Interconnection Service.

Customer shall comply with all applicable requirements of Standard Contract Rider No. 80 – Interconnection Service.

Inverter based systems listed by Underwriters Laboratories ("UL") to UL Standard 1741, published May 7, 1999, as revised January 28, 2010 (UL 1741), are accepted by the Company as meeting the technical requirements of IEEE 1547 tested by UL 1741.

Conformance with these requirements does not convey any liability to the Company for damages or injuries arising from the installation or operation of the customer's generation system.

Issued:

Effective:

VERIFICATION

I hereby verify under the penalties of perjury that the foregoing representations are true to the best of my knowledge, information and belief.

Signed: Roger A. Flick
Roger A. Flick

Dated: May 27, 2021