

**NOTICE OF COMMITMENT TO SELL THE OUTPUT OF A QUALIFYING FACILITY  
TO NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY**

Instructions to QF: The QF shall deliver, via certified mail, courier, hand delivery or email, its executed Notice of Commitment to:

ElectriCities of NC, Inc.  
1427 Meadow Wood Blvd.  
Raleigh, North Carolina 27604  
Attn.: Marty Berland, Lead Project Manager, Generation & Interconnections  
mberland@electricities.org

Any subsequent notice that a QF is required to provide to Company pursuant to this Notice of Commitment shall be delivered to the same address by one of the foregoing delivery methods.

1. [ \_\_\_\_\_ ] (“Seller”) hereby commits to sell to North Carolina Eastern Municipal Power Agency (the “Company”) all of the electrical output of the Seller’s qualifying facility (“QF”) described in Seller’s self-certification of QF status filed with the Federal Energy Regulatory Commission in Docket No. QF \_\_\_\_\_ (the “Facility”).

2. The name, address, and contact information for Seller is:

Name: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

3. By execution and submittal of this commitment to sell the output of the Facility (the “Notice of Commitment”), Seller certifies as follows: (Select the applicable certification below)

- i. \_\_\_\_\_ Seller has received a certificate of public convenience and necessity (“CPCN”) for the construction of its \_\_\_\_\_ kW (net capacity AC) Facility from the North Carolina Utilities Commission (“NCUC”) pursuant to North Carolina General Statute § 62-110.1 and NCUC Rule R8-64, which CPCN was granted by NCUC on \_\_\_\_\_ [insert date] in Docket No. \_\_\_\_\_.
- ii. \_\_\_\_\_ Seller is exempt from the CPCN requirements pursuant to North Carolina General Statute § 62-110.1(g) and has filed a report of proposed construction for its \_\_\_\_\_ kW (net capacity AC) Facility with the NCUC pursuant to NCUC Rule R8-65 (“Report of Proposed Construction”) on \_\_\_\_\_ [insert date] in Docket No. \_\_\_\_\_.
- iii. \_\_\_\_\_ Seller has applied or will apply for a CPCN for the construction of its \_\_\_\_\_ kW (net capacity AC) Facility on \_\_\_\_\_ [insert date] in Docket No. \_\_\_\_\_. If the Seller does not know the docket number on the date of submission of this Notice of Commitment, Seller shall notify the Company of the docket number when it is assigned by the NCUC. Seller shall notify the Company upon issuance of an order by the NCUC granting the CPCN.
- iv. \_\_\_\_\_ Seller is exempt from the CPCN requirements pursuant to North Carolina General Statute § 62-110.1(g) and will file a Report of Proposed Construction for its \_\_\_\_\_ kW (net capacity ac) Facility with the NCUC pursuant to NCUC Rule R8-65 and shall notify the

Company at the address specified in paragraph 1 of the docket number of such filing when it is assigned by the NCUC.

4. This Notice of Commitment shall take effect on its "Submittal Date" as hereinafter defined. "Submittal Date" means (a) the receipted date of deposit of this Notice of Commitment with the U.S. Postal Service for certified mail delivery to the Company, (b) the receipted date of deposit of this Notice of Commitment with a third-party courier (e.g., Federal Express, United Parcel Service) for trackable delivery to the Company, (c) the receipted date of hand delivery of this Notice of Commitment to the Company at the address set forth in paragraph 1, above, or (d) the date on which an electronic copy of this Notice of Commitment is sent via email to the Company if such email is sent during regular business hours (9:00 a.m. to 5:00 p.m.) on a business day (Monday through Friday excluding federal and state holidays). Emails sent after regular business hours or on days that are not business days shall be deemed submitted on the next business day.

5. By execution and submittal of this Notice of Commitment Seller acknowledges that:

a. The legally enforceable obligation date ("LEO Date") for the Facility will be determined in accordance with subsections (b) or (c) below. The LEO Date will be used to determine Seller's eligibility for the rates, terms and conditions of the Company. Rates for purchases from the Facility will be based on the Company's avoided costs as of the LEO Date as determined by Duke Energy Progress, calculated using data current as of the LEO Date.

b. If on the Submittal Date, Seller has a CPCN from or has filed a Report of Proposed Construction with NCUC for the Facility, the LEO Date will be the Submittal Date.

c. If on the Submittal Date, Seller does not have a CPCN for the Facility or has not filed a Report of Proposed Construction with the NCUC for the Facility, the LEO Date will be the date on which the NCUC issues a CPCN for the Facility or the filing date of the Report of Proposed Construction for the Facility, as applicable.

6. This Notice of Commitment shall automatically terminate and be of no further force and effect in the following circumstances:

a. Upon execution of a PPA between Seller and Company.

b. If such Seller does not execute a PPA within sixty (60) calendar days of the Company's delivery of an "executable" PPA to the Seller. An executable PPA shall mean a PPA delivered to the Seller by the Company that contains all information necessary for execution and that the Company has requested that the Seller execute and return.

The undersigned is duly authorized to execute this Notice of Commitment for the Seller:

\_\_\_\_\_  
[Seller Name]

\_\_\_\_\_  
[Seller Title]

\_\_\_\_\_  
[Company]

\_\_\_\_\_  
[Date]