

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

This Notice of Commitment form establishes the procedure for a PURPA qualifying facility (“QF”) to establish a legally enforceable obligation (“LEO”) and to commit to sell the output of a proposed QF generating facility to the North Carolina Eastern Municipal Power Agency (“NCEMPA”).

1. Delivery; Notices to Company. The QF shall deliver, via certified mail, courier, hand delivery or email, its executed Notice of Commitment to:

NCEMPA
c/o Electricities of NC, Inc.
1427 Meadow Wood Blvd.
Raleigh, NC 27604
Attn.: Marty Berland
mberland@electricities.org

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

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

Legal Name of Seller: _____

Contact Person: _____

Title: _____

Telephone: _____

Address: _____ Email: _____

3. Commitment to Sell. Seller hereby commits to sell to NCEMPA all of the electrical output of the Seller’s QF described in Seller’s self-certification of QF status filed with the Federal Energy Regulatory Commission in Docket No. QF _____ (the “Facility”).
4. Certifications. 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)

- a. 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 the NCUC on _____ [insert date] in Docket No. _____.
 - b. 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. _____.
 - c. 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 NCEMPA of the docket number when it is assigned by the NCUC. Seller shall notify NCEMPA upon issuance of an order by the Commission granting the CPCN.
 - d. 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 NCEMPA at the address specified in paragraph 1 of the docket number of such filing when it is assigned by the NCUC.
5. Effective Date. 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 NCEMPA, (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 NCEMPA, (c) the receipted date of hand delivery of this Notice of Commitment to NCEMPA 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 NCEMPA 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.
6. LEO Date. By execution and submittal of this Notice of Commitment, and assuming that the certifications provided herein are accurate, Seller acknowledges that:
- a. The legally enforceable obligation date (“LEO Date”) for Seller’s QF Facility will be determined in accordance with subsections 6.b or 6.c below.
 - b. If on the Submittal Date, Seller has a CPCN from or has filed a Report of Proposed

Construction with the 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.

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

- a. Upon full execution of a PPA between Seller and NCEMPA.
- b. If Seller does not execute a PPA within 60 calendar days (as such period may be extended by mutual agreement of Seller and NCEMPA) of NCEMPA's delivery of an executable PPA to the Seller, provided, however, that if no interconnection agreement for the Facility has been tendered to Seller prior to the expiration of such deadline, the deadline for execution of the PPA shall be automatically extended until the date that is five days after the date that the final Interconnection Agreement is tendered to the Seller.
- c. Seller's failure to execute a PPA prior to expiration of the Notice of Commitment period, as identified in subsection 7.b above, shall result in termination of the LEO and the Seller shall only be offered an as-available rate for a two-year period following expiration of the Notice of Commitment. Thereafter, the Seller may elect to submit a new Notice of Commitment Form to establish a new LEO.

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

[Name]

[Title]

[Seller Company]

[Date]