Partner:
ID:
Account Rep:

New York Energy $mart℠ Products Program

Retailer Marketing Guidelines and Agreement

Effective January 1, 2011

Retailer Partnership Overview

The **New York Energy $mart℠** Products Program (the Program) is designed to create a sustainable increase in market share of residential ENERGY STAR® qualified products and other energy-efficient products that are detailed within the following pages.

The Program is a partnership providing real benefits designed to build showroom traffic and increase sales of ENERGY STAR products. As of December 2010, Program participants include more than 1,321 retailer partners and 45 major manufacturer partners, with more than $34 million spent for co-operative advertising and performance incentives since the Program's inception in 1999.

Benefits of Program partnership include access to effective program strategies designed to increase sales of ENERGY STAR products; co-op funds for promotions; in-store sales staff training on ENERGY STAR Products; in-store point-of-purchase (POP) materials; assistance with product labeling and placement of POP materials; dedicated, experienced Account Representatives that provide in-store assistance with ENERGY STAR promotions; additional media recognition via NYSERDA sponsored TV, radio and print campaigns; the opportunity to align with national ENERGY STAR campaigns and with other **New York Energy $mart℠** promotions; and increased consumer visibility with store listings on www.GetEnergySmart.org.

As a Retail Partner, you may apply for and receive partial reimbursement for advertising or promotions of ENERGY STAR products and other program-sponsored products. The *2011 Cooperative Marketing Agreement (13)* and *Products Displayed, In Stock and Available at Partner Store(s)* form (page 9), both **MUST** be signed and returned to your Account Representative or mailed to the address shown on the Marketing Agreement (page 13) in order to be eligible to use incentives. Your Account Representative will work with you on submitting your promotion for pre-approval making it eligible for reimbursement upon providing the required documentation (page 7).

Eligible Program advertising and promotions are separated into two categories. These two options provide maximum flexibility in promoting ENERGY STAR products to customers, while reducing eligible promotional expenses up to 50%:

(1) **Standard Advertising and Promotions** – Available to Retail Partners (1-14 storefronts) only. Gold Retail Partners (15 -64 storefronts) and Platinum Retail Partners (65 or more storefronts) are not eligible for Standard Advertising and Promotion incentives.)*
(2) **Special Advertising and Promotions** – Include all other types of advertising and promotions.

***NOTE:** Gold and Platinum Retail Partners are not eligible for Standard Advertising and Promotions because they are print-based advertisements that are typically implemented on a regular basis. Only print promotions that are unique, atypical, focus on educating consumers, and contain information on energy savings and product benefits will be considered for co-operative funding for these partners for print promotions. These types of promotions are considered to be Special Advertising and Promotions.

Standard and Special Advertising and Promotion incentive dollars may be combined. However, the combined maximum incentive amount cannot exceed the total allocation permitted during the Marketing Agreement period (see your corresponding Retail, Gold Retail or Platinum Retail allocations in the Co-operative Marketing Agreements included in this document).

Advertising and promotions in both categories require pre-approval before implementation. Pre-approval means advertising and promotions cannot begin before receiving written approval. Partners must be in good standing to apply for funding, meaning they are compliant with all the requirements of the Retailer Partnership Agreement (see accompanying Retailer Partnership Guidelines and Agreement).

Eligible Products

Products covered by the Program and for which promotional incentives are available include:

ENERGY STAR-Qualified Products	Compact Fluorescent Lamps (CFLs), Lighting Fixtures, Ceiling Fans w/lighting), Solid State Lighting (SSL) Integral Lamps (Screw Base Light Bulbs), Clothes Washers, Dehumidifiers, Dishwashers, Freezers, Refrigerators, Room Air Conditioners, Thru-the-Wall Air Conditioners
Other Energy-Efficient Products (Energy $mart Products)*	Advanced Power Strips

**These Energy-Efficient Products are not ENERGY STAR qualified; however they are included in the Program due to their energy efficiency benefits (see criteria below).*

As mentioned above, the Program supports the following technologies for which there is no ENERGY STAR label, but which save significant energy and provide benefit to New York. The Program's goal in supporting these products is to provide a strong educational component to the consumer, focused on the benefits of the products identified below, leading to a preference for their use over inefficient products.

Because the EPA has not yet established ENERGY STAR performance criteria for these products, the information provided below will serve to establish NYSERDA's definition of the product, and the relevant base criteria required in order to qualify for support through this Program:

Eligible Product	Definition	Criteria
Advanced Power Strips	A power strip that is able to shut off an outlet(s) automatically eliminating passive standby. These types of power strips have all the traditional benefits of surge protection, but are equipped with built-in energy saving technology.	The following Advanced Power Strip technologies will be covered under this criterion: master/slave; occupancy sensor; wireless control. UL/cUL listed; Surge Protection; Tested to UL Standard 1449 - NTL; Rated for 120 volts and 15 amp service; Consumes 1 watt or less of standby power; Can control passive standby; Packaging contains detailed instructions and technical support information; Needs to carry a connected product warranty; Has a re-settable circuit breaker.

Standard Advertising and Promotions Requirements

Geographic Requirements: Published or distributed within the Program's territory (see accompanying Retailer Partnership Guidelines and Agreement). The Program is designed to provide incentives for promotions that reach SBC Ratepayers. The Program does not offer incentives for promotions serving other audiences.

Submission Requirements: All Standard Advertisements and Promotions must be pre-approved before implementation in order to qualify for reimbursement consideration. Any promotion that does not include ENERGY STAR products must be submitted as a Special Promotion (see Special Advertising & Promotions details on page 5).

Invoicing Requirements: All invoicing for promotion reimbursements must be received within 30 days of the date of the close of the advertising/promotion, or within 15 days of the end of the quarter (whichever comes first).

Type of Publication or Promotion: Newspapers, magazines, direct mail postcards, circulars, Yellow Pages, calendars, billboards, and signage.

Logo Requirements: Regardless of whether the advertisement will be submitted for co-op funding, partners must comply with the ENERGY STAR logo and Program requirements as defined at www.energystar.gov . An approved logo artwork CD is available by calling 1-877-NY STAR1. Also, see the logo guidelines accompanying this agreement.

Education Requirement: To be eligible for Program incentives, all advertisements and promotions must have at least one mention of educational information about ENERGY STAR or the qualified product. Educational information is defined as information that is not known by the general public (e.g. the energy savings of the product or specific product attributes). This information must be obtained through your Partner Representative, the www.GetEnergySmart.org website, or the www.energystar.gov website.

Additional requirements for specific publications or promotions include:

Requirements for Newspapers and Magazines:	❑ Publications with circulation greater than 8,500. ❑ Minimum 4 ¼" x 5 ½" advertisement (NYSERDA will not pay for multiple advertisements placed by the same partner, in the same issue of a publication). ❑ Use the appropriate ENERGY STAR logo in the advertisement. ❑ Feature at least 2 ENERGY STAR qualified products and place both a mini ENERGY STAR logo and the model number next to each ENERGY STAR product. ❑ Newspaper or magazine ad must contain educational information on AT LEAST one specific ENERGY STAR or energy-efficient product.
Requirements for Direct Mail Postcard:	❑ Produce and mail at least 500 pieces. ❑ Postcards must be a minimum size of 3" x 5." ❑ Use the appropriate ENERGY STAR logo. ❑ Direct mail postcard must contain educational information on AT LEAST one specific ENERGY STAR or energy-efficient product.

Requirements for Circulars:	❑ Minimum quantity 8,500. ❑ On each page, include the appropriate ENERGY STAR logo at least one time and feature at least 2 ENERGY STAR qualified products. ❑ Place both a mini ENERGY STAR logo and the model number next to each ENERGY STAR product. ❑ Circular must contain educational information on AT LEAST one specific ENERGY STAR or energy-efficient product.
Requirements for Yellow Pages:	❑ Minimum 1/8 page advertisement ❑ Use the appropriate ENERGY STAR logo. ❑ Yellow Page ad must contain educational information on AT LEAST one specific ENERGY STAR or energy efficient product.
Requirements for Billboards:	❑ Logo must be at least 1/32nd of the total useable space. For example, with a billboard measuring 15' by 30' (450 sq. ft.), the ENERGY STAR logo must measure at least 14 sq. ft. ❑ Use "We Sell ENERGY STAR" logo, or "Change for the Better with ENERGY STAR" logo. ❑ Black, cyan or white logos only (must contrast sufficiently with background). ❑ If product images are featured, at least 50% of the images must be ENERGY STAR products. If product types are to be listed, at least one of the product types must be an ENERGY STAR product type (e.g. "Refrigerators", "Appliances", etc.). ❑ If ENERGY STAR qualified products are featured, a minimum of two ENERGY STAR qualified products are required with a mini ENERGY STAR logo next to each ENERGY STAR product.
Requirements for Storefront Signs/ Awnings/Banners:	❑ Use "We Sell ENERGY STAR" logo (entire logo 10 -15% of overall sq. footage) OR ❑ Use "Change for the Better with ENERGY STAR" logo (entire logo 10 -15% of overall sq. footage). ❑ Black, cyan or white logos only (must contrast sufficiently with background). ❑ If ENERGY STAR qualified products are featured, a minimum of two ENERGY STAR qualified products are required with a mini ENERGY STAR logo next to each ENERGY STAR product.

Special Advertising and Promotions Requirements

NYSERDA will consider any promotion that supports the goals of the Program. We encourage our partners to be creative and submit suggestions– especially for in-store promotions. NYSERDA reserves the right to negotiate the terms and amount of reimbursement for any proposed promotion to ensure consistency with Program goals.

Geographic Requirements: Published or distributed within the Program's territory (see accompanying Retailer Partnership Guidelines and Agreement). The Program is designed to provide incentives for promotions that reach SBC Ratepayers. The Program does not offer incentives for promotions serving other audiences.

Submission Requirement: All Special Advertising and Promotions must be submitted with an Application for Special Advertising and Promotions form (11) 30 DAYS BEFORE IMPLEMENTATION in order to qualify for reimbursement consideration. Notification of approval or of necessary changes required in order to receive approval will be provided within the same period.

Invoicing Requirements: All invoicing for promotion reimbursements must be received within 30 days of the date of the close of the advertising/promotion, or within 15 days of the end of the quarter (whichever comes first). CFL mark-down promotion billing must be submitted monthly until the end of the promotion. Failure to comply with this Program requirement may result in ineligibility of costs for reimbursements.

Type of Promotion: May include Radio, Television, Direct Mailers (other than postcards), In–store Promotions, Web Promotions, and all other forms of promotion, including Print Advertising that cannot meet criteria outlined in Standard Advertising and Promotions (see Standard Advertising and Promotions details on page 3).

Logo Requirements: Regardless of whether the advertisement will be submitted for co-op funding, partners must comply with the ENERGY STAR logo and Program requirements as defined at www.energystar.gov. An approved logo artwork CD is available by calling 1-877-NY STAR1. Also, see the logo guidelines accompanying this agreement.

Education Requirement: To be eligible for Program incentives, all advertisements and promotions must have at least one mention of educational information about ENERGY STAR or the qualified product. Educational information is defined as information that is not known by the general public (e.g. the energy savings of the product or specific product attributes). This information must be obtained through your Account Representative, the www.GetEnergySmart.org website, or the www.energystar.gov website.

Additional requirements for radio, television, and other promotions include:

Requirements for Radio:	❑ Must be submitted for pre-approval .You will be notified of approval or of necessary changes required in order to receive approval for radio commercials within 2 business days of receipt of application. ❑ Must be a minimum 30-second spot. ❑ Develop a commercial that contains educational information on AT LEAST one specific ENERGY STAR or energy-efficient product. ❑ 30 second spots must feature twelve seconds (:12) of educational information; 60 second spots must feature twenty-four seconds (:24) of educational information. ❑ Submit script and Application for Special Advertising and Promotions form (see 11).
Requirements for Television:	❑ Must be submitted for pre-approval. You will be notified of approval or of necessary changes required in order to receive approval for television commercials within 2 business days of receipt of application. ❑ For a 30 second spot, the ENERGY STAR logo must be of a size that is clearly visible and legible for minimum 10-second duration. ❑ For a 60 second spot, the ENERGY STAR logo must be of a size that is clearly visible and legible for minimum 20-second duration. ❑ The commercial must also feature, on screen, a qualified ENERGY STAR product. ❑ Develop a commercial that contains educational information on AT LEAST one specific ENERGY STAR or energy-efficient product. ❑ 30 second spots must feature twelve seconds (:12) of educational information; 60 second spots must feature twenty-four seconds (:24) of educational information. ❑ For advanced power strip promotions, you must also include educational tips that can be obtained through your Account Representative or the www.GetEnergySmart.org web site. ❑ Submit script, storyboard, and Application for Special Advertising and Promotions form (see 11).
Requirements for All Other Special Advertising and Promotions:	❑ Must be submitted for pre-approval at least 30 days prior to a planned implementation or event date. ❑ Include an Application for Special Advertising and Promotions form (see page 11)

Reimbursement Documentation and Process

To be eligible for reimbursement of incentive claims, prior to running ads or holding an event, partners must be current in all data submissions and must submit the Partnership Agreement (see accompanying Retailer Partnership Guidelines and Agreement) and the Products Displayed, In-Stock, and Available form (see page 9). Reimbursement claims should be submitted within 30 days after the close of the advertising/promotion or within 15 days after the end of the quarter (whichever comes first).

Once the advertisement or promotion has run, submit your transmittal letter of approval (including advertising number) with the required documents below for reimbursement:

Newspaper, Magazines, Direct Mail Postcards, Circulars, etc.	❑ 1 copy of the original invoice ❑ 1 original tear sheet (or original postcard, calendar, circular, etc.) or entire publication in which the advertisement appears ❑ 1 document stating the circulation and number of impressions
Yellow Pages	❑ 1 copy of the original invoice ❑ 1 original of the advertisement and listing agreement for Yellow Pages ❑ 1 document stating number of telephone books printed and distributed to businesses and residences
Signs, Banners and Billboards	❑ 1 copy of the original invoice ❑ 1 photograph ❑ Estimated number of impressions
Radio and Television	❑ 1 copy of the original invoice and the affidavit of airing ❑ 1 copy of advertisement (cassette, VHS tape, CD or DVD) ❑ 1 document stating the viewership, gross impressions and gross rating points
All Other Promotions	❑ 1 copy of the original invoice(s) ❑ 2 copies of any collateral material containing the ENERGY STAR logo ❑ Documentation of promotion/event outcome including impressions or numbers of viewers or participants and any other information described on the *Application for Special Advertising and Promotions* form (see 11) ❑ Other documentation that may have been requested in your approval letter.

Mail or Fax all Promotion Applications and required Reimbursement Documents to:

Lockheed Martin
PO Box 559
Attn: Incentive Coordinator
Fayetteville, NY 13066
Fax: 315-329-6093

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Products Displayed, In Stock and Available at Partner Store(s)

Complete this form and mail to: Lockheed Martin, 880 Third Avenue, 9th Floor, New York, NY 10022 Attn: Deborah Hill. This form will be used by Program staff to help consumers locate ENERGY STAR products and other energy-efficient products on the www.GetEnergySmart.org website and identify publications where these products are advertized.

Store Name:

(Please check the products and list the manufacturer next to the product)

	Display	In-Stock	Catalog	Internet	Kiosk
ENERGY STAR PRODUCTS					
Lighting Fixtures	☐	☐	☐	☐	☐
Ceiling Fans w/lighting	☐	☐	☐	☐	☐
Solid State Lighting (SSL) Integral Lamps (Screw Base Light Bulbs)	☐	☐	☐	☐	☐
Dehumidifiers	☐	☐	☐	☐	☐
Dishwashers	☐	☐	☐	☐	☐
Freezers	☐	☐	☐	☐	☐
Refrigerators	☐	☐	☐	☐	☐
Room Air Conditioners	☐	☐	☐	☐	☐
Thru-the Wall Air Conditioners	☐	☐	☐	☐	☐
Compact Fluorescent Lamps (CFLs)	☐	☐	☐	☐	☐
OTHER ENERGY-EFFICIENT PRODUCTS (Energy $mart Products)					
Advanced Power Strips	☐	☐	☐	☐	☐

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Application for Special Advertising and Promotions

COMPLETE THIS FORM FOR SPECIAL ADVERTISING AND PROMOTIONS – PRE-APPROVAL IS REQUIRED

Company Name:

Contact Name:

Address:

City: State: ZIP Code:

Phone: Fax: Email:

DESCRIPTION OF PROMOTION (ATTACH SEPARATE PAGE IF NECESSARY)

PROJECTED START DATE: **PROJECTED END DATE:**

NAME OTHER PARTICIPANTS (IF APPLICABLE)

DESCRIPTION OF MARKETING PLAN (INCLUDE MATERIALS TO BE PRODUCED AND CREATE A SAMPLE FOR APPROVAL)

ESTIMATE IMPACT OF PLAN (FOR BUYDOWN PROMOTIONS INCLUDE A CALCULATOR)

FOR BUYDOWN PROMOTIONS, TRANSFER CALCULATOR KWH SAVINGS TO THIS BLOCK:

Total Annual kWh Saved	Total Lifetime kWh Saved

DETAILED COST BREAKOUT (ATTACH SEPARATE PAGE IN NECESSARY)

Mail or Fax this form to:
Lockheed Martin
PO Box 559, Fayetteville, NY 13066
Attn: Incentive Coordinator
Fax: 315.329.6093

NYSERDA RESERVES THE RIGHT FOR ANY REASON, TO STOP APPROVING INCENTIVE APPLICATIONS AT ANY TIME WITHOUT NOTICE.

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Partner:
ID:
Account Rep:

New York Energy $mart[SM] Products Program
2011 Co-operative Marketing Agreement

Effective January 1, 2011 – December 31, 2011

A Platinum Retail Partner is eligible for a total of $150,000 for all combined advertising and promotions for this period*

All Advertising and Promotions: Pre-approval is required for all promotions listed below. The Program encourages creativity and is willing to review any promotional suggestion not listed. Please submit your ideas for consideration.

Promotion:	Incentive Amount:	Maximum Incentive Amount:
Newspapers, Magazines, Direct Mailers, Direct Mail Postcards, Circulars, Calendars, Yellow Pages, Billboards, Signs, Banners	Up to 25% or maximum (whichever is less) *NOTE: Reimbursement level for content that is deemed by NYSERDA to be "above and beyond" may be eligible for a higher incentive rate*	Cannot exceed allotted maximum incentive offered during this period
In-Store Promotions, Web Promotions, Radio & Television	Up to 50% of the published rates amount, airtime cost, or actual invoice cost (whichever is less)	

All Partners must be in good standing to apply for funding, meaning they are compliant with all the requirements of the Partnership Agreement.

For each approved application request, NYSERDA will retain 15% of the reimbursement amount (as described above) until the end of this period. The retainage will be released upon verification that all reports, including sales data, have been received.

I understand and accept the guidelines and Program requirements for the incentive offering described in this Cooperative Marketing Agreement effective January 1, 2011.

Owner or Manager Signature: _____ Date: _____

Print Name: _____ Title: _____

Retail/Company Name: _____

Please sign and mail this form to Lockheed Martin, 880 Third Avenue, 9th Floor, New York, NY 10022, Attn: Deborah Hill, or return it to your Account Representative. Please keep a copy for your files.

NYSERDA reserves the right, for any reason, to stop approving Incentive Applications at any time without notice.

This document supersedes the Incentive Offering Wave 19 documents for Platinum Retail Partners