Attachment J

PON 2589 – NY-Sun Competitive PV Program

Contractors participating in NYSERDA PON 2589 will provide to NYSERDA's Project Manager a fully-executed agreement between the Contractor and the Customer including the following terms:

Renewable Portfolio Standard (RPS) Attributes: Orders issued by the Public Service Commission provide that the RPS Program will support and promote an increase, to 30%, of the percentage of the energy consumed in New York State that comes from renewable sources. When assessing and reporting on progress towards that goal, or on the composition of the energy generated and/or consumed in NYS, NYSERDA and the NYS Department of Public Service will include all electrical energy created by any project receiving funds through the NYS RPS Customer-Sited Tier Program, regardless of the percentage of the project capacity included on the Bid Application Form, for the life of such projects, and the environmental attributes associated with such energy, whether metered or projected, as a part of any report, evaluation, or review of the RPS Program, whenever any such report, evaluation, or review may be conducted or issued, as renewable energy consumed in NYS. No party, including but not limited to owners, lessees/lessors, operators, and/or associated contractors shall agree to or enter any transaction that would or may be intended to result in the exportation or transmittal of any electrical energy created by any project receiving funds through the NYS RPS Customer-Sited Tier Program to any party or system outside of New York State.

Publicity and Site Events: Customer will allow photographs of the Project Site with explicit permission for NYSERDA to use, reproduce, distribute, exhibit, alter, publish or otherwise use such photographs in all forms, manner, including composite or distorted representations, and media, including electronic, print, digital, or electronic publishing via the Internet, and for all purposes, including advertising, trade, or any other lawful purposes.

Inspection/Reporting/Commissioning: Contactor will allow NYSERDA, its technical contractor, or Data Agent to conduct Site Inspections or remote monitoring services. Contractor will obtain permission from the Customer for NYSERDA, its technical contractor, or Data Agent to inspect the Installation location or perform remote monitoring services. Contractor will arrange access to the Project Site upon requests by NYSERDA, its technical contractor, or Data Agent.

Statement of Acknowledgement: By signing, all parties acknowledge that they have read and understand the above information and requirements and agree to abide by them.

Customer: By signing below, the Customer affirms that the site contributes to the Renewable Portfolio Standard (RPS) through a monthly electric utility bill.

Supremacy: Should the terms included in this document conflict with terms in any other contractual instrument between Contractor and Customer, the terms of this document shall control.

Customer Signature_____ Date _____

Print Name_____

Customer Company Name _____

Contractor: By signing below, the Contractor agrees that they: (1) are in compliance with Terms and Conditions of NYSERDA's program; and (2) are bound by the Terms and Conditions of this Addendum.

Contractor Signature_____ Date _____

Print Name_____

Contractor Company Name_____