

RESOLUTION

2014-31

WHEREAS, La Plata Electric Association, Inc. (“LPEA”) approved a Community Solar Garden licensing agreement for Sun Mesa Solar Gardens (“CSG”) signed on September 2, 2014; and

WHEREAS, the CSG has built or will build a “Project” located at 187 Redman Lane, Durango, Colorado, with a 54kW nameplate capacity generator, which is expected to generate 95 megawatt hours each year, in conformance with the Community Solar Garden licensing agreement, LPEA’s bylaws, policies, resolutions, and any other agreements or guidelines related thereto; and

WHEREAS, LPEA and the CSG wish to enter into a purchase power agreement to outline the parties’ agreement related to purchasing the power generated by the Project; and

WHEREAS, LPEA and the CSG also wish to enter into a Renewable Project Performance Payment Contract to provide for the management, tracking, and payment of environmental attributes generated by the CSG; and

WHEREAS, LPEA and the CSG recognize that LPEA shall also enter into companion contracts to the above referenced agreements, known as Policy 115 and Policy 117 Contracts, with LPEA’s wholesale power supplier, Tri-State Generation and Transmission Association, Inc. (“Tri-State”) related to the Project; and

WHEREAS, LPEA wishes to enter into Policy 115 and Policy 117 Contracts between LPEA and Tri-State to serve as companion contracts for the agreements between LPEA and the CSG, however reserving the right to challenge whether community solar gardens should be considered as distributed or renewable generation owned or controlled by LPEA such that it counts against the 5% cap set forth in LPEA’s wholesale Electric Services contract with Tri-State.

NOW THEREFORE BE IT RESOLVED by the LPEA Board of Directors, that the Chief Executive Officer be, and hereby is, authorized to execute, subject to legal review, a power purchase agreement and Renewable Project Performance Payment Contract between LPEA and Sun Mesa Solar Gardens for the above described Project.

BE IT FURTHER RESOLVED by the LPEA Board of Directors, that the Chief Executive Officer be, and hereby is, authorized to execute, subject to legal review, a power purchase agreement and Renewable Project Performance Payment Contract between LPEA and Tri-State to act as companion contracts for the above described agreements with Sun Mesa Solar Gardens.

I, Jeff Berman, Secretary of La Plata Electric Association, Inc., do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Directors of La Plata Electric Association, Inc., at a regular meeting held in Durango, Colorado, on October 15, 2014 at which meeting a quorum of directors was present and voting.



Jeff Berman, Secretary

Dated at Durango, Colorado this 15th day of October, 2014.