

Complete Energy Solutions Participant Handbook



Submitted by:

TRC | NIC Dunfee
10680 White Rock Rd., Ste 100, Rancho Cordova, CA 95670
ndunfee@trccompanies.com | 916.844.0146

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SMUD
6201 S St., Sacramento, CA 95817
smud.org | 1.888.742.7683



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1 Program Introduction

This section provides an overview of the program participation process and benefits.

1.1 Program Overview

Sacramento Municipal Utility District (SMUD) Complete Energy Solutions program (CES) offers an integrated approach to comprehensive energy-efficient retrofits, electrification improvements, peak demand reduction, and electric vehicle charging, while ensuring long-term energy and carbon reduction savings. CES serves small and midsize business (SMB) customers with up to 300 kW in demand and commercial and industrial customers (C&I). In partnership with SMUD, TRC implements, oversees, and coordinates this program with support from Brighton Energy.

Starting in 2024, the CES program offers a deemed incentive pathway for lighting fixtures only. The CES Express program pathway (Express) provides deemed (pre-determined) financial rebates for the installation of qualified lighting at non-residential properties. See section 8 for more information on CES Express.

Figure 1 provides a high-level overview of the CES program process. Section 3 Program Participation Process explains the steps in greater detail.



Figure 1: CES Program Process

1.2 Participation Benefits

CES is a comprehensive energy savings and carbon reduction option for customers looking for a one-stop solution. CES identifies a variety of energy efficiency and Go Electric measures and recommends low or no-cost options to maximize energy savings and carbon reduction. CES offers no cost energy assessments delivered by Energy Advisors (EA). These EAs guide you through the entire program process and provide ongoing support. To ensure a comprehensive building treatment, CES integrates with other programs or initiatives as appropriate. Additionally, CES provides access to financing through the National Energy Improvement Fund’s (NEIF) online financing portal, which matches your CES projects with available financing options.

CES offers streamlined participation for qualifying small and midsize businesses. All participants will have access to the following:

- ◆ **Customer verification:** Through a simple online validation, your eligibility and participation within CES will be determined.
- ◆ **Dedicated EA:** Once validated, CES will assign an EA to guide you throughout the CES participation, and energy upgrade processes.
- ◆ **Free site assessment:** Your EA will conduct a virtual or in-person site assessment of your business.
- ◆ **Energy management proposal:** Following the assessment, you will receive a summary of your EA's findings and recommendations including incentive opportunities.
- ◆ **Customer portal:** Once you decide to move forward with any or all of the suggested upgrades, you will have access to a web-based project dashboard in your online customer portal that includes access to your application and all program forms, real-time project status updates, and incentive payment information.

1.3 Participating Contractors

The program provides CES approved, licensed, and insured contractors to perform all installations/upgrades. CES contractors are an integral part of the program and they are in place to provide you the best possible program participation experience.

After conducting the assessment, the EA will assign an appropriate contractor to your project. The contractor will provide all project installations. Your EA may assign multiple contractors if you install multiple measures (i.e. both lighting and HVAC). The CES team has vetted the contractors to assure they are:

- ◆ Currently licensed
- ◆ Insured and bonded
- ◆ BBB rated (C rating or better)
- ◆ Established business within SMUD territory
- ◆ Compliant with and have completed the CES onboarding process and relative training

All CES contractors must maintain eligibility requirements to participate and must follow safety and equipment disposal guidelines. CES participating contractors sign a participation agreement with the program; they will contract directly with you to provide installation services. All contractors must obtain the necessary permits related to the project scope and must provide appropriate permit information to your EA.

CES is always looking for quality contractors that can provide comprehensive services. For CES to add a company to the contractor network, a company must apply via a contractor portal, complete program vetting and training processes, and meet the same criteria noted above. Please contact your EA or SMUD Strategic Account Advisor (SAA) if you would like to refer a company to participate in CES.

1.4 Contact Information

This section provides program contacts.

For interest in Complete Energy Solutions

Toll Free: 1-844-529-4084

Email: CES@trccompanies.com

CES website: www.smud.org/CES

Customer portal: <https://smudcompleteenergysolutions.programprocessing.com>

2 Program Eligibility

This section outlines eligibility requirements for CES participation.

2.1 Business Eligibility

CES will serve SMB customers with up to 300 kW in demand, and C&I customers with up to and, on a case by case basis, over 500kW in demand.

To participate in CES, your project site must:

- ◆ Be in SMUD service territory
- ◆ Receive electric distribution service from SMUD with an active commercial account
- ◆ Customer is the property owner or has obtained the requisite approval and authority from the property owner and can fully perform all obligations.
- ◆ Have less than or equal to 500kW in peak demand over the previous year. Customers with over 500kW in peak demand over the previous year, whether on a single account or campus billing account, are considered on a case-by-case basis by SMUD program staff.

2.2 Non-Eligible Customers

The following project sites do not qualify for CES:

- ◆ Hospitals
- ◆ Stand-alone data centers
- ◆ Universities
- ◆ Manufacturing facilities

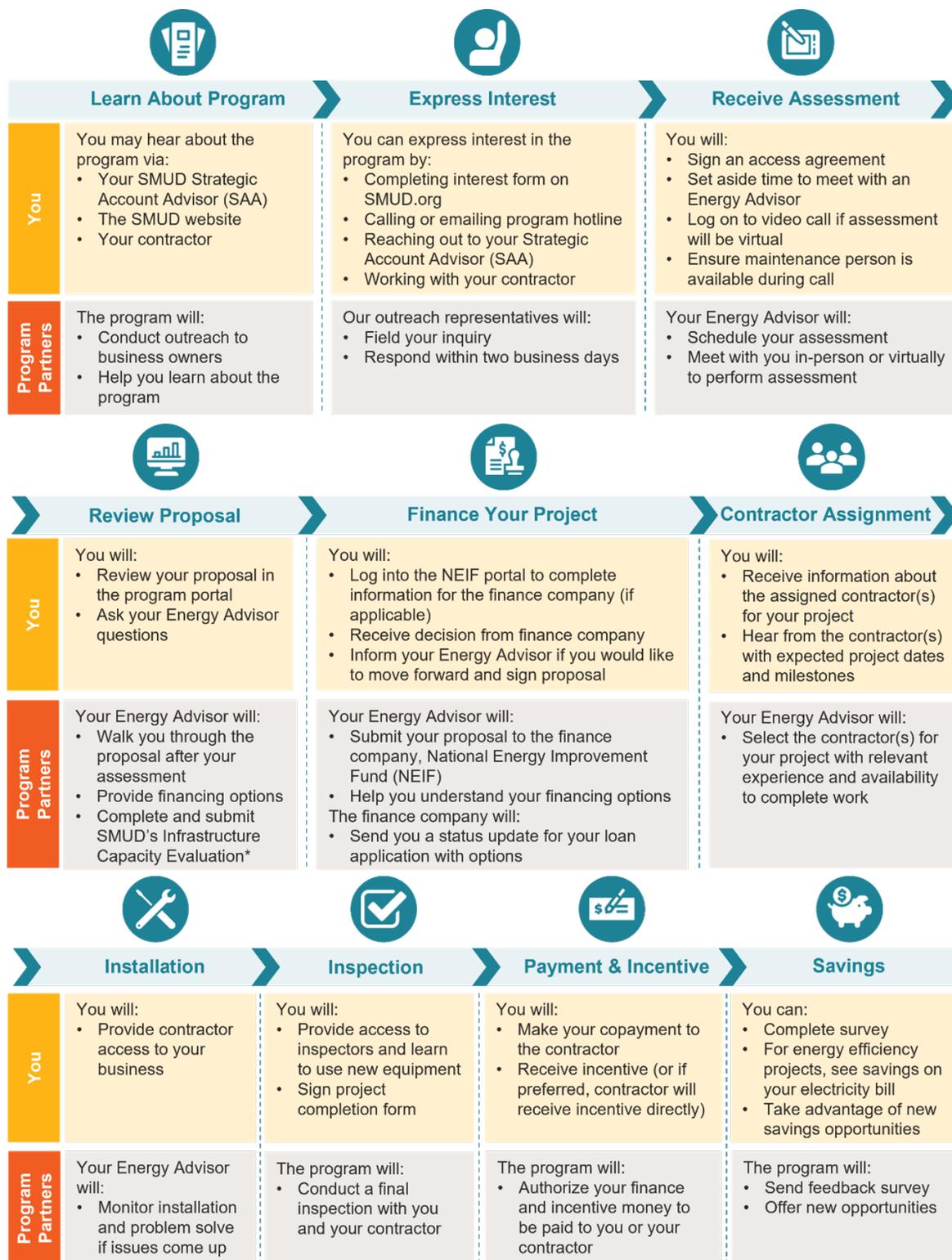
3 Program Participation Process

This section explains the internal CES and participation processes.

The CES team will provide you with beginning-to-end assistance when participating in CES. To ensure a seamless experience, our online portal simplifies customer participation through automated proposal development; online access to project and incentive status; electronic signature capabilities for the site access agreement, project completion package, proposal; and more.

3.1 Customer Journey

The CES program caters to you and your business's needs, focusing on ease of participation throughout the customer journey. From the simple online application process, to selecting a contractor, to receiving your incentive payment, the program is here to support you throughout your CES program experience. Figure 2 below provides an overview of what CES requires of you and what to expect from CES program partners as you move through the program process.



*Mandatory submittal for all EV and Go Electric projects that could add load to a site

Figure 2. Detailed Customer Journey

3.2 Participation Steps

The CES team, your EA, and your SMUD SAA are here to assist you throughout the entire CES participation process.

CES participation process includes the following steps:

1. After learning about the program, either:
 - Login to the CES customer portal at <https://smudcompleteenergysolutions.programprocessing.com/> to set up an account and submit an application, which includes a site access agreement
 - Or
 - Contact CES staff at CES@trccompanies.com to assist you in setting up your account and submitting your application and site access agreement
 - Or
 - Complete the inquiry form at <https://www.smud.org/en/Business-Solutions-and-Rebates/Business-Rebates/Complete-Energy-Solutions-Program> and a CES representative will follow up
2. You will be directed to create a profile through the CES customer portal to get started. If there are multiple facilities you would like to participate, each facility needs its own application created along with validation to enroll in the program.
3. Upon receiving your application and site access agreement, CES staff will contact you within two business days and assign a dedicated EA to your project.
4. If the project is eligible for CES, the EA will work with you to collect information about your building/business and schedule a virtual or in-person site assessment. The EA will meet with you to:
 - Collect data ahead of your assessment to perform a historical analysis and analyze rate structures
 - Explain program processes, review security and safety requirements, and identify your individual goals and business needs
5. Your EA will perform the scheduled site assessment, detailed in Section 4.1, with either you, or your designated site representative. When your EA schedules your assessment, the EA will invite your SAA to participate.
6. Your EA will produce a proposal, through your online portal, detailed in Section 4.2, based on the completed site assessment. At the end of the assessment, the EA will walk you through the proposal which prioritizes projects to align with your objectives and budget. The proposal will include energy efficiency, Go Electric, and electric vehicle charging equipment installation recommendations.
 - i. Electrification projects can substantially change a load profile. The CES team can assist with the future load impacts and help to determine if

the existing infrastructure is adequately sized via the submittal of a SMUD Infrastructure Capacity Evaluation (ICE).

7. Once you have decided to move forward with all or some of the proposed recommendations, you can electronically sign the customer acceptance form that accompanies the proposal. You have the option to defer some measures for a 12-month period and still receive your maximum incentive through the incentive coupon detailed in Section 4.2.2.
8. If you choose to use a program financing option, detailed in Section 5, your EA will help you submit the finance application through NEIF's online portal. Financing payments are made directly to your contractor(s), facilitating project installation with no upfront costs or payment delays.
9. The EA will either assign or work with you to select a CES participating contractor. If you have a preferred contractor that is not a CES participating contractor, the CES team can work with the contractor company to join the CES contractor network, detailed in Section 1.3.
10. Your EA will work with you and your contractor throughout the construction process to assist with managing your project timeline.
 - You will have an agreement directly with the selected CES contractor(s) for all work.
 - Your EA will alert you to any unforeseen issues that may arise during installation that affect the project savings/incentives and will provide an updated savings/incentive estimate for your review and approval as needed.
 - Electrification projects can substantially change a load profile. The CES team can assist with the future load impacts and help to determine if the existing infrastructure is adequately sized via the submittal of a SMUD Infrastructure Capacity Evaluation (ICE).
11. When your project has completed construction, you will sign the project completion package in your online customer portal.
12. The EA will collect all necessary documentation for post-installation verification from your contractor(s), and schedule the site inspection, detailed in Section 4, to ensure your project meets CES standards. Your contractor(s) is required to attend the site inspection. Your attendance is optional. Your EA will also invite your SAA to the site inspection.
13. Upon successful post-installation verification, CES will process your incentive payment. Upon your request, the program can issue incentives directly to your contractor(s). This approach helps you lower your upfront project costs and mitigate payment delays.
14. In the case that you have future upgrade opportunities, your EA will re-engage with you within 12 months of project completion to support you in moving these projects forward and process your reserved incentives.

3.3 CES Customer Portal

As part of CES participation, you will have ongoing access to your assessment results through the customer portal. A link to the Customer Portal is provided here:

<https://smudcompleteenergysolutions.programprocessing.com/content/Home>. For help on navigating the site, please reference the Profile Creation document linked in the Apply Now section.

The portal enables you to submit incentive applications, upload documents, view incentive reservations, and check on project and incentive status. Figures 3 through 6 provide a look into the CES program's customer portal.

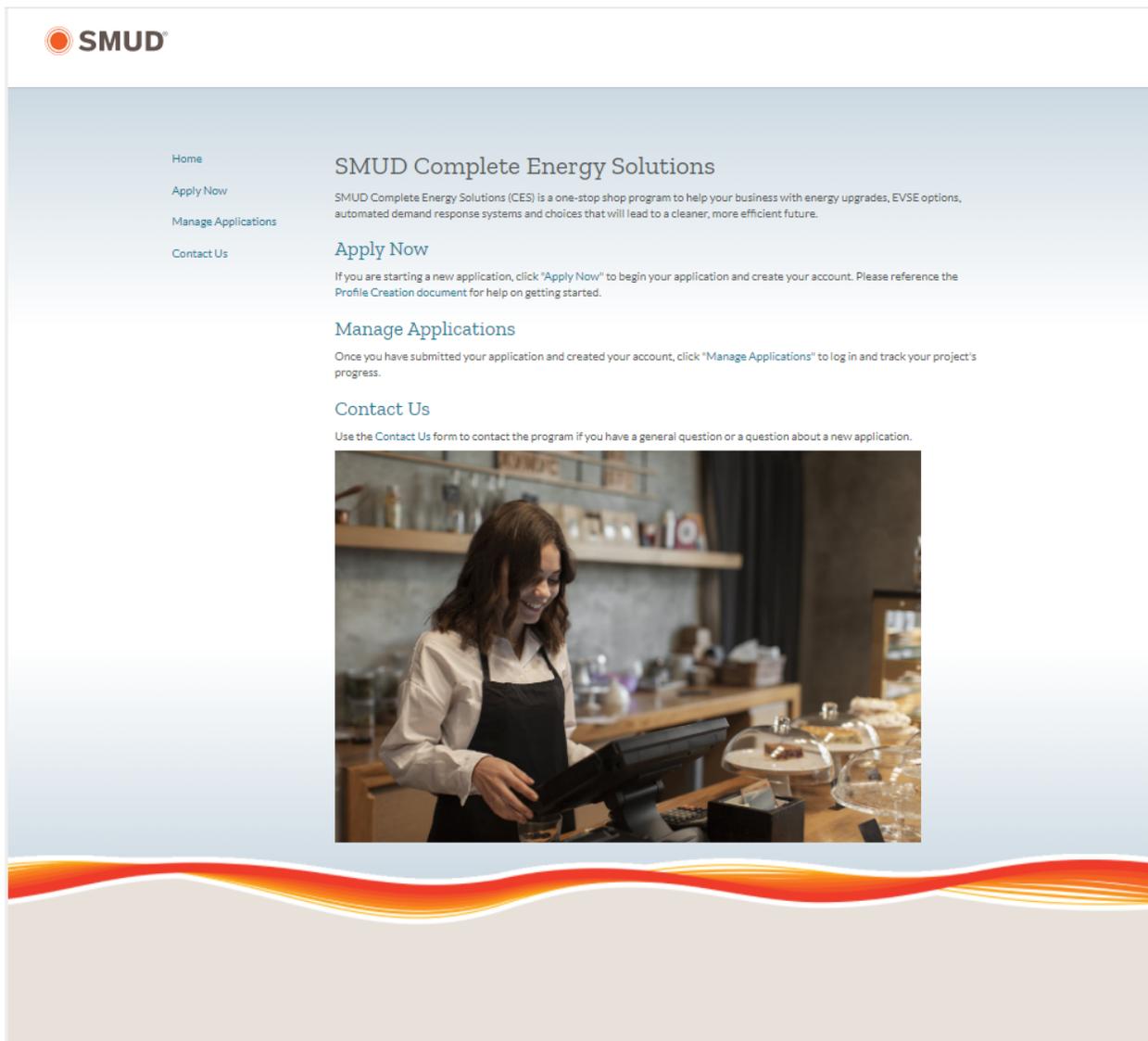


Figure 3. Customer Portal Home Page



Home
Apply Now
Manage Applications
Contact Us

Contact Entry

Facility and Contact Information
The Meter ID is not required, however the Account Number is

First Name: * **First & Last or Company**

Last Name: * **First & Last or Company**

Company: * **First & Last or Company**

Acct #: *

Meter ID:

Address: *

Address (cont):

City: *

State/Province: *

Postal Code: *

Phone: *

eMail: *

Save contact for later use in your contact list?
 Yes, save this as a new contact in my profile contact list

Figure 4. Customer Portal Application



Home
Apply Now
Manage Applications
Contact Us

Business Owner or Manager

1. **Permission for Access:** I agree to allow Complete Energy Solutions (CES) Program staff or participating contractors and Sacramento Municipal Utility District (SMUD) to access to my facility to evaluate possible energy efficiency measures. I realize that this may require CES staff, participating contractors, or SMUD to extend ladders, and to open fixtures and service hatches throughout the property, and to temporarily install and subsequently remove energy monitoring equipment (if any) needed to establish baseline energy use and system performance.
2. **Confidentiality:** I understand that any items designated below as sensitive or confidential will remain so within CES and SMUD.
3. **Liability:** I understand TRC & Brighton Energy is receiving funds from SMUD for the CES Program, but the parties agree that SMUD is not liable to either party for any losses or damages, including incidental or consequential damages, arising from this Agreement.
4. I understand that receiving this free evaluation does not obligate me in any way, nor does it guarantee that Program benefits will be extended to my business.
5. CES staff, participating contractors, and SMUD will follow approved program in-person health and safety protocols and provide opportunities for virtual assessments as needed.

Do you agree to the above Terms & Conditions? *

Agree

Were you referred to the program by a contractor? If so, please provide the company name:

Would you like to subscribe to the SMUD newsletter?

Yes

[Back](#) [Complete Application](#) - OR - [Save & Complete Later](#)

Figure 5. Customer Portal Site Access Agreement

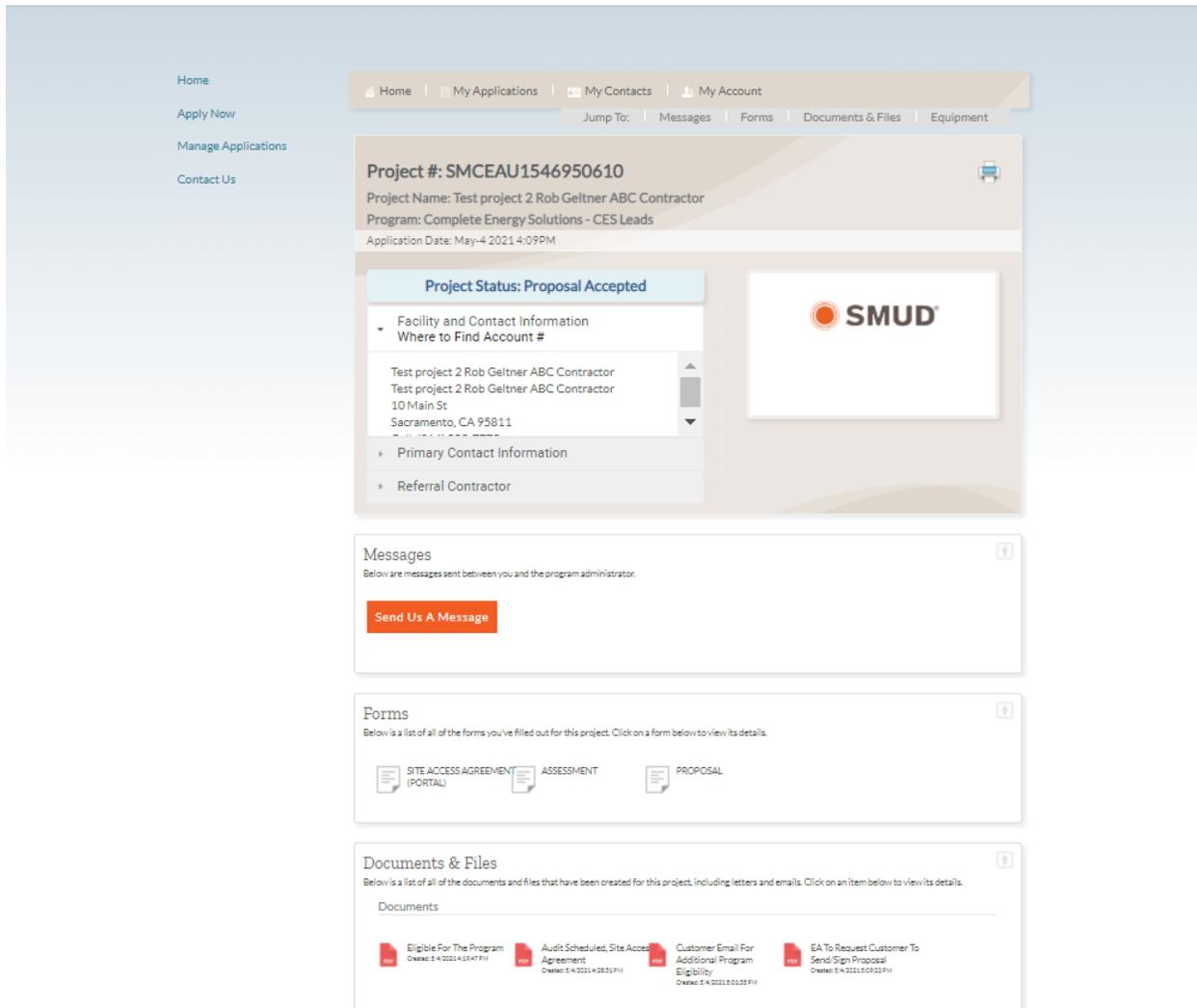


Figure 6. Customer Portal Project Status and Documents Page

3.4 Measures and Incentives

This section gives information on the CES eligible measures and associated incentives.

3.4.1 Measures

The following is a list of measures eligible for upgrade through CES:

1. Lighting
2. Refrigeration
3. Heating, ventilation, and air conditioning (HVAC) energy efficiency (EE) (including programmable thermostats)
4. HVAC Go Electric (i.e., fuel switching and heat pumps)
5. Service Water Heating (SWH) EE (i.e. updating electric resistance to heat pump)
6. SWH Go Electric (i.e., fuel switching and heat pumps)

7. Food Services efficiency (e.g., ENERGY STAR® commercial electric appliances)
8. Food Services Go Electric (i.e., fuel switching and induction stoves), including both commercial-style and residential-style induction stoves
9. Plug loads (i.e., advanced power strips, vending machines controls)
10. Electric vehicle (EV), including chargers and supply equipment
11. Other custom measures that the EA identifies (e.g., controls, retro commissioning, operations and maintenance)

For most measures, CES uses the California Municipal Utility Authority Technical Resource Manual (CMUA TRM) as the primary resource for defining energy savings. This manual provides the methods, formulas, and default assumptions used in the energy savings and peak demand impact calculations¹.

For custom measures identified on a case by case basis, your EA will develop a custom energy savings calculator with the CMUA TRM as guidance.

3.4.2 Incentives

Figure 7. CES Incentives shows the incentive levels for single measure and bundled measure projects. The incentive tiers increase as the number of measures increases, as indicated by the bundled measure incentive rates. By bundling energy efficiency upgrades, you will increase your incentives, shorten your payback period, and realize greater long-term energy costs savings. CES offers bonus incentives for fuel switching.

Type of Incentive	kWh Price (\$/kWh)
Non-bundled Lighting	\$0.11
Non-bundled Refrigeration	\$0.13
Non-bundled HVAC	\$0.16
Bundled Lighting and Refrigeration	\$0.13
Bundled Lighting and HVAC	\$0.16
Bundled Lighting, Refrigeration, and HVAC	\$0.16
Electrification	\$0.32
Other Measures (kitchen equipment, domestic hot water)	\$0.16

Figure 7. CES Incentives

¹ Actual energy savings may vary from projected savings

CES incentives do not cover the entire measure cost. You will pay at least 10 percent of the project cost, with the actual proportion varying widely depending on the size and scope of the project.

A project incentive exceeding \$50,000 will need SMUD pre-approval before moving forward.

As part of the comprehensive assessment, CES will also identify other avenues of participation and offer incentives in these areas:

Electrification

Equipment Type	Incentive
Heat Pump Water Heater < 80 gallons	\$4,500
Heat Pump Water Heater > 80 gallons	\$7,000
Split-system HPWH	\$5,000
Heat Pump Space Heater < 3 ton	\$2,000/ton ²
Heat Pump Space Heater > 3 ton	\$1,500/ton ³

Figure 8. CES Electrification Incentives

Kitchen Equipment

CES offers the following incentives for kitchen equipment:

Equipment Type	Incentive
Induction Cooking - residential style cooktop	\$750/unit
Induction Cooking - commercial grade equipment installed at food service businesses (hob is the induction element similar to a burner)	\$800/hob

Figure 9. Kitchen Equipment Incentives

² \$2,000/ton for each piece of equipment sized up to 3 tons (e.g., if you install one 2.5-ton HP, the incentive is \$5,000)

³ \$1,500/ton for each piece of equipment sized over 3 tons (e.g., If you install one 4-ton HP, the incentive is \$6,000)

Note: to receive incentives for kitchen equipment, there must be additional, qualifying measures within the approved scope of work (e.g., induction cooking and lighting, induction cooking and smart thermostats, etc.).

Electric Vehicle

CES provides electric vehicle (EV) charging solution incentives at the following rate:

Program	Incentive
SMUD Commercial EV	\$4500 per handle

Figure 10. EV Incentives

The EA will support you in applying for incentives, submitting the proper paperwork, and working with a contractor to install the selected EV equipment.

Infrastructure Upgrade Stipend

SMUD CES can provide an up to \$7,000 stipend for Go Electric projects that require in front of the meter infrastructure upgrades. To be eligible for this incentive, customers must complete a CES assessment for a Go Electric project and must express a willingness to engage with grid to determine the scope of an infrastructure upgrade. The assigned CES EA will help guide the CES contractor and customer throughout this process and confirm eligibility.

4 Comprehensive Assessments

This section provides information on CES project assessments.

4.1 Site Assessment

Your assigned EA will work with you or your designated on-site representative to collect current building systems conditions and usage information. Your EA will use this information to identify program eligible upgrades through either an in-person or virtual assessment.

With the current concerns surrounding COVID and the need for social distance, CES is offering virtual assessments as an alternative to an in-person assessment. The virtual assessment will collect all of the same information and provide the same service as in-person assessments but will require you or your designated on-site representative to use a live video streaming service to walk your EA through your building.

CES is designed to be a comprehensive offering. Your EA will identify opportunities for lighting, HVAC, refrigeration, hot water, and plug load energy saving measures, as well as Go Electric and EV charging.

Your EA will prepare for the site assessment by establishing contact with either you or your designated on-site representative and explain the assessment process, including whether the assessment will occur in-person or virtually. This call will help the EA to understand the existing conditions at the site including all major energy systems, information on planned upgrades, and any recently completed renovations that may affect baseline or savings data. If the EA cannot gather enough information via the call, the EA will advise the site personnel to have the proper personnel available during the assessment to keep the visit (or virtual assessment) as efficient as possible.

To complete the assessment your EA will use your SMUD electricity consumption data, as well as data received from the initial project application, including building type, occupancy, hours of operation, and other utility information including a PG&E natural gas bill, which you will need to supply.

4.2 Proposal

After the CES EA conducts an energy assessment, the EA will present you with a proposal featuring available efficiency upgrades as well as Go Electric and electric vehicle charging opportunities. The proposal will detail existing usage, energy costs, available incentives, recommended upgrade costs, simple payback, and annual and peak demand savings. Your EA will develop a final proposal scope that works for your schedule and budget.

4.2.1 Bundling Upgrades

When finalizing your proposal, your EA will help you with bundling energy efficiency measures to increase your incentives, for example, bundling lighting and HVAC upgrades. To facilitate the bundling of efficiency measures, CES will pay the highest incentive rate for all

installed efficiency measures. Based on the incentives in Figure 7. CES Incentives, you would receive \$0.11/kWh saved with a lighting only upgrade, and \$0.16/kWh for an HVAC only upgrade, but if you bundle the lighting and HVAC upgrades, you will receive \$0.16/kWh for both the lighting and HVAC savings.

4.2.2 Incentive Coupons

CES provides incentive coupons for eligible projects that may defer installation of some measures. You can redeem the coupon later to complete measure installation and capture the higher incentive and deeper energy savings. For example, if you complete the lighting now and receive \$0.11/kWh. When you complete the HVAC upgrade six months from now, you will receive the \$0.16/kWh for the HVAC savings and an additional back-payment of \$0.05/kWh for the initial lighting upgrade, bringing your total lighting incentive rate to the bundled rate of \$0.16/kWh.

4.2.3 1099 Reporting

The IRS considers any incentive payments over \$600.00 as taxable income. SMUD will report all incentive payments on an IRS Form 1099. The applicant, as beneficiary of the incentive funds, must submit a Form W-9 as a part of the complete application package.

5 Financing

This section provides information on CES project financing.

5.1 Intent

To help fund remaining project costs after incentives, CES offers financing options based on the project's planned scope of work (upgrade measures). NEIF is partnering with CES to deliver one-stop financing solutions to CES-qualifying customers. NEIF partners with contractors, manufacturers, distributors, governments, utilities, and industry trade groups to develop and administer financing programs designed to improve the uptake of energy-related property improvements.

NEIF is a trusted expert in the industry, working with multiple lenders in the energy and resiliency financing realm. NEIF's process keeps it as simple as possible for you to obtain financing for your energy upgrades by reviewing a monthly payment proposal, applying, and then signing the closing documents.

After agreeing to and signing a CES project proposal, you will enter into an arrangement with a lender, independent of SMUD and CES. You can select the desired terms of financing up to seven years. At least one option will be available that shows that the project's estimated monthly energy cost savings exceed month debt payments (considered a positive cashflow financing option), assuming such an option is available given the project's scope of work and energy cost savings estimates. At this stage and throughout the process, NEIF can answer your financing questions. After your financing application receives approval and documents are signed, construction work may begin.

5.2 Process

To help you understand financing options and obtain financing, CES staff will help you complete the following steps:

15. CES provides the NEIF financing options in your proposal (as described further below).
16. You work with CES to understand options and select your preferred option.
17. You complete a financing application through the customer portal.
18. NEIF reviews your financing application and runs a credit check (as described further below). NEIF contacts you about application status and issues the loan document for execution.
19. After the financing application receives approval and the finance documents are signed, construction can begin.
20. After the CES team confirms your installation is complete, your contractor(s) will receive the loan payment.
21. Once the contractor has received payment from your lender, the lender collects monthly payments from you through the term of the financing

5.2.1 Information Collection

CES will aim to provide you with multiple financing options in your energy assessment proposal. To provide you with a tailored proposal and financing options, CES will use basic information, including:

1. Project address
2. Type of business (commercial, industrial, non-profit, government)
3. Contractor contact
4. Estimated project cost
5. Incentive amount
6. Annual energy savings (optional)
7. Measure descriptions

Once the EA captures project information, the team will generate financing options as part of your proposal.

5.2.2 Credit Check

After you accept the proposal (including the CES scope of work and financing), you will receive a customized link to your financing application through NEIF. Upon receipt of your application, NEIF will review the financing application and run a credit check, which includes a review of your:

1. Business credit score
2. Years in business
3. Any bankruptcies within the past five years
4. Tax or other liens against the business

NEIF will collect additional information for projects over \$100,000.

6 Post-Installation Verification and Quality Control

This section describes the CES inspection and verification process at construction completion and prior to issuing incentives. During the site inspection, your EA will verify upgrades are complete and operational through a combination of desktop review of project documentation and on-site or virtual inspection. Your EA will work with your contractor(s) to resolve any issues.

6.1 Desktop Review

After a project completes construction, you will sign your project completion package in your online portal to initiate the site inspection process. After you have signed the package, your EA will work with your contractor(s) to collect all the necessary project documentation. Your EA will review all invoices and product specification sheets to assure that all installed equipment meets program requirements and measure quantities match the proposal scope of work.

6.1.1 PTAC Controls Self Installation (Packaged Terminal Air Conditioner)

Customers may complete self-installs of PTAC controls equipment, should they agree to the terms and conditions within the PTAC Controls Self Install Agreement; all work performed by the customer and/or employees shall conform to all applicable building and electrical codes, standards, and regulations. Customers choosing this self-install option for PTAC controls equipment are solely responsible for obtaining necessary permits and installing the equipment. Installation must be completed within 30 days of signing the Proposal. EA will collect the necessary project documentation needed for project completion package. The self-install option of equipment is only available for the PTAC controls measure and not available for any other CES measure category.

6.2 Site Inspection

Once your EA has verified all necessary documentation, the EA will work with you to schedule the in-person or virtual site inspection and notify the participating contractor and the SMUD SAA of the appointment. The contractor must attend the site inspection, while you and the SAA are optional attendees. During the site inspection your EA will verify that all installed equipment type, efficiency, and quantity match the proposal and invoice and are fully operational. Your EA will also observe the quality of installation and work with your contractor(s) to resolve any issues.

6.3 Incentive Processing

After your project is installed and passed site inspection, the CES team will process incentives checks to you or the participating contractor, if designated. The incentive coupon gives you the ability to opt into components of your project at a later date, while still qualifying for increased incentives. If you chose a financing option for your project, final payment will be released to your contractor at this time and your repayment period for the financing will begin.

6.3.1 PTAC Controls Projects – Vendor Payment Exception

PTAC controls vendors (equipment distributors or manufactures) may receive payment for CES projects only with participant approval. Vendors must receive approval from the CES team before the customer completes self-install in their project-site.

6.4 Quality Control

If the EA finds significant discrepancies between the approved scope of work and the installation during the post-installation inspection, the CES team will review the project to:

- ◆ Adjust energy savings based on actual quantities or efficiencies installed, which in turn will adjust incentives
- ◆ Request rework of measure installations to comply with specifications

6.5 Contractor Quality Control

While participating contractors will contract directly with you for all work, your EA will assist you in resolving installation issues to assure the installation matches the agreed upon scope. The CES team will work with the contractor to resolve any discrepancies found with either installations or data submission according to the contract's *Contractor QA Remediation*⁴ policy.

⁴ Available upon request

7 Dispute Resolution

The agreement between the Applicant and CES for incentives is composed of all applicable program forms, supporting documentation, and the following terms and conditions. The Applicant acknowledges that resolution of disputes concerning these Terms and Conditions, or any other requirement of this Application or condition of incentive award, shall be governed in all respects by the laws of the jurisdiction in which the customer is located. In the event of a dispute the parties agree to the following process:

(1) Notice of Dispute. A party shall deliver a written notice ("Dispute Notice") to the other describing the nature and substance of any Dispute and proposing a resolution of the Dispute.

(2) Management Negotiation. During the first thirty (30) days following the delivery of the Dispute Notice (and during any extension agreed to by the Parties, the "Negotiation Period") an authorized manager of Applicant (the "Applicant's Manager") and an authorized manager of TRC ("TRC Manager") shall attempt in good faith to resolve the Dispute through negotiations. If such negotiations result in an agreement in principle among such negotiators to settle the Dispute, they shall cause a written settlement agreement to be prepared, signed and dated (a "Management Settlement"), whereupon the Dispute shall be deemed settled, and not subject to further dispute resolution. Should the Dispute remain unresolved, the Parties agree to

(3) Alternative Dispute Resolution.

(i) Applicant and TRC

(1) acknowledge that it is in their best interests to resolve any dispute, claim or controversy arising out of or relating to this program (any such dispute, claim or controversy, a "Dispute"), in accordance with the dispute resolution procedures set forth herein and

(2) agree to use their best efforts so to resolve any such Dispute. Without limitation, such efforts shall include mandatory submission of a Dispute to non-binding mediation. Should such Dispute not be resolved within 90 days after the issuance by one of the parties of a written Request for Mediation (or such longer period as the parties may agree), TRC and Applicant may seek other legal recourse.

(ii) Notwithstanding the above, either party may seek injunctive relief to enforce its rights with respect to the use or protection of

(1) its confidential or proprietary information or material or

(2) its names, trademarks, service marks or logos, in a court of competent jurisdiction in which the customer is located. The parties' consent to the personal jurisdiction thereof and to sole venue therein only for such purposes. f) TRC, Brighton Energy and SMUD and applicant hereby irrevocably and unconditionally waive any right either such party may have to a trial by jury or to initiate or become a party to any class action claims in respect of any action, suit or proceeding directly or indirectly arising out of or relating to this application or the transactions contemplated by this application.

8 CES Express

This section provides an overview of the program participation process and benefits for CES Express.

8.1 CES Express

The CES program offers a deemed incentive pathway for lighting fixture upgrades. The CES Express program pathway (Express) provides deemed (pre-determined) financial rebates for the installation of qualified energy efficient lighting equipment at non-residential properties. Express provides an option for customers and contractors who have adequate expertise to select their own equipment and can locate or provide installation services. The Express pathway only offers rebates for the fixtures shown in “Lighting List” table below.

8.1.1 How to Apply

Before you begin work - review the rebate levels in the “Lighting List” table below. Ensure that your equipment appears on the Design Lights Consortium’s Qualified Product List⁵. Applications may be submitted before or after work is completed, but applications will be processed and incentives approved on a first-come, first-served basis, as rebate availability is subject to change without notice. Application must be submitted within 90 days after the Project is completely installed and operational.

A CES Express Application will consist of:

- ◆ Project site address, account number and project contact information
- ◆ Date the work was installed and operational
- ◆ Total project cost
- ◆ Total rebate requested (total rebate amount shall be deducted from the sales price of the invoice)
- ◆ Complete list of fixture types and quantities installed
- ◆ Invoice(s), purchase order, or store receipt with itemized list for each equipment type, for each measure installed
- ◆ After photos of installed equipment
- ◆ Any notes on projects
- ◆ Payee name (must match W9)
- ◆ W9

⁵ LED complete fixture must appear on the Design Lights Consortium’s Qualified Products List.

(www.designlights.org/search/). The “Primary Use” listed on the DLC for this product must be listed as an eligible luminaire. Please note: model number, manufacturer and brand on the manufacturer data sheets must match the model number manufacturer and brand listed on DLC or ENERGY STAR.

See more details for “Primary Use” DLC eligibility lists: <https://www.designlights.org/solid-state-lighting/qualification-requirements/product-eligibility/>

Note: contractors that complete work for CES Express projects must have an active, C-10 license; if desktop review is unable to verify active C-10 license within the CSLB website, the reviewer shall request proof of license.

An CES EA shall review the submitted documentation within the Application and confirm if the project is either approved for rebates or will provide direction on items needed for clarification within the Application. After the items within the Application pass a desktop review, the CES EA will provide an Approval Letter confirming the approved Express incentive awarded.

Figure 11 - Express Process without Post-Inspection provides a high-level overview of the Express program process if post-inspection is not applicable to the project:



Figure 11 - Express Process without Post-Inspection

Note: if the Express application is submitted before lighting is installed, the CES EA shall send an email confirmation that the rebate is reserved for 60 days. After the customer notifies the CES EA the lighting is installed, the CES EA will issue an approval letter after the application passes post-install desktop review.

If the project is selected for post-inspection, the CES EA will communicate this after the desktop review is complete and before issuing an Approval Letter. See section 29 Post-Installation Inspection for more information.

Figure 12 - Express Process with Post-Inspection provides a high-level overview of the Express program process if post-inspection is required:

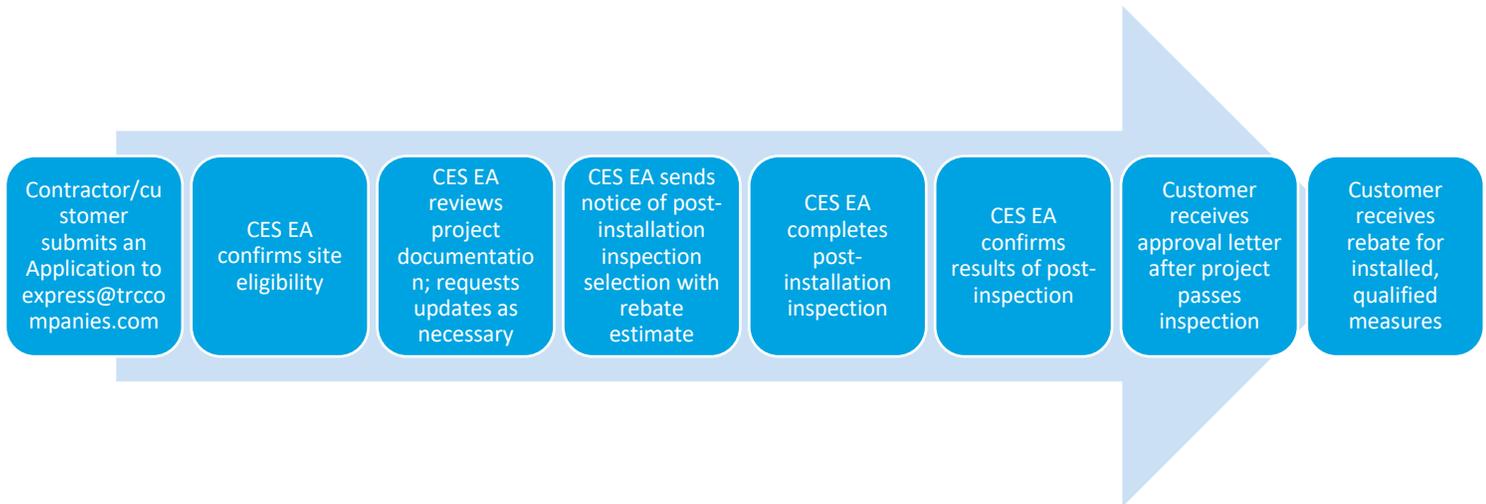


Figure 12 - Express Process with Post-Inspection

8.1.2 Lighting Eligibility

All installed LED fixtures must either be [Design Light Consortium \(DLC\)](#) or [ENERGY STAR](#) listed as a qualified product. (Please note: model number, manufacturer, and brand on the invoice must match the model number, manufacturer, and brand on the manufacturer data sheets which must also match the model number, manufacturer, and brand listed on DLC or ENERGY STAR).

Please note, screw-based and bayonet-based LED lamps are not eligible for rebates, regardless of listing on DLC or Energy Star lists.

Rebates are paid for projects that are completely installed and operational. Existing equipment must be decommissioned and recycled. Loose material or partially installed equipment is not eligible for rebates.

LED Fixture Wattage	Rebate per Fixture
≤14W	\$10
15-20W	\$15
21-35W	\$25
36-50W	\$35
51-75W	\$45
76-125W	\$70
126-175W	\$100
≥ 176W	\$130

Figure 13 - Lighting List

LED Fixture Wattage list eligible for rebates.

Note: CES Express will cap a project’s rebate at \$20,000 per meter per account per year for qualifying LED fixture upgrades. Project Rebate Caps are per calendar year (and Rebates are cumulative when compared to caps).

CES Express Rebates are subject to the Project Rebate Cap and limited to the lesser of the following:

- ◆ \$20,000 per metered account per year
- ◆ 100% of the total Project Costs

Please discuss all projects that exceed the \$20,000 cap for CES Express with program staff. CES Express staff will work with you to determine if there are other rebate pathways available to serve your project better and maximize rebates.

8.1.3 Post-Installation Inspection

A sampling of Express projects will be subject to post-installation inspections. If a customer site is selected for inspection, the payee and customer of record must agree to allow CES staff and/or SMUD inspectors to inspect the project site. CES staff and/or SMUD may request a product location form prior to inspection to confirm where the newly installed product is located including types and quantities.

If a project is selected for post-installation inspection, the program shall hold payment of incentives until the inspection passes inspection per the program requirements. A program representative (“CES Inspector”) will qualify that the project “passes” inspection if:

- ◆ The complete list of fixture types and quantities submitted within the Application match the total fixture types and quantities found on the project site
- ◆ The “after photos” submitted within the Application match what is verified on-site

All inspection findings will be documented in an Express Inspection Report and delivered to the customer or contractor who submitted the application. The project inspection will be qualified as “failed” if the Inspector finds inconsistencies between the submitted documentation and equipment installed on site. In those cases, the Express Inspection Report will identify remediation steps required to pass inspection.

The customer or contractor will have 30 days to either update and/or address the results found within the Express Inspection Report. If the customer and/or contractor does not address the comments within the Express Inspection Report, the project will be cancelled 30 days after the issuance of the Express Inspection Report and the project will be ineligible for rebates.

8.1.4 Payment

Express Rebates are based on flat rebate rates (units within the “Lighting List” table). The Payee indicated on the Application can expect to receive Rebate payment, by check, within 30 days of submission of a complete Application including ALL applicable invoices, technical data sheets and other documentation.

Projects submitted during one program year but finalized the following program year will receive the rebate amounts that were stated on their Reservation of Funds/Approval letter, regardless of which program year the project gets finalized.

Projects submitted after the last day to submit projects in that program year will be processed and paid in the following program year with the following program year’s rebates. Projects that were submitted after the close of the program will be processed in chronological order and assuming all documentation is provided, will receive the current program year’s rebates.

Program funds are available on a first-come, first-served basis. Express rebate budgets are finite and could potentially be exhausted. Rebates are subject to change without notice.