

Complete Energy Solutions Participant Handbook



Submitted by:

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Table of Contents

- 1. PROGRAM INTRODUCTION 3
 - 1.1 Program Overview 3
 - 1.2 Participation Benefits 3
 - 1.3 Participating Contractors 4
 - 1.4 Contact Information 4
- 2. PROGRAM ELIGIBILITY 5
 - 2.1 Business Eligibility 5
 - 2.2 Non-Eligible Customers 5
- 3. PROGRAM PARTICIPATION PROCESS 6
 - 3.1 Customer Journey 6
 - 3.2 Participation Steps 8
 - 3.3 CES Customer Portal 9
 - 3.4 Measures and Incentives 14
 - 3.4.1 Measures 14
 - 3.4.2 Incentives 15
- 4. COMPREHENSIVE ASSESSMENTS 17
 - 4.1 Site Assessment 17
 - 4.2 Proposal 17
 - 4.2.1 1099 Reporting 17
- 5. FINANCING 18
 - 5.1 Intent 18
 - 5.2 Process 18
 - 5.2.1 Information Collection 19
 - 5.2.2 Credit Check 19
- 6. POST-INSTALLATION VERIFICATION AND QUALITY CONTROL 20
 - 6.1 Desktop Review 20
 - 6.1.1 PTAC Controls Self Installation (Packaged Terminal Air Conditioner) 20
 - 6.2 Site Inspection 20
 - 6.3 Incentive Processing 20
 - 6.3.1 PTAC Controls Projects - Vendor Payment Exception 20
 - 6.4 Quality Control 21
 - 6.5 Contractor Quality Control 21
- 7. DISPUTE RESOLUTION 22

Table of Figures

Figure 1: CES Program Process 3

Figure 2. Detailed Customer Journey 7

Figure 3. Customer Portal Home Page 10

Figure 4. Customer Portal Application 11

Figure 5. Customer Portal Site Access Agreement..... 12

Figure 6. Customer Portal Project Status and Documents Page..... 13

Figure 7. CES Incentives..... 15

Figure 8. CES Electrification Incentives 15

Figure 9. Kitchen Equipment Incentives 16

Figure 10. EV Incentives..... 16

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 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.

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

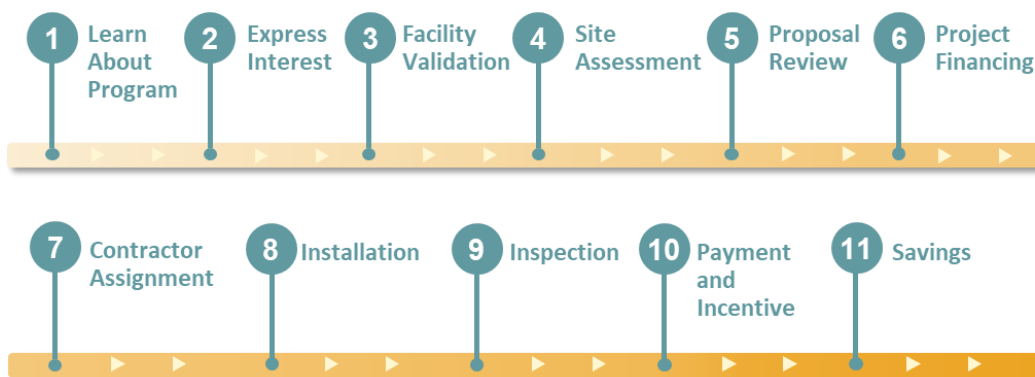


Figure 1: CES Program Process

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 Energy Advisors 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 Energy Advisor:** Once validated, CES will assign an Energy Advisor to guide you throughout the CES participation and energy upgrade processes.
- ◆ **Free site assessment:** Your Energy Advisor will conduct an 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 SMUD approved, licensed and insured contractors to perform all installations/upgrades. SMUD 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 Energy Advisor will assign an appropriate contractor to your project. The contractor will provide all project installations. Your Energy Advisor may assign multiple contractors if you install multiple measures (i.e. Water Heating and HVAC). The SMUD Contractor Network has vetted the contractors to assure they are:

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

All SMUD network contractors must maintain eligibility requirements to participate and must follow safety and equipment disposal guidelines. SMUD CES participating contractors sign a participation agreement with SMUD; 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 Energy Advisor.

The SMUD Contractor Network is always looking for quality contractors that can provide comprehensive services. For the SMUD Contractor Network 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 Energy Advisor or SMUD Strategic Account Advisor (SAA) if you would like to refer a company to participate.

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: smud.org/CES

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

SMUD Contractor Network: [SMUD Contractor Network](#)

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

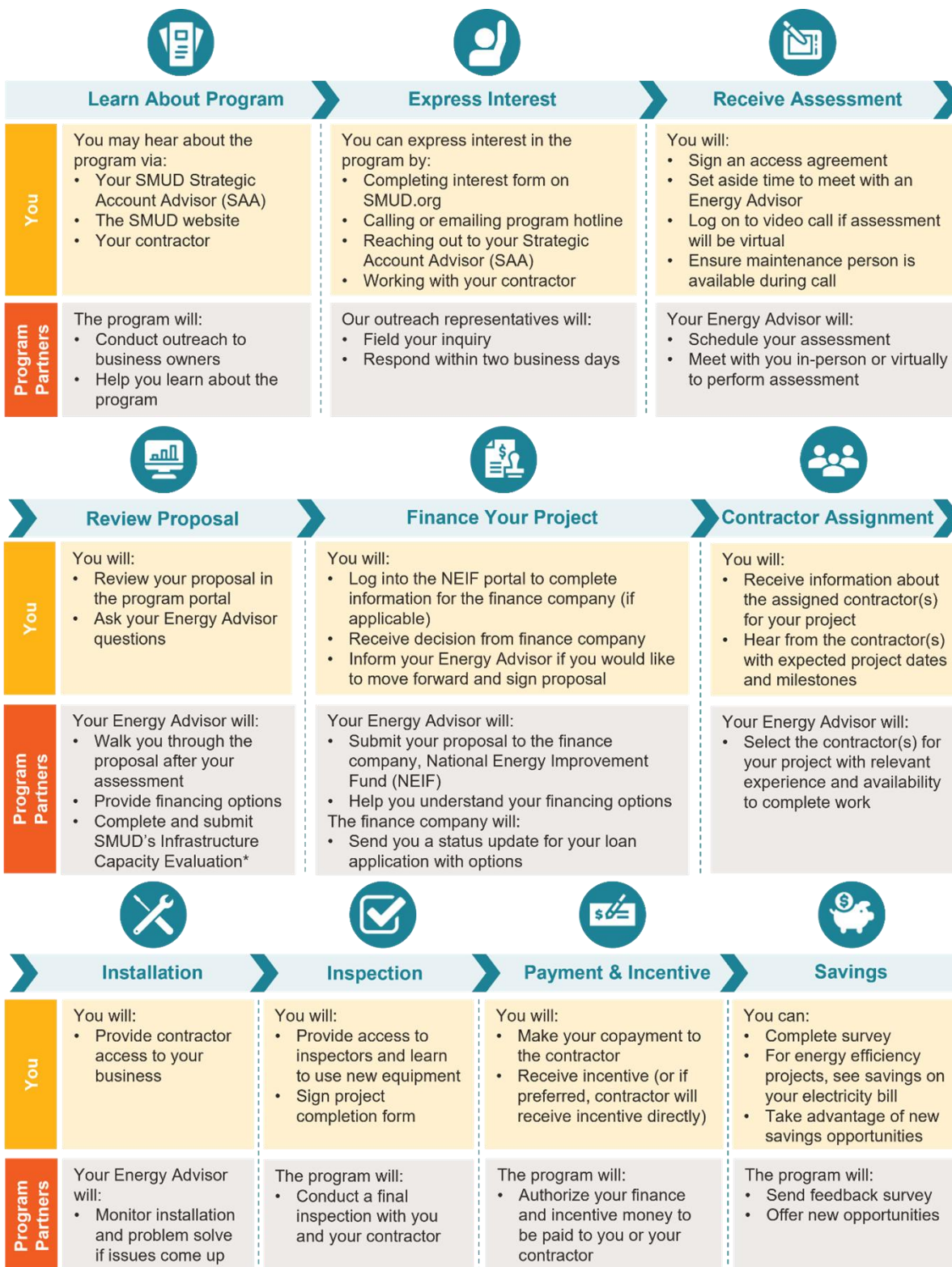
3 Program Participation Process

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 Energy Advisor to your project.
4. If the project is eligible for CES, the Energy Advisor will work with you to collect information about your building/business and schedule an in-person site assessment. The Energy Advisor 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 Energy Advisor will perform the scheduled site assessment, detailed in Section 4.1, with either you or your designated site representative. When your Energy Advisor schedules your assessment, the Energy Advisor will invite your SAA to participate.
6. Your Energy Advisor will produce a proposal, through your online portal or via email, detailed in Section 4.2, based on the completed site assessment. At the end of the assessment, the Energy Advisor 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.
 - 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 Grid Capacity Evaluation (GCE).
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.

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 Energy Advisor will either assign or work with you to select a SMUD Contractor Network participating contractor. If you have a preferred contractor that is not a SMUD Contractor Network participating contractor, the CES team can work with the contractor company to join the SMUD Contractor Network, detailed in Section 1.3.
10. Your Energy Advisor 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 SMUD Contractor Network contractor(s) for all work.
 - Your Energy Advisor 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 Grid Capacity Evaluation (GCE).
11. When your project has completed construction, you will sign the project completion package in your online customer portal or via email.
12. The Energy Advisor 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 Energy Advisor 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 Energy Advisor 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.

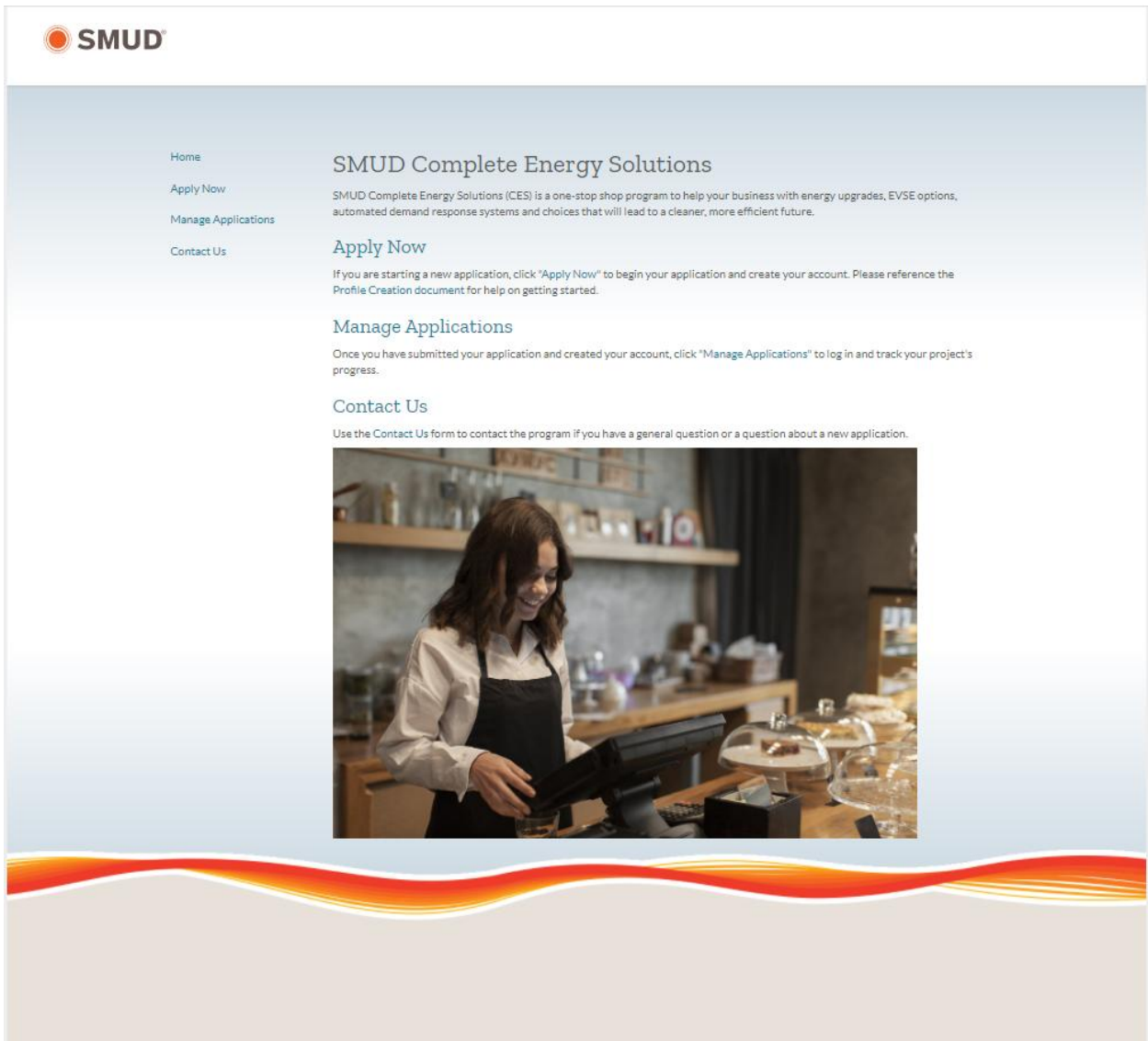


Figure 3. Customer Portal Home Page



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**
First Name

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

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

Acct #: *
Utility Account #

Meter ID:
Utility Meter #

Address: *
Address

Address (cont):
Address (Continued)

City: *
City

State/Province: *
-- Select --

Postal Code: *
Postal Code

Phone: *
Phone #

eMail: *
Email Address

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

Clear Contact

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? *

I 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



Home | My Applications | My Contacts | My Account

Jump To: Messages | Forms | Documents & Files | Equipment

Project #: SMCEAU1546950610

Project Name: Test project 2 Rob Geltner ABC Contractor
Program: Complete Energy Solutions - CES Leads
Application Date: May-4 2021 4:09PM

Project Status: Proposal Accepted

Facility and Contact Information
Where to Find Account #

Test project 2 Rob Geltner ABC Contractor
Test project 2 Rob Geltner ABC Contractor
10 Main St
Sacramento, CA 95811

Primary Contact Information

Referral Contractor

Messages

Below are messages sent between you and the program administrator.

[Send Us A Message](#)

Forms

Below is a list of all of the forms you've filled out for this project. Click on a form below to view its details.

SITE ACCESS AGREEMENT (PORTAL) | ASSESSMENT | PROPOSAL

Documents & Files

Below is a list of all of the documents and files that have been created for this project, including letters and emails. Click on an item below to view its details.

Documents

- Eligible For The Program
Created: 5/4/2021 4:20:47 PM
- Audit Scheduled, Site Access Agreement
Created: 5/4/2021 4:25:21 PM
- Customer Email For Additional Program Eligibility
Created: 5/4/2021 5:00:22 PM
- EA To Request Customer To Send/Sign Proposal
Created: 5/4/2021 5:00:22 PM

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. Refrigeration
2. Heating, ventilation and air conditioning (HVAC) energy efficiency (EE) (including programmable thermostats)
3. HVAC Go Electric (i.e., fuel switching and heat pumps)
4. Service Water Heating (SWH) EE (i.e. updating electric resistance to heat pump)
5. Service Water Heating (SWH) Go Electric (i.e., fuel switching and heat pumps)
6. Food Services efficiency (e.g., ENERGY STAR® commercial electric appliances)
7. Food Services Go Electric (i.e., fuel switching and induction stoves), including both commercial-style and residential-style induction stoves
8. Plug loads (i.e., advanced power strips, vending machines controls)
9. Electric vehicle (EV), including chargers and supply equipment
10. Other custom measures that the Energy Advisor 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 Energy Advisor will develop a custom energy savings calculator with the CMUA TRM as guidance.

¹ Actual energy savings may vary from projected savings

3.4.2 Incentives

Figure 7. CES Incentives shows the incentive levels for measure projects.

Type of Incentive	kWh Price (\$/kWh)
Refrigeration	\$0.13
HVAC	\$0.16
Electrification	Deemed Incentives (see Electrification table below)
Other Measures (kitchen equipment, domestic hot water, VFDs)	\$0.16

Figure 7. CES Incentives

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.

Electrification

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

Equipment Type	Incentive
Heat Pump Water Heater > 50 gallons	\$7,000/Unit
Split-system HPWH	\$7,000/Unit
Heat Pump Space Heater	\$1,500/Ton

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

Note: to receive incentives for kitchen equipment, there must be additional qualifying measures within the approved scope of work (e.g., 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	Up to \$3,500 per handle

Figure 10. EV Incentives

The Energy Advisor 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 SMUD’s Grid Assets to determine the scope of an infrastructure upgrade. The assigned CES Energy Advisor will help guide the SMUD Contractor Network 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 Energy Advisor will work with you or your designated on-site representative to collect current building systems conditions and usage information. Your Energy Advisor will use this information to identify program eligible upgrades through an in-person assessment.

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

Your Energy Advisor will prepare for the site assessment by establishing contact with either you or your designated on-site representative and explain the assessment process. This call will help the Energy Advisor 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 Energy Advisor cannot gather enough information via the call, the Energy Advisor will advise the site personnel to have the proper personnel available during the assessment to keep the visit as efficient as possible.

To complete the assessment, your Energy Advisor (EA) will use your SMUD electricity consumption data along with the information provided in your initial project application. This includes details such as building type, occupancy, hours of operation, and other utility information. Additionally, you will need to provide the CES team with a PG&E natural gas bill or usage data.

Electrification projects can substantially change a load profile and the submittal of the SMUD Grid Capacity Evaluation (GCE) is required in these instances to properly evaluate your site. The CES team will assist with the submittal and make sure that existing infrastructure is adequately sized.

4.2 Proposal

After the CES Energy Advisor conducts an energy assessment, the Energy Advisor 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 Energy Advisor will develop a final proposal scope that works for your schedule and budget.

4.2.1 1099 Reporting

The IRS considers any incentive payments over \$600 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:

- ◆ Project address
- ◆ Type of business (commercial, industrial, non-profit, government)
- ◆ Contractor contact
- ◆ Estimated project cost
- ◆ Incentive amount
- ◆ Annual energy savings (optional)
- ◆ Measure descriptions

Once the Energy Advisor 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:

- ◆ Business credit score
- ◆ Years in business
- ◆ Any bankruptcies within the past five years
- ◆ 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 Energy Advisor will verify upgrades are complete and operational through a combination of desktop review of project documentation and on-site inspection. Your Energy Advisor 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 or via email to initiate the site inspection process. After you have signed the package, your Energy Advisor will work with your contractor(s) to collect all the necessary project documentation. Your Energy Advisor 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. Your Energy Advisor 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 Energy Advisor has verified all necessary documentation, the Energy Advisor will work with you to schedule the in-person 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 Energy Advisor will verify that all installed equipment type, efficiency and quantity match the proposal and invoice and are fully operational. Your Energy Advisor 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.

6.3.1 PTAC Controls Projects – Vendor Payment Exception

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

6.4 Quality Control

If the Energy Advisor 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 Energy Advisor 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.

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.