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**CONTRACT FOR THE PURCHASE OF ENERGY
FROM A QUALIFYING FACILITY**

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‘Prudent Industry Practices’ means, at a particular time, any of the practices, methods

42 Scheduled Outages. QF shall submit to Alabama Power, before October 1 of each calendar year, a schedule of planned Facility outages during the next calendar

in costs greater than those which Alabama Power would incur if it did not make such

make payment shall be entitled to withhold payment of such disputed amount until the dispute is resolved

822 If any overcharge or undercharge in any form whatsoever shall at any time be found and substantiated, and the amounts set forth in the applicable Monthly Statement or invoice therefore has been paid, the Party making such payment shall be deemed to have accepted the same and shall be deemed to have agreed to pay the same.

ARTICLE 11
INDEMNIFICATION

unless Alabama Power or QF shall have designated a different officer or address for itself by written notice to the other:

'Summer

Where:

Non Summer Peak

Delivered

Energy =

the total amount of Delivered Energy (in kWh) for all

OPTION 2

ninety (90) Days of expiry, expiration or termination, and/or (iii) otherwise in compliance with the terms of such performance security.

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By no later than fourteen (14) Days prior to the expected date of initial deliveries of energy from the Facility, QF will provide to Alabama Power a detailed analysis and verification report regarding the completed testing of the performance and accuracy of the PHL estimation system which demonstrates that the installed PHL estimation system is

review and reproduction and shall include an analysis of the data provided to the

Facility Rate of Change Decrease (-MW/min) - This is the Facility's real time

AGC Setpoint Response Performance Requirement:

The AGC Setpoint Response Performance Requirement for each Month is a Root Mean Squared Error ('RMSE') less than or equal to 5. The RMSE for each Month will be calculated as follows:

$$\text{Root Mean Squared Error (RMSE)} = \frac{(\text{AGC Setpoint} - \text{Facility Energy Output})}{n}$$

Where:

AGC Setpoint = AGC Setpoint value in MW for the 6 seconds period

Facility Energy Output = the Energy output from the Facility in net kWh at the Point of Interconnection for the 6 seconds period

n

APPENDIX

CERTIFICATION OF WHETHER THE AGREEMENT

