

SETTLEMENT AGREEMENT

Between

The Pennsylvania Public Utility Commission

And

Clean Power Markets, Inc. (A Subsidiary of Comverge, Inc.)

Whereas, from April 2007 through December 2015 the Pennsylvania Public Utility Commission (“Commission”) employed Clean Power Markets, Inc. (A Subsidiary of Comverge, Inc.) (“CPM”) as the Alternative Energy Credits (“AEC”) Program Administrator (“AEC Administrator”) pursuant to written agreements (Pa. Cmwlth. SAP 4500408842 from 4-2007 through 9-2010) and (Pa. Cmwlth. SAP 4300245621 from 10-2010 through 12-2015) (“Contract” or “Contracts”) between them,

Whereas, in July 2016 the Commission determined that during the time CPM was AEC Administrator there was a calculation error in determining the quarterly adjustments to the nonsolar Tier I AEC requirements under the terms specified in the Commission’s May 28, 2009 Final Order at Docket M-2009-2093383 (“Final Order”),

Whereas, the Commission and CPM agree that the AEC Program operated in a team environment between Commission staff and CPM staff and therefore there is some shared responsibility for the calculation error,

Whereas, the Commission and CPM wish to resolve this matter,

WHEREFORE, the Commission and CPM agree as follows:

1. Neither the Commission nor CPM admits any liability with regard to the calculation error in determining the quarterly adjustments to the nonsolar Tier I AEC requirements.
2. CPM agrees to pay the Commission \$25,000.00 within ten days of execution of this Agreement, to compensate the Commission for an agreed upon pro-rata share of personnel and contractor costs incurred to address this matter. The payment shall be made to “Commonwealth of Pennsylvania.”
3. The Commission and CPM agree that this Settlement Agreement resolves any and all disputes between the parties related to or arising out of CPM’s work as AEC Program Administrator.
4. In accordance with the requirements of the Sunshine Act, 65 P.S. §§ 701 – 716, this agreement shall become effective upon approval at the Commission’s public meeting.

IN WITNESS THEREOF, intending to be legally bound, the Clean Power Markets, Inc. (A Subsidiary of Comverge, Inc.) and the Pennsylvania Public Utility Commission hereby execute this Settlement Agreement.



David Ellis
President
Clean Power Markets, Inc.
A Subsidiary of Comverge, Inc.

1/11/2017
Date



Robert C. Gramola
Director of Administration
Pennsylvania Public Utility Commission

1/11/17
Date



Bohdan R. Pankiw
Chief Counsel
Pennsylvania Public Utility Commission

1-11-2017
Date