

## PRELIMINARY FORM EPA - AMENDMENTS/CLARIFICATIONS

3 MAY 2004

The Preliminary Form EPA issued on 21 April 2004 is amended as follows:

1. The definitions of “Cold Start”, “Hot Start” and “Warm Start” in Appendix 1 are amended by adding the following words at the end of each of those definitions: “and each Start commences on the start-up of the Seller’s Plant in response to a dispatch order from the Buyer pursuant to Article 9 and ends at the end of the [RUT<sub>C</sub>, RUT<sub>H</sub>, RUT<sub>W</sub>]”.
2. The definition of “Eligible Energy” in Appendix 1 is amended by adding the following words at the end of subsection (b) in that definition: “and excluding any Energy delivered during the applicable RUT”.
3. The definition of “Equivalent Operating Hours” in Appendix 1 and Section 3 of Part D of Appendix 18 is amended by deleting “RUP” and replacing it with “RUT”.
4. The definition of “Material Permits” in Appendix 1 is amended by adding the following words at the end of that definition: “and such Permits shall not contain any restrictions that limit the ability of the Seller’s Plant to make available the Nominal Capacity or to generate associated Energy in each and every hour during the Term.”.
5. Section 3.5 of Appendix 3 is amended as follows:
  - (i) by adding the words “but not exceeding Demonstrated Capacity” after the word “Capacity” in the first line of the definitions of “AC<sub>j</sub>” and “RA<sub>j</sub>”; and
  - (ii) by deleting the acronym “DCA” in the definitions of “N” and “H<sub>FM</sub>” and replacing it with “DC<sub>Adjusted</sub>”.
6. The amount “\$6,667” in subsection (a) of the Availability Adjustment calculation in Section 3.6 of Appendix 3 is deleted and replaced with “\$16,667”.
7. Section 3.8 of Appendix 3 is amended by adding the following sentence at the end of that section: “In calculating the number of Starts in a Billing Month, there shall be included the applicable Start for a start-up of the Seller’s Plant for purposes of performing a Quarterly Demonstration Test, regardless of whether or not the Buyer issued a dispatch order for such Start, where the Seller’s Plant is shut-down as a result of a dispatch order from the Buyer pursuant to Article 9”.
8. The definition of “Excluded Hours” in Section 3.9.1 of Appendix 3 is amended by:
  - (i) adding the following words at the end of subsection (b):

“provided that where the Buyer has issued a dispatch order requiring the Seller’s Plant to turn down from Demonstrated Capacity to Demonstrated Capacity multiplied by MTD or to turn up from Demonstrated Capacity multiplied by MTD to Demonstrated Capacity, only one hour for such turn down or turn up shall be deemed to be an “Excluded Hour”;

and
  - (ii) deleting subsection (c) and replacing it with the following:

(c) hours, or portions thereof, in a Start.
9. The definition of “Gas<sub>toil</sub>” in Section 3.9.1 of Appendix 3 and Section 3 of Part N of Appendix 18 is amended by deleting the words “non-firm” and replacing them with “interruptible”.
10. Part A of Appendix 8 is amended by adding the following section as Section 6:

6. **Firm Transportation** – At all times during the Term the Seller shall ensure that it has firm transportation capacity for the transportation to the Seller’s Plant of the amount of Fuel required to make the Nominal Capacity available and to generate the Scheduled Energy at all times during the Term, other than during Scheduled Planned Outages, and to perform all tests required to be performed under this EPA after COD.

*[Note to Bidders – Section 6 above will be included only in EPAs for gas-fired plants].*

11. Section 19 of Part B, Appendix 8 is amended by deleting the amount “\$10,000” and replacing it with “\$20,000”.
12. The definition of “Net Fuel Quantity” in Section 19 of Part B and Section 18 of Part C in Appendix 16 is amended by deleting subsection (d) and replacing it with the following:
- (d) during a Start, NFQ = the applicable SUF.
13. Subsection 3(b) of Part H and Section 2 of Part O of Appendix 18 are amended by deleting the definition of “Start” and replacing it with the following:
- ““Start” means a start-up of the Seller’s Plant after the Seller’s Plant has been shut down as a result of a dispatch order from the Buyer pursuant to Article 9 and each Start commences on the start-up of the Seller’s Plant in response to a dispatch order from the Buyer pursuant to Article 9 and ends at the end of the RUT”.
14. Part H of Appendix 18 is amended by adding the following section as Section 15:
15. Section 1.1 of Appendix 3 is amended by deleting the definitions of “RUT”, “RUT<sub>C</sub>”, “RUT<sub>H</sub>”, and “RUT<sub>W</sub>” and replacing them with the following:
- “RUT” means the ramp-up time for a Start, being \_\_\_\_\_ minutes.
15. Section 12 of Part I and Section 9 of Part J of Appendix 18 are amended by:
- (i) deleting the words “of at least 120 continuous hours in each EPA Year” and replacing them with the following: “of at least 240 hours in each EPA Year of which 120 hours may be continuous”; and
- (ii) adding the following at the end of those Sections:
- “and such Permits shall permit the Seller’s Plant to make, in each EPA Year, not less than 30 switches from operating on Fuel to operating on distillate”.
16. Part J of Appendix 18 is amended by adding the following section as Section 11:
11. Appendix 8, Part A, Section 6 is amended by adding the following words at the end of that section:
- “taking into account any periods when the Seller is authorized to operate the Seller’s Plant on distillate.”
17. The definition of “Excluded Hours” in Section 3 of Part N of Appendix 18 is amended by:
- (i) deleting subsection (c) and replacing it with the following:
- (c) hours, or portions thereof, in a Start; and
- (ii) adding the following words at the end of subsection (b):
- “provided that where the Buyer has issued a dispatch order requiring the Seller’s Plant (i) to turndown from Demonstrated Capacity to Demonstrated Capacity multiplied by NDF Ratio or to Demonstrated Capacity multiplied by NDF Ratio multiplied by Minimum Turndown; or (ii) turndown from Demonstrated Capacity

multiplied by NDF Ratio to Demonstrated Capacity multiplied by NDF Ratio multiplied by Minimum Turndown; or (iii) to turn up from Demonstrated Capacity multiplied by NDF Ratio multiplied by Minimum Turndown to Demonstrated Capacity multiplied by NDF Ratio or to Demonstrated Capacity; or (iv) to turn up from Demonstrated Capacity multiplied by NDF Ratio to Demonstrated Capacity, only one hour for such turn down or turn up shall be deemed to be an “Excluded Hour””