

# OKLAHOMA MUNICIPAL POWER AUTHORITY

## AMENDMENT TO POWER SALES CONTRACT

This Amendment, entered into as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the “Amendment”) to the Power Sales Contract, entered into as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ (the “Power Sales Contract”) each between OKLAHOMA MUNICIPAL POWER AUTHORITY (the “Authority”) and [PUBLIC TRUST] (the “Public Trust”).

### WITNESSETH

WHEREAS, under the Power Sales Contract, the Authority agrees to sell and deliver to the Public Trust, and the Public Trust agrees to purchase and receive from the Authority, all electric power and energy which the Public Trust shall require for the operation of the Electric System, in certain cases over and above power and energy purchased from the SPA; and

WHEREAS, the Authority has been requested by certain of its Participating Trusts to permit such Participating Trusts to implement a Behind the Meter Generation Program, sometimes referred to as Distributed Generation, and hereinafter referred to as BTM Generation, which would affect the aforementioned all requirements provisions, and the Authority wishes to permit Participating Trusts, including the Public Trust, to do so;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, it is agreed by and between the parties hereto as follows:

#### SECTION 1. Definitions.

All terms used and not defined herein, including the preambles and attachments hereto, shall have the respective meanings given to them in the Power Sales Contract.

#### SECTION 2. Amendment to Power Sales Contract.

The Power Sales Contract is hereby amended by adding the following Section thereto:

#### “SECTION 4A. BTM Generation Program.

Notwithstanding the other provisions of this Contract, including specifically but not limited to Section 4, the Public Trust may implement a BTM Generation Program subject to the BTM Generation Program Parameters.

“BTM Generation Program” means a program offered by the Public Trust for its customers that install renewable energy systems to generate their own electricity that can be used to offset a portion of the electric energy provided by the Public Trust, with any excess energy generated by the customer being delivered to the Public Trust.

“BTM Generation Program Parameters” means the BTM Generation Program Parameters attached hereto.”

SECTION 3. Amendment of this Amendment.

Except as provided for expressly herein, neither this Amendment nor any terms hereof may be terminated, amended, supplemented, waived or modified except by an instrument in writing executed by each party to this Amendment.

SECTION 4. Effectiveness; Opinion as to Validity.

Notwithstanding any other provision of this Amendment, this Amendment shall not become effective unless this Amendment shall have been authorized by the governing body of the Public Trust and by the governing body of the city that is the beneficiary of the Public Trust, and upon the execution and delivery of this Amendment the Public Trust shall furnish the Authority with certified copies of such approvals.

SECTION 5. Governing Law.

This Amendment shall be governed by and construed in accordance with the laws of the State of Oklahoma.

SECTION 6. Headings.

The headings in this Amendment are for reference only and shall not limit or otherwise affect the meaning hereof.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their proper officers, respectively, being thereunto duly authorized, and their respective corporate seals to be hereto affixed, as of the day, month and year first above written.

(SEAL)

OKLAHOMA MUNICIPAL POWER  
AUTHORITY

Attest:

By \_\_\_\_\_  
Secretary

By \_\_\_\_\_

[PUBLIC TRUST]

(SEAL)

Attest:

By \_\_\_\_\_  
Secretary

By \_\_\_\_\_