[Commenter 3]
Comments on Indexed REC Contract

From: [Commenter 3]
Sent: Friday, September 4, 2026 5:06 PM
To: Illinois-RFP <Illinois-RFP@nera.com>
Cc: [Commenter 3]
Subject: IPA REC Contract Comments (Fall 2026)

Hello,

Attached are [Commenter 3]'s comments on the Draft Indexed REC Contract. Please treat these comments as confidential.

Thank you,
[Commenter 3]
[Commenter 3]'s title

1. ITC and Tariff Protection — We feel that Section 11.3 does not provide adequate certainty that projects will receive necessary relief in the event that ITC qualification is unexpectedly eliminated or reduced, as the section currently describes relief as up to the discretion of the IPA. In light of recent tariff protection, we feel that tariff protection needs to be added to this section or another section.
    a. We suggest that the REC Contract provide an automatic termination right to the Seller if the project becomes economically unviable due to the elimination of tax credits, imposition of unforeseen tariffs, or if the project is delayed beyond the 2030 ITC cliff for reasons out of the developer's control, such as interconnection delays.
    b. Alternatively, if a termination right isn't preferred by the IPA, we would be comfortable with a mechanism that allows parties to negotiate in good faith to make necessary contract amendments within [60] days. If parties are unable to reach an agreement, the parties would terminate.
2. Basis Protection -- We propose that for 100-125 hours per year, Seller can elect to treat energy as delivered at the busbar rather than hub. Seller would have the ability to select which hours in a given year but would be capped at 100-125 hours annually.
3. Project Substitution — We believe it would be beneficial for the IPA to allow developers to replace contracted projects with similar projects while maintaining the contracted strike price, as it would help developers resolve unexpected economic changes due to ITC qualification, tariffs, interconnection delays, etc.