Arkansas Public Service Commission
Notice, Application, and Affidavit
For Net-Metering Leases and Service Agreements
Pursuant to Net-Metering Rule 2.08 and
Arkansas Code § 23-18-603(7)

Applicability: Customers who do not own the proposed Net-Metering Facility must provide this form to the electric utility at or before the submission of a Standard Interconnection Agreement in order to certify compliance with Arkansas Code § 23-18-603(7) pursuant to Net-Metering Rule 2.08.

I, [name of authorized agent], am the [title] of [legal name of the person, company, or institution] (the “Applicant”), and am authorized in this capacity to submit on behalf of the Applicant this Notice and Affidavit pursuant to the Arkansas Renewable Energy Development Act of 2001 (“AREDA”), Arkansas Code § 23-18-601 et seq., on the date of my signature below.

I understand, agree, and certify as follows (initial as applicable):

1. For Leases under Arkansas Code § 23-18-603(7)(B): The Applicant leases a Net-Metering Facility under a lease that is in compliance with all Arkansas Public Service Commission (“Commission”) rules and Arkansas Code § 23-18-603(7)(B), which provides the following limitations: [_____]
   a. A lease shall not permit the sale of electric energy measured in kilowatt hours or electric capacity measured in kilowatts between the lessor and lessee; and
   b. A lease shall not include any charge per kilowatt hour or any charge per kilowatt; or

2. For Service Agreements under Arkansas Code § 23-18-603(7)(C) (i.e., “Safe Harbor”): The Applicant is one of the following:
   a. A state government entity; [_____]
   b. A federal government entity; [_____] or
   c. Other entity that is exempt from state and federal income tax, [_____] which obtains or will obtain electric energy from a net-metering facility under a service contract that is in compliance with all Commission rules
and that qualifies for safe-harbor protection as provided under Arkansas Code § 23-18-603(7)(C) and 26 U.S.C. § 7701(e)(3)(A), which includes the following requirements (initial all that apply):

i. The contract or arrangement between a service provider and the Applicant for the sale to the Applicant of electrical or thermal energy produced at a cogeneration or alternative energy facility purports to be a service contract, [_____]

ii. The Applicant does not operate the Net-Metering Facility, [_____]

iii. The Applicant (or a related entity) does not bear any significant financial burden if there is nonperformance under the contract or arrangement (other than for reasons beyond the control of the service provider), [_____]

iv. The Applicant (or a related entity) does not receive any significant financial benefit if the operating costs of the Net-Metering Facility are less than the standards of performance or operation under the contract or arrangement, [_____]

v. The Applicant (or a related entity) does not have an option to purchase, or may be required to purchase, all or a part of such facility at a fixed and determinable price (other than for fair market value), [_____]

vi. **Applicable only to federal agencies**: The Applicant meets the requirements provided by the Internal Revenue Service in Revenue Procedure 2017-19. [_____]
AFFIANT CERTIFICATION

The undersigned Affiant hereby swears and affirms that the foregoing Notice and Affidavit is true and correct and copy of identification of Affiant is attached.

_______________________________________
Signature of Affiant

[ ]
Print name of Affiant

LEGAL NAME OF APPLICANT

Its: [Official Title of Authorized Agent]

Dated this | day of | , 2020.
NOTARY CERTIFICATION

State of | }
County of | }

| ss. |

On the _______ day of _______ in the year _______, before me, the undersigned notary public, personally appeared __________________________, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the application and affidavit form herein, and acknowledged to me that he/she/they executed the application and affidavit form for the purposes therein expressed.

______________________________
Notary Public’s Signature

My Commission Expires: ______________________

Affix Notary Seal: