

**AMENDMENT NO. 1
INCORPORATED COUNTY OF LOS ALAMOS
SERVICES AGREEMENT NO. 20-926**

This **AMENDMENT NO. 1** is entered into by and between the **Incorporated County of Los Alamos**, an incorporated county of the State of New Mexico ("Buyer"), and **Uniper Global Commodities North America LLC**, a limited liability corporation ("Seller"), to be effective for all purposes January 21, 2021. Seller and Buyer are sometimes hereinafter referred to collectively as the "Parties" and individually as "Party."

WHEREAS, County and Contractor entered into Agreement No. 20-926, dated as of January 28, 2020, (the "Agreement") for Power and Renewable Energy Credit Sales Agreement; and

WHEREAS, the Board of Public Utilities approved this Amendment at a public meeting held on January 20, 2021; and

WHEREAS, the County Council approved this Amendment at a public meeting held on January 26, 2021; and

WHEREAS, pursuant to Section 11.5 of the Agreement, the Parties wish to amend the Agreement; and

NOW, THEREFORE, for good and valuable consideration, the Parties agree as follows:

To delete **Section 1.1(m) "Delivered Rate"** in its entirety and replace with the following:

m. "Delivered Rate" means (i) with respect to the Contract Quantity, \$39.67 per megawatt-hour and (ii) with respect to Supplemental Solar Energy or Supplemental Wind Energy, the relevant S&P Global Platts Megawatt Daily Palo Verde Day-Ahead On-Peak or Off-Peak price, as applicable, plus \$0.75 per REC.

Except as expressly modified by this Amendment, the terms and conditions of the Agreement remain unchanged and in effect.

Capitalized terms used herein and not otherwise defined herein shall have the meanings given to them in the Agreement. This Amendment No. 1 shall be construed as supplementing and forming part of the Agreement and shall be read accordingly.

This Amendment No. 1 shall be binding upon and inure to the benefit of the permitted successors and assigns of the Parties hereto. This Amendment No. 1 shall be governed, construed and interpreted in accordance with the laws of the state of New Mexico, without regard to principles of conflicts of law.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 on the date(s) set forth opposite the signatures of their authorized representatives to be effective for all purposes on the date first written above.

ATTEST

INCORPORATED COUNTY OF LOS ALAMOS

NAOMI D. MAESTAS
COUNTY CLERK

BY: _____ **DATE**
PHILO S. SHELTON, III P.E.
UTILITIES MANAGER

Approved as to form:

J. ALVIN LEAPHART
COUNTY ATTORNEY

UNIPER GLOBAL COMMODITIES NORTH AMERICA
LLC, A LIMITED LIABILITY CORPORATION

BY: _____ **DATE**
NAME: _____
TITLE: _____