

microFIT Program Update

August 25, 2010

Summary of changes to the microFIT Rules and contract

Version 1.5

The OPA has made the following changes to the microFIT Program.

Eligible Participant Schedule	Change	Reason for Change
Eligible participant schedule	This is a new schedule that has been created for the microFIT Program.	<p>The eligible participant schedule has been created to identify which types of applicants are eligible to submit an application to the microFIT Program. The schedule also identifies the requirements for an eligible participant.</p> <p>Similar to the microFIT price schedule, the eligible participant schedule may be updated from time to time to include new eligible participants (based on recommendations from the microFIT Advisory Panel, for example).</p>

Rules Section	Change	Reason for Change
2.1 (c)	The requirement that the supplier must have legal authority to access the land on which the project is located has been removed. The supplier is required to be the registered owner of the land. Leasing arrangements are not permitted.	Under the previous versions of the microFIT Rules, microFIT participants were able to lease the land on which projects were located. This created the need for a requirement that the supplier had appropriate legal access to the land. Consistent with the policy direction announcement on August 13, 2010, participants in the microFIT Program are now required to own the land on which the project is located.
2.1 (h)	To be eligible to submit an application to the microFIT Program, an applicant must be an eligible participant.	Consistent with the policy direction announced on August 13, 2010.
2.2 (e)	The applicant for an incremental project must be an eligible participant.	To ensure that expansions to existing projects may only be made in the microFIT Program by applicants who are eligible participants.
3.1 (a) xii	The application form requires the applicant to: (i) identify what type of eligible participant the applicant is, and (ii) declare that the applicant is an eligible participant according to the eligible participant schedule.	To ensure that only eligible applicants will be able to submit an application.
6.4 (a)	The supplier may only assign its rights and obligations under the microFIT contract to another eligible participant.	This change will ensure that the supplier will remain an eligible participant for the duration of the contract.

Definition 18	The definition of eligible participant schedule was added to the microFIT Rules. The schedule defines the persons and entities eligible to submit an application, and who are eligible to be suppliers. The schedule is set by the OPA and may be amended by the OPA.	The eligible participant schedule has been created to identify which types of applicants are eligible to submit an application to the microFIT Program. The schedule also identifies the requirements for an eligible participant.
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Contract Section	Change	Reason for Change
6.4.7	A warranty has been added that the supplier was, at the time of the application, and continues to be as of the date of the microFIT contract, an eligible participant.	By accepting the microFIT contract, the applicant is confirming that the Supplier is an eligible participant and that the Supplier will not sell or assign the contract to someone who is not an eligible participant.
12	The supplier may only assign its rights and obligations under the contract to another eligible participant.	This change will ensure that the supplier will remain an eligible participant for the duration of the contract.