

**OKLAHOMA MUNICIPAL POWER AUTHORITY**

**AMENDMENT TO POWER  
SALES CONTRACT**

This amendment entered into as of the 5th day of January, 2021 (the “Amendment”) to the Power Sales Contract, entered into as of the 29th day of November, 2012 (the “Power Sales Contract”) each between OKLAHOMA MUNICIPAL POWER AUTHORITY (the “Authority”) and the MANGUM UTILITY AUTHORITY (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.

OKLAHOMA MUNICIPAL POWER  
AUTHORITY

Attest:

By \_\_\_\_\_

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

(SEAL)

MANGUM UTILITY AUTHORITY

Attest:

By \_\_\_\_\_

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

(SEAL)

**OKLAHOMA MUNICIPAL POWER AUTHORITY**  
**BTM Generation Program Parameters**

(1) The Public Trust shall be solely responsible for determining whether to institute a BTM Generation Program, which shall be subject to these parameters. The Public Trust also shall be solely responsible for implementing the BTM Generation Program and for any and all costs and liabilities in connection therewith. The Authority makes no representation or recommendation with respect to the BTM Generation Program and will make none with respect to any particular Eligible Facility.

(2) The BTM Generation Program shall be limited to Eligible Facilities. “Eligible Facilities” means (a) wind, solar, biomass or hydro electric energy generating facilities, (b) that are operated solely by an Eligible Customer, (c) that are located solely on the premises of the Eligible Customer, and (d) that are used solely to offset all or part of the customer’s electric energy requirements. The Public Trust shall not wheel electric energy produced by Eligible Facilities. BTM Generation shall be discontinued for customers no longer operating the facility.

(3) “Eligible Customers” means retail customers (whether residential, commercial or industrial) of the Public Trust that operate an Eligible Facility.

(4) The Public Trust shall limit the nameplate capacity of Eligible Facilities for all of its customers in the aggregate, as follows:

(a) Aggregate nameplate capacity (kW) shall be limited to the greater of (i) 1% of the average of the Public Trust’s peak demand (kW) for the preceding three full calendar years, as determined, and provided to the Public Trust upon request, by OMPA or (ii) 50kW.

(b) The Public Trust shall request such determination at least 15 business days prior to the first approval by the Public Trust of an Eligible Facility in each calendar year.

(5) The Authority has an interest in monitoring (i) compliance with the BTM Generation Program parameters and (ii) its Power Supply System load. Accordingly, each Public Trust shall:

(a) Notify the Authority of the nature of each Eligible Facility and its nameplate capacity at least 15 business days prior to approving the facility.

(b) Notify the Authority of the loss of eligibility or other termination, disconnection or discontinuance of any Eligible Facility.

(c) Report to the Authority annually on March 1 of the net change in installed nameplate capacity of all Eligible Facilities in (i) the previous calendar year and (ii) cumulatively (as of the close of the previous calendar year) since inception of the BTM Generation Program.

(d) Notices and reports shall be sent to the Authority to the attention of the Engineering Department.