

APPENDIX 3 – ILLUSTRATIVE STANDARD PART 1 FORM DEFAULT SERVICE PROGRAM REQUEST FOR PROPOSALS

PECO Energy Company (“Company” or “PECO”) is intending to obtain full requirements electric supply to meet a portion of its obligations as Default Service Provider through this Request for Proposals (“RFP”).

Before completing this online Part 1 Form, please review the RFP, including the PECO Energy Company Pennsylvania Default Service Supplier Master Agreement (“Uniform SMA”), so that you understand the conditions under which the RFP will be conducted. These documents are posted at www.PECOprocurement.com.

By submitting a Part 1 Proposal in response to this RFP, you are agreeing to all terms and conditions of this RFP.

Any information provided by an RFP Bidder in this Part 1 Proposal is provided on a confidential basis to the Independent Evaluator, and may be provided on a confidential basis to the Staff of the Pennsylvania Public Utility Commission. PECO representatives will review financial information and will participate in the evaluation of the creditworthiness of each RFP Bidder. Information regarding the content or status of any Part 1 Proposal will not be released publicly or to any individual RFP Bidder during the evaluation process.

STANDARD PART 1 FORM

1. Contact Information and Representations

First Item: Name and Address of the RFP Bidder

PLEASE PROVIDE THE RFP BIDDER'S LEGAL NAME AND ADDRESS.

Legal Name of RFP Bidder

Street Address

City

State

Zip Code

Second Item: Officer of the RFP Bidder

The Officer of the RFP Bidder must be an officer, a director, or an individual otherwise authorized to undertake contracts (including the Uniform SMA) and bind the RFP Bidder. The Officer of the RFP Bidder whose contact information is provided in this online Part 1 Form must:

- make all representations required by the Part 1 Proposal requirements; and
- make all representations required by the Part 2 Proposal requirements.

PLEASE PROVIDE THE NAME AND CONTACT INFORMATION FOR THE OFFICER OF THE RFP BIDDER.

First Name

Last Name

Title

Street Address

City

State

Zip Code

Phone No.

Email Address

Third Item: Representative of the RFP Bidder


The Independent Evaluator uses the Representative as the main point of contact for the RFP Bidder.

PLEASE PROVIDE THE NAME AND CONTACT INFORMATION FOR THE REPRESENTATIVE OF THE RFP BIDDER. The Officer of the RFP Bidder may also serve as the Representative.

<i>First Name</i>	<i>Last Name</i>	
<input type="text"/>	<input type="text"/>	
<i>Title</i>		
<input type="text"/>		
<i>Street Address</i>		
<input type="text"/>		
<input type="text"/>		
<i>City</i>	<i>State</i>	<i>Zip Code</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Phone No.</i>	<i>Cell Phone No. (optional)</i>	<i>Email Address</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>

THE OFFICER OF THE RFP BIDDER MUST DESIGNATE THE INDIVIDUAL NAMED ABOVE TO SERVE AS THE REPRESENTATIVE OF THE RFP BIDDER BY COMPLETING THE REPRESENTATIVE INSERT. The Representative Insert is also labelled INSERT #P1-1.

Name of RFP Bidder

 **REPRESENTATIVE INSERT (#P1-1)**

THE OFFICER OF THE RFP BIDDER MUST DESIGNATE THE INDIVIDUAL WHOSE CONTACT INFORMATION IS PROVIDED IN THE ONLINE PART 1 FORM AS THE REPRESENTATIVE.

I, _____ (the Officer of the RFP Bidder), hereby designate _____ (name of the Representative) to serve as the Representative of the RFP Bidder.

Signature of Officer

Date

Fourth Item: Nominees

The Independent Evaluator provides notifications to the RFP Bidder by email and provides documents needed for participation by secure file transfer. Any such notification will be deemed received by the RFP Bidder at the time of delivery or transmission, provided that where delivery or transmission occurs after 6

PM on a business day or occurs on a day that is not a business day, receipt will be deemed to occur at 9 AM on the following business day.

The RFP Bidder may designate up to three (3) authorized individuals (each called a “Nominee”) to receive communications from the Independent Evaluator in addition to the Representative. The RFP Bidder may make such a designation at any time during the solicitation.

Is the RFP Bidder designating Nominees at this time?

Yes

No

THE REPRESENTATIVE OF THE RFP BIDDER OR THE OFFICER OF THE RFP BIDDER DESIGNATES NOMINEES BY COMPLETING THE NOMINEE INSERT. The Nominee Insert is also labelled INSERT #P1-2.

Name of RFP Bidder

NOMINEE INSERT (#P1-2)

Please note! This insert is optional.

I, _____ (the Officer of the RFP Bidder or the Representative of the RFP Bidder), authorize the individuals whose contact details are immediately below to receive communications from the Independent Evaluator and to act on behalf of the RFP Bidder during the Proposal submission process.

Signature

Date

Contact Information for Nominee #1

First Name

Last Name

Title

Phone No.

Cell Phone No. (optional)

Email Address

Contact Information for Nominee #2

First Name

Last Name

Title

Phone No.

Cell Phone No. (optional)

Email Address

Contact Information for Nominee #3

First Name

Last Name

Title

Phone No.

Cell Phone No. (optional)

Email Address

Notes (optional)

The RFP Bidder may provide additional information here, such as period during which a particular individual will act as Nominee or the individual that a Nominee is replacing.

Fifth Item: Representations by the Officer of the RFP Bidder

The Officer of the RFP Bidder must make a number of certifications as detailed in Paragraphs IV.1.5, IV.3.3, IV.5.1, and IV.5.2 of the RFP Rules. **THE OFFICER OF THE RFP BIDDER MAKES SUCH CERTIFICATIONS BY COMPLETING THE P1 CERTIFICATIONS INSERT. THE SIGNATURE OF THE OFFICER OF THE RFP BIDDER MUST BE NOTARIZED.** The P1 Certifications Insert is also labelled INSERT #P1-3.

Name of RFP Bidder

 **P1 CERTIFICATIONS INSERT (#P1-3)**

An RFP Bidder found to be acting in concert with another RFP Bidder may be disqualified by the Independent Evaluator.

I certify that:

- (1) I am an officer, a director, or an individual otherwise authorized to undertake contracts (including the PECO Energy Company - Pennsylvania Default Service Supplier Master Agreement) and bind the RFP Bidder.
- (2) This Part 1 Proposal will remain valid and remain in full force and effect until six (6) business days after the Bid Date.
- (3) All information provided in this Part 1 Proposal is true and accurate to the best of my knowledge and belief.

- (4) If, for any reason or due to any circumstance, any information provided in this Part 1 Proposal changes or any previous certification fails to remain valid before the sixth business day after the Bid Date, I or the Representative will notify the Independent Evaluator of such changes as soon as practicable but in no event later than one (1) day before the Bid Date.
- (5) The RFP Bidder has no actions at law, suits in equity, proceedings or claims pending or, to the RFP Bidder's knowledge, threatened against it before any federal, state, foreign or local court, tribunal or governmental agency or authority that might materially delay, prevent or hinder the RFP Bidder's performance of its obligations under the Uniform SMA.
- (6) The RFP Bidder is not bankrupt or insolvent and there are no proceedings pending or being contemplated by it or, to its knowledge, threatened against it which would result in it being or becoming bankrupt or insolvent.
- (7) I understand the terms of the Uniform SMA. The RFP Bidder accepts all of the terms of the Uniform SMA without modifications, and the RFP Bidder will execute the Uniform SMA and the Transaction Confirmation(s) for all Bids approved by the Commission.
- (8) The submission of this Part 1 Proposal constitutes the RFP Bidder's acknowledgement and acceptance of all the terms and conditions of the RFP, regardless of the outcome of the solicitation or the outcome of such Proposal.
- (9) The RFP Bidder is not part of a bidding agreement, a joint venture for purposes of participating in any solicitation for this RFP, a bidding consortium, or any other type of agreement related to bidding in any solicitation of this RFP.

Signature of Officer

Date

Printed Name

Date

Signature and Seal from Notary Public

Date

Sixth Item: Election of Entity on Whose Financial Standing the RFP Bidder Is Relying

PLEASE SELECT THE ENTITY UPON WHOSE FINANCIAL STANDING THE RFP BIDDER IS RELYING AS REQUIRED BY PARAGRAPH IV.2.1 OF THE RFP RULES:

- (a) the RFP Bidder is relying on its own financial standing.
- (b) the RFP Bidder is relying on the financial standing of a guarantor.
- (c) the RFP Bidder is submitting a Proposal under an Agency Agreement and the RFP Bidder is relying on the financial standing of a Principal.



2.a. Financial and Credit Requirements

The RFP Bidder is the entity on whose financial standing the RFP Bidder is relying.

First Item: Financial Information

IF AVAILABLE, PLEASE PROVIDE THE MOST RECENT QUARTERLY FINANCIAL INFORMATION FOR THE RFP BIDDER, including a balance sheet, income statement, cash flow statement, and any accompanying notes and schedules:

- **IF AVAILABLE, YOU MUST PROVIDE THE MOST RECENT SECURITIES AND EXCHANGE COMMISSION (“SEC”) FORM 10-Q OR 10-K (WHICHEVER IS MORE RECENT) TO FULFILL THIS REQUIREMENT;**
- **IF THE SEC FORM 10-Q OR 10-K IS UNAVAILABLE, PLEASE PROVIDE, IF AVAILABLE, THE RFP BIDDER’S MOST RECENT QUARTERLY, MONTHLY, OR BI-ANNUAL FINANCIAL INFORMATION** accompanied by an attestation by the Chief Financial Officer (or equivalent position) that the information contained in the financial statements fairly presents in all material respects the financial condition and results of the operations of the RFP Bidder. The requirements for this attestation are provided more specifically in Appendix 5 of the RFP Rules.

	<i>Most recent quarterly financial information (or, if unavailable, most recent monthly or bi-annual financial information accompanied by an attestation by the Chief Financial Officer)</i> IF THE INFORMATION IS UNAVAILABLE, PLEASE SO STATE IN THE JUSTIFICATION OF OMISSIONS SECTION.
	<i>Attestation from Chief Financial Officer if necessary.</i>

Second Item: Credit Ratings

PLEASE PROVIDE ALL AVAILABLE CREDIT RATINGS FOR THE RFP BIDDER.

Is the RFP Bidder rated by Standard & Poor’s Rating Services (“S&P”)?

Yes **No**

RFP Bidder’s rating: _____
 Type of rating (**check one**): Senior unsecured debt rating Corporate issuer rating

Is the RFP Bidder rated by Moody’s Investors Service, Inc. (“Moody’s”)?

Yes **No**

RFP Bidder’s rating: _____
 Type of rating (**check one**): Senior unsecured debt rating Corporate issuer rating

Is the RFP Bidder rated by Fitch, Inc. (“Fitch”)?

Yes **No**

RFP Bidder’s rating: _____
 Type of rating (**check one**): Senior unsecured debt rating Corporate issuer rating

2.b. Financial and Credit Requirements

The RFP Bidder is relying on financial standing of an RFP Guarantor.

First Item: Name and Address of RFP Guarantor

PLEASE PROVIDE THE LEGAL NAME AND ADDRESS OF THE RFP GUARANTOR.

Legal Name of RFP Guarantor

Street Address

City

State



Zip Code

Second Item: Financial Information

Financial information must be available for the RFP Guarantor.

PLEASE PROVIDE THE MOST RECENT QUARTERLY FINANCIAL INFORMATION FOR THE RFP GUARANTOR, including a balance sheet, income statement, cash flow statement, and any accompanying notes and schedules:

- **IF AVAILABLE, YOU MUST PROVIDE THE MOST RECENT SECURITIES AND EXCHANGE COMMISSION (“SEC”) FORM 10-Q OR 10-K (WHICHEVER IS MORE RECENT) TO FULFILL THIS REQUIREMENT;**
- **IF THE SEC FORM 10-Q OR 10-K IS UNAVAILABLE, YOU MUST PROVIDE THE RFP GUARANTOR’S MOST RECENT QUARTERLY, MONTHLY, OR BI-ANNUAL FINANCIAL INFORMATION** accompanied by an attestation by the Chief Financial Officer (or equivalent position) that the information contained in the financial statements fairly presents in all material respects the financial condition and results of the operations of the RFP Bidder. The requirements for this attestation are provided more specifically in Appendix 5 of the RFP Rules.

	<i>Most recent quarterly financial information (or, if unavailable, most recent monthly or bi-annual financial information accompanied by an attestation by the Chief Financial Officer)</i>
	<i>Attestation from Chief Financial Officer (if necessary)</i>

Third Item: Credit Ratings

PLEASE PROVIDE THE CREDIT RATINGS FOR THE RFP GUARANTOR.

Is the RFP Guarantor rated by Standard & Poor's Rating Services ("S&P")?

Yes **No**

RFP Guarantor's rating: _____
Type of rating (**check one**): Senior unsecured debt rating Corporate issuer rating

Is the RFP Guarantor rated by Moody's Investors Service, Inc. ("Moody's")?

Yes **No**

RFP Guarantor's rating: _____
Type of rating (**check one**): Senior unsecured debt rating Corporate issuer rating

Is the RFP Guarantor rated by Fitch, Inc. ("Fitch")?

Yes **No**

RFP Guarantor's rating: _____
Type of rating (**check one**): Senior unsecured debt rating Corporate issuer rating

Fourth Item: Information to Prepare the Guaranty

In accordance with Paragraph IV.3.5 of the RFP Rules, **THE RFP BIDDER IS ASKED TO PROVIDE THE FOLLOWING INFORMATION TO PREPARE THE GUARANTY:**

- the governing laws under which the RFP Guarantor is organized;
- contact information for the RFP Guarantor, including the name and title of the signatory of the guaranty for notices under the guaranty;
- elections to incorporate any or all of the approved modifications to the Standard Guaranty.

THE RFP BIDDER MUST EITHER: (i) **PROVIDE THE REQUESTED INFORMATION TO PREPARE THE GUARANTY** at this time; **OR:** (ii) **SUBMIT AN ACKNOWLEDGMENT SIGNED BY THE OFFICER OF THE RFP BIDDER** that, if the Independent Evaluator notifies the RFP Bidder that the Independent Evaluator is identifying one or more of the RFP Bidder's Bids to the Commission as winning Bids, the RFP Bidder must provide all required information by 12 PM (noon) EPT on the day after such notification is received.

Is the RFP Bidder providing information to prepare the guaranty at this time?

Yes **No**

Yes

THE RFP BIDDER PROVIDES THE INFORMATION TO PREPARE THE GUARANTY BY COMPLETING THE GUARANTY INSERT. The Guaranty Insert is also labelled INSERT #P1-4.

Name of RFP Bidder

 **GUARANTY INSERT (#P1-4)**

Please note! RFP Bidders relying on the financial standing of an RFP Guarantor must submit one (but ONLY one) of Insert #P1-4 or Insert #P1-5.

1. Governing Laws under which the RFP Guarantor is Organized

Whether the RFP Guarantor is a Corporation, Partnership, etc.

Jurisdiction under whose laws the RFP Guarantor is existing and organized.

Name of relevant and binding corporate organizational document, such as Declaration of Trust, Limited Liability Company Agreement, Articles of Incorporation and by-laws.

2. Governing Laws under which the RFP Bidder is Organized

Whether the RFP Bidder is a Corporation, Partnership, etc.

Jurisdiction under whose laws the RFP Bidder is existing and organized.

3. Contact Information

Please provide the name and contact information for the person to whom notices and other communications will be sent under the guaranty:

First Name

Last Name

Title

Company

Street Address

City

State

Zip Code

Phone Number

Fax

Please provide the name and title of the person who will be signing the guaranty:

First Name

Last Name

Title

4. Elections of Optional Modifications to the Guaranty

Optional changes that the RFP Bidder may adopt for the Form of Guaranty are provided in a document entitled "Optional Modifications to the Guaranty" available on the website.

PLEASE INDICATE THE CHANGES THAT YOU ARE ELECTING IN THE TABLE BELOW.

Optional Change	Paragraph	RFP Bidder adopts change
1	Preamble	<input type="checkbox"/> yes <input type="checkbox"/> no
2	Paragraph 1	<input type="checkbox"/> yes <input type="checkbox"/> no
3	Paragraph 1	<input type="checkbox"/> yes <input type="checkbox"/> no
4	Paragraph 1	<input type="checkbox"/> yes <input type="checkbox"/> no
5	Paragraph 1	<input type="checkbox"/> yes <input type="checkbox"/> no
6	Paragraph 1	<input type="checkbox"/> yes <input type="checkbox"/> no
7	Paragraph 1	<input type="checkbox"/> yes <input type="checkbox"/> no
8	Paragraph 1	<input type="checkbox"/> yes (*) <input type="checkbox"/> no Provide the information below under (*)
9	Paragraph 2	<input type="checkbox"/> yes <input type="checkbox"/> no
10	Paragraph 4	<input type="checkbox"/> yes <input type="checkbox"/> no
11	Paragraph 5	<input type="checkbox"/> yes <input type="checkbox"/> no
12	Paragraph 10	<input type="checkbox"/> yes <input type="checkbox"/> no
13	Paragraph 11	<input type="checkbox"/> yes <input type="checkbox"/> no
14	Paragraph 11	<input type="checkbox"/> yes <input type="checkbox"/> no
15	Paragraph 12	<input type="checkbox"/> yes <input type="checkbox"/> no
16	Paragraph 13	<input type="checkbox"/> yes <input type="checkbox"/> no
17	Paragraph 14	<input type="checkbox"/> yes <input type="checkbox"/> no
18	Paragraph 14	<input type="checkbox"/> yes <input type="checkbox"/> no
19	Paragraph 14	<input type="checkbox"/> yes <input type="checkbox"/> no
20	Paragraph 17	<input type="checkbox"/> yes (**) <input type="checkbox"/> no Provide the information below under (**)
21	Closing Paragraph and Signature Block	<input type="checkbox"/> yes <input type="checkbox"/> no
22	Additional Guarantor	<input type="checkbox"/> yes (***) <input type="checkbox"/> no Provide the information below under (***) and indicate whether you are adopting Optional Change #24
23	Additional Guarantor	<input type="checkbox"/> yes (****) <input type="checkbox"/> no Provide the information below under (****)

		and indicate whether you are adopting Optional Change #24
24	Paragraph 9	<input type="checkbox"/> yes <input type="checkbox"/> no

(*) Optional change #8 is available only to an RFP Bidder that has an outstanding guaranty with PECO.

PLEASE PROVIDE THE FOLLOWING ADDITIONAL INFORMATION IF YOU ELECT OPTIONAL CHANGE #8:

Date of Existing Guaranty

Amount of Existing Guaranty

() THE REPRESENTATIVE OF THE RFP BIDDER OR THE OFFICER OF THE RFP BIDDER MUST MAKE THE FOLLOWING REPRESENTATION IF YOU ELECT OPTIONAL CHANGE #20:**

I, _____ (the Officer of the RFP Bidder or the Representative of the RFP Bidder), certify that the RFP Guarantor, on whose financial standing the RFP Bidder will be relying, is not a trust.

Signature

Date

(*) PLEASE PROVIDE THE FOLLOWING ADDITIONAL INFORMATION IF YOU ELECT OPTIONAL CHANGE #22 :**

Name of Additional Guarantor

Whether the Additional Guarantor is a Corporation, Partnership, etc.

Jurisdiction under whose laws the Additional Guarantor is existing and organized.

(**) PLEASE PROVIDE THE FOLLOWING ADDITIONAL INFORMATION IF YOU ELECT OPTIONAL CHANGE #23 :**

Name of Additional Guarantor

Whether the Additional Guarantor is a Corporation, Partnership, etc.

Jurisdiction under whose laws the Additional Guarantor is existing and organized.

NO

THE OFFICER OF THE RFP BIDDER PROVIDES THE REQUIRED ACKNOWLEDGMENT BY COMPLETING THE DELAY (GUARANTY) INSERT. The Delay (Guaranty) Insert is also labelled INSERT #P1-5.

Name of RFP Bidder

 **DELAY (GUARANTY) INSERT (#P1-5)**

Please note! RFP Bidders relying on the financial standing of an RFP Guarantor must submit one (but ONLY one) of Insert #P1-4 or Insert #P1-5.

I, _____ (the Officer of the RFP Bidder), acknowledge that, if the Independent Evaluator notifies the RFP Bidder that the Independent Evaluator is identifying one or more of the RFP Bidder's Bids to the Commission as winning Bids, the RFP Bidder must provide all information required by the Guaranty Insert (#P1-4) by 12 PM (noon) EPT on the day after such notification is received.






Signature of Officer

Date

2.c. Financial and Credit Requirements

The RFP Bidder is submitting a Proposal under an Agency Agreement and is relying on financial standing of a Principal.

AN RFP BIDDER SUBMITTING A PROPOSAL UNDER AN AGENCY AGREEMENT IS REQUIRED TO PROVIDE FINANCIAL INFORMATION REGARDING THE PRINCIPAL AS WELL AS OTHER INFORMATION REGARDING THE AGENCY AGREEMENT AS SPECIFIED IN SECTION IV.6 OF THE RFP RULES BY COMPLETING THE P1 AGENCY AGREEMENT INSERT AND UPLOADING ASSOCIATED DOCUMENTS BELOW. The P1 Agency Agreement Insert is also labelled INSERT #P1-6.

	<i>Insert #P1-6</i>
	<i>Agency Agreement</i>
	<i>Most recent quarterly financial information for the Principal (or, if unavailable, most recent monthly or bi-annual financial information accompanied by an attestation by the Chief Financial Officer)</i>
	<i>Attestation from Chief Financial Officer (if necessary)</i>
	<i>Draft Officers' Certificate</i>

Name of RFP Bidder

P1 AGENCY AGREEMENT INSERT (#P1-6)

Please note! Only RFP Bidders submitting a Proposal under an Agency Agreement are required to submit this Insert.

First Item: Agency Agreement

A copy of the Agency Agreement is required. **PLEASE SUBMIT ONE (1) COPY OF THE AGENCY AGREEMENT BY UPLOAD TO THE ONLINE PART 1 FORM.**

Second Item: Principals and Principal on Whose Financial Standing the RFP Bidder is Relying

PLEASE PROVIDE THE NAME OF ALL PRINCIPALS UNDER THE AGENCY AGREEMENT.

Name of Principal or Principals

PLEASE PROVIDE THE LEGAL NAME AND ADDRESS OF THE PRINCIPAL ON WHOSE FINANCIAL STANDING THE RFP BIDDER IS RELYING.

- If there are several Principals in the Agency Agreement, you must identify the Principal with the lowest credit rating as the entity on whose financial standing the RFP Bidder is relying.

- If several Principals have the same lowest credit rating, please identify the Principal that also has the lowest tangible net worth as the entity on whose financial standing the RFP Bidder relies.

Legal Name of Principal

Street Address

City

State

Zip Code

Third Item: Financial Information

Financial information must be available for the Principal on whose financial standing the RFP Bidder is relying.

The required financial information is the most recent quarterly financial information, including a balance sheet, income statement, cash flow statement, and any accompanying notes and schedules. If available, the most recent Securities and Exchange Commission (“SEC”) Form 10-Q or 10-K (whichever is more recent) must be submitted to fulfill this requirement.

If the SEC Form 10-Q or 10-K is unavailable, the RFP Bidder must submit the Principal’s most recent quarterly, monthly, or bi-annual financial information accompanied by an attestation by the Principal’s Chief Financial Officer (or equivalent position) that the information contained in the financial statements fairly presents in all material respects the financial condition and results of the operations of the Principal. The requirements for this attestation are provided more specifically in Appendix 5 of the RFP Rules.

PLEASE INDICATE HERE THE INFORMATION PROVIDED (CHECK ONLY ONE):

- SEC Form 10-Q or 10-K (most recent); or
- Other quarterly, monthly, or bi-annual financial information with an attestation of the Chief Financial Officer.

PLEASE UPLOAD THE FINANCIAL INFORMATION IN THE SPACES RESERVED FOR THAT PURPOSE IN THE ONLINE PART 1 FORM.

Fourth Item: Credit Ratings

PLEASE PROVIDE THE CREDIT RATINGS FOR THE PRINCIPAL ON WHOSE FINANCIAL STANDING THE RFP BIDDER IS RELYING.

1. *Is the Principal rated by S&P?*

- Yes
- No

If Yes, please provide:

- The Principal’s rating _____
- Type of rating (**check one**): Senior unsecured debt rating Corporate issuer rating

2. Is the Principal rated by Moody's?

Yes No

If Yes, please provide:

- The Principal's rating _____
- Type of rating (**check one**): Senior unsecured debt rating Corporate issuer rating

3. Is the Principal rated by Fitch?

Yes No

If Yes, please provide:

- The Principal's rating _____
- Type of rating (**check one**): Senior unsecured debt rating Corporate issuer rating

Fifth Item: Certifications

THE OFFICER OF THE RFP BIDDER MUST MAKE THE FOLLOWING REPRESENTATION.

I, _____ (the Officer of the RFP Bidder), certify that I have the authority to bind the Principal(s) under the Agency Agreement provided with this Part 1 Proposal. I acknowledge that with the Part 2 Proposal, the RFP Bidder will be required to submit an Officers' Certificate signed by an officer of each Principal and substantially in the form of Appendix 6 to the RFP Rules.

Signature of Officer

Date

Sixth Item: Draft Officers' Certificate

The RFP Bidder may, but is not required to, submit a draft Officers' Certificate for evaluation. If a draft Officers' Certificate is submitted for evaluation, the Independent Evaluator will inform the RFP Bidder of any changes required.

Is the RFP Bidder submitting a draft Officers' Certificate?

Yes No

IF THE RFP BIDDER IS SUBMITTING A DRAFT OFFICERS' CERTIFICATE, IT MUST BE UPLOADED IN THE SPACE RESERVED FOR THAT PURPOSE IN THE ONLINE PART 1 FORM.

3. Letters of Credit and Uniform SMA

First Item: Standard Pre-Bid Letter of Credit

An RFP Bidder may request modifications to the Standard Pre-Bid Letter of Credit that are non-material in nature, or that are advantageous to both PECO and the RFP Bidder.


AN RFP BIDDER REQUESTS MODIFICATIONS TO THE STANDARD PRE-BID LETTER OF CREDIT BY SUBMITTING A DRAFT PRE-BID LETTER OF CREDIT SUBSTANTIALLY IN THE FORM OF THE STANDARD PRE-BID LETTER OF CREDIT INDICATING CLEARLY ANY AND ALL MODIFICATIONS TO THE STANDARD PRE-BID LETTER OF CREDIT USING TRACKED CHANGES IN MICROSOFT WORD.

All approved modifications to the Standard Pre-Bid Letter of Credit are posted to the RFP website. Each RFP Bidder may use any of the approved modifications, regardless of whether the RFP Bidder itself or another RFP Bidder proposed the modification.

Is the RFP Bidder submitting a Draft Pre-Bid Letter of Credit?

Yes No

A Draft Pre-Bid Letter of Credit that is not substantially in the form of the Standard Pre-Bid Letter of Credit will not be considered or evaluated. **PLEASE UPLOAD THE DRAFT PRE-BID LETTER OF CREDIT.**

	<i>Draft Pre-Bid Letter of Credit</i>
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Second Item: Standard Post-Bid Letter of Credit

An RFP Bidder may request modifications to the Standard Post-Bid Letter of Credit that are non-material in nature, or that are advantageous to both PECO and the RFP Bidder.


AN RFP BIDDER REQUESTS MODIFICATIONS TO THE STANDARD POST-BID LETTER OF CREDIT BY SUBMITTING A DRAFT POST-BID LETTER OF CREDIT SUBSTANTIALLY IN THE FORM OF THE STANDARD POST-BID LETTER OF CREDIT INDICATING CLEARLY ANY AND ALL MODIFICATIONS TO THE STANDARD POST-BID LETTER OF CREDIT USING TRACKED CHANGES IN MICROSOFT WORD.

All approved modifications to the Standard Post-Bid Letter of Credit are posted to the RFP website. Each RFP Bidder may use any of the approved modifications, regardless of whether the RFP Bidder itself or another RFP Bidder proposed the modification.

Is the RFP Bidder submitting a Draft Post-Bid Letter of Credit?

Yes No

A Draft Post-Bid Letter of Credit that is not substantially in the form of the Standard Post-Bid Letter of Credit will not be considered or evaluated. **PLEASE UPLOAD THE DRAFT POST-BID LETTER OF CREDIT.**

	<i>Draft Post-Bid Letter of Credit</i>
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Third Item: Information to Prepare the Uniform SMA and Its Exhibits

In accordance with Paragraph IV.3.4 of the RFP Rules, **THE RFP BIDDER IS ASKED TO PROVIDE THE FOLLOWING INFORMATION TO PREPARE THE UNIFORM SMA:**

- any elections to be made in the Uniform SMA;
- contact information required to prepare the Form of Notice, which is included as Exhibit 2 to the Uniform SMA; and
- any additional information required to prepare the Uniform SMA and its Exhibits.

The RFP Bidder must either: (i) provide the requested information to prepare the Uniform SMA at this time; **or:** (ii) submit an acknowledgment signed by the Officer of the RFP Bidder that, if the Independent Evaluator notifies the RFP Bidder that the Independent Evaluator is identifying one or more of the RFP Bidder's Bids to the Commission as winning Bids, the RFP Bidder must provide all required information by 12 PM (noon) EPT on the day after such notification is received.

Is the RFP Bidder providing information to prepare the Uniform SMA at this time?

Yes No

Yes

THE RFP BIDDER PROVIDES THE INFORMATION TO PREPARE THE UNIFORM SMA BY COMPLETING THE UNIFORM SMA INSERT. The Uniform SMA Insert is also labelled INSERT #P1-7.

Name of RFP Bidder

 **UNIFORM SMA INSERT (#P1-7)**

Please note! RFP Bidders must submit one (but **ONLY** one) of Insert #P1-7 and Insert #P1-8.

1. Under Section 5.4(a)(1) of the Uniform SMA, the DS Supplier may, in its sole discretion, add the following subsection 5.4(a)(1) by indicating yes or no below.

5.4(a)(1) For the purposes of such determination, the DS Supply provided for under this Agreement for the period following the Early Termination Date through the remainder of the term of this Agreement shall be deemed to be those quantity amounts that would have been delivered on an hourly basis, had this Agreement been in effect during the previous calendar year adjusted for such DS Load changes as may have occurred since the previous calendar year.

Do you intend for subsection 5.4(a)(1) to be included as part of the Uniform SMA?

Yes No

2. The information that you provide below will be used to complete Exhibit 2 (Form of Notice) to the Uniform SMA. **IF ANY OF THE INFORMATION REQUESTED BELOW IS UNAVAILABLE, PLEASE ENTER N/A IN THE CORRESPONDING FIELDS.**

(a) All Notices:

First Name

Last Name

Street Address

City

State

Zip Code

Phone No.

Fax No.

DUNS

Federal Tax I.D. Number

(b) Invoices:

ATTN:

First Name

Last Name

Phone No.

Fax No.

(c) Schedule:

ATTN:

First Name

Last Name

Phone No.

Fax No.

(d) Payments:

ATTN:

First Name

Last Name

Phone No.

Fax No.

(e) Wire Transfer:

Bank

ABA

ACCT

(f) Credit and Collections:

ATTN:

First Name

Last Name

Phone No.

Fax No.

(g) Additional Notices of an Event of Default to:

ATTN:

First Name

Last Name


Phone No.

Fax No.

No

THE OFFICER OF THE RFP BIDDER PROVIDES THE REQUIRED ACKNOWLEDGMENT BY COMPLETING THE DELAY (SMA) INSERT. The Delay (SMA) Insert is also labelled INSERT #P1-8.

Name of RFP Bidder

 **DELAY (SMA) INSERT (#P1-8)**

Please note! RFP Bidders must submit one (but ONLY one) of Insert #P1-7 and Insert #P1-8.

I, _____ (the Officer of the RFP Bidder), acknowledge that, if the Independent Evaluator notifies the RFP Bidder that the Independent Evaluator is identifying one or more of the RFP Bidder's Bids to the Commission as winning Bids, the RFP Bidder must provide all information required by the Uniform SMA Insert (#P1-7) by 12 PM (noon) EPT on the day after such notification is received.

Signature of Officer

Date

4. Regulatory Representations

By the time service begins, a Default Supplier must be a Load Serving Entity (“LSE”) in good standing in PJM, and must be a signatory of all applicable PJM Agreements, including the Reliability Assurance Agreement (“RAA”).

Is the RFP Bidder an LSE in PJM?

Yes


No

Yes

THE RFP BIDDER MUST PROVIDE A COPY OF THE SIGNATURE PAGE OF THE RELIABILITY ASSURANCE AGREEMENT (“RAA”).

	Signature Page of RAA
---	-----------------------

If the name of the signatory is not the same as the RFP Bidder, please provide evidence of a name change.

	Evidence of name change (if necessary)
---	--

No

THE OFFICER OF THE RFP BIDDER MUST MAKE THE CERTIFICATIONS DETAILED IN PARAGRAPH IV.4.1 OF THE RFP RULES BY COMPLETING THE LSE REPRESENTATION INSERT. The LSE Representation Insert is also labelled INSERT #P1-9.

Name of RFP Bidder

 **LSE REPRESENTATION INSERT (#P1-9)**

Please note! ONLY RFP Bidders that are NOT PJM LSEs are required to submit this Insert.

I, _____ (the Officer of the RFP Bidder), certify that the RFP Bidder has investigated the requirements to become an LSE in PJM and that there exist no impediments for the RFP Bidder to become an LSE by the start of the supply period and to remain an LSE for the duration of the supply period. The RFP Bidder undertakes to be qualified as a PJM LSE by the start of the supply period should the RFP Bidder become a Default Supplier.

Signature of Officer

Date







5. Foreign RFP Bidders and Foreign Entities

Is the RFP Bidder a Foreign RFP Bidder or is the RFP Bidder relying on the financial standing of a Foreign Entity (RFP Guarantor or Principal)?

Yes

No

AN RFP BIDDER THAT IS A FOREIGN RFP BIDDER OR THAT IS RELYING ON THE FINANCIAL STANDING OF A FOREIGN ENTITY (RFP GUARANTOR OR PRINCIPAL) IS REQUIRED TO PROVIDE ADDITIONAL INFORMATION AS SPECIFIED IN SECTION IV.7 OF THE RFP RULES BY COMPLETING THE P1 FOREIGN ENTITY INSERT AND UPLOADING ASSOCIATED DOCUMENTS BELOW. The P1 Foreign Entity Insert is also labelled INSERT #P1-10.

	<i>Insert #P1-10</i>
	<i>Additional Evidence of Creditworthiness</i>
	<i>Additional Evidence of Creditworthiness</i>
	<i>Draft legal opinion</i>
	<i>Draft sworn certificate</i>
	<i>Draft sworn certificate</i>

Name of RFP Bidder

P1 FOREIGN ENTITY INSERT (#P1-10)

Please note! ONLY Foreign RFP Bidders or RFP Bidders relying on a foreign entity are required to submit this Insert.

First Item: Evidence of Creditworthiness

In addition to supplying all required information and documents elsewhere in the online Part 1 Form, a Foreign RFP Bidder or an RFP Bidder relying on the financial standing of a Foreign Entity may provide any additional evidence of creditworthiness for the Foreign RFP Bidder or the Foreign Entity so as to provide PECO with comparable assurances of creditworthiness as is applicable for an entity that has been incorporated or otherwise formed under the laws of a state of the United States or of the District of Columbia.

Are you submitting additional evidence of creditworthiness for the Foreign RFP Bidder or for a Foreign Entity on whose financial standing the RFP Bidder relies?

Yes

No

PLEASE UPLOAD SUCH ADDITIONAL EVIDENCE OF CREDITWORTHINESS IN THE SPACES RESERVED FOR THAT PURPOSE IN THE ONLINE PART 1 FORM.

Second Item: Acknowledgment

Is the RFP Bidder a Foreign RFP Bidder?

Yes No

If Yes, the Officer of the RFP Bidder must sign the acknowledgement immediately below and then proceed to the third item.

If No, please proceed to the next question.

Foreign RFP Bidder Acknowledgment

I, _____ (the Officer of the RFP Bidder), acknowledge that the following additional documents are required with the Part 2 Proposal for the Foreign RFP Bidder to be granted unsecured credit under the terms of the Uniform SMA: (i) a legal opinion of outside counsel qualified to practice in the foreign jurisdiction in which the Foreign RFP Bidder is incorporated or otherwise formed that the Uniform SMA is, or upon the completion of execution formalities will become, the binding obligation of the Foreign RFP Bidder in the jurisdiction in which it has been incorporated or otherwise formed; (ii) the sworn certificate of the corporate secretary (or similar officer) of such Foreign RFP Bidder that the person executing the Uniform SMA on behalf of the Foreign RFP Bidder has the authority to execute the Uniform SMA and that the governing board of such Foreign RFP Bidder has approved the execution of the Uniform SMA; and (iii) the sworn certificate of the corporate secretary (or similar officer) of such Foreign RFP Bidder that the Foreign RFP Bidder has been authorized by its governing board to enter into agreements of the same type as the Uniform SMA.

Signature of Officer

Date

Is the RFP Bidder relying on the financial standing of a Foreign Entity as RFP Guarantor?

Yes No

If Yes, the Officer of the RFP Bidder must sign the acknowledgement immediately below and then proceed to the third item.

If No, please proceed to the next question.

Foreign Entity as RFP Guarantor Acknowledgment

I, _____ (the Officer of the RFP Bidder), acknowledge that the following additional documents are required with the Part 2 Proposal for the Foreign Entity as RFP Guarantor to be granted unsecured credit and for the RFP Bidder to rely on the financial standing of the RFP Guarantor under the terms of the Uniform SMA: (i) a legal opinion of outside counsel qualified to practice in the foreign jurisdiction in which the RFP Guarantor is incorporated or otherwise formed that the guaranty pursuant to the Uniform SMA is, or upon the completion of execution formalities will become, the binding obligation of the RFP Guarantor in the jurisdiction in which it has been incorporated or otherwise formed; and (ii) the sworn certificate of the corporate secretary (or similar officer) of such RFP Guarantor that the person executing the guaranty pursuant to the Uniform SMA on behalf of the RFP Guarantor has the authority to execute the guaranty pursuant to the Uniform SMA and that the governing board of such RFP Guarantor has approved the execution of the guaranty pursuant to the Uniform SMA; and (iii) the sworn certificate of

the corporate secretary (or similar officer) of such RFP Guarantor that the RFP Guarantor has been authorized by its governing board to enter into agreements of the same type as the guaranty pursuant to the Uniform SMA.

Signature of Officer

Date

Is the RFP Bidder relying on the financial standing of a Foreign Entity as Principal?

Yes

No

If Yes, the Officer of the RFP Bidder must sign the acknowledgement immediately below and then proceed to the third item.

Foreign Entity as Principal Acknowledgment

I, _____ (the Officer of the RFP Bidder), acknowledge that the following additional documents are required with the Part 2 Proposal for the RFP Bidder and the Foreign Entity as Principal to be granted unsecured credit under the terms of the Uniform SMA: (i) a legal opinion of outside counsel qualified to practice in the foreign jurisdiction in which the Principal is incorporated or otherwise formed that the Uniform SMA is, or upon the completion of execution formalities will become, the binding obligation of the Principal in the jurisdiction in which it has been incorporated or otherwise formed; and (ii) the sworn certificate of the corporate secretary (or similar officer) of such Principal that the Principal has been authorized by its governing board to enter into agreements of the same type as the Uniform SMA.

Signature of Officer

Date

Third Item: Draft Documents

The Officer of the RFP Bidder has acknowledged in the immediately preceding certifications that additional documents are required with the Part 2 Proposal for unsecured credit to be granted under the terms of the Uniform SMA. **THE RFP BIDDER MAY, BUT IS NOT REQUIRED TO, SUBMIT A DRAFT OF THESE DOCUMENTS BY UPLOAD TO THE ONLINE PART 1 FORM.**

Are you submitting a draft of any of these additional documents for evaluation?

Yes




No

PLEASE UPLOAD ANY SUCH DOCUMENTS IN THE SPACES RESERVED FOR THAT PURPOSE IN THE ONLINE PART 1 FORM.

6. Justification of Omissions

If you are unable to provide all documents or information required with this online Part 1 Form, please justify fully any omissions in the space provided below.

If you are providing additional documents, such as providing the Part 2 Form certifications for early processing, please use the spaces below to upload these documents.

	<i>File upload</i>
	<i>File upload</i>
	<i>File upload</i>