

From: [McKinney, Nathan](#)
To: [Freid, Tobin L.](#)
Subject: RE: DPS share
Date: Friday, February 7, 2025 2:56:07 PM
Attachments: [image005.png](#)

Hi Tobin,

Got it – makes total sense, thank you for checking into it.

The First Amendment to the Green Source Advantage Cooperation Agreement (updated Exhibit B) is approved as to form.

Thanks again

Sincerely,

NATHAN L. MCKINNEY | Senior Assistant County Attorney

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***I am generally not available on Mondays**



County Attorney

nmckinney@dconc.gov

P.O. Box 3508

Durham, North Carolina 27702

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From: Freid, Tobin L. <tfreid@dconc.gov>
Sent: Tuesday, February 4, 2025 5:33 PM
To: McKinney, Nathan <nmckinney@dconc.gov>
Subject: RE: DPS share

Hi Nathan,

I spoke with DPS and our developer today and was reminded that DPS is not part of the Cooperation Agreement because they were included in the process after the city and county had already negotiated for 10 months and were under some pressure to file the agreements. There was concern about opening that process up for additional review to include DPS at that late date. So they have separate agreements, as referenced.

In addition, the amount of MWh in Exhibit B only apply to the city and county because our agreement talks about how much the developer would be responsible to make us whole if they don't fulfill their promise (most likely through purchasing Renewable Energy Credits). DPS does not have that arrangement in their agreement.

I hope that answers your question. Let me know if you need any additional information to be able to approve the amendment.

There is also a Service Agreement that will need to be amended, but it should also be relatively minor – just reflecting the new price and new credit option. I'll send that when we get it.

Tobin L. Freid (she/her) | Sustainability Manager
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DURHAM COUNTY
Engineering and
Environmental Services

From: McKinney, Nathan <nmckinney@dconc.gov>
Sent: Tuesday, February 4, 2025 10:50 AM
To: Freid, Tobin L. <tfreid@dconc.gov>
Subject: DPS share

Hi Tobin,

Just saw this on Page 1 of the ILA – it may be a satisfactory explanation of why the Total is on Exhibit B but not DPS's proportionate share. Sending along in case it saves your having to track things down with DPS.

C. The City and the County, along with Durham Public Schools (“DPS”) who is not party to this Agreement, are eligible and intend to apply in coordination to participate in the Program under the “self-supply option” as described in the Order (defined below) with a total allocation amount of 34.9 MW ac (the “*Full Allocation Amount*”), with such Full Allocation Amount being allocated in certain amounts to the County, the City, and DPS as set forth in their respective Service Agreement (as defined below) with Renewable Supplier and DEC (for each of the County, the City, and DPS, their “*Proportionate Share*”), and desire to (i) have DEC purchase on the City, County, and DPS’s behalf through the Program the Output from the Supply Resource that is owned and being developed by the Renewable Supplier and (ii) receive the RECs of the Supply Resource directly from the Renewable Supplier.

Sincerely,

NATHAN L. MCKINNEY | Senior Assistant County Attorney

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*I am generally not available on Mondays



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