

AMENDING AGREEMENT

THIS AMENDING AGREEMENT No. 1 (“Amendment”) is dated August 25, 2023, between the City of Boston, Massachusetts (“City”) and Direct Energy Services, LLC (“Supplier”).

WHEREAS:

- A. The City and Supplier are both parties to an Electric Service Agreement dated May 22, 2023, together with any additional exhibits and schedules thereto (collectively, the “ESA”).
- B. The City has decided to increase its budget for program support costs during the delivery term of the ESA, and consequently has determined that it must increase its Operational Adder from \$0.00008/kWh to \$0.00011/kWh to recoup expected expenditures.
- C. The City and Supplier have agreed to amend Price and Term Appendix No. 1 and increase program Retail Prices pursuant to the provisions of Article 17.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Supplier agree as follows (all section references herein are in reference to the ESA):

- 1. Section 1 of Price and Term Appendix No. 1 shall be deleted in its entirety and replaced with the following:
 - 1. **Retail Price by Rate Classification:** The Retail Prices as set out in the tables below shall be fixed for the entire length of the Delivery Term.

STANDARD PRODUCT

[All Eligible Consumers will be enrolled in the standard Product unless they opt-out.]

Rate Class	Retail Price \$/kWh
Residential	\$ 0.14805
Residential Low Income	\$ 0.14805
Small C&I	\$ 0.14805
Med-Large C&I	\$ 0.14805
Streetlight	\$ 0.14805

OPTIONAL BASIC PRODUCT

[Eligible Consumers will only be enrolled in the optional base Product if they elect it.]

Rate Class	Retail Price \$/kWh
Residential	\$ 0.14205
Residential Low Income	\$ 0.14205
Small C&I	\$ 0.14205
Med-Large C&I	\$ 0.14205
Streetlight	\$ 0.14205

OPTIONAL 100% VOLUNTARY REC PRODUCT

[Eligible Consumers will only be enrolled in the optional 100% Voluntary REC Product if they elect it.]

Rate Class	Retail Price \$/kWh
Residential	\$ 0.17195
Residential Low Income	\$ 0.17195
Small C&I	\$ 0.17195
Med-Large C&I	\$ 0.17195
Streetlight	\$ 0.17195

2. Section 8 of Price and Term Appendix No. 1 shall be deleted in its entirety and replaced with the following:

8. Operational Adder: Supplier shall include the Operational Adder, in the Retail Prices for each Product and Supplier shall pay to the City the following volumetric fee multiplied by Participating Consumers' metered usage:

Operational Adder: \$0.00011/kWh

3. All capitalized terms used but not defined herein shall have the meaning ascribed to them in the ESA. Numerical references in the ESA shall be updated in a manner consistent with the addition and/or deletion of articles and sections in this Amendment.


4. This Amendment contains the entire understanding of the Parties with respect to the amendment contained herein. All other provisions of the ESA remain in full force and effect.

5. This Amendment may be executed in counterparts without the necessity that both Parties execute the same counterpart, each of which will be deemed an original, but which together will constitute one and the same agreement. The exchange of copies of this Amendment

by email or facsimile will constitute effected execution and delivery of this Amendment and may be used in lieu of the original for all purposes. Signatures of representatives of the Parties transmitted by email or facsimile will be deemed to be original signatures for all purposes.

IN WITNESS WHEREOF, the City and Supplier have executed this Amendment effective as of the latest date written below.


CITY OF BOSTON, MASSACHUSETTS

By: 
Name: Alison Brizius
Title: Environment Commissioner

Dated: 10/19/23

By: 
Name: Michelle Wu
Title: Mayor

Dated: 10/23/23

Approved as to form: 
Name: Adam Cederbaum
Title: Corporation Counsel
Dated: 9/26/23

DIRECT ENERGY SERVICES, LLC.

By: 
Name: Elizabeth Killinger
Title: President

Dated: 08/29/2023