



Business Program



Rev04PY4AmerenIllinoisBusinessNEWCONSTRUCTIONLtg

Clarifications for this PDF (Hard Copy) version of this project guide
for the **Ameren Illinois** ActOnEnergy® business program

This project guide is valid through **May 31, 2012***

This application is also available in an Excel format from the ActOnEnergy.com web site. This PDF version must be printed and completed by hand (the Excel version can be completed electronically). Select the format that you are most comfortable using.

To determine if your facility and/or project are eligible, and for directions on how to fill out this application, see the next page.

The "TABS" referenced on the next page (Read Me Page) refer to pages in this document, as outlined below:

Read Me Tab (next page - includes directions)

Application for Pre-approval ("Green Tab") - must be submitted with pre-approval application

Customer and Ally Info ("Green Tab") - must be submitted with pre-approval application

Incentive Calculation ("Green Tab") - form to use to determine the incentive money for your project - must be submitted with your application

Incentive Payment Request ("Yellow Tab") - must be submitted with your final paperwork, when the project is complete

Terms and Conditions (last page)

The page/tab "name" is indicated in the bottom right-hand corner of the footer of the printed version of this document, and also in the blue bar just under the page header.

The "supplemental" documentation ("blue tabs") includes:

- Large Incentive Request Form (required if your incentive request is greater than \$25,000).

These "supplemental" documents can be found on the ActOnEnergy.com web page in the forms library. <http://www.actonenergy.com/for-contractors/act-on-energy-forms-library/>

*Newer versions posted to the web site supersede all previous versions. The revision number is listed just below the Ameren Illinois logo on each page ("Rev##.....").
If you received pre-approval, the version of the application that was available at the time you submitted your pre-approval application will apply.
If you did not obtain pre-approval, the version of the application that corresponds with the invoice dates of your equipment purchases will apply.

Mail/Fax/E-mail Incentive Application and Payment Request to:

Ameren Illinois, ActOnEnergy Business Program

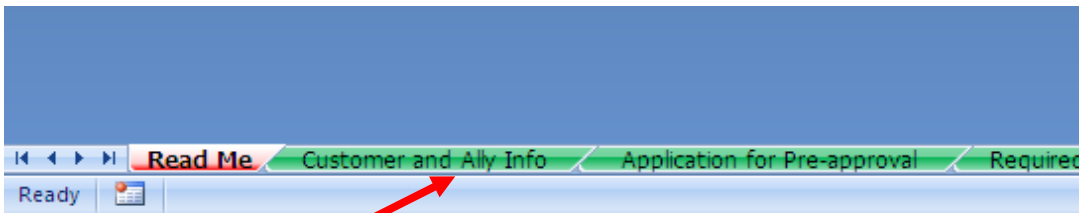
300 Liberty Street, Peoria, IL 61602 • Fax: 1.309.677.7950 • ActOnEnergyProjects@Ameren.com

Questions: call toll free: 1.866.800.0747 • ActOnEnergyBusiness@Ameren.com • [ActOnEnergy.com](http://www.actonenergy.com)

This workbook contains the **New Construction Lighting** project guide for the **Ameren Illinois** ActOnEnergy® business program

This project guide is valid through May 31, 2012*

- Green** tabs must be completed when submitting an application for **pre-approval** (*Customer and Ally Info, Application for Pre-approval, and Incentive Calculation*), along with the New Construction Lighting Calculator, which can be found on the ActOnEnergy New Construction web page.
- Yellow** tab - contains the directions, and paperwork to submit when your **project is complete** (*Incentive Payment Request*)
- Blue** tab - required if your incentive request is greater than \$25,000



The colored tabs are located at the bottom of the page

There is also a PDF version of this project guide available on the web site - if you prefer not to use this Excel version

FOUR Easy Steps to receive your Ameren Illinois cash incentive:

1. Is your facility eligible?

- Equipment must be new and installed at a business or commercial/industrial building – including Not-for-Profit organizations.
- Public buildings such as units of local government, municipalities, public school districts, and community colleges are not eligible under this program but should contact the Illinois Department of Commerce and Economic Opportunity (DCEO) (illinoisenergy.org) to apply through their program.
- New Construction lighting projects may be eligible for up to \$100,000 of incentive money per program year (June 1st through May 31st), per facility (see the Terms and Conditions).
- Building tenants are eligible for incentive money, as long as the building owner signs the Landlord Consent form.
- Applicants for **electric** incentives must be a non-residential electric customer of Ameren Illinois (electric delivery service rates DS-2, DS-3, DS-4, or DS-5) and have a Rider EDR surcharge on their Ameren Illinois bill (DS-5 customers are only eligible for exterior lighting measures, and only if their exterior lighting is not Ameren owned.).
- If you are not able to obtain an account number at this phase of your new construction project, please check the box on the Customer and Ally Info tab indicating this, but also note that it is up to you, the Ameren Illinois customer, to verify that your location will be set up with Ameren Illinois delivery service (you may purchase your energy from any source), and to submit that account information to ActOnEnergy as soon as an account is established. Incentives will be denied if the new location is not an Ameren Illinois delivery service customer.

2. Is your project eligible?

- Projects eligible for incentives under the New Construction Incentive Program currently only include lighting measures (interior and exterior). You may apply for incentive money for other energy-efficient equipment (HVAC, refrigeration, water heaters, etc.) through the ActOnEnergy Custom Program - call us for details.
- Eligible Lighting projects must exceed the energy-saving requirements set forth in the applicable energy codes, as specified in the ActOnEnergy New Construction Lighting Calculator (which can be found on the ActOnEnergy New Construction web page).
- Eligible projects include: new construction, additions onto an existing building, and remodels (significantly gutting an existing space, which includes "change of use" upgrades).
- Project completion date must be on or after December 1, 2011.
- If a project changes after pre-approval (the plan changes or technology changes) a revised pre-approval must be requested before any commitment to the new plan is made.
- ActOnEnergy reserves the right to withhold funding for projects that do not meet technical requirements upon completion.

3. Complete and submit this Application for PRE-APPROVAL (green tabs)

Approval from Ameren Illinois is REQUIRED BEFORE any commitment to project installation or purchase is made (including generating POs) for ALL New Construction applications. See the Terms and Conditions of this project guide for details.

- Anyone may fill out the application, but the signature of the Ameren Illinois customer is required on the "Application for Pre-approval" and the "Incentive Payment Request" tabs.

- Submit this workbook (electronic or hard copy) with all the required information from the green tabs, and all applicable Supplemental documentation, via fax, e-mail or U.S. mail (addresses are at the bottom of this worksheet).

The supplemental documentation includes:

- Large Incentive Request Form (LIRF) - included here, on the blue tab
- Landlord Consent Form (required if you are a tenant)
- Payment Release Authorization (required if the incentive is to be paid to someone other than the Ameren Illinois customer listed on the application)

These supplemental documents can be found on the ActOnEnergy.com web page in the forms library. <http://www.actonenergy.com/for-contractors/act-on-energy-forms-library/>

- Include manufacturers' technical specification sheets ("cut sheets") for each type of eligible equipment purchased.
- Include a copy of the ActOnEnergy New Construction Lighting Calculator spreadsheet
- After we receive your Application for Pre-Approval one of our Technical Reviewers will contact you to review your project.
- After your Pre-Approval application has been approved you will receive an e-mail notifying you that you may begin work.

4. Submit Incentive Payment Request documentation upon project completion (yellow tab) - due within 30 days of project completion.

- After you have completed your project (installed and operational), return a copy of the Incentive Payment Request form (yellow tab), and a copy of the invoice showing the installed cost of labor and materials for the lighting portion of your project, to ActOnEnergy.

- Upon receipt of completion documentation, ActOnEnergy staff may conduct a post-installation inspection for verification purposes.

- ActOnEnergy reserves the right to withhold funding for projects that do not meet technical requirements upon project completion.

New Construction projects may exceed the ActOnEnergy allotted maximum 120 days for project completion, and may also extend into the next program year – please contact us so we can discuss your project requirements.

*Newer versions posted to the web site supersede all previous versions. The revision number is listed just below the Ameren Illinois logo on each page ("Rev##....."). If you received pre-approval, the version of the project guide that was available at the time you submitted your pre-approval application will apply. If you did not obtain pre-approval, the version of the project guide that corresponds with the invoice dates of your equipment purchases will apply.

Mail/Fax/E-mail Incentive Application and Payment Request to:

Ameren Illinois, ActOnEnergy Business Program

300 Liberty Street, Peoria, IL 61602 • Fax: 1.309.677.7950 • ActOnEnergyProjects@Ameren.com

Questions: call toll free: 1.866.800.0747 • ActOnEnergyBusiness@Ameren.com • ActOnEnergy.com



**Business Program
New Construction Lighting Application**



Rev04PY4AmerenIllinoisBusinessNEWCONSTRUCTIONLtg

CUSTOMER AND PROJECT INFORMATION

AMEREN ILLINOIS CUSTOMER INFORMATION
(in the electronic version, complete all the yellow cells)

Company Name:		Tax Status:		Ameren Illinois Electric Acct #:		Ameren Illinois Gas Acct #:	
		<input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Exempt		-----		-----	
Tax ID (SSN/FEIN):							
<input type="checkbox"/> Check here if you are not able to obtain an account number at this phase of your construction project (see the disclaimer on the Read Me tab).							
Mailing Address (check mailed to):			City:		State:	Zip Code:	
Contact Name/Title:							
E-mail Address:			Telephone:		Extension:	Fax:	
Physical Installation Address (if different from above):			City:		Zip Code:		
Check one:							
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant (If tenant, complete the Landlord Consent Form (Landlord Consent tab))							
Name of the person(s) who referred you to the ActOnEnergy incentive application for this energy-efficient project:				Name of Referring Contractor/Program Ally:			

CONTRACTOR/PROGRAM ALLY INFORMATION - if you are using one

Company Name:		Contact Name/Title:					
Mailing Address:		City:			State:	Zip Code:	
E-mail Address:		Telephone:		Extension:	Fax:		

FACILITY/PROJECT DESCRIPTION

Facility Type (check ONE, where the work is to be done.):		If Manufacturing/Industrial, specify type:	
<input type="checkbox"/> Office	<input type="checkbox"/> Warehouse/Distribution	<input type="checkbox"/> Food Processing	
<input type="checkbox"/> Medical	<input type="checkbox"/> Retail/Service	<input type="checkbox"/> Automotive/Transportation/Infrastructure	
<input type="checkbox"/> Restaurant	<input type="checkbox"/> Manufacturing/Industrial	<input type="checkbox"/> Other (specify below)	
<input type="checkbox"/> Grocery	<input type="checkbox"/> Hotel/Motel	(Specify "other")	
<input type="checkbox"/> School/College	<input type="checkbox"/> Multiple		
<input type="checkbox"/> Other (Specify, below)			
Specify: _____			

Mail/Fax/E-mail Incentive Application and Payment Request to:

Ameren Illinois, ActOnEnergy Business Program
 300 Liberty Street, Peoria, IL 61602 • Fax: 1.309.677.7950 • ActOnEnergyProjects@Ameren.com
Questions: call toll free: 1.866.800.0747 • ActOnEnergyBusiness@Ameren.com • ActOnEnergy.com



Business Program
New Construction Lighting Application

Rev04PY4AmerenIllinoisBusinessNEWCONSTRUCTIONLtg

APPLICATION FOR PRE-APPROVAL

To **submit your New Construction application** complete and submit all the items in this checklist, and fill out the fields on this APPLICATION FOR PRE-APPROVAL form

- All fields in the *Customer and Ally Information* tab
- Completed New Construction Lighting Calculator, and the corresponding Incentive Calculation tab
- Manufacturers' cut sheets for the energy saving equipment you are installing
- Supplemental Documentation, as required (See step three of the Read Me tab for details)

After we receive your Initial application one of our Technical Reviewers will contact you to review your project.

If you are considering changes to your scope of work (after receiving pre-approval), it is imperative that you contact your Technical Reviewer. The ActOnEnergy representative will provide information on how these changes will impact your savings/incentive and the necessary steps required to request incentive changes.

Indicate where you currently are in the design process (check one)

- Schematic Design Design Development Construction Documents

Project Bid Date (estimate, if not known)

Construction start date (estimated)

Construction completion date (estimated)

Company Name (Ameren Illinois customer):

Contact Person (print/type):

Customer Signature:

(checking the box below, and typing your name here constitutes a valid electronic signature)

- By checking this box and signing above, I indicate that I have read, understand, and agree with the Terms and Conditions.** (Applications will not be accepted as "complete" unless this box is checked.)

Date signed: ___ / ___ / ___ (mm/dd/yy) - include "-" or "/"

Mail/Fax/E-mail Incentive Application and Payment Request to:

Ameren Illinois, ActOnEnergy Business Program
300 Liberty Street, Peoria, IL 61602 • Fax: 1.309.677.7950 • ActOnEnergyProjects@Ameren.com

Questions: call toll free: 1.866.800.0747 • ActOnEnergyBusiness@Ameren.com • ActOnEnergy.com



Business Program
New Construction Lighting Application

Rev04PY4AmerenIllinoisBusinessNEWCONSTRUCTIONLtg

Incentive Calculation

If you desire assistance in using the New Construction Lighting Calculator or in completing this Incentive Calculation, please contact us to be assigned to a Technical Reviewer.

Please provide the information for the fields below from the "Project Estimated Summary" tab of the New Construction Lighting Calculator (which can be found on the ActOnEnergy New Construction web page).

Interior Lighting		
Estimated Annual kWh Savings		
Total Change in Connected Load (kW)		
Estimated Cost Savings	\$	-
Annual Operating Hours		
Aggregate LPD (Lighting Power Density)		
Percent Improvement Over LPD Baseline (Based on IECC 2012/ASHRAE 90.1-2010)		
Tier Level		
Interior Lighting Incentive	\$	-
Exterior Lighting		
Estimated Annual kWh Savings		
Incentive	10 cents/kWh	\$ -
TOTAL		
Total New Construction Incentive is capped at \$100,000	\$	-

Mail/Fax/E-mail Incentive Application and Payment Request to:
 Ameren Illinois, ActOnEnergy Business Program
 300 Liberty Street, Peoria, IL 61602 • Fax: 1.309.677.7950 • ActOnEnergyProjects@Ameren.com
Questions: call toll free: 1.866.800.0747 • ActOnEnergyBusiness@Ameren.com • ActOnEnergy.com



Business Program New Construction Lighting Application

Rev04PY4AmerenIllinoisBusinessNEWCONSTRUCTIONLtg

INCENTIVE PAYMENT REQUEST

When your project is complete (operational) submit this form to request your incentive payment.

If you are considering changes to your scope of work, it is imperative that you contact your Technical Reviewer. The ActOnEnergy representative will provide information on how these changes will impact your savings/incentive and the necessary steps required to request incentive changes.

Submit a copy of invoices showing the date, place of purchase, model/part numbers of the equipment installed, and the costs.

If there were any changes to your project since your initial submittal, submit a summary of the changes made, and reasons for each change.

Submit this completed INCENTIVE PAYMENT REQUEST form, and send it to ActOnEnergy at one of the options listed below.

By signing below, I acknowledge the upgrades at the facility location (as specified in the Application) have been completed and are operational.

Company Name (Ameren Illinois customer):

Project number (from pre-approval letter):

Project completion date

(Completion date is defined as the date the newly installed equipment is operational.)

Customer Contact Signature:

(typing your name here constitutes a valid electronic signature)

Date signed:

Mail/Fax/E-mail Incentive Application and Payment Request to:

Ameren Illinois, ActOnEnergy Business Program

300 Liberty Street, Peoria, IL 61602 • Fax: 1.309.677.7950 • ActOnEnergyProjects@Ameren.com

Questions: call toll free: 1.866.800.0747 • ActOnEnergyBusiness@Ameren.com • ActOnEnergy.com

Business Program New Construction Lighting Project Guide

Rev04PY4AmerenIllinoisBusinessNEWCONSTRUCTIONLTg

TERMS AND CONDITIONS

1. DEFINITIONS: In addition to terms defined elsewhere herein, when any one of the following terms is used in these Terms and Conditions, wherein the first letter is written with a capital letter, then that term shall have the following definition. Words importing persons include corporation, and words importing only the singular include the plural and vice versa when the context requires.

- a) **"Ameren Illinois"** shall mean Ameren Illinois Company d/b/a Ameren Illinois.
- b) **"Application"** shall mean the completed portion of the "Project Guide" used to apply for cash incentives.
- c) **"Competitive Large Project Incentive"** shall mean incentives applied for by submitting the Competitive Large Project Incentive Application. Those applications will go through a competitive bidding process to determine which projects will be awarded incentives.
- d) **"Customer"** shall mean an Eligible Customer who has submitted an Application for incentive money using their account number. The Customer shall become a party to the agreement upon acceptance of Customer's Application by Ameren Illinois.
- e) **"Custom Programs"** shall mean those projects associated with incentives not listed in the Standard Programs (further defined in Section 1-1 below, in these Terms and Conditions).
- f) **"EEM"** shall mean energy efficiency measures.
- g) **"Eligible Customers"** shall mean non-residential electric and/or gas Customers of Ameren Illinois. Each program has different eligibility requirements for Delivery Service rates (DS# for electric, GDS# for gas) to be eligible for that program. Refer to the specific program project guides to determine if your business is eligible for that program. The Ameren Illinois incentive payments are awarded only to Eligible Customers for equipment that is owned by them and installed in the Ameren Illinois service area at the location that corresponds with the Ameren Illinois account number listed in the Application. All Eligible Customers are ultimately responsible for compliance with these Terms and Conditions.
- h) **"Facility"** shall mean a single premise that, in general, consists of a contiguous tract of land separated by nothing more than a street, alley, or railroad right-of-way, where all buildings and/or energy-consuming devices are owned by a single Customer.
- i) **"New Construction"** shall include new construction, remodels, and building additions, as specified on the New Construction project guide.
- j) **"Pre-approval"** shall mean written notification to Customer of a maximum pre-approved incentive amount through a Pre-approval Letter, which Ameren Illinois issues after review of the Customer's Application.
- k) **"Project Guide"** shall mean the downloadable file (Excel or PDF format) that includes: directions for completing the application, eligibility criteria, the application forms to be completed that are used to apply for incentive money, program Terms and Conditions, and any other appropriate application-specific documentation.
- l) **"Qualifying Energy Efficiency Measures (EEMs)"** shall mean either (i) Standard gas or electric EEMs (measures found on any of the Standard Programs project guides: *Lighting, VFD, HVAC, Refrigeration, Lodging, Agriculture, Grocery, and Commercial Kitchens*); or (ii) measures eligible under the Custom Program (including the *Feasibility Study* incentives) approved by Ameren Illinois; (iii) measures found in the *retro-commissioning program*, including *Steam Trap Leak Survey and Repair*, as identified in official program materials found on the ActOnEnergy website; or (iv) measures eligible under the *New Construction* program approved by Ameren Illinois. Technologies that purport to save energy through reduction of voltage, demand, or power conditioning are not Qualifying EEMs. EEMs that displace electrical energy use or natural gas to another fuel (i.e., fuel switching proposals) are not Qualifying EEMs. Other than geothermal projects, renewable energy projects (solar, wind power, etc.) are also not eligible for incentives under this program. Unless explicitly pre-approved, EEMs must be new and covered by warranties. The HVAC and refrigeration tune-up program eligibility requirements are specified in their respective project guides. Natural Gas (gas) incentives do not include propane or butane measures.
- m) **"Standard Programs"** shall mean those projects associated with Standard gas or electric EEMs. Standard Programs include the following: *Lighting, VFD, HVAC, Refrigeration, Grocery/Convenience, Lodging, Commercial Kitchen, Steam Trap, and/or Agriculture*. See the ActOnEnergy website for project guides for these programs (ActOnEnergy.com).

2. OWNERSHIP OF CAPACITY AND/OR ENVIRONMENTAL CREDITS:

- a) EEMs purchased and installed in part through incentives provided by this program are the property of the Customer, subject to any limitations contained within these Terms and Conditions.
- b) Notwithstanding the above, unless otherwise requested in writing by the Customer prior to installation of the EEMs, Ameren Illinois holds sole rights to any system capacity credits and environmental credits that may be associated with EEMs for which incentives from Ameren Illinois were received, and Ameren Illinois can dispose of these credits in any manner authorized by law or regulation.
- c) In no event shall activity associated with any energy or environmental credits noted in Section 2(b) result in interference with the Customer's sole discretion to operate EEMs as approved in his/her incentive award.

3. PRE-APPROVAL

For all Applications, Ameren Illinois is not obligated to award any incentive payment unless Pre-approval is granted. Further, Ameren Illinois will not pay incentives for any EEMs ordered or PO generated prior to the date of the Pre-approval Letter, UNLESS, the requested incentive is less than \$10,000 on any Standard Program Application. Pre-approval reserves incentive funds for a period of 120 days from the date of the Pre-approval Letter. After 120 days Ameren Illinois may revoke the Pre-approval Letter and associated incentive funds, if in sole judgment of Ameren Illinois, satisfactory project progress has not been made. Custom and New Construction projects may be given leniency with this 120 days, but only if ActOnEnergy staff are notified well in advance that additional time may be needed.

4. POST-INSTALLATION VERIFICATION: Ameren Illinois is not obligated to make any incentive payment until it has performed a satisfactory post-installation verification. This provision may be waived at the sole discretion of Ameren Illinois.

5. INCENTIVE PAYMENT AMOUNTS:

- a) Incentive caps (per program year (June 1 through May 31), for a facility) are defined as follows:
- Standard and Custom applications (including the Feasibility Study), combined: Electric incentives are capped at \$600,000 with first \$200,000 paid out at 100% and the remaining, up to \$600,000, paid out at 50%. Gas incentives are capped at \$200,000 with a \$100,000 per project cap.
 - Incentives awarded under the Competitive Large Project Incentive (CLPI), are capped at \$500,000 for electric incentives, and \$100,000 for gas incentives – although, these numbers could be increased by up to 15% if you qualify for the early completion bonus. See the application for further criteria. These incentives do not count toward any of the other program incentive caps.
 - Incentives awarded under the Staffing Incentives for Energy Efficiency Project Manager can be up to \$80,000, but are capped at 40% of the value of the expected annual energy savings from the implemented projects. See the Program Staffing Incentive Application for further criteria. These incentives do not count toward any of the other program incentive caps.
 - New Construction – Lighting incentives are capped at \$100,000. These incentives do not count toward any of the other program incentive caps.
 - Retro Commissioning (includes Leak Survey and Repair) incentives are capped at \$600,000 per facility, per program year. These incentives do not count toward any of the other program incentive caps.
- b) Ameren Illinois reserves the right to adjust and/or negotiate the incentive amount, based upon its independent assessment of appropriate savings or cost estimates.
- c) Once an incentive Application is approved, Ameren Illinois will pay no more than the approved incentive amount.
- d) ActOnEnergy reserves the right to cap incentives at \$10,000 for Standard projects that did not obtain pre-approval.

6. MONITORING AND EVALUATION FOLLOW-UP VISITS: Ameren Illinois and any of its contracted parties, reserves the right to make follow-up visits or surveys to a Customer's facility during the 36 months following the completion date of the project at a time convenient to the Customer.

7. CHANGES IN/CANCELLATION OF THE PROGRAM:

- a) Ameren Illinois may change the program requirements, incentives, or these Terms & Conditions at any time without notice, including suspending acceptance of Applications, denial of Applications already received, or terminating the program.
- b) In the event of program change, Applications, which have been granted Pre-approval will be processed to completion under the Terms & Conditions in effect at the time of Pre-approval by Ameren Illinois.
- c) Cash incentives under the Ameren Illinois programs are offered on a first-come, first-served basis and are subject to project and Customer eligibility, and the availability of funds.

8. LIMITATION OF LIABILITY AND INDEMNIFICATION:

- a) The Ameren Illinois total liability to customer under these terms and conditions, or any other requirement of customer's application or condition of incentive award shall be limited to paying the incentive payments specified in the application or pre-approval letters. Ameren Illinois, its parent, affiliates and subsidiaries, and their directors, officers, employees, or agents shall not be liable to the customer or for any damages in tort (including negligence) caused by any activities associated with this application; loss of profits or revenue; loss of use of customer's property, equipment or power system; increased costs of any kind, including but not limited to capital cost, fuel cost and cost of purchased or replacement power; or any special, indirect, consequential or incidental damages whatsoever. *By participating in the Ameren Illinois program, customer agrees to waive any claims and fully releases Ameren Illinois from any damages, of any kind.*
- b) The customer shall defend, protect, indemnify, and hold harmless Ameren Illinois, its parent, affiliate and subsidiaries, and their representative directors, officers, employees, and agents from and against all liabilities, losses, claims, damages, judgments, penalties, costs and expenses (including, without limitation, attorney's fees and expenses) with respect to all demands, claims, suits, causes of action, and/or judgments for injuries, including death, to any person, arising out of or relating to customer's application.

9. NO WARRANTIES: Ameren Illinois does not guarantee the energy savings and its parent, affiliates, employees, and agents do not make any representations or warranties of any kind regarding the results to be achieved by the EEMs or the adequacy or safety of such measures. Ameren Illinois and its parent, affiliates, employees, and agents do not endorse, guarantee, or warrant any particular manufacturer, contractor or product, and it provides no warranties, expressed or implied, including any implied warranty of merchantability or implied warranty of fitness for any product or services. Ameren Illinois has no obligations regarding and does not endorse or guarantee any claims, promises, work, or equipment made performed or furnished by any contractors or equipment vendors that sell or install EEMs.

10. CUSTOMER SHALL PAY ALL TAXES: Incentive payments received by the Customer under this Agreement may be taxable by the federal, state, and local government. The Customer is responsible for declaring and paying all such taxes.

- a) Except as expressly provided herein, if either Ameren Illinois or the Customer desires to modify these Terms and Conditions, the modification must be in writing and signed by an authorized representative of the party against which enforcement of the modification is sought.
- b) Resolution of disputes concerning these Terms and Conditions, or any other requirement of this project guide or condition of incentive award, resolution will be governed in all respects by the laws, statutes, and regulations of the State of Illinois.
- c) Ameren Illinois and customer hereby irrevocably and unconditionally waive any right either such party may have to a trial by jury or to initiate or become a party to any class action claims in respect of any action, suit or proceeding directly or indirectly arising out of or relating to this project guide or the transactions contemplated by this project guide.