

ORIGINAL RULE NO. 30

RULES AND REGULATIONS ELECTRIC

30. COMMUNITY SOLAR SUBSCRIBER CONSENT FORM

Southwestern Public Service Company is providing this Community Solar Program Subscriber Data Consent Form. Your name and signature below mean you are the Subscriber who agrees to the terms of the Consent Form. By signing this Consent Form, you agree to all of the following:

1. Subscription. You qualify as a “Subscriber” under the New Mexico Community Solar Act (the “Act”) as that term is defined in the Act and summarized in the list of terms below.
2. Renewable Energy Credits, Energy and Capacity. As part of your Subscription, all energy, capacity, and renewable energy credits produced or associated with your Subscription are owned by Southwestern Public Service Company (“SPS”).
3. Information Sharing. During the term of your Subscription, SPS and the Subscriber Organization may share with each other your non-public personal information as necessary for the requirements of the Act, including calculation and application of the “Community Solar Bill Credits,” which is defined in the Act and summarized in the list of terms below. Non-public personal information includes: (i) your name, SPS account number, address, telephone number, email address, meter number, meter read dates, billing periods, utility invoice dates, base rate bill amount for energy used, other charges, including base rate and non-base rate adjustments, taxes, and invoice totals, (ii) your Community Solar Bill Credit amount; (iii) the total value of the Community Solar Bill Credits generated by the Community Solar Facility; (iv) your Subscription’s solar energy generation; (v) your subscription’s share of generating capacity of the Community Solar Facility; (vi) information on your participation in other distributed generation serving your account; (vii) data collected from your meter(s); (viii) any change in your information listed in this paragraph. SPS will not provide any other information, including personally identifiable

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information such as your Social Security Number or any financial account number, to the Subscriber Organization.

- 4. Aggregated Information. You agree that your Subscription production information may be combined with other Subscribers’ information. You also agree that the combined information of the Community Solar Facility may be publicly disclosed to support regulatory oversight of the “Community Solar Program,” as that term is defined in the Act and summarized in the list of terms below. This includes annual reports related to specific Community Solar Facilities and reporting on complaints, resolution of those complaints, and Community Solar Bill Credits earned and paid. Combined information will not identify you or provide your specific account information, your specific energy usage data, or your specific Community Solar Bill Credits unless you provide written informed consent. Depending on the nature of the combined information, however, it may still be possible to infer the amount of production attributed to your Subscription.

The policies of SPS related to sharing combined information are in the attached **Exhibit 1** and are provided to the Subscriber along with this form.

- 5. Information Request from the New Mexico Public Regulation Commission. You agree that the Subscriber Organization and SPS are authorized to provide any information they have related to you or your participation in the Community Solar Program to the New Mexico Public Regulation Commission. This information is needed to allow proper regulatory oversight of SPS, the Subscriber Organization, and the Community Solar Program.

- 6. Disputes. You agree that the Community Solar Bill Credits applied to your account by SPS will be calculated and applied based only on the information provided by the Subscriber Organization. As a result, if you have any dispute with the Community Solar Bill Credits, you must bring those concerns or issues first to the Subscriber Organization and not SPS. SPS will work with the Subscriber Organization as necessary to address any dispute.

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7. Liability Release. You release SPS from any and all claims, damages, or losses arising out of the Subscriber’s Organization’s use, misuse, or failure to maintain the confidentiality of your non-public personal information.

8. Tax Implications. SPS makes no representations concerning the tax consequences to you as a Subscriber with respect to Community Solar Bill Credits or your participation in the Community Solar Program.

9. Duration of Consent. Your agreement to the information sharing described in this Consent Form will apply for the duration of the agreement between the Subscriber Organization and SPS, or until you no longer have a Subscription with the Subscriber Organization and the Subscriber Organization notifies SPS of that.

10. Successor or Assigns. This Subscriber Consent Form shall apply to all successors or assigns of SPS and the Subscriber Organization without the need for your additional consent.

11. Contacts. If you have any concerns about this form or improper actions that may have occurred related to your customer information, you may reach out to the Subscriber Organization or, if that is unsuccessful, the New Mexico Public Regulation Commission’s Consumer Relations Division at 1-888-427-5772, the New Mexico Attorney General’s Office at 1-844-255-9210, or the Community Solar Program Administrator at 1-877-794-0109.

List of Terms

1. Community Solar Act. The law creating the Community Solar Program. *See* NMSA 1978, §§ 62-16B-1 to -8.
2. Community Solar Bill Credits. The credit value of the electricity generated by the Community Solar Facility and allocated to you, the Subscriber.
3. Community Solar Facility. A facility that generates electricity from solar panels and Subscribers receive a bill credit for a portion of that electricity.
4. Community Solar Program: New Mexico’s program that allows customers to subscribe to a solar facility and receive a bill credit for a portion of the electricity generated by that facility.

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- 5. Subscriber: A retail customer of a New Mexico qualifying utility that owns a Subscription to a Community Solar Facility.
- 6. Subscription: A contract between a Subscriber and a Subscriber Organization to receive a share of a Community Solar Facility.
- 7. Subscriber Organization: An entity that owns or operates a Community Solar Facility.

<p>If Individual:</p> <p>_____</p> <p>Your Name</p> <p>_____</p> <p>Your Signature</p> <p>Date: _____</p>	<p>If Entity or Governmental Unit:</p> <p>_____</p> <p>Subscriber Name</p> <p>By: _____</p> <p>Title: _____</p> <p>Date: _____</p>
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Please complete the following Subscriber Information

Name of Subscriber	
Southwestern Public Service Company Account Number of Subscriber	
Service Address of Subscriber	
Phone Number of Subscriber	
Email of Subscriber	
Subscriber Organization Name	
Contact Name at Subscriber Organization (if available)	
Address of Subscriber Organization	
Telephone Number of Subscriber Organization	

EXHIBIT 1 to Community Solar Program Subscriber Consent Form

**Data Privacy Policies of Southwestern Public Service Company
Pertaining to the New Mexico Community Solar Program**

The data privacy policies of Southwestern Public Service Company pertaining to the Community Solar Program are as follows and may be changed from time to time as filed in Southwestern Public Service Company’s tariff or as otherwise may be authorized by the New Mexico Public Regulation Commission (“NMPRC”).

Definitions

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Unless indicated otherwise, the same definition and meaning of terms in this document are the same as contained in the Community Solar Act or Community Solar Subscriber Organization Agreement. For ease of reference, here are some of the specific definitions:

“SPS” means Southwestern Public Service Company, a New Mexico corporation, and its affiliates and agents.

“Subscribed Energy” means electricity generated by the Community Solar Facility attributable to the Subscriber’s Subscription and delivered to SPS on or after the Commercial Operation Date.

“Subscriber” means a retail customer of SPS, that owns a Subscription to a Community Solar Facility.

“Subscriber’s Account Information” consists of the Subscriber’s name, account number, service address, telephone number, email address, web site URL, information on Subscriber participation in other distributed generation serving the premises of the Subscriber, and Subscriber specific Community Solar Bill Credit(s).

“Subscriber’s Energy Usage Data” means data collected from the utility Subscriber meters that reflects the quantity, quality, or timing of the Subscriber’s electric usage or electricity production for the service address and account number identified for participation in the Community Solar Program.

“Unsubscribed Energy” means energy, measured in kWh, generated by a Community Solar Facility that is not allocated to a Subscriber.

Overview

This section addresses how Subscriber’s Account Information and Subscriber’s Energy Usage Data will be collected, used and shared as part of participation in the New Mexico Community Solar Program.

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1. How Subscriber’s Account Information and Energy Usage Data Will Be Exchanged

a. Subscriber Specific Information

Once a Subscriber has entered into a Subscription and executed a Subscriber Consent Form, an ongoing data exchange will occur between SPS and the Subscriber Organization (and their designated subcontractors and agents):

(i) SPS will disclose the following Subscriber-specific information to the Subscriber Organization:

- Subscriber’s Account Information
- Subscriber’s Energy Usage Data
- Community Solar Bill Credits

(ii) The Subscriber Organization will disclose to SPS the following Subscriber-specific information:

- Subscriber’s Account Information
- Subscriber Organization allocation for each Subscriber’s Subscription stated in kW
- Production data related to the Community Solar Facility stated in kWh, including the amount of any Unsubscribed Energy applied to customer accounts
- Monthly Subscription Information

b. Aggregated Subscriber Information

Aggregated Subscriber information may be reported as part of Permitted Public Reporting, outlined in Section 2(b) below.

To be considered “aggregated” the reported information must include information attributable to all Subscribers of a Subscriber Organization participating in a specific New Mexico Community Solar Program site. Depending on the nature of the aggregated

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information, however, from this information alone or in combination with other publicly available information it may still be possible to infer the amount of production attributed to individual Subscribers to the Subscriber Organization.

2.How Subscriber’s Information Will Be Used

The following outlines how the Subscriber’s Account Information and Subscriber Energy Usage Data may be used as part of the New Mexico Community Solar Program.

a. Program Management

As part of administering the New Mexico Community Solar Program, the Subscriber Organization and SPS may provide information related to the Subscriber and/or operation of the Community Solar Program to:

- the NMPRC
- the New Mexico Attorney General
- Other governmental or private entities as required by law or regulation

Additionally, as part of administering the New Mexico Community Solar Program, SPS may share Subscriber’s Account Information and Subscriber’s Energy Usage Data to service providers, agents, or contracted agents who support the program on its behalf. SPS prohibits these service providers from using or disclosing the Subscriber’s information except as necessary to perform these specific services or to comply with legal requirements. More information about SPS’s general privacy practices is explained in its Privacy Policy available on <https://nm.my.xcelenergy.com/s/privacy>.

b. Public Reporting

The Subscriber’s Energy Usage Data of each participating Subscriber to a Subscriber Organization may be combined and reported in the aggregate by the Subscriber Organization in reports regarding the New Mexico Community Solar Program. The identity of specific Subscribers, the specific Subscriber’s Account Information, Subscriber’s Energy Usage Data and Subscriber-specific Community Solar Bill Credit

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will not be listed in public reports unless the Subscriber has provided the Subscriber Organization with prior written consent.

c. Prohibited Reporting or Sharing

Except as otherwise provided in this document, or as otherwise required by federal and state law or court order, SPS will not disclose the Subscriber’s Account Information, Subscriber’s Energy Usage Data or Subscriber-specific Bill Credits to a third party without first obtaining the Subscriber’s written consent.

Any requests by the Subscriber Organization to SPS for information about a Subscriber that is not Subscriber’s Account Information or Subscriber’s Energy Usage Data will require execution of a separate written consent by the Subscriber. Notwithstanding the previous statement, SPS will not provide the Subscriber Organization with the Subscriber’s Social Security Number unless ordered to do so by the NMPRC, compelled by law or regulation, or required under a court order.

3.Subscriber Data Access and Correction

The following outlines what information is available to the Subscriber from SPS and the Community Solar Subscriber Organization, and methods of correcting any inaccuracies.

a. Information Available from SPS

Subscribers can contact SPS’s call center to obtain information pertaining to their specific Community Solar Bill Credit attributable to their participation in New Mexico Community Solar Program.

The correction of any allocation of previously-applied Bill Credits among Subscribers pertaining to a particular month due to any inaccuracy in information provided by the Subscriber Organization to SPS with regard to a Subscriber’s Subscription shall be the full responsibility of the Subscriber Organization.

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The Subscriber Organization is solely responsible for the accuracy of information regarding the Subscriber’s share of the Subscriber Organization’s energy production provided to SPS, and the customer must resolve with the Subscriber Organization any dispute regarding the accuracy of such information.

b. Information Available from the Community Solar Subscriber Organization

Subscribers and prospective Subscribers can contact the Subscriber Organization to request the following information:

- A copy of the agreement the Subscriber will be required to enter into with the Community Solar Subscriber Organization.
- Copy of the Community Solar Subscriber Organization’s contract with SPS for the New Mexico Community Solar Program

4.Data Retention

SPS will retain the Subscriber’s Account Information, Subscriber’s Energy Usage Data and information on Bill Credits for as long as required under applicable law and the term of any agreements related to the Community Solar Program.

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