

**FIRST AMENDMENT  
TO THE ENERGY SCHEDULING AND TRADING SERVICES AGREEMENT**

This First Amendment to the Energy Scheduling and Trading Services Agreement (“Amendment”) is entered into on November 17, 2020 (the “Effective Date”) by and between City of Moreno Valley (“Customer”) and Tenaska Power Services Co. (“TPS”). Each of Customer and TPS may be referred to herein as a “Party” and collectively as the “Parties” to this Amendment.

WHEREAS, Customer and TPS are Parties to that certain Energy Scheduling and Trading Services Agreement dated as of May 20, 2016, as amended (the “Agreement”); and

WHEREAS, the Parties desire to amend the Agreement to extend the term for an additional five years as well as update the definition of “Due Date”.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by both Parties, Customer and TPS hereby agree as follows:

**AMENDMENT**

1. Unless otherwise defined in this Amendment, capitalized terms used in this Amendment shall have the same meaning as that given to such terms in the Agreement.

2. The Parties agree to amend the Agreement by replacing the second sentence of Section 5 of the Base Agreement with the following sentence:

“This Agreement will have a term of one hundred twenty (120) months, beginning on the Commencement Date and ending at the midnight which concludes the last Day of the full one hundred twenty (120) consecutive calendar month period following the Commencement Date (“Term”).”

3. The Parties agree to amend the Agreement by replacing the existing definition of “Due Date” in Section 1 of the General Terms and Conditions with the following new definition:

““Due Date” means the fifteenth (15<sup>th</sup>) day after receipt of the statement or invoice by Customer; provided, however, if such day is not a Business Day, the next Business Day.”

4. Unless expressly changed by this Amendment, all other terms of the Agreement shall remain in full force and effect.

5. This Amendment may be executed in multiple counterparts, including facsimile(s) or emails, each one of which will be considered an original Agreement, but all of which together will constitute one and the same instrument.

6. This Amendment contains the entire agreement between the Parties with respect to the subject matter of this Amendment and supersedes any previous understandings, commitments, or agreements, oral or written, with respect to such subject matter of this Amendment.

WHEREFORE, the Parties acknowledge and agree to this Amendment effective as of the Effective Date.

**TENASKA POWER SERVICES CO.**

**CITY OF MORENO VALLEY**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Kevin R. Smith

Name: Mike Lee

Title: President

Title: City Manager