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December 31, 2013

**ADVICE LETTER 2561-E**  
(U 902-E)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**SUBJECT:    MODIFICATIONS TO APPLICABLE NET ENERGY METERING ELECTRIC  
              SCHEDULES PURSUANT TO ASSEMBLY BILL 327**

**PURPOSE**

The purpose of this filing is to request approval from the California Public Utilities Commission ("Commission") of modifications to San Diego Gas and Electric Company's ("SDG&E") applicable Net Energy Metering ("NEM") Electric Tariff Schedules pursuant to Assembly Bill ("AB") 327.

Schedules NEM, Virtual Net Metering for Multi-Tenant and Multi-Meter Properties ("NEM-V"), and Virtual Net Metering for Multifamily Affordable Housing ("VNM-A") are revised to reflect that they will be closed to new customers once SDG&E reaches its NEM program limit of 607 megawatts ("MW") of nameplate generating capacity available to eligible customer-generators or July 1, 2017, whichever is earlier. Schedule Net Energy Metering for Fuel Cell Customer-Generators ("NEM-FC") is revised to specify that the Eligible Fuel Cell Electrical Generating Facility must have commenced operation on or before January 1, 2017.

**BACKGROUND**

AB 327 was approved and chaptered into law on October 7, 2013, amending Sections 382, 399.15, 739.1, 739.9, 745, 769, 2827, 2827.1, and 2827.10 of the California Public Utilities ("PU") Code. Certain provisions of the law become effective on January 1, 2014 and require changes to SDG&E's tariff schedules for compliance purposes.

Section 2827 was amended, in part, to require large electrical corporations to offer a standard NEM contract to eligible customers, continuously and without interruption, until the large electrical corporation reaches its NEM program limit of 607 MW of nameplate generating capacity available to eligible customer-generators or July 1, 2017, whichever is earlier. Additionally, Section 2827.10 was revised to extend the deadline for a customer to commence operation of its Eligible Fuel Cell Electrical Generating Facility from January 1, 2015 to January 1, 2017.

## TARIFF/CONTRACT CHANGES

In compliance with the relevant provisions of AB 327 as outlined above, SDG&E proposes the following changes to its tariffs as indicated in **bold font** or ~~struckout~~ text:

### Schedule NEM; Applicability:

This schedule shall be available to eligible customer-generators, upon request, on a first-come-first-served basis until the ~~time that the total rated generating capacity used by both NEM and VNM-A eligible customer-generators exceeds 5% of SDG&E's aggregate customer peak demand, defined as the highest sum of all customers' non-coincident peak demands that occurs in any calendar year~~ **earlier of July 1, 2017 or when SDG&E reaches its NEM program limit of 607 megawatts of nameplate capacity available to eligible customer-generators as provided in Assembly Bill 327, Public Utilities Code Section 2827(c)(4)(B)(i).**

### Schedule NEM-A; Applicability:

This schedule will be available to eligible customer-generators, upon request, on a first-come-first-served basis until the ~~time that total rated generating capacity used by NEM, VNM-A, and NEM-V eligible customer-generators exceeds 5% of SDG&E's aggregate customer peak demand, defined as the highest sum of all customers' non-coincident peak demands that occurs in any calendar year~~ **earlier of July 1, 2017 or when SDG&E reaches its NEM program limit of 607 megawatts of nameplate capacity available to eligible customer-generators as provided in Assembly Bill 327, Public Utilities Code Section 2827(c)(4)(B)(i).**

### Schedule VNM-A; Applicability:

This schedule will be available to eligible customer-generators, upon request, on a first-come-first-served basis until the ~~time that total rated generating capacity used by both NEM, VNM-A and NEM-V eligible customer-generators exceeds 5% of SDG&E's aggregate customer peak demand (defined as the highest sum of all customers' non-coincident peak demands that occurs in any calendar year) until December 31, 2015~~ **earlier of July 1, 2017, or when SDG&E reaches its NEM program limit of 607 megawatts of nameplate capacity available to eligible customer-generators as provided in Assembly Bill 327, Public Utilities Code Section 2827(c)(4)(B)(i),** or until all funds available for incentives have been allocated, whichever comes first.

### Schedule NEM-FC; Applicability:

Except as otherwise provided herein, this schedule is applicable to bundled service, Community Choice Aggregators (CCA), and Direct Access (DA) customers who are served under a Time-of-Use (TOU) rate schedule, and who prior to January 1, ~~2015~~ **2017**...

## EFFECTIVE DATE

SDG&E believes this filing is subject to Energy Division disposition and should be classified as Tier 1 (effective pending disposition) pursuant to GO 96-B. SDG&E respectfully requests that this filing be approved effective January 1, 2014 which is the effective date pursuant to AB 327.

**PROTEST**

Anyone may protest this Advice Letter to the California Public Utilities Commission. The protest must state the grounds upon which it is based, including such items as financial and service impact, and should be submitted expeditiously. The protest must be made in writing and must be received no later than January 20, 2014, which is within 20 days of the date this Advice Letter was filed with the Commission. There is no restriction on who may file a protest. The address for mailing or delivering a protest to the Commission is:

CPUC Energy Division  
Attention: Tariff Unit  
505 Van Ness Avenue  
San Francisco, CA 94102

Copies of the protest should also be sent via e-mail to the attention of the Energy Division at [EDtariffUnit@cpuc.ca.gov](mailto:EDtariffUnit@cpuc.ca.gov). A copy of the protest should also be sent via both e-mail and facsimile to the address shown below on the same date it is mailed or delivered to the Commission.

Attn: Megan Caulson  
Regulatory Tariff Manager  
8330 Century Park Court, Room 32C  
San Diego, CA 92123-1548  
Facsimile No. (858) 654-1879  
E-mail: [MCaulson@semprautilities.com](mailto:MCaulson@semprautilities.com)

**NOTICE**

A copy of this filing has been served on the utilities and interested parties shown on the attached list, including interested parties in R.12-11-005 and R.12-06-013 by either providing them a copy electronically or by mailing them a copy hereof, properly stamped and addressed.

Address changes should be directed to SDG&E Tariffs by facsimile at (858) 654-1879 or by e-mail at [SDG&ETariffs@semprautilities.com](mailto:SDG&ETariffs@semprautilities.com).

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CLAY FABER  
Director - Regulatory Affairs

(cc list enclosed)

# CALIFORNIA PUBLIC UTILITIES COMMISSION

## ADVICE LETTER FILING SUMMARY ENERGY UTILITY

**MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)**

Company name/CPUC Utility No. SAN DIEGO GAS & ELECTRIC (U 902)

Utility type:

ELC     GAS  
 PLC     HEAT     WATER

Contact Person: Joff Morales

Phone #: (858) 650-4098

E-mail: jmorales@semprautilities.com

EXPLANATION OF UTILITY TYPE

ELC = Electric      GAS = Gas  
PLC = Pipeline      HEAT = Heat      WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: 2561-E

Subject of AL: Modifications to Applicable Net Energy Metering Electric Schedules Pursuant to Assembly Bill 327

Keywords (choose from CPUC listing): Tariffs, Net Energy Meter

AL filing type:  Monthly  Quarterly  Annual  One-Time  Other \_\_\_\_\_

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #:  
Assembly Bill 327

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: None

Summarize differences between the AL and the prior withdrawn or rejected AL: N/A

Does AL request confidential treatment? If so, provide explanation: None

Resolution Required?  Yes  No

Tier Designation:  1     2     3

Requested effective date: 12/31/2013

No. of tariff sheets: 0

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: NEM, NEM-FC, NEM-V, VNM-A

Service affected and changes proposed: N/A

Pending advice letters that revise the same tariff sheets: None

**Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:**

CPUC, Energy Division  
Attention: Tariff Unit  
505 Van Ness Ave.,  
San Francisco, CA 94102  
EDTariffUnit@cpuc.ca.gov

San Diego Gas & Electric  
Attention: Megan Caulson  
8330 Century Park Ct, Room 32C  
San Diego, CA 92123  
mcaulson@semprautilities.com

General Order No. 96-B  
ADVICE LETTER FILING MAILING LIST

cc: (w/enclosures)

Public Utilities Commission

DRA

Y. Schmidt  
W. Scott

Energy Division

P. Clanon  
S. Gallagher  
H. Gatchalian  
D. Lafrenz  
M. Salinas

CA. Energy Commission

F. DeLeon  
R. Tavares

Alcantar & Kahl LLP

K. Harteloo

American Energy Institute

C. King

APS Energy Services

J. Schenk

BP Energy Company

J. Zaiontz

Barkovich & Yap, Inc.

B. Barkovich

Bartle Wells Associates

R. Schmidt

Braun & Blaising, P.C.

S. Blaising

California Energy Markets

S. O'Donnell  
C. Sweet

California Farm Bureau Federation

K. Mills

California Wind Energy

N. Rader

CCSE

S. Freedman  
J. Porter

Children's Hospital & Health Center

T. Jacoby

City of Chula Vista

M. Meacham  
E. Hull

City of Poway

R. Willcox

City of San Diego

J. Cervantes  
G. Lonergan  
M. Valerio

Commerce Energy Group

V. Gan

Constellation New Energy

W. Chen

CP Kelco

A. Friedl

Davis Wright Tremaine, LLP

E. O'Neill  
J. Pau

Dept. of General Services

H. Nanjo  
M. Clark

Douglass & Liddell

D. Douglass  
D. Liddell  
G. Klatt

Duke Energy North America

M. Gillette

Dynegy, Inc.

J. Paul

Ellison Schneider & Harris LLP

E. Janssen

Energy Policy Initiatives Center (USD)

S. Anders

Energy Price Solutions

A. Scott

Energy Strategies, Inc.

K. Campbell  
M. Scanlan

Goodin, MacBride, Squeri, Ritchie & Day

B. Cragg  
J. Heather Patrick

J. Squeri

Goodrich Aerostructures Group

M. Harrington

Hanna and Morton LLP

N. Pedersen

Itsa-North America

L. Belew

J.B.S. Energy

J. Nahigian

Luce, Forward, Hamilton & Scripps LLP

J. Leslie

Manatt, Phelps & Phillips LLP

D. Huard  
R. Keen

Matthew V. Brady & Associates

M. Brady

Modesto Irrigation District

C. Mayer

Morrison & Foerster LLP

P. Hanschen

MRW & Associates

D. Richardson

OnGrid Solar

Andy Black

Pacific Gas & Electric Co.

J. Clark  
M. Huffman  
S. Lawrie  
E. Lucha

Pacific Utility Audit, Inc.

E. Kelly

R. W. Beck, Inc.

C. Elder

School Project for Utility Rate  
Reduction

M. Rochman

Shute, Mihaly & Weinberger LLP

O. Armi

Solar Turbines

F. Chiang

Sutherland Asbill & Brennan LLP

K. McCrea

Southern California Edison Co.

M. Alexander

K. Cini

K. Gansecki

H. Romero

TransCanada

R. Hunter

D. White

TURN

M. Florio  
M. Hawiger

UCAN

M. Shames

U.S. Dept. of the Navy

K. Davoodi

N. Furuta

L. DeLacruz

Utility Specialists, Southwest, Inc.

D. Koser

Western Manufactured Housing  
Communities Association

S. Dey

White & Case LLP

L. Cottle

Interested Parties

R.12-11-005

R.12-06-013

ATTACHMENT A  
ADVICE LETTER 2561-E

Cal. P.U.C. Sheet No.	Title of Sheet	Canceling Cal. P.U.C. Sheet No.
Revised 23989-E	SCHEDULE NEM, NET ENERGY METERING, Sheet 1	Revised 23221-E
Revised 23990-E	SCHEDULE NEM-FC, NET ENERGY METERING FOR FUEL CELL CUSTOMER-GENERATORS, Sheet 1	Revised 23436-E
Revised 23991-E	SCHEDULE NEM-V, VIRTUAL NET ENERGY METERING FOR MULTI-TENANT AND MULTI-METER PROPERTIES, Sheet 1	Revised 23222-E
Revised 23992-E	SCHEDULE VNM-A, VIRTUAL NET ENERGY METERING FOR MULTIFAMILY AFFORDABLE HOUSING, Sheet 1	Revised 23223-E
Revised 23993-E	TABLE OF CONTENTS, Sheet 1	Revised 23922-E
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**SCHEDULE NEM**  
**NET ENERGY METERING**

Sheet 1

APPLICABILITY

Pursuant to California Public Utilities Code (PU Code) Section 2827, this schedule is applicable to a residential, small commercial (as defined in subdivision (h) of Section 331 of the PU Code), commercial, industrial, or agricultural customer who uses a Renewable Electrical Generation Facility, as defined in Special Condition 1.b, or a combination of those facilities, with a total capacity of not more than 1,000 kilowatts (kW) that is located on the customer's owned, leased, or rented premises, is interconnected and operates in parallel with the Utility's transmission and distribution systems, and is intended primarily to offset part or all of the customer's own electrical requirements (hereinafter "eligible customer-generator" or "customer"). Certain incremental billing and metering costs set forth in this schedule that are related to net energy metering are applicable to Energy Service Providers (ESPs) serving eligible customer-generators.

This service is not applicable to a Direct Access (DA) customer where the customer's ESP does not offer a net energy metering tariff. In addition, if an eligible customer-generator participates in direct transactions with an electric provider that does not provide distribution service for the direct transactions, the electric provider, and not the Utility, is obligated to provide net energy metering to the customer (also see Special Condition 3.e).

Pursuant to Decision 08-02-002 and notwithstanding all applicable terms and conditions contained herein, to the extent a Community Choice Aggregator (CCA) offers a net energy metering tariff, Utility shall provide applicable NEM services under this schedule to an eligible CCA customer-generator consistent with services provided to its bundled service eligible customer-generators. As a condition of receiving service under this schedule, the CCA shall be responsible for timely providing the applicable generation-related bill charges or credits for each CCA customer-generator to the utility. Each eligible CCA customer-generator shall look to its CCA for NEM services related to the electric generation charges and credits that result from receiving services under this schedule. The CCA shall also be responsible for the applicable generation-related bill credit structure associated with this service option and providing the CCA customer-generator with the applicable generation-related bill credit.

This schedule shall be available to eligible customer-generators, upon request, on a first-come-first-served basis until the earlier of July 1, 2017 or when SDG&E reaches its NEM program limit of 607 megawatts of nameplate capacity available eligible customer-generators as provided in Assembly Bill 327, PU Code 2827(c)(4)(B)(i).

Schedule NEM applies also to specified Net Energy Metering eligible (NEM-eligible) generators in a Generating Facility comprised of multiple NEM- and non-NEM-eligible generators, served through the same Point of Common Coupling (PCC), where the NEM-eligible generating capacity is not more than 1 MW. Such facilities will be referred to as Multiple Tariff Facilities, and any group of generators within such a facility that are subject to the same tariff provisions for billing and metering purposes will be referred to as a Constituent Generator Group. In order to be eligible for this rate schedule in a Multiple Tariff Facility, the customer-generator must meet all the requirements of Special Condition 6 for the schedule NEM-eligible generator, and must also meet any other applicable tariffs. Customer-generator must also complete a Generating Facility Interconnection Agreement (Multiple Tariff) (Form 117-2160).

Due to the complexity of Multiple Tariff Facilities NEM-eligible generators interconnecting under the provisions of Special Condition 6 may require additional review and/or interconnection facilities and other equipment, and may incur interconnection costs, as provided for in electric Rule 21.

As of January 1, 2010, a customer who owns, rents or leases a premises that includes a Renewable electrical generation facility, or a combination of those facilities with a capacity of 30kW or less, that were previously approved by SDG&E for NEM interconnection prior to the customer moving in and/or taking electric service with SDG&E (Change of party customer) will take service on this tariff as long as the requirements of this section are met.

(Continued)

1P4	Issued by	Date Filed	Dec 31, 2013
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Decision No.	Senior Vice President Regulatory Affairs	Resolution No.	

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**SCHEDULE NEM-FC**

Sheet 1

NET ENERGY METERING FOR FUEL CELL CUSTOMER-GENERATORS

APPLICABILITY

Except as otherwise provided herein, this schedule is applicable to bundled service, Community Choice Aggregators (CCA), and Direct Access (DA) customers who are served under a Time-of-Use (TOU) rate schedule, and who prior to January 1, 2017 (1) interconnect and operate in parallel with the Utility's electrical system using an Eligible Fuel Cell Electrical Generating Facility, as defined below (Special Condition 1a) pursuant to California Public Utilities Code Section 2827.10 (PU Code Section 2827.10), with a generating capacity no greater than 1,000 kW, located or adjacent to the customer's owned, leased or rented premises, is interconnected and operates in parallel with the Utility's grid while the grid is operational or is operated independently from the grid when the grid is not operational, and is sized to offset part or all of the customer's electrical requirements, (2) are the recipient of local, state, or federal funds, or who self-finance projects designed to encourage the development of Eligible Fuel Cell Electrical Generating Facilities, and (3) use technology the Commission has determined will achieve reductions in emissions of greenhouse gases pursuant to subdivision (b), and meets the emission requirements for eligibility for funding set forth in subdivision (c), of section 379.6. Such a customer will be referred to hereafter as an "eligible fuel cell customer-generator" or "customer". Customers eligible for service under this schedule are exempt from any new or additional charges not included in their Otherwise Applicable Schedule (OAS).

Pursuant to PU Code Section 2827.10, this schedule is available on a first-come, first-serve basis for the operating life of the Eligible Fuel Cell Electrical Generating Facility, and will be closed to new customers once the Utility reaches a level equal to its proportionate share of a statewide limitation of 500 megawatts as calculated by a ratio of the Utilities peak demand compared to the total statewide peak demand. This ratio is calculated to be 37 megawatts for the Utility.

Pursuant to Decision 08-02-002 and notwithstanding all applicable terms and conditions contained herein, to the extent a CCA offers a net energy metering tariff for fuel cell customer-generators, the Utility shall provide applicable NEM services under this schedule to an eligible CCA customer-generator consistent with services provided to its bundled service eligible customer-generators. As a condition of receiving service under this schedule, the CCA shall be responsible for timely providing the applicable generation-related bill charges or credits for each CCA customer-generator to the Utility. Each eligible CCA customer-generator shall look to its CCA for NEM services related to the electric generation charges and credits that result from receiving services under this schedule. The CCA shall also be responsible for the applicable generation-related bill credit structure associated with this service option and providing the CCA customer-generator with the applicable generation-related bill credit. If a CCA or DA customer elects NEM aggregation service, as defined below, all aggregated accounts must be served by the same CCA or by the same Electric Service Provider (ESP).

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**Lee Schavrien**  
Senior Vice President  
Regulatory Affairs

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**SCHEDULE NEM-V**

Sheet 1

VIRTUAL NET ENERGY METERING FOR MULTI-TENANT AND MULTI-METER PROPERTIES

**APPLICABILITY**

Optionally available to Qualified Customers, as defined in Special Condition (SC) 3, owning, renting, or leasing space within a multi-tenant or multi-meter<sup>1</sup> property, which includes all residential (whether rental properties or condominiums), commercial and industrial properties, where the Owner of the property has installed an "eligible customer-generator", as defined in Schedule NEM and Public Utilities (PU) Code Section 2827, subject to the Generator Limitation provisions described in SC 9, and contracts with the Utility to have all eligible output from the generator supplied to the Utility for the purpose of providing a credit to the Qualified Customers. The terms of this rate schedule shall apply to any Qualified Customer that is designated by the Owner on a Generation Credit Allocation Request Form, unless the customer provides written notification to the Utility declining to receive a credit. Virtual Net Energy Metering (VNM) facilitates cost savings for Owners by avoiding the installation of an eligible customer-generator on each individual tenant's unit, and also provides Qualified Customers with the benefits that would otherwise be provided under Schedule NEM.

Accounts not fully utilizing energy allocated to them under this schedule may be eligible for additional compensation at the conclusion of their Relevant Period as described in Special Condition 7.e.

For purposes of calculating customer charges, standby charges, and demand charges, a Qualified Customer shall be treated identically as a NEM customer, consistent with PU Code § 2827(g). The Utility may charge incremental billing costs to Qualified Customers requesting to receive a demand credit subject to a review for reasonableness. The customer must agree to such incremental charges prior to utility providing this service.

In the event a Qualified Customers becomes eligible for payments resulting from participation in a demand response program, such payments to a Qualified Customers shall be based on the customer's metered usage disregarding any contributions from VNM generation. Similarly, any other demand response programmatic elements that are affected by a customer's load (e.g. program eligibility) shall also exclude from consideration any impacts of VNM generation.

Service on this rate schedule must be taken in combination with the Qualified Customer's otherwise applicable rate schedule (OAS). This schedule will be available to eligible customer-generators, upon request, on a first-come-first-served basis until the earlier of July 1, 2017 or when SDG&E reaches its NEM program limit of 607 megawatts of nameplate capacity available to eligible customer-generators as provided in Assembly Bill 327, Public Utilities Code Section 2827(c)(4)(B)(i)

time that total rated generating capacity used by NEM, VNM-A, and NEM-V eligible customer-generators exceeds 5% of SDG&E's aggregate customer peak demand, defined as the highest sum of all customers' non-coincident peak demands that occurs in any calendar year.

**TERRITORY**

Within the entire territory served by the Utility.

<sup>1</sup> "Multi-meter" means two or more utility revenue meters participating in the NEM-V program, in addition to the Net Generation Output Meter.

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<sup>1P4</sup>	Issued by	Date Filed	Dec 31, 2013
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**SCHEDULE VNM-A**

Sheet 1

VIRTUAL NET ENERGY METERING FOR MULTIFAMILY AFFORDABLE HOUSING

APPLICABILITY

Optionally available to Qualified Customers as defined in Special Condition (SC) 4, owning, renting, or leasing in Multi-Family Affordable Housing Accommodations as defined in SC 3, where the Owner of the complex has installed a solar "eligible customer-generator" with generating capacity of 1 megawatt (MW) or less, as defined in Schedule NEM and Public Utilities (PU) Code Section 2827, and contracts with the Utility to have all eligible output from the generator supplied to the Utility for the purpose of providing a credit to the Qualified Customers within the complex. The terms of this rate schedule shall apply to any Qualified Customer that is designated by the Owner on a Solar Generation Credit Allocation Request Form, unless the customer provides written notification to the Utility declining to receive a credit. Virtual Net Energy Metering (VNM) facilitates cost savings for Owners by avoiding the installation of an eligible customer-generator on each individual dwelling unit, and also provides Qualified Customers with the benefits that would otherwise be provided under Net Energy Metering (NEM). Owners that install an eligible customer-generator for the purpose of VNM-A may be eligible for additional up-front incentives (see SC 11).

Accounts not fully utilizing energy allocated to them under this schedule may be eligible for additional compensation at the conclusion of their Relevant Period as described in Special Condition 8.e.

Service on this rate schedule must be taken in combination with the Qualified Customer's otherwise applicable rate schedule (OAS). This schedule will be available to eligible customer-generators, upon request, on a first-come-first-served basis until the earlier of July 1, 2017, or when SDG&E reaches its NEM program limit of 607 megawatts of nameplate capacity available to eligible customer-generators as provided in Assembly Bill 327, PU Code Section 2827(c)(4)(B)(i) or until all funds available for incentives have been allocated, whichever comes first. VNM-A Customers are not eligible to take service under SDG&E Schedule DR-SES.

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TERRITORY

Within the entire territory served by the Utility.

RATES

The Qualified Customer Bill as determined under SC 9c. is applicable, less Customer's Allocated Credit.

SPECIAL CONDITIONS

1. Definitions: The Definitions of terms used in this schedule are found either herein or in Rule 1.
2. Treatment of Generation: Eligible customer-generators that are installed and utilized in providing service under terms of this rate schedule shall be treated as though they were installed and utilized under terms of Schedule NEM, unless otherwise specified herein.
3. Affordable Housing Multi-Family Accommodations: Per PU Code Section 2852, is multi-family housing that meets at least one of following criteria:
  - a) Residential housing financed with low-income housing tax credits, tax-exempt mortgage revenue bonds, general obligation bonds, or local, state, or federal loans or grants, and for which the rents of the occupants who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, do not exceed those prescribed by deed restrictions or regulatory agreements pursuant to the terms of the financing or financial assistance.

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