

RIDER C PERFORMANCE GUARANTEE

Each 12 month period after COD the annual energy (kWh) production shall be at least 80% of Expected Electricity Production (EEP).

In the event in any 12 month period after COD energy production is less than 80% of EEP, Licensee shall pay Trustees the differential between the actual cost of replacement electricity and the Price times the number of kWh below the 80% of EEP. For purposes of calculating whether Licensee has achieved the 80% of EEP threshold in a given Contract Year, Licensee will be credited all Deemed Generated Energy during the Contract Year for which Licensee is entitled to In Lieu of Electricity Payments pursuant to Section 10.2, Section 11.7, and any other applicable provision of the Agreement.

[This is the minimum viable performance guarantee built around administrative simplicity. University and Licensee may agree to more elaborate performance guarantees as long as the guarantee meets or exceeds this minimum]

End of Rider C