**Reservation of Rights:** *All draft Provider of Choice (POC) contract language presented by BPA for discussion is subject to ongoing review and revision. Prior to finalizing the POC contract templates, BPA will publish complete contract templates for public review and comment. BPA acknowledges that failure to offer edits or comments on this document does not preclude a stakeholder from offering edits or comments during the formal public review.*

**Summary of Changes**

Proposed edits to the Recitals are mostly clean-up in nature. A proposed addition to the first recital states that all obligations under the Regional Dialogue contract are preserved until satisfied.

**Edits of Particular Note:**

Changes the reference of “federal power” to “electric power” under the guidance of BPA’s legal staff.

RECITALS***(XX/XX/XX Version)***

*Drafter’s Note: Include this first recital for customers that had a Regional Dialogue contract and include that RD contract number.*

«Customer Name»’s power sales agreement Contract No. «##PB»‑«#####» continues through September 30, 2028, and power deliveries under this Agreement begin on October 1, 2028. All obligations and liabilities accrued under Contract No. «##PB»‑«#####» are preserved until satisfied.

BPA is a functionally separated organization with distinct administrative and decision-making activities for BPA’s power and transmission functions. References in this Agreement to Power Services or Transmission Services are solely for the purpose of clarifying which BPA function is responsible for such.

BPA is authorized to market electric power to qualified entities eligible to purchase such power. Under section 5(b)(1) of the Northwest Power Act, BPA is obligated to offer a power sales agreement to any eligible customer for the sale and purchase of electric power to serve the customer’s regional consumer load not served by the customer’s resources.

In the final Provider of Choice Policy, BPA adopted a tiered rate pricing construct for electric power sold under section 5(b) of the Northwest Power Act to provide pricing signals and to encourage the timely development of regional power resource infrastructure to meet regional consumer loads under this Agreement.

This Agreement effectuates a Contract High Water Mark for «Customer Name» that establishes the amount of power «Customer Name» may purchase from BPA at Tier 1 Rates.