**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**

BPA is proposing to simplify and streamline section 9, Election to Purchase Power at Tier 2 Rates.

References to Notice Deadlines and Purchase Periods have been removed. Section 9 states the timing for customers’ one-time Above-CHWM Load service election, which will include Tier 2 elections. Section 9 also states that BPA shall calculate a customer’s Above-CHWM Load ahead of each Rate Period and points the reader to where further details of that calculation process will live. Section 9.3 has retained the original Regional Dialogue language but states that power is sold by BPA. This section applies to all products.

Section 9 was shared at the October 9 workshop, and afterward, BPA did not receive any written public comments. In response to a comment received in the Oct. 9 workshop, BPA is proposing one edit to clarify that customers will be required to elect their Above-CHWM options 60 *calendar* days after the final CHWMs from the FY 2026 CHWM Calculation Process are shared with customers. BPA is proposing to move this version of section 9 to the master template.

**9. ELECTIONS TO PURCHASE POWER PRICED AT TIER 2 RATES*(XX/XX/XX Version)***

9.1 **Tier 2 Rate Alternatives**

Subject to therequirements of this section 9 and Exhibit C and pursuant to the PRDM, «Customer Name» shall have the right to purchase Firm Requirements Power at a Tier 2 Long-Term Rate, Tier 2 Short-Term Rate, and Tier 2 Vintage Rate.

9.2 **Above-CHWM Load Service Options and Tier 2 Rate Elections**

BPA shall calculate «Customer Name»’s Above‑CHWM Load in the Above‑CHWM Load Process ahead of each Rate Period.

«Customer Name» has the option to serve its Above-CHWM Load with: (1) Firm Requirements Power purchased from BPA at a Tier 2 Rate or rates, (2) Dedicated Resources, or (3) a specific combination of both (1) and (2).

Within sixty calendar days after BPA publishes, to its publicly available website, «Customer Name»’s final CHWMs from the FY 2026 CHWM Calculation Process, «Customer Name» shall determine and provide written notice to BPA of its Above-CHWM Load service election, including its election to purchase Firm Requirements Power at Tier 2 Rates, consistent with section 2.1 of Exhibit C.

BPA shall update Exhibit C to state «Customer Name»’s Tier 2 Rate purchase elections and the amount of its purchase obligation of Firm Requirements Power at Tier 2 Rates.



9.3 **Amounts of Tier 2 Flat Across All Hours**

Amounts of Firm Requirements Power sold by BPA at Tier 2 Rates and purchased by «Customer Name» shall be equal in all hours of the year.