

AUTHENTICATED
Amendment No. 1
Interagency Agreement No. 94-BAO-701
Air Combat Command, Department
of the Air Force

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

Pick-Sloan Missouri Basin Program-Eastern Division

Interagency Agreement FOR FIRM ELECTRIC SERVICE TO

AIR COMBAT COMMAND, DEPARTMENT OF THE AIR FORCE

(ENERGY PLANNING AND MANAGEMENT PROGRAM)

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General Power Interagency Agreement Provisions dated August 15, 1995

UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

Pick-Sloan Missouri Basin Program-Eastern Division

INTERAGENCY AGREEMENT FOR FIRM ELECTRIC SERVICE TO

AIR COMBAT COMMAND, DEPARTMENT OF THE AIR FORCE
(ENERGY PLANNING AND MANAGEMENT PROGRAM)

1. PREAMBLE: This Interagency Agreement Amendment is made pursuant to the Act of Congress approved October 24, 1992, the Energy Policy Act (EPAAct), Public Law 102-486, and Acts amendatory or supplementary to the forgoing Act between the UNITED STATES OF AMERICA, Western Area Power Administration (Western) and the Air Combat Command, Department of the Air Force, hereinafter called the Contractor or The Air Force, its successors or assignees, each sometimes hereinafter individually called Party, and both sometimes collectively called Parties, as part of Interagency Agreement No. 94-BA0-701, as amended (Original Interagency Agreement), pursuant to the same authorities as the Original Interagency Agreement, and subject to all of the provisions of the Original Interagency Agreement except as herein amended.

2. EXPLANATORY RECITALS:

2.1 The Parties previously entered into Interagency Agreement No. 94-BA0-701, dated November 21, 1994, as it may have been amended from time to time, which provides, among other things, for the sale of firm electric power and energy to The Air Force through December 31, 2000.

2.2 The Energy Planning and Management Program, published by Western in the Federal Register at 60 FR 54151, dated October 20, 1995, and as it may be amended or superseded, hereinafter referred to as the Program, implements the requirements of Section 114, Title 1 of the Energy Policy Act of 1992. The Program requires The Air Force to develop, or cause to be developed, an Integrated Resource Plan (IRP), or a Small Customer Plan.

2.3 Western and The Air Force want to extend the term of the Original Interagency Agreement in accordance with the Program. The Program also provides for Western to allocate resources and to create future resource allocation pools that will require adjustments to resources committed by Western under this Interagency Agreement.

2.4. Western and The Air Force want to delete Section 29 of the Original Interagency Agreement, "RESALE OF FIRM ELECTRIC SERVICE."

2.5. Western and The Air Force want to modify Section 14 through 53 of the Original Interagency Agreement, whereby Sections 14 through 53 of the Original Interagency Agreement will be provided for in an attached document referred to as the "GENERAL POWER CONTRACT PROVISIONS."

2.6. Western and The Air Force want to amend the Original Interagency Agreement as stated herein.

3. AGREEMENT: The Parties agree to the terms and conditions set forth herein.

4. TERM OF AMENDMENT: This Interagency Agreement Amendment shall become effective on the first day of the first full billing period after the date of execution and shall remain in effect concurrently with the Original Interagency Agreement and shall terminate coincidentally therewith.

5. MODIFICATION OF THE TERM OF INTERAGENCY AGREEMENT SECTION OF THE ORIGINAL INTERAGENCY AGREEMENT: Section 5, "Term of Interagency Agreement," of the Original Interagency Agreement is hereby deleted and the following new Section 5 substituted therefor:

"5. TERM OF INTERAGENCY AGREEMENT: This Interagency Agreement shall become effective on the first day of the first full billing period after the date of execution, and subject to prior termination as otherwise provided for herein, shall remain in effect through December 31, 2020."

6. MODIFICATION OF CONSERVATION AND RENEWABLE ENERGY PROGRAM SECTION OF THE ORIGINAL INTERAGENCY AGREEMENT: Section 12, "Conservation and Renewable Energy Program," of the Original Interagency Agreement is hereby deleted and the following new Section 12 substituted therefor:

"12. INTEGRATED RESOURCE PLANS AND SMALL CUSTOMER PLANS:

12.1 The Air Force shall comply with Integrated Resource Plan or Small Customer Plan requirements, as applicable, in accordance with the Program.

12.2 Western shall administer the IRP or Small Customer Plan requirements, as applicable, in accordance with the Program.

12.3 Failure to comply with the IRP or Small Customer Plan requirements will result in the application of penalties as specified in the Program. Such penalties shall not be applied until completion of the administrative appeals provided for in the Program.

12.4 In the event that Western, or any successor agency, shall promulgate changes to the Program following its initial adoption as published in the Federal Register at 60 FR 54151, dated October 20, 1995, the Air Force, by written notice to the Contracting Officer within ninety (90) days after the effective date of a Program change, may elect to terminate this Contract. The termination shall be effective not more than one (1) year from the date of receipt of the notice by Western."

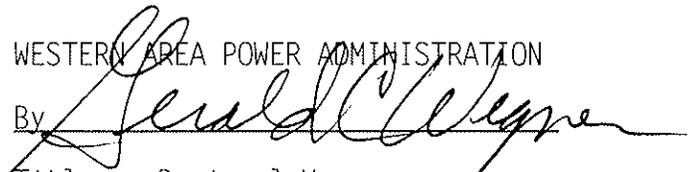
7. TERMINATION OF RESALE OF FIRM ELECTRIC SERVICE SECTION OF ORIGINAL INTERAGENCY AGREEMENT: Section 29, "Resale of Electric Energy," of the Original Interagency Agreement is hereby deleted in its entirety.

8. MODIFICATION OF SECTIONS 14 THROUGH 53 OF THE ORIGINAL INTERAGENCY AGREEMENT: Sections 14 through 53 of the Original Interagency Agreement, are hereby deleted from the Original Interagency Agreement and replaced by the attached document referred to as "GENERAL POWER CONTRACT PROVISIONS." Section 14, "ENVIRONMENTAL RESPONSIBILITY FOR HAZARDOUS MATERIALS", is hereby deleted and the following new Section 14 substituted therefor:

"14. GENERAL POWER CONTRACT PROVISIONS: The General Power Contract Provisions effective August 15, 1995, attached hereto, are hereby made a part of this Interagency Agreement the same as if they had been expressly set forth herein. Pursuant to Provision 13.4, the Parties agree to implement a net billing procedure."

9. ORIGINAL INTERAGENCY AGREEMENT TO REMAIN IN FULL FORCE AND EFFECT: Except as expressly modified by this Interagency Agreement Amendment, the Original Interagency Agreement shall remain in full force and effect, and this Amendment shall be subject to all provisions, except as herein modified, of the Original Contract.

The Parties have executed this Contract Amendment as of the date set forth below.

WESTERN AREA POWER ADMINISTRATION
By 
Title Regional Manager
Address P.O. Box 35800
Billings, MT 59107-5800

This Interagency Agreement Amendment is executed this 30 day of January 1996.

(SEAL)

AIR COMBAT COMMAND, DEPARTMENT OF
THE AIR FORCE
By TIM GAVLE 
Title Contracting Officer
Address 28 CONS/LGCV
ELLSWORTH AIR FORCE BASE SOUTH DAKOTA

Attest:
By _____
Title _____