

**Purchase
Change Request**



Marshall University
Office of Purchasing
One John Marshall Drive
Huntington, WV 25755-4100

Order #
MU20NATGAS

| | | | | | |
|----------|-------------|------------------|---------|-------------------------|------------------------|
| FY 21 | Buyer BN | Date 9/3/2021 | Account | P.O. Date 05/14/2019 | Contract MU20NATGAS |
|----------|-------------|------------------|---------|-------------------------|------------------------|

| | | |
|--|--|---|
| Document <input type="checkbox"/> Requisition (Cancellation only) <input type="checkbox"/> Regular Purchase Order <input checked="" type="checkbox"/> Contract Purchase Order <input type="checkbox"/> Open End Contract Purchase <input type="checkbox"/> Agreement | Document Action <input type="checkbox"/> Cancellation <input type="checkbox"/> Increase/Decrease <input type="checkbox"/> Unused Balance <input type="checkbox"/> Freight <input type="checkbox"/> Renewal <input type="checkbox"/> Extension Error | <input type="checkbox"/> Error in Total Amount <input type="checkbox"/> Change of Account <input type="checkbox"/> Change of Vendor Name/Address <input checked="" type="checkbox"/> Other |
|--|--|---|

| | | |
|---|-------------|--|
| Vendor Name, Address, Phone #, etc. Direct Energy Business, LLC P.O. Box 32179 New York, NY 10087-2179 | Vendor Code | BOG Unit Name & Address Marshall University Office of Purchasing One John Marshall Drive Huntington, WV 25755-4100 |
| Ph# (330) 832-3860 | Fax | FEIN# 25-1821047 |

| Item# | Quantity | Description of Change | Unit Price | Extended Price |
|-------|----------|--|------------|----------------|
| | | <p align="center">Change Order# <u>3</u></p> <p align="center">Natural Gas and Transportation Service Contract</p> <p>To amend the effective date of the contract according to all terms, conditions and pricing contained in the original contract.</p> <p><u>Now Reads:</u> Effective Date(s): November 1, 2020 - October 31, 2021 Renewal: One (1) of Four (4) Renewals Remaining: Three (3)</p> <p><u>Change to Read:</u> Effective Date(s): November 1, 2020 - October 31, 2022 Renewal: Two (2) of Four (4) Renewals Remaining: Two (2)</p> | | |

| | | |
|--|----------------|-------------|
| Reason for Change: Modify Effective Date | Previous Total | \$ OPEN END |
| | Increase | \$ _____ |
| | Decrease | \$ _____ |
| | New Total | \$ OPEN END |

Approved: *Treacy Grandolini* 9/3/21
 Authorized Signature Date

N/A
 Attorney General if required Date



Direct Energy Business Marketing, LLC
d/b/a Direct Energy Business
194 Wood Avenue South, Second Floor,
Iselin, NJ 08830
Phone: 1-888-925-9115

Proposal Id 59186646

business.directenergy.com

Marketer Name Feucht, Chris

Date 3/25/2020

Time 11:20:39 AM

CUSTOMER INFORMATION

Customer Name Marshall University

New

Renew

Contact Name Stephanie Smith

Billing Contact

Address 1 John Marshall Drive
HUNTINGTON, WV 25755

Billing Address

Telephone 304-696-3333

Fax 304-696-3333

Telephone

Fax

Email

NATURAL GAS TRANSACTION CONFIRMATION

This Transaction Confirmation confirms the terms of the Gas Transaction entered into between Direct Energy Business Marketing, LLC d/b/a Direct Energy Business ("Seller"), and the customer above ("Buyer" or "Customer") pursuant to the terms of the Commodity Master Agreement (CMA) between Buyer and Seller dated April 25, 2019 as may be amended. The Purchase Price excludes Utility distribution charges and Taxes that are or may be the responsibility of Buyer. Gas volumes will be adjusted for Utility line loss, where applicable. The prices listed below are based on market conditions as of the time, stated above, that this Transaction Confirmation was issued and may be adjusted by Seller to reflect market conditions as of the date it is executed and returned by Buyer. THIS TRANSACTION CONFIRMATION WILL NOT BE EFFECTIVE UNTIL SIGNED BY BOTH PARTIES.

| Service Locations (Additional pages may be attached if necessary) | Service Address | Utility Account Number | Rate |
|--|--------------------|------------------------|---------|
| | 400 Hal Greer Blvd | 543080-637295 | Unknown |
| | 400 Hal Greer Blvd | 543083-637298 | Unknown |
| | 400 Hal Greer Blvd | 543084-637299 | Unknown |
| | 400 Hal Greer Blvd | 543087-637302 | Unknown |

| | | | |
|--|--------------------|---------------|---------|
| | 400 Hal Greer Blvd | 543094-637309 | Unknown |
| | 400 Hal Greer Blvd | 543095-637310 | Unknown |
| | 400 Hal Greer Blvd | 543096-637311 | Unknown |
| | 400 Hal Greer Blvd | 543097-637312 | Unknown |
| | 400 Hal Greer Blvd | 543098-637313 | Unknown |
| | 400 Hal Greer Blvd | 543133-637348 | Unknown |
| | 400 Hal Greer Blvd | 543137-637352 | Unknown |
| | 400 Hal Greer Blvd | 543169-637384 | Unknown |
| | 400 Hal Greer Blvd | 543170-637385 | Unknown |
| | 1275 15th Street | 543277-637492 | Unknown |
| | 927 Third Ave | 516034-621562 | Unknown |
| | 2560 Fifth Avenue | 516033-621561 | Unknown |
| | 2211 3rd Avenue | 520749-648999 | Unknown |
| | 1676 3rd. Avenue | 520748-649000 | Unknown |

| | | |
|------------------------|--|-----------------|
| Delivery Period | Begin: 11/1/2020 | End: 10/31/2022 |
| | <p>The service start date hereunder will be the date that the Utility enrolls Customer for Seller's service. Seller will request the Utility to enroll Customer on the first meter read date within the Delivery Period.</p> <p>Upon the expiration of the Delivery Period, this Transaction shall continue for successive one month terms (collectively the "Renewal Term") until either Party notifies the other Party in writing of its intention to terminate, at least 15 days prior to (1) the end of the Delivery Period or (2) during the Renewal Term, the earlier of the end of each successive month Renewal Term or the next cycle read date. After notice is given as contemplated in the previous sentence, the date of termination ("Termination Date") shall be the next effective drop date permitted by the Utility. The Purchase Price for delivery to the Delivery Point during the Renewal Term or for any period outside of the Delivery Period, shall be the then Market Price for delivery to the Delivery Point, unless otherwise agreed to in writing.</p> | |

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------------------|--|-----------|--------|-----|--------|----------|--------|------|--------|---------|--------|------|-------|----------|--------|--------|--------|-------|--------|-----------|--------|-------|-------|---------|--------|
| Delivery Point | Mountaineer Gas Co./MGC 27-16 POINT | | | | | | | | | | | | | | | | | | | | | | | | |
| Contract Quantity (Dth) | <p>Buyer and Seller agree that the Contract Quantity purchased and received means a positive volume up to or greater than the estimated quantities listed below, provided, that for purposes of determining whether a Material Usage Deviation has occurred and for purposes of calculating Contract Quantities remaining to be delivered under the Remedies section of the CMA, Contract Quantity shall be determined by reference to the applicable estimated quantity (ies) listed below.</p> <p><input type="checkbox"/> Daily <input checked="" type="checkbox"/> Monthly</p> <table> <tr> <td>November</td> <td>22,176</td> <td>May</td> <td>11,245</td> </tr> <tr> <td>December</td> <td>28,660</td> <td>June</td> <td>10,492</td> </tr> <tr> <td>January</td> <td>35,053</td> <td>July</td> <td>9,964</td> </tr> <tr> <td>February</td> <td>21,165</td> <td>August</td> <td>11,243</td> </tr> <tr> <td>March</td> <td>31,415</td> <td>September</td> <td>12,223</td> </tr> <tr> <td>April</td> <td>9,023</td> <td>October</td> <td>18,190</td> </tr> </table> | November | 22,176 | May | 11,245 | December | 28,660 | June | 10,492 | January | 35,053 | July | 9,964 | February | 21,165 | August | 11,243 | March | 31,415 | September | 12,223 | April | 9,023 | October | 18,190 |
| November | 22,176 | May | 11,245 | | | | | | | | | | | | | | | | | | | | | | |
| December | 28,660 | June | 10,492 | | | | | | | | | | | | | | | | | | | | | | |
| January | 35,053 | July | 9,964 | | | | | | | | | | | | | | | | | | | | | | |
| February | 21,165 | August | 11,243 | | | | | | | | | | | | | | | | | | | | | | |
| March | 31,415 | September | 12,223 | | | | | | | | | | | | | | | | | | | | | | |
| April | 9,023 | October | 18,190 | | | | | | | | | | | | | | | | | | | | | | |

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|-----------------------|---------------------------|
| Purchase Price | Fixed Price: \$2.590 /Dth |
|-----------------------|---------------------------|

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| Special Provisions | <p>Change in Utility Account Numbers:</p> <p>The account number for a Service Location shall be the Utility Account Number set forth in the Service Locations section above or as attached, as applicable, or any replacement account number issued by the Utility from time to time.</p> <p>Fixed Price: The Purchase Price for the Contract Quantity, unless otherwise specified in this Transaction Confirmation is \$2.590 /Dth.</p> <p>Buyer acknowledges that it is acting for its own account, and that it has made its own independent decisions with respect to this Transaction Confirmation and that Seller is not acting as a fiduciary, financial, investment or commodity trading advisor for it in connection with the negotiation and execution of this Transaction Confirmation.</p> <p>Full Plant Requirement – No GSA</p> |
|---------------------------|--|

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| Tax Exemption Status | <input type="checkbox"/> Non-Exempt |
| | <input type="checkbox"/> Exempt (e.g. Residential, Non-Profit Organization, Manufacturing, Small Business, Agricultural, Resale, etc.) |

If exempt, must attach certificate.

PLEASE SIGN AND RETURN THIS TRANSACTION CONFIRMATION LETTER BY FACSIMILE TO

| | |
|-------------------------------------|---|
| BUYER: Marshall University | SELLER: Direct Energy Business Marketing, LLC |
| By: <u>Travis N. Bailey</u> | By: <u>d/b/a Direct Energy Business</u> |
| Print Name: <u>Travis N. Bailey</u> | Print Name: <u>James J. Connolly</u> |
| Date: <u>3/25/20</u> | Date: <u>2020.03.25 11:37:54 - 05'00'</u> |

James J. Connolly
VP, Sales
Direct Energy Business