

Discount Power Empower Hours Smart Thermostat Program Terms and Conditions

These terms and conditions (the “Terms and Conditions”) apply to participants in the Discount Power Empower Hours Smart Thermostat program (the “Demand Response Program”) and are between you and U.S. Retailers LLC d/b/a Discount Power (“Discount Power”). The Demand Response Program encourages and enables you to make changes to your electricity usage when Texas electricity system demand is high to reduce the stress on the system.

Eligibility Requirements for Demand Response Program:

1. You must be a Discount Power electricity account holder at the time of any Demand Response Program event.
2. You must have an operable and eligible thermostat manufactured by Google Nest, Sensi, Resideo Technologies, Inc., or other manufacturer authorized and approved by Discount Power (an “Eligible Thermostat”) controlling an HVAC system at the account service address.
3. You must have an active electricity Smart Meter at the account service address.
4. The Eligible Thermostat must be connected to an active Wi-Fi network at the account service address.
5. The Eligible Thermostat must be installed and you must complete the online enrollment process for participation in the Demand Response Program. Google Nest thermostats must be registered with Google LLC (“Google”).
6. You agree to the Terms & Conditions set forth in this agreement.

Terms & Conditions for Demand Response Program:

As a participant in the Demand Response Program, you acknowledge and agree that your use of an Eligible Thermostat and your participation in the Demand Response Program are subject to each of the following Terms & Conditions.

You agree to participate in electricity conservation or reduction in response to Demand Response Program events or for other reasons as determined by Discount Power. You agree to allow Discount Power to coordinate with your Eligible Thermostat manufacturer to remotely adjust your Eligible Thermostat during your participation in the Demand Response Program.

You always have the ability to opt-out of any particular event by appropriately adjusting the thermostat settings.

Discount Power may offer incentives for participating in the Demand Response Program (“Rewards”). A disclosure of any applicable Rewards and how you will receive them were provided to you at enrollment. Discount Power may make changes to the Rewards from time to time, including by updating the Demand Response Program details on its website. Discount Power reserves the right to cancel or modify the Demand Response Program at any time. Discount Power will provide you with at least 14 days advance written notice of any material change to, or discontinuation of, the Demand Response Program; except that any changes to the Demand Response Program made by Discount Power as a result of a change in law or

that are beneficial to you may be made without advance notice. Notice shall be provided to your email address.

Participation in the Demand Response Program requires that you complete the enrollment process for your Eligible Thermostat:

- If you are participating in the Demand Response Program using an Eligible Thermostat that is a Google Nest thermostat, then you must ensure that your Nest thermostat is enrolled with Google. You can enroll your thermostat and agree to Google's Terms & Conditions at <https://support.google.com/googlenest/answer/14779451>
- If you are participating in the Demand Response Program using an Eligible Thermostat that is not a Google Nest thermostat, you can enroll your thermostat and agree to Demand Response Program terms and conditions at https://www.discountpowertx.com/en_US/landing-pages/empowerhours

All Eligible Thermostats that you enroll will be subject to the Demand Response Program. Discount Power may cancel Demand Response Program participation for any thermostat that does not meet the eligibility requirements set forth in these Terms & Conditions. Failure to successfully install and enroll your Eligible Thermostat with Discount Power will prevent your participation in the Demand Response Program.

You are responsible for keeping your email address updated with Discount Power. If your email address has changed, is not functioning properly, or is no longer valid, you may not receive Demand Response Program communications from Discount Power.

DISCOUNT POWER MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO ELIGIBLE THERMOSTATS, AND DISCOUNT POWER EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE ELIGIBLE THERMOSTATS AND SERVICES, INCLUDING MERCHANTABILITY, CONFORMITY TO MODELS OR SAMPLES, AND FITNESS FOR A PARTICULAR PURPOSE.

You release and hold harmless Discount Power from any liability, claim, demand, cause of action, damage or expense resulting from your participation in the Demand Response Program.

The term of your Demand Response Program Agreement is month-to-month and there is no early termination fee for cancellation.

You acknowledge and agree that your participation the Demand Response Program is subject to these Terms and Conditions. You may cancel your enrollment in the Demand Response Program at any time by calling Discount Power at 1-877-455-4674. It may take up to seven (7) days for your cancellation request to be processed. While your cancellation request is being processed, you always have the ability to opt-out of any particular Demand Response event by appropriately adjusting the thermostat settings.

By participating in the Demand Response Program, you agree that Discount Power may share your enrollment and usage information with one or more third parties providing services related to the Demand Response Program, including demand response management systems provider AutoGrid Systems, Inc. You

agree that Discount Power may suspend or terminate your participation in its Demand Response Program for any reason, including if you move from your residence.

Language Preference/Preferencia de Idioma

You have requested to receive your Discount Power Demand Response Program information in English. If you wish to change your language preference to Spanish, please contact us at 1-877-455-4674. Usted solicitó recibir la información del Programa Discount Power Demand Response en español. Si desea cambiar su preferencia de idioma al inglés, llámenos al 1-877-455-4674.

Contact Information

Discount Power’s retail electric provider (“REP”) certificate number with the Public Utility Commission of Texas (“PUCT”) is 10177. You can contact us from 7 a.m. to 10 p.m., 7 days a week at:

Toll-free Telephone: 1-877-455-4674

Website: www.discountpowertx.com

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