



State of North Carolina
Utilities Commission

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Raleigh, NC 27699-4325

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N.C. Utilities Commission

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September 3, 2010

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Mr. Brian Storms,
Chairman and CEO
APX, Inc.
111 River Street, Suite 1204
Hoboken, NJ 07030

RE: Acceptance of NC-RETS System, North Carolina Docket No. E-100, Sub 121

Dear Mr. Storms:

On February 2, 2010, the North Carolina Utilities Commission and APX, Inc. (APX), signed a Memorandum of Agreement (MOA) under which APX has developed and is now administering a software system for issuing and tracking renewable energy and energy efficiency certificates. Pursuant to that MOA, on July 1, 2010, APX successfully launched the North Carolina Renewable Energy Tracking System (NC-RETS).

The MOA states that:

Acceptance of NC-RETS by the Commission shall not occur and billings to Users will not commence until after the Vendor has delivered NC-RETS to the Commission and Users and the Commission communicates to the Vendor that NC-RETS has performed for two consecutive months in substantial conformance with the requirements and specifications set forth in this Agreement, and any amendments thereto. In the event that during the two months immediately following the delivery of NC-RETS by the Vendor to the Commission and Users, NC-RETS fails to materially conform to the terms of this Agreement, the Commission shall provide written notice to the Vendor within 10 days after the end of such two-month period identifying all material defects in NC-RETS or shall be otherwise deemed to have accepted NC-RETS. (Page 3, paragraph 11)

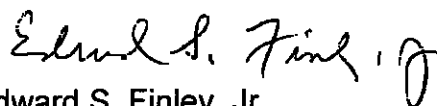
This letter is to inform APX that, to the best of our knowledge, NC-RETS has performed in substantial conformance with the MOA and has no material defects. APX is hereby

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authorized to begin billing North Carolina electric power suppliers and other users the fees that were established in the MOA.

I would also acknowledge the professionalism, competence and prompt service that the Commission and NC-RETS users have experienced from your staff. Katherine Graham, Lars Kvale, and, more recently, Tommy Fulcher, have been responsive, accommodating and insightful. Please congratulate them and their colleagues for a job well done, and encourage them to keep up the good work. As we approach the end of 2010, the first "compliance year" under North Carolina's portfolio standard, we will doubtless face new issues that will require their speedy attention and creative solutions.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward S. Finley, Jr.", with a stylized flourish at the end.

Edward S. Finley, Jr.
Chairman

ESFjr/kj/mr

cc: Katherine Graham
Jose Ibietatorremendia