

**RESOLUTION OF THE  
BOARD OF TRUSTEES OF  
WITHLACOOCHEE RIVER ELECTRIC COOPERATIVE, INC.**

**WHEREAS**, on November 15, 2021, the Infrastructure Investment and Jobs Act of 2021 ("IIJA") was enacted into law, amending the Public Utility Regulatory Policies Act 1978, as previously amended ("PURPA"), requiring both state-regulated electric utilities and certain non-regulated electric utilities (as defined under PURPA) to either consider or to establish a date to hold a hearing after public notice, within one year from the date of enactment (i.e., by November 15, 2022) thereof, following which the affected electric utilities are to consider the proposed standards as set forth in Exhibit "A" attached hereto ("Standards");

**WHEREAS**, prior to November 15, 2022, Withlacoochee River Electric Cooperative, Inc. (hereinafter "Cooperative"), a non-regulated utility, as that term is defined by PURPA, 16 U.S.C. §2602, commenced its consideration process to make a determination whether or not it is appropriate for the Cooperative to implement either of the two new PURPA standards;

**WHEREAS**, the amendments to PURPA require the Cooperative to consider and make a final determination as to whether it is appropriate to implement the standards related to Demand-Response Practices and Electric Vehicle Charging Programs as more further detailed in Exhibit A to fulfill the purposes of PURPA, which are: to encourage the conservation of energy supplied by electric utilities; to optimize efficiency of electric utility facilities and resources; and to facilitate equitable rates for electric consumers; based on the evidence and comments submitted by Eligible Participants;

**WHEREAS**, as part of its consideration, the Cooperative is required to hold a public hearing process and issue a final determination, in writing, based upon the evidence presented at the hearing and upon findings specifically included in its written determination, and thereafter make that final determination available to the public;

**WHEREAS**, the Cooperative issued a Notice of PURPA Consideration and Hearing Process on February 1, 2023 by postings at all of its office locations and on its website and a notice was sent to all the Cooperative's active members in the February 2023 issue of the Cooperative's newsletter, announcing the process to be followed to submit written Initial Comments on or before May 1, 2023 and written Reply Comments on or before July 1, 2023;

**WHEREAS**, the only comments submitted were from J. Steven Shurbutt, P. E., GDS Associates, Inc. ("GDS") on behalf of the management and staff of Cooperative, which were posted on the Cooperative website on May 1, 2023;

**WHEREAS**, the Board of Trustees is of the opinion that the public hearing process was conducted and notices provided in full compliance with PURPA;

**WHEREAS**, in considering each of the two new PURPA standards the Board of Trustees must make a determination "whether or not it is appropriate to implement such standard to carry out the purpose of this title" pursuant to 16 U.S.C. §2621(a);

**WHEREAS**, in making these determinations, the Board of Trustees has reviewed the written submittals and considered how implementation of these standards might affect the Cooperative and its Members in the areas of encouraging energy conservation by members, making efficient use of

facilities and resources, and maintaining equitable rates to consumers, as well as conditions and circumstances specific to the Cooperative in reaching its conclusions;

**WHEREAS**, in light of the Cooperative's existing metering and communications equipment capabilities, and its current and planned demand-response and demand flexibility programs, coupled with the Cooperative's continued participation in the demand-response and demand flexibility programs of its generation and transmission provider, Seminole Electric Cooperative, Inc. ("Seminole"), the Cooperative, to the extent it is able to do so as an electric distribution utility, has already adopted programs that promote demand-response and demand flexibility practices by commercial, residential, and industrial Members to reduce electricity consumption during periods of unusually high demand, based upon information available and circumstances specific to operation of the Cooperative; and further the Cooperative will evaluate expanding such programs in the future as its metering and communications equipment capabilities evolve;

**WHEREAS**, the Cooperative, directly and indirectly through Seminole, has previously considered measures to promote greater electrification of the transportation sector in its service area and will continue to consider such measures subject to such measures being cost-based and appropriately recover marginal costs; provided, however, none require specific action at this time;

**NOW, THEREFORE**, on this 17th day of October 2023, the Board of Trustees hereby issues its final determinations on the implementation of the Demand-Response Practices standard and the Electric Vehicle Charging Programs standard as follows, to wit:

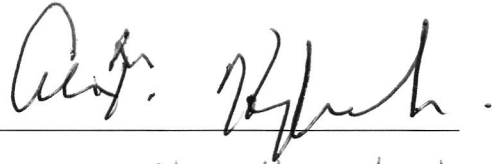
1. Demand-Response Practices: The Cooperative, to the extent it is able to do so as an electric distribution utility, has already adopted programs that promote demand-response and demand flexibility practices by commercial, residential, and industrial members to reduce electricity consumption during periods of unusually high demand; and further, the Cooperative will evaluate expanding such programs in the future as its metering and communications equipment capabilities evolve.

2. Electric Vehicle Charging Programs: To the extent it is able to do so as an electric distribution utility, the Cooperative itself or as a Member of Seminole, will consider measures to promote greater electrification of the transportation sector, subject to such measures appropriately recovering the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.

**NOW, FURTHER THEREFORE**, the Board of Trustees of the Cooperative, having completed the mandatory consideration of these two standards, shall cause this final determination to be made available to the public by posting it on the Cooperative's website through and until December 31, 2023.

I, Alan F. Hengesbach, Secretary of Withlacoochee River Electric Cooperative, Inc., hereby certify that the above is a true and correct copy of a resolution adopted at the meeting of the Board of Trustees on October 17, 2023 at which a quorum was present and voted.

I further certify that none of said resolution has been altered, modified, or rescinded. Done this 17th day of October 2023.

A handwritten signature in black ink, appearing to read "Alan Hengesbach", written over a horizontal line.

Print Name: Alan Hengesbach