

**DIVERSE POWER INCORPORATED**

**PURPA DETERMINATION**

**RESOLUTION**

**WHEREAS**, in 2022, the United States Congress approved, and the President of the United States signed into law, the Infrastructure Investment and Jobs Act of 2021 (the “Act”); and

**WHEREAS**, the Act contained several amendments to the Public Utility Regulatory Policies Act of 1978 (“PURPA”); and

**WHEREAS**, PURPA, as amended by the Act, requires certain covered electric utilities, including electric cooperatives whose rates are not subject to regulation by a state regulatory authority, to consider and determine whether they will implement two (2) new standards relating to energy policy and rate structures (the “new PURPA standards”); and

**WHEREAS**, PURPA, as amended by the Act, requires covered electric utilities to hold a public hearing for the consideration of the standards; and

**WHEREAS**, PURPA, as amended by the Act, requires that such consideration and determination be made after public notice and hearing; and

**WHEREAS**, Diverse Power Incorporated (“DPI”) meets the covered utility threshold of PURPA, and DPI’s Board of Directors (the “Board”) approved a process consistent with the Act to provide notice to DPI’s members and others and to hold a public hearing; and

**WHEREAS**, DPI’s public hearing was held on June 6, 2023 (the “PURPA Hearing”) pursuant to prior public notice; and

**WHEREAS**, the deadline for submitting testimony to be considered (the “Testimony”) has passed; and

**WHEREAS**, the staff of DPI has provided a copy of the Testimony to the Board, and the Board has completed its review and consideration of whether the adoption of each of the new PURPA standards will serve the three (3) purposes of PURPA<sup>1</sup>, in reliance upon the facts, opinions, conclusions and other information derived from this careful review of the Testimony; and

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<sup>1</sup> The three purposes of PURPA are: (i) to encourage the conservation of energy; (ii) to optimize the efficient use of energy facilities and resources; and (iii) to encourage equitable consumer rates. 16 U.S.C.A. § 2611.

**WHEREAS**, after giving due and thoughtful consideration to applicable federal law, state law, the unique circumstances of non-profit, member-owned cooperatives in general, and to the specific circumstances of DPI in particular, the Board does herein state its findings as they relate to the consideration of the new PURPA standards.

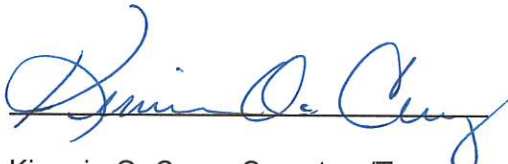
**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby adopt the document titled "Board of Directors' Written Determination With Respect To PURPA Standards" (the "Determination") as the written, public determination of Diverse Power Incorporated with respect to each of the two (2) standards that DPI was required to consider pursuant to the Infrastructure Investment and Jobs Act of 2021 (the "IIJA") which amended the Public Utility Regulatory Policies Act of 1978 ("PURPA"); and

**BE IT FURTHER RESOLVED**, that the Determination shall be, and it hereby is, adopted pursuant to Rule 15 of DPI's PURPA Rules and pursuant to 16 U.S.C.A. § 2621(b).

This Resolution is adopted this the 28th day of September, 2023.

CERTIFICATION

I, Kimmie O. Curry, Secretary of Diverse Power Incorporated, do hereby certify that the above is a true and correct excerpt from the minutes of the meeting of the Board of Directors of the Diverse Power Incorporated held on the September 28, 2023, at which meeting a quorum was present.



Kimmmie O. Curry, Secretary/Treasurer

(SEAL)