



Date: _____

Project Name: _____ Project Number: _____

Thank you for the opportunity to provide lighting services to your Municipality.

This proposal has been prepared based on information provided by you or your consultant. As per your request, this project has not been designed to meet Illuminating Engineering Society of North America ("IESNA") guidelines. We wish to bring this point to your attention, since we recommend that all lighting systems be designed to meet IESNA guidelines.

We will however, respect your decision should you choose to proceed with this lighting installation even though it does not meet IESNA guidelines.

In the event that you do wish to proceed with that decision, we would simply ask that you acknowledge and agree to the provisions below, as FortisAlberta has a legal duty to maintain a safe electrical service and we must protect ourselves from assuming liability for this course of action. To that end, we request that you review and accept the following acknowledgement.

Please sign, date, and return a copy of the acknowledgement below to our office to indicate your acceptance.

If you have any further questions, please contact me at phone number (xxx) xxx-xxxx.
Yours truly,

FortisAlberta Inc.

Per: _____
Name of FortisAlberta Representative:

On behalf of [**name of Municipality**] (the "Municipality"), the undersigned hereby acknowledges and agrees that:

- (a) in its capacity as an electric distribution service provider to the Municipality, FortisAlberta has informed the Municipality of, and described to the Municipality, applicable roadway lighting systems' standards contained in IESNA RP-8 (the "Applicable Standards");
- (b) FortisAlberta has made all reasonable efforts to recommend that the Municipality comply with the Applicable Standards regarding the Municipality's Street Lighting Policies (the "Policies") applicable to the design, construction, operation and maintenance of the Municipality's street lighting;

- (c) notwithstanding FortisAlberta's recommendation that the Municipality comply with the Applicable Standards regarding the Policies, the Municipality has decided, in good faith, not to comply with the Applicable Standards regarding the Policies;
- (d) the Municipality requires FortisAlberta to comply with the Policies even if the Policies differ materially from the Applicable Standards with the result that the actual street lighting in the Municipality does not comply with the Applicable Standards;
- (e) in making all reasonable efforts to recommend that the Municipality comply with the Applicable Standards, FortisAlberta has discharged any statutory obligation owing to the Municipality under the *Electric Utilities Act* (Alberta), as amended, including any regulations arising thereunder;
- (f) the risks associated with reducing or eliminating street lighting within the Municipality could include, but are not limited to, increased rates and severity of accidents involving vehicles, pedestrians or both and increased rates and severity of crime within the Municipality;
- (g) the Municipality shall assume all risks associated with its decision not to comply with the Applicable Standards and shall defend, indemnify and hold harmless FortisAlberta and its agents, contractors, directors and employees for any and all losses, liabilities, claims, damages, liens, causes of action, awards, judgments, costs and expenses of whatever kind or nature and howsoever caused, which arise out of or are in any way connected with the Municipality's decision not to comply with the Applicable Standards, including, but not limited to, actions arising from injury or death to any person or persons, damage to any property, regardless of where located, and any workers' compensation suit arising from the Municipality's decision not to comply with the Applicable Standards; and
- (h) the Municipality agrees to pay all costs and expenses (including legal fees on a solicitor-and-client basis) of FortisAlberta incurred with respect to any proceedings or actions arising from the Municipality's decision not to comply with the Applicable Standards.

Dated: _____

Name of Municipality

Per: _____

Name and Title: _____