

## I. OVERVIEW AND GENERAL REQUIREMENTS

- A. **New Braunfels Utilities (“NBU”) aspires to maintain the integrity of its solar energy program and ensure a positive, accurate experience for its customers. In furtherance of these objectives, NBU has adopted a program in which solar contractors desiring to offer the solar rebate to NBU customers may apply to become a Participating Solar Contractor. NBU requires Participating Solar Contractors to meet and maintain certain program criteria and standards set forth in this New Braunfels Utilities Participating Solar Contractor Code of Conduct (“Code of Conduct”), and in the NBU Solar Rebate Program Participating Contractor Handbook, the NBU Participating Solar Contractor Registration form, Solar Rebate Program Guidelines, (all collectively, the “NBU Solar Program Documents”), as the criteria and standards may be amended from time to time. Any company or individual that meets the standards in the NBU Solar Program Documents and provides services to NBU customers in connection with the purchase, installation or maintenance of solar photovoltaic (“PV”) systems is eligible to apply to be a Participating Solar Contractor.**
- B. **All Participating Solar Contractors must abide by the minimum standards set forth herein and must obligate any subcontractors utilized by the Participating Solar Contractor, to abide by standards that meet or exceed these standards. The Participating Solar Contractor and any and all subcontractors must:**
1. conduct business in a professional, courteous, honest, and ethical manner;
  2. maintain an active telephone number and email address and respond promptly to customer or NBU inquiries;
  3. provide a full and complete copy of the Participating Solar Contractor’s contract with the customer to NBU or to the customer upon request at any time;
  4. comply with all federal, state, and local laws, standards, and regulations;
  5. comply with all standards and criteria set out in the NBU Solar Program Documents, as those documents may be amended from time to time;
  6. install all equipment and conduct all work safely and in compliance with all applicable laws, standards and regulations applicable thereto, including but not limited to building codes, permit requirements, and equipment specifications;
  7. maintain up-to-date licensing and registration with the Texas Department of Licensing and Regulation (TDLR). Please refer to TDLR Rules regarding contractor responsibilities and penalties for non-compliance; and
  8. adhere to the NBU Service Conditions Policy.
- C. **This document is not a contract between NBU and a Participating Solar Contractor and, as such, it does not create a joint venture or contractual rights. This document may be periodically revised by NBU without prior notice to the Participating Solar Contractor. The latest version shall be available online at [nbutexas.com/solar-energy](http://nbutexas.com/solar-energy).**

## II. EXAMPLES OF VIOLATIONS

**A. The following is a non-exhaustive list of conduct that is considered to violate this Code of Conduct. Repeated violations may subject the Participating Solar Contractor to suspension or removal from the Participating Solar Contractor program, provided however, NBU reserves the right to suspend or remove the Participating Solar Contractor from the program after one violation if the violation involves fraud or conduct that presents a safety hazard to an NBU employee, customer or member of the public.**

1. Failure to adhere to program or equipment installation requirements. Examples include:
  - i. beginning work before necessary approvals or signatures have been obtained;
  - ii. submitting incomplete applications (e.g., missing data or required documents);
  - iii. submitting applications for ineligible work or ineligible property owners (e.g., non-eligible customers or equipment); or
  - iv. not attending required in-person or virtual meetings or training sessions.
2. Work quality or performance that fails to meet program requirements. Examples include:
  - i. inspection failure rate exceeding program requirements;
  - ii. failure to correct deficiencies revealed during inspections in a timely manner;
  - iii. unresolved customer complaints or complaints not addressed in a timely manner;
  - iv. failure to follow program requirements and guidelines; or
  - v. violation of workplace safety rules or standards, as outlined in Chapter 14 of the City of New Braunfels' Code of Ordinances.
3. Unprofessional business practices. Examples include:
  - i. failure or delayed response to contact attempts, missing multiple appointments, repeatedly tardy arrivals to inspections or appointments;
  - ii. improper submittal of a customer rebate; or
  - iii. impaired behavior due to alcohol or drugs.

4. Unethical behavior or business practices. Examples include:
  - i. use of aggressive or dishonest sales tactics or business practices;
  - ii. submitting false or inaccurate application or equipment data in order to influence the rebate or savings calculation (e.g. inflating lighting counts/wattage or submitting falsified or exaggerated test data);
  - iii. providing cost savings and performance estimates to customers that overestimate the benefits of the services or products provided;
  - iv. fraudulently obtaining or requesting NBU solar rebates for ineligible customers or equipment;
  - v. submitting falsified or inaccurate documentation (e.g. forging approval signatures, submitting invoices with inflated costs, or taking misleading project photos);
  - vi. misrepresentations or failure to disclose information when required by law or to make a statement accurate; or
  - vii. impersonating NBU staff or creating any confusion regarding affiliation with NBU, including on Participating Solar Contractor websites.
5. Appropriating the NBU name, logo, or violating NBU advertising policies (see Section III – Guidelines on Advertising and Logo Use).
6. Applying for rebates while on suspension, either directly or through a subcontractor or third party, or requesting that a customer submit applications directly.
7. Interfering in any NBU complaint or disciplinary process by threatening or attempting to influence customers or third parties.
8. Violating any federal, state or local law or regulation or operating without required qualifications, permits, licenses, certifications, or insurance.
9. Any conduct toward customers, members of the public, or NBU that is discriminatory, harassing, offensive, threatening, or bullying.
10. Criminal acts, including but not limited to theft, violence, or illegal drug use, and criminal or negligent property damage.
11. Failure to prohibit employees, subcontractors, or agents from performing work or engaging in conduct in violation of the Solar Program Documents.

- B. NBU maintains sole discretion in determining whether a violation has occurred within the confines of the NBU Solar Rebate Program, whether a customer's complaint is credible, and the severity of any violation. In the case of severe violations, multiple or repeated violations, or if additional violations are committed during periods of probation or suspension, the Participating Solar Contractor may be permanently removed from all future participation in the NBU Solar Rebate Program.

### III. ADVERTISING AND LOGO USE

- A. Participating Solar Contractors may describe themselves as a "Participating Solar Contractor". However, Participating Solar Contractor may not describe themselves or their entity, in any context or media, as trade ally, approved, certified, accredited, affiliated, representative of, endorsed by, or recommended by NBU. Participating Solar Contractor shall not use any descriptive term that might imply a special relationship with NBU or imply that NBU warrants, sponsors or endorses the abilities or work of the Participating Solar Contractor. Participating Solar Contractor may include a link to the NBU Solar Program website if desired.
- B. Participating Solar Contractor may not include NBU's logo in advertising or marketing materials nor utilize NBU's name, colors or photographs in advertising or marketing materials to suggest or cause the reader to conclude that the Participating Solar Contractor is an employee, affiliate, or contractor of NBU.
- C. For questions about marketing, advertising, solicitation of business, logos, seals, etc., Participating Solar Contractors should contact NBU at 830.608.8980.

### IV. DISCIPLINARY ACTIONS

- A. NBU maintains sole discretion in determining the appropriate disciplinary action for the violation alleged or committed. In determining the appropriate disciplinary action, NBU may consider any special circumstances, including but not limited to the nature of the conduct alleged or committed, the repetitive nature of the conduct, the Participating Solar Contractor's history, and risk of continued violations. In the event that NBU determines that disciplinary action is necessary, NBU will provide written notice ("Contractor Notice") to the Participating Solar Contractor of the discipline and the basis for the determination. Upon receipt of a Contractor Notice, Participating Solar Contractor may request an informal hearing with NBU Solar Program staff by submitting a written request to NBU, within fourteen (14) days after the date of the Contractor Notice, by email [DER@nbutexas.com](mailto:DER@nbutexas.com) or to the physical address set out below:

New Braunfels Utilities  
Attn: Conservation Department  
263 Main Plaza  
New Braunfels, Texas 78130

# NBU Solar Rebate Program Code of Conduct



**B. Disciplinary actions will depend on the nature of the violation, and may include a warning, probationary period, short or long-term suspension or termination of Participating Solar Contractor Status, or in any of the foregoing instances, the imposition of conditions for reinstatement or continued participation. The remedies set forth herein are not exclusive and NBU reserves the right to file suit in a court of competent jurisdiction, notify law enforcement, or avail itself of any other remedies available to NBU if warranted by the conduct of Participating Solar Contractor.**

## COMPANY AGREEMENT

I, the undersigned and duly authorized representative of the below-listed company, have read and understand the Participating Solar Contractor Code of Conduct, and all New Braunfels Utilities rules and guidelines established for the NBU Solar Rebate Program. I warrant that I have the legal authority to bind the company and all its employees and agents to this agreement, and I understand that this agreement must be signed and submitted to NBU to participate in the NBU Solar Rebate Program as a Solar Participating Contractor.

On behalf of the company, I agree to conduct business in a professional, courteous, and ethical manner at all times and follow the Participating Solar Contractor Code of Conduct as well as all applicable NBU guidelines and requirements in the NBU Solar Program Documents, which may be periodically revised. I acknowledge and agree that any failure to comply may result in legal action, suspension or revocation of my ability to participate in the NBU Solar Rebate Program or other disciplinary action.

I acknowledge that participation in the NBU Solar Rebate Program is not an entitlement and NBU may choose to discontinue the Solar Participating Contractor designation or the NBU Solar Rebate Program at any time for any reason.

---

Company Name

---

Printed name and title of person authorized to conduct business and to bind the company (e.g. President, CEO, Vice-President, Director, etc.)

---

Signature of person authorized to conduct business and to bind the company

---

Date (MM/DD/YYYY)

NBU is not a manufacturer, supplier or guarantor of the PV system or installers, and NBU, whether by making available a list of registered installers and equipment sources or otherwise, has not made and makes no representations or warranties of any nature, directly or indirectly, expressed or implied, as to performance of the installer or reliability, performance, durability, condition or quality of the PV system selected and purchased.

Selection of a Registered Solar Installer to perform the work is the sole decision of the Program Participant. Any lists representing the Registered Solar Installers are of those companies and/or individuals who have taken time to register themselves with NBU. It is not an endorsement by NBU of any product, service, individual or company. There is no work guarantee or warranty, expressed or implied as to the quality, cost or effectiveness of the work performed by the contractor, employees or subcontractors.