

GOGREEN HOME ENERGY FINANCING PROGRAM

California Alternative Energy and Advanced Transportation Financing Authority

915 Capitol Mall Sacramento, CA 95814 (916) 651-8157 www.GoGreenFinancing.com cheef@treasurer.ca.gov

SUCCESSOR SERVICER APPLICATION

Section 1: Contact Information

(a) Name of Eligible Finance Lender (EFL) or Eligible Financial Institution (EFI): _____
(b) Address: _____ (c) City: _____ (d) State: _____ (e) ZIP: _____
(f) Contact person name: _____ (g) Title: _____
(h) Business address: _____ (i) City: _____ (j) State: _____ (k) ZIP: _____
(l) Business phone: _____ (m) Email address: _____

Section 2: Description of Institution

(n) Type of institution:
 Insured Depository Institution Insured Credit Union Other: _____
 Community Development Financial Institution California Finance Lender
(o) Regulatory agency (if applicable): _____
(p) Insuring agency (if applicable): _____
(q) License number(s) (if applicable): _____

Section 3: Required Enclosures (only applicable for Eligible Finance Lenders (EFL) seeking to enroll as a Successor Servicer)

In separate enclosures, please provide the following information:

1. Evidence of (1) general liability and (2) workers' compensation and employer's liability insurance coverage. The general liability policy must include the State of California and its officers, agents, employees and servants as additional insureds, but only insofar as the operations under these regulations are concerned.
2. Evidence of net worth in excess of five hundred thousand dollars (\$500,000) and assets that exceed 0.5% of assets under servicing pursuant to the Program regulation.
3. Evidence of the EFL's capacity as a consumer lender by satisfying either of the following conditions:
 - a. A California Finance Lender (CFL) license, OR
 - b. Certification that the EFL does not need a CFL license, demonstration of at least twenty million dollars (\$20,000,000) in committed capital for general financing activities, and evidence that the EFL has originated at least 500 transactions similar to the EFL's proposed loan product.
4. A description of the Eligible Finance Lender's experience and/or capacity to carry out the following functions; include for each a description of key personnel and positions, systems, processes and facilities:
 - a. Servicing the EFL's proposed loan product(s) in accordance with all applicable laws.
 - b. Quality control and management systems to evaluate and monitor the overall quality of the EFL's financing-related activities, including, where applicable, underwriting reviews and consumer complaint resolution processes.

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Section 4: Successor Servicer Certifications

Pursuant to Section 10091.13 Program regulations, by signing below, (r) _____
(Name of the Successor Servicer)

1. Certifies the following:
 - a. The Successor Servicer is not subject to a cease and desist order, or other regulatory sanction from the appropriate federal or state regulatory body, that would impair the Successor Servicer's ability to participate in the Program.
 2. Acknowledges and agrees to the following:
 - a. The Successor Servicer will follow the Program regulations described in Title 4, Division 13, Article 5 of the California Code of Regulations, commencing with Section 10091.1.
 - b. The Program regulations constitute a lender services agreement.
 - c. The Successor Servicer will permit an audit, by California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA), of any of its records relating to Enrolled Loans, during normal business hours either remotely or on its premises, to be determined by CAEATFA, and will supply any other information concerning Enrolled Loans as shall be requested by CAEATFA.
 - d. CAEATFA and the State of California will have no liability to the Successor Servicer under the Program except from funds deposited in its Loss Reserve Account(s) pursuant to Section 10091.13(b)(3).
 - e. The Successor Servicer is solely responsible for identifying and making any and all disclosures and providing periodic reports to its borrowers as required under applicable laws.
 - f. The Successor Servicer shall comply with all applicable laws, possesses and maintains all required state and federal licenses, and remains in good standing with all governmental authorities having jurisdiction over its business.
 - g. The IOUs are third-party beneficiaries of the lender services agreement and may pursue their rights against the Successor Servicer individually. Alternatively, any IOU may, in its sole discretion, authorize the Authority or another IOU to pursue those rights, including by instituting legal proceedings or alternative dispute resolution proceedings, on its behalf.
 - h. The IOUs are not responsible for, and shall have no liability for, any of the following:
 - i. The energy improvements funded through the Enrolled Loans supported through the Loss Reserve Accounts.
 - ii. The assessment of potential benefits and costs associated with those improvements.
 - iii. The qualification of Successor Servicers.
 - iv. The Successor Servicer's marketing and lending policies and practices.
 - v. CAEATFA's educational and outreach activities.
 3. The Successor Servicer shall indemnify, defend and hold harmless CAEATFA, each of the IOUs, their affiliates, and each of their respective officers, directors, employees, agents and representatives from and against any and all losses arising in connection with any claim that is any of the following:
 - a. Resulting from the negligent or unlawful acts or omissions, or willful or tortious conduct of a Successor Servicer, including any failure of the Successor Servicer, or its agents, to comply with applicable laws in connection with Enrolled Loans.
 - b. Resulting from any error or omission by the Successor Servicer or any third party in the calculation or presentation of Enrolled Loan-related interest, fees and charges, the receipt and processing of payments received from Borrowers, or any collection or enforcement action.
- (Continued)

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Section 4: Successor Servicer Certifications (continued)

- c. Alleging any misrepresentation with respect to the energy impacts to be achieved in connection with an Enrolled Loan, or any failure or deficiency in the products, materials or work supplied to a Borrower in connection with an Enrolled Loan.
- d. Arising from the Successor Servicer’s failure or alleged failure to comply with the provisions of the regulations and/or its confidentiality or privacy obligations.

Section 5: Additional Certifications for Eligible Finance Lenders seeking to enroll as a Successor Servicer

- The EFL acknowledges and agrees to make the following representations, warranties and covenants.
1. The EFL is duly organized and validly existing under the laws of the state of its organization and California with due power and authority to own its properties and to conduct its business as those properties are currently owned and whose business is presently conducted, and had at all relevant times, and has, the power, authority and legal right to participate in this Program.
 2. The EFL is duly qualified to do business and has obtained all necessary licenses and approvals in all jurisdictions in which the ownership or lease of property or the conduct of its business will require those qualifications.
 3. The EFL has the power and authority to execute and to carry out the terms of the Program.
 4. There are no proceedings or investigations pending or threatened before any court, regulatory body, administrative agency or other governmental instrumentality having jurisdiction over the EFL or Successor Servicer, or its properties involving any of the following:
 - a. Asserting the invalidity of these regulations.
 - b. Seeking to prevent the consummation of any of the transactions contemplated by these regulations.
 - c. Seeking any determination or ruling that might materially and adversely affect the performance by the EFL of its obligations under these regulations.
 5. The EFL has trained and qualified employees and suitable facilities and operating systems for the performance of the servicing functions required to carry out the Program. The EFL or Successor Servicer must maintain a written disaster recovery plan that covers the restoration of the facilities and the backup and recovery of information in electronic data processing systems. Alternate processing facilities and systems are required to ensure continuous operations. The EFL or Successor Servicer shall allow CAEATFA, at no additional cost, to inspect its disaster recovery plan and facilities.
 6. The EFL has established and shall maintain adequate internal audit and management control systems to guard against dishonest, fraudulent or negligent acts by employees and contractors.

Note: All capitalized terms are defined in Section 10091.1 of the Program regulations.

Section 6: Applicant Signature

I, the undersigned, am authorized to legally bind the Successor Servicer applicant and hereby certify all of the information, acknowledgements, and certifications provided in this application.

(s) Authorized representative signature: _____ (t) Date: _____

(u) Printed name: _____ (v) Title: _____

Internal Use Only	
(w) PFL/PFI ID#: _____	(x) Received date: _____
(y) Approval signature: _____	(z) PFL/PFI enrollment date: _____