



Market Provider Agreement

ENERGY STAR® Products Retailer

ENERGY STAR Products is a voluntary effort to increase Wisconsin consumer's awareness of the link between energy use and air pollution, including climate change. ENERGY STAR Products also promotes high efficiency lighting products, home electronics and high efficiency appliances. ENERGY STAR was introduced by the US Environmental Protection Agency in 1992 as a voluntary labeling program designed to identify and promote energy-efficient products and services. ENERGY STAR Products is part of Focus on Energy's Residential Programs. The goals of this program are to encourage energy efficiency and use of renewable energy, enhance the environment and ensure the future supply of energy for Wisconsin. Wisconsin Energy Conservation Corporation (WECC) administers the ENERGY STAR Products program and WECC may enter into collaborative agreements with businesses, referred to as Market Providers, to promote energy efficiency and/or renewable energy. Market Providers are businesses who deliver goods and/or services related to energy efficiency and/or renewable energy.

This purpose of this Agreement is to set forth the terms and conditions under which the undersigned may be considered a Market Provider authorized by ENERGY STAR Products to deliver ENERGY STAR Products to consumers and the benefits to the undersigned of such designation.

MARKET PROVIDER INFORMATION:			
Contact Name:		Title:	
Company Name:		Phone:	
Address:		Fax:	
City/State/Zip:		Email:	
County:		Web site:	

BENEFITS:

Program Support and Information: Focus on Energy provides easy access to program related questions. For program related questions, contact your ENERGY STAR Products Representative listed below.

Chuck Beesley: 608.239.0552	Wendy Bushman: 414.587.4140
Wayne Duren: 715.451.0703	Jackie Thibert-Blank: 262.424.8258
Mark Gotta: 715.342.5962	Eileen Goodman: 262.339.0914

ENERGY STAR Products Retailer Directory Listing: Market Providers are listed on the Focus on Energy website, focusonenergy.com. Prospective customers can use the website to search for Market Providers in their area.

Special Honors and/or Significant Achievements Listings: Focus on Energy recognizes special honors and/or significant achievements of some Market Providers. When applicable, Focus on Energy will include these distinctions in applicable directories and on focusonenergy.com listings.

Press Release Assistance: Focus on Energy will provide a press release template announcing the acceptance into the ENERGY STAR program. This template will allow the Market Provider to insert their corporate information into the template and release it to their local media.

Cooperative Advertising: Focus on Energy will provide cooperative advertising funds on a first-come, first-served basis. Cooperative Advertising Guidelines may be obtained from the ENERGY STAR Products Representative or the WECC Marketing Department by calling 888.509.3247. All requests for cooperative advertising reimbursements must adhere to the Cooperative Advertising Guidelines and must be pre-approved by the WECC Marketing Department before placing the advertisement. *Financial assistance with trade shows is also available as part of the Cooperative Advertising program.*

Cash-Back Reward Promotion: Market Providers have access to numerous local and national promotions. As a Market Provider, your customers, who purchase qualifying products during promotions, may be eligible for Focus on Energy Cash-Back Rewards.

Notification of Training and Educational Opportunities: Market Providers will receive notifications for all Focus on Energy trainings and educational events related to their business type.

Use of Focus on Energy and/or ENERGY STAR Name and Logo for Advertising: Focus on Energy or the ENERGY STAR name and logo may be used only during the term of this Agreement and are to be used solely by participating Market Providers for promoting their participation in the Focus on Energy program. Advertising using the Focus on Energy or ENERGY STAR name and logo, and/or promoting your participation with Focus on Energy must be pre-approved by the Marketing Department of the program administrator, WECC. All guidelines for using logo(s) and advertising using the Focus on Energy or ENERGY STAR Products name and/or logo are set forth by the WECC Marketing Department and must be followed. A copy of the logo usage guidelines is available from the WECC Marketing Department by calling 888.509.3247, and is made part of this Agreement by reference.

Focus on Energy Newsletter Subscriptions: Market Providers will receive all applicable Focus on Energy newsletters. These newsletters are educational pieces discussing Focus on Energy program activities.

Marketing Materials: Market Providers are provided program marketing materials and may request additional materials by contacting the WECC Marketing Department at 888.509.3247.

TERMS AND CONDITIONS:

Term: This Agreement is valid until December 31, 2008 unless terminated in writing by either party, and will automatically renew annually beyond that date.

Termination: This Agreement may be terminated by the Market Provider or WECC for any reason at any time. Written notice of termination must be sent to the non-terminating party by certified mail, return receipt requested. When termination is triggered by written notice, termination is effective as of the date the termination letter is received by the non-terminating party. Upon termination, Market Provider is eligible to receive payment for eligible services provided prior to notification of the suspension or termination of the Agreement.

Indemnification: The Market Provider agrees to indemnify and hold WECC, program subcontractors and the State of Wisconsin and the Statewide Energy Efficiency and Renewables Administration, Inc. (SEERA), their directors, employees, and agents harmless against all claims, liabilities, damages, losses, costs or expenses (including, but not limited to, reasonable attorney's fees) arising out of a breach by the Market Provider of any provision to this agreement or arising out of any act or omission of the Market Provider, its employees, subcontractors, and other agents of the Market Provider or its subcontractors performed under or as a result of this agreement, including, but not limited to, the failure of the Market Provider to properly and/or timely pay any wages and/or benefits to the Market Provider's employees.

Independent Agent: The Market Provider may present him/herself as a Market Provider or ally of the Focus on Energy program. By signing this Agreement, the Market Provider does not become an agent, employee, or representative of the Focus on Energy program, WECC, authorized subcontractors, the State of Wisconsin or SEERA. Market Providers are independent agents who have no authority to enter into any contract or incur any obligations on behalf of or in the name of Focus on Energy, WECC, authorized providers, the State of Wisconsin or SEERA.

No Representation or Warranty: The Market Provider agrees that as a qualified participating Market Provider the Market Provider shall not (directly or indirectly) represent his/her/its products, offerings or work to potential customers or others as guaranteed or warranted in any way by ENERGY STAR, Focus on Energy, the State of Wisconsin, SEERA or WECC.

Customer Service Standards: The Market Provider agrees to maintain written customer service standards available to customers. (A Model set of acceptable standards is available by calling 888.509.3247.)

Continuing Education: The Market Provider agrees to meet with ENERGY STAR Products representatives to receive program updates and to make staff available for training as needed.

Labeling of Qualified Products: The Market Provider agrees to allow ENERGY STAR Products representatives to label qualifying products as directed by the program. Market Providers who do not allow labeling will not be eligible to participate in Cash-Back Reward programs and may be removed from the program.

Sales Data: Appliance retailers agree to provide the ENERGY STAR Products program with monthly sales of qualifying washers by the 5th business day of each month. Sales data must include model number and total qualifying units sold compared to non-qualifying units. Information may be provided by mail, fax or electronically. Stores that do not provide data may be denied access to cooperative advertising and/or reward programs.

MARKET PROVIDER APPROVAL

By signing this Agreement, Market Provider agrees to abide by the foregoing terms and conditions of the Market Provider Agreement for the ENERGY STAR Products Retailer program.

Signed:		Date:	
Printed Name:		Title:	

FOCUS ON ENERGY / WISCONSIN ENERGY CONSERVATION CORPORATION APPROVAL

By signing this Agreement, the above named company is authorized to participate as a Market Provider in the ENERGY STAR Products Retailer program:

Authorized Focus on Energy Representative		Date:	
Printed Name:		Title:	