



4. On August 14, 2017, the Commission issued a notice stating that, as a result of the hearing being stayed, the Commission would accept briefing on the Motion for Leave on or before August 24, 2017 with reply briefs due on or before August 31, 2017.

5. Absent this stipulation, Vivint Solar would intend to oppose the Motion for Leave.

#### **STIPULATION TERMS**

For purposes of this Stipulation, the Parties agree as follows:

6. The Company withdraws its Motion for Leave at this time without prejudice.

7. The Company may refile its Motion for Leave or may introduce the testimony contained in the Supplemental Surrebuttal Testimony of Gary Hooegeven (the “*Hooegeven Testimony*”) through live testimony at any subsequent hearing in this docket in the event that (i) any settlement stipulation executed by the Parties is not approved by the Commission, or (ii) the Parties fail to mutually execute a settlement stipulation. Upon the occurrence of either event, Vivint Solar agrees to not object to the refiling of the Motion for Leave or introduction of the Hooegeven Testimony.

8. If the Company refiles its Motion for Leave or introduces the Hooegeven Testimony through live testimony in this docket, then Vivint Solar may respond.

