



APX VCS REGISTRY

REGULATED PERSON ATTESTATION

The undersigned, in the name and on behalf of _____ (“Account Holder”), represents, warrants and covenants to APX, Inc. (“Administrator”), as administrator of the APX VCS Registry (the “Registry”), as follows:

1. User is a “Regulated Person”, as defined in the Registry Terms of Use (the “TOU”), based on its status as one or more of the following (*check all that apply*):
 - A. A banking institution or similar entity, as specified below:
 - A banking institution chartered by the Office of the Comptroller of the Currency.
 - A banking institution organized under the laws of any state of the United States of America (a “State”), territory, or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official.
 - A savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, which is supervised and examined by State or federal authority having supervision over any such institution.
 - B. A broker or dealer that (A) is registered pursuant to Section 15 of the Securities Exchange Act of 1934, as amended; and (B) is a member of all requisite self-regulatory organizations.
 - C. A member of the National Futures Association that is registered under the Commodity Exchange Act, as amended, as a futures commission merchant, introducing broker, commodity pool operator, commodity trading advisor or floor broker.
 - D. A registered investment company or adviser, as specified below:
 - An investment company registered under the Investment Company Act of 1940, as amended.
 - An investment adviser registered under the Investment Advisers Act of 1940, as amended.
 - E. A fund that has assets under management with an aggregate market value of no less than \$100 million and that is advised or managed by an investment adviser registered under the Investment Advisers Act of 1940, as amended.
 - F. A “business development company” as defined in (A) Section 2(a)(13) of the Investment Company Act of 1940, as amended, or (B) Section 202(a)(22) of the Investment Advisers Act of 1940, as amended.

- G. An employee benefit plan or trust fund, as specified below:
 - A plan established and maintained by a State, its political subdivisions, or any agency or instrumentality of a State or its political subdivisions, for the benefit of its employees.
 - An employee benefit plan within the meaning of title I of the Employee Retirement Income Security Act of 1974, as amended.
 - A trust fund whose trustee is a bank and whose participants are exclusively plans of the types identified in this item G above, except trust funds that include as participants individual retirement accounts or H.R. 10 plans.
- H. A seller that has been granted authorization to engage in sales for resale of electric energy, capacity or ancillary services from the Federal Energy Regulatory Commission pursuant to Section 205 of the Federal Power Act, as amended, and the requirements of 18 C.F.R. § 35.
- G. The equivalent of one or more of the foregoing under the laws of the jurisdiction(s) to which it is subject. *(Please provide additional substantiating information.)*

2. In the event of any change in the User's status, User shall, no later than the tenth (10th) day following the date of such change, provide to Administrator either a revised attestation or notice that User is no longer a "Regulated Person" as defined in the TOU.

User recognizes, acknowledges and agrees that (i) this Attestation may be relied upon by Administrator and its successors and assigns; and (ii) in the event of any breach of paragraph 1 or 2 hereof, Administrator shall be entitled to pursue any rights and remedies available at law or in equity (including, without limitation, rights to indemnification pursuant to the TOU) and shall have the right to immediately close User's account(s) with the Registry.

The information provided hereby shall be deemed to be "Confidential Information" as defined in and for purposes under the TOU.

IN WITNESS WHEREOF, the undersigned, in the name and on behalf of User, has executed this Attestation as of the date set forth below.

USER: _____

By: _____

Name: _____

Title: _____

Date: _____