

Jim Jenal

From: NorCal <NorCal@PulteGroup.com>
Sent: Tuesday, November 27, 2012 3:14 PM
To: 'Jim Jenal'
Subject: RE: Centex "release" for solar roofing tile repair

Dear Mr. Jenal:

Thank you for your email. Centex is attempting to assist our homeowners as best we can in dealing with a defective product. Our top priority is helping homeowners get their solar panels operational per the CPSC recommended repair. We are offering to take on the obligations of the CPSC repair and we have agreed to take on, via an assignment, the owner's burden of chasing after the manufacturer that is not being responsive.

Centex does not want to leave its homeowners without a repair while the ultimate responsibility for the recall is determined between Applied Solar, Open Energy, and Suntech. The CPSC has advised that this could be a lengthy process. We are offering the CPSC recommended repair on our homeowners' OE-34 solar panel system at no cost to them. The agreement homeowners sign represents the owner's consent to allow contractors to enter the property to repair, but is also in place because we are conducting work that the CPSC has told the manufacturer it needs to do. (They are unfortunately not making any effort that we know of.)

If homeowners do not wish for us to do the repairs, they are free to contact Suntech directly and try to get them to make repairs. In addition, if a homeowner has an issue with the contract, we have addressed those on an individual basis.

Throughout this complicated process, we have remained committed to resolving the issue for our customers in a fair and equitable manner. We are working with the homeowners to get repairs scheduled and to bring their systems back on line. As you are a lawyer and system installer, we appreciated your thoughts on the subject and thank you for taking the time to address the issue.

Sincerely,

Centex[®]

Andrew Saldana

Warranty Agent: Northern California Division

Reno, Sacramento, Bay Area, Central Valley

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From: Jim Jenal [mailto:jjenal@runonsun.com]
Sent: Monday, November 26, 2012 7:25 AM
To: NorCal
Subject: Centex "release" for solar roofing tile repair
Importance: High

Mr. Robertson or To Whom it May Concern –

I am a solar professional and the author of a widely read blog on activities in the solar industry. I first wrote about the recall of the Applied Solar/Open Energy solar roofing tiles last February; you can read that article and the comments that it inspired here: <http://runonsun.com/~runons5/blogs/blog1.php/solworks/safety/suntech-recalls-solar-roofing-tiles>

One of my readers forwarded to me an email that you sent on November 2, 2012 with an attached “Solar Repair Agreement” (copy included). As a former litigation attorney, I am shocked by the release that Centex is trying to impose upon its customers. While it might be reasonable for Centex to ask customers to assign any future settlement payments to Centex related to the recall, it is by no means reasonable to ask customers to release Centex from all known and future claims related to this problem. Indeed, your release would attempt to absolve Centex of any claims that arise ***due to the repairs that Centex is performing!***

At least one of your customers has refused to sign such a one-sided document and I’m sure that there are others. Indeed, this appears to be little more than an attempt by Centex to intimidate customers into not filing for repairs to which they are entitled. Centex profited by marketing these “solar homes” and Centex has an obligation to make these right, without resorting to coercive tactics.

It is my intention to bring this matter to the attention of the proper authorities and to write about Centex’s actions on my blog. However, before I do so, I will give Centex until close of business Wednesday, November 28, 2012, to respond in a satisfactory manner.

I look forward to receiving Centex’s response.

Sincerely...

Jim Jenal
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