

PSC NO: 220 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: ~~APRIL 27, 2009~~ JULY 25, 2022
STAMPS: Issued in Compliance with Order of the PSC issued July 14, 2022 in Case 22-M-0159

LEAF: 65
REVISION: 01
SUPERSEDING REVISION: 0

GENERAL INFORMATION

3. LIMITATION OF THE SERVICE OFFER: (Continued)

3.2 Electric service will be supplied by Company subject to the provisions of orders, amendments and interpretations thereof of any governmental body having authority or jurisdiction over such service, notwithstanding anything to the contrary in these Rules and Regulations and the terms and conditions of service as set forth in Company's Service Classifications.

3.3 Applicant should inquire of Company as to arrangements for and as to exact character of service available before proceeding with installation of wiring or ordering of electrical equipment.

3.4 Each dwelling unit, in a residential multiple occupancy building must be individually metered if the internal wiring was not completed prior to January 1, 1977. After this date, the practice of including the electric bill as part of the rent is prohibited for new residential dwelling units. Master metering of such buildings may be permissible when each dwelling unit is submetered pursuant to Rule 8.

3.5 Company shall not be required to provide facilities to supply service in excess of the amount of the kilowatts of demand in application for service.

3.6 Company does not guarantee against variation in voltage or frequency, or against the presence on Company's system or customer's circuits of voltage pulses or harmonic frequencies.

3.7 Company will endeavor at all times to provide a regular and uninterrupted supply of electric service.

3.7.1 In case the supply of service shall be interrupted or irregular or defective or shall fail from causes beyond the Company's control or because of the ordinary negligence of Company, its employees, servants, or agents, Company will not be liable therefore. The provision of Credits and Reimbursements made available to eligible customers pursuant to Rule 26.14 as required by law does not constitute an admission of liability.

3.7.2 When the supply of electric service has been intentionally disconnected in error by the Company for a period of more than 12 hours, compensation for spoilage of food, medicine or perishable merchandise because of a lack of refrigeration will be made by the Company in accordance with the provisions of Rule 14.6.

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GENERAL INFORMATION

3. LIMITATION OF THE SERVICE OFFER: (Continued)

3.7.3 Except for the payment of bills already due, or as required by law as provided under Rule 26.15 regarding Widespread Prolonged Outages, neither the Company nor the Customer shall be liable for damages, including payment of minimum billing amounts, for interruptions of service caused by an act of God, windstorm, flood, fire, public enemy, governmental interference, explosion or any other cause whether of the kind here enumerated, or otherwise not reasonably within the control of the Company or Customer. Prompt notice shall be given by the party claiming relief under this provision of the nature and duration of the event leading to such a claim.

3.8 The Company may, without liability therefore, interrupt or curtail service to any customer or customers if an emergency may threaten the health or safety of a person, a surrounding area, the Company's generation, transportation or distribution systems if, in its sole judgement, such action will prevent or alleviate the emergency condition, or in the case of non-residential customers, if there is a need to make permanent or temporary repairs, changes or improvements in any part of the system, or there is a governmental order or directive requiring the Company to do so.

3.8.1 The Company shall, to the extent reasonably feasible under the circumstances, provide advance notice to those whose non-residential service will be interrupted for any of the above reasons.

3.8.2 The Company shall act promptly to restore non-residential service as soon as possible after disconnection under this section; provided, however, that service need not be restored to any building, unit or piece of equipment if, at the time restoration is to occur, the Company has the lawful right to terminate service for another reason pursuant to Parts 11, 12 and 13, 16NYCRR.

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~~Issued in Compliance with Order of the PSC issued November 18, 2013 in Case 13-M-0064~~

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GENERAL INFORMATION

26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.14 In the event the Company is required to file a review of its outage preparation and restoration performance in accordance with 16 NYCRR Part 105 – Electric Utility Emergency Plans, the following customer policies relating to prolonged outages shall apply.

26.14.1 Outages where the restoration period exceeds three days from the start of the event, as determined in accordance with 16 NYCRR Part 105.

26.14.1.1 For any event resulting from an emergency in which electric customers are out of service for a continuous period exceeding three days, the Company will credit affected customers for customer charges and basic service charges contained in SC1, SC1C, SC2ND, SC2D, SC3, SC3A, and SC7 of PSC 220 Electricity and SC-4 of PSC 214 Streetlighting incurred during the period of the outage.

26.14.1.2 Credits will be applied automatically for any customer the utility knows or reasonably believes was out of service for a period exceeding three days, and upon request from any customer that contacts the company and credibly claims they experienced an outage of such duration.

26.14.1.3 The credit will be calculated on a proportional basis (*e.g.*, customers out of service for six days would receive a credit in the amount of 6/30ths of the customer charge or basic service charge for that service classification) and applied to customer bills no later than 75 days following the outage.

26.14.1.4 For residential customers who experienced an outage of at least three days, in duration, and for any residential or non-residential customer who notifies the Company and provides credible support that his/her financial circumstances have changed as a result of the underlying emergency event, all collection-related activities, including termination of service for non-payment and assessments of late payment charges, with the exception of issuance of service termination notices and assessment of security deposits, will be suspended for a minimum of 7 calendar days from the beginning of the outage.

26.14.1.5 Notwithstanding the above, customers experiencing Widespread Prolonged Outages and eligible for reimbursements or credits under Rule 26.15 are not eligible for compensation under this Rule 26.14.

26.14.2 Outages exceeding three days and requiring additional protections as determined by the Commission

26.14.2.1 For certain events, as determined by Order of the Commission, utilities will take the actions listed below, both for all residential customers located in the designated area, and for any residential or non-residential customer who notifies the utility and provides evidence that his/her financial circumstances have changed as a result of the event.

~~26.14.2.2—All collection related activities including terminations of service for non-payment and assessment of late payment charges, with the exception of issuance of service termination notices and assessment of security deposits, will be suspended for at least 14 days.~~

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GENERAL INFORMATION

26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.14.2.2 All collection-related activities including terminations of service for non-payment and assessment of late payment charges, with the exception of issuance of service termination notices and assessment of security deposits, will be suspended for at least 14 days.

26.15 Compensation to Customers Experiencing Widespread Prolonged Outages

26.15.1 Definitions Applicable Under this Rule Only

“Proof of Loss” is defined as verifiable proof of perishable food and/or prescription medication spoilage a customer may be required to provide in addition to an itemized list, including price of the listed items, of the perishable food and/or prescription medication for which the customer claims reimbursement. To verify spoilage, the customer must provide a depiction (photographic evidence) of food and/or prescription medication spoilage. To determine the Reimbursement amount of an impacted customer’s food and/or prescription medication spoilage, the customer must provide at least one of the following: itemized receipts, itemized cash register receipts, itemized credit card receipts, photographs of replacement goods that also indicate the price of the item, or other verifiable documentation of the market value of the item. In appropriate circumstances, an interview with the claimant to ascertain the above information may satisfy the need to provide proof of loss.

“Reimbursement” is defined as monetary compensation for food and/or prescription medication spoilage.

“Small Business customer”, specific to this Rule 26.145, means a nonresidential customer who receives service under a non-demand billed rate or under a demand billed rate where metered demand was less than or equal to 40 kW during the previous 12 months.

“Eligible Residential customer”, specific to this Rule 26.145, means a customer who receives service under the parent service classification of SC-1, or under SC1-C.

“Widespread Prolonged Outage” means an electric outage of 72 consecutive hours or more that affects at least 20,000 customers at the same time, due to utility-owned equipment being unable to provide power.

26.15.2 Notwithstanding any other provision of law, in the event that an Eligible Residential customer, or a Small Business customer, experience a Widespread Prolonged Outage, the Company shall:

26.15.2.1 Provide a credit of \$25 on the balance of such Eligible Residential customer’s electric bill for each subsequent full 24-hour period of service outage that occurs for such customers after the initial 72 consecutive hours of such Widespread Prolonged Outage. For any bill credits that exceed the customer’s bill, any remaining credit will be carried over into future billing cycles until depleted.

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GENERAL INFORMATION

26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.15 Compensation to Customers Experiencing Widespread Prolonged Outages (Continued)

26.15.2.2 Provide Reimbursement to Eligible Residential customers of any food spoiled due to lack of refrigeration resulting from a Widespread Prolonged Outage. Eligible Residential customers shall provide the Company an itemized list of all food spoiled, including price of the items listed, and/or Proof of Loss of food spoiled within 14 days following the first 72 hours of a Widespread Prolonged Outage. The Company shall reimburse such customer within 30 days of the receipt of the itemized list, including price of the items listed, and/or Proof of Loss, provided, however, that if the Company has applied for a waiver pursuant to Public Service Law Section 73(3) the Company shall reimburse the customer within a time period to be determined by the Commission after the Commission renders a decision on the waiver request. The amount of the Reimbursement shall not exceed a total of \$235 dollars for customers who provide an itemized list, including price of the items listed. The amount of the Reimbursement for customers who also provide Proof of Loss shall not exceed \$540.

26.15.2.3 Provide Reimbursement to Eligible Residential customers of prescription medication spoiled due to lack of refrigeration. Eligible Residential customers shall provide the Company with an itemized list, including price of the items listed, and Proof of Loss of prescription medication spoiled due to lack of refrigeration, within 14 days following the first 72 hours of a Widespread Prolonged Outage. The Company shall reimburse such customer within 30 days of the receipt of the itemized list, including price of the items listed, and Proof of Loss of prescription medication, provided, however, that if the Company has applied for a waiver pursuant to Public Service Law Section 73(3), the Company shall reimburse the customer within a time period to be determined by the Commission after the Commission renders a decision on the waiver request. The amount of the Reimbursement shall total no more than the actual cost of the perishable prescription medicine spoiled due to lack of refrigeration.

26.15.2.4 Provide Reimbursement to Small Business customers for any food spoiled due to lack of refrigeration. Small Business customers shall provide the Company with an itemized list, including price of the items listed, and Proof of Loss for all food spoiled, within 14 days following the first 72 hours of a Widespread Prolonged Outage. The Company shall reimburse the Small Business customer within 30 days of the receipt of the itemized list, including price of the items listed, and Proof of Loss, provided, however, that if the Company has applied for a waiver pursuant to Public Service Law Section 73(3), the Company shall reimburse the Small Business customer within a time period to be determined by the Commission after the Commission renders a decision on the waiver request. The amount of reimbursement shall not exceed \$540 dollars.

26.15.3 All collection-related activities including terminations of service for non-payment and assessment of late payment charges, with the exception of issuance of service termination notices and assessment of security deposits, will be suspended for at least 14 days for customers that experienced a Widespread Prolonged Outage.

26.15.4 Customers eligible for compensation under this rule are not eligible for compensation under any other tariff rules providing compensation for service outages when the criteria for a Widespread Prolonged Outage are met.