

PSC NO: 220 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: JANUARY 1, 2014
STAMPS: Issued in Compliance with Order dated November 15, 2013 in Case 13-E-0109.

LEAF: 170
REVISION: 3
SUPERSEDING REVISION: 2

GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.3 Program 2 - Empire Zone Rider (EZR)

34.3.1 Eligibility Criteria:

34.3.1.1 Any applicant or customer:

34.3.1.1.1 who qualifies for service under and in accordance with the provisions of Service Classification Nos. 2, 3, 3-A, or 4 or who qualifies for service under and in accordance with the provisions of Service Classification No. 7, except an applicant or customer who is a Wholesale Generator as defined in Rule 1.76; and

34.3.1.1.2 who has been certified by the state and local empire zone administrators as being eligible to receive the benefits pursuant to Article 18-B of the General Municipal Law, and;

34.3.1.1.3 who in the case of an existing demand metered customer permanently increases demand by the lesser of twenty-five (25) percent or 100 kW, or;

34.3.1.1.4 who in the case of an existing non-demand metered customer permanently increases their annual energy usage by twenty-five (25) percent.

~~34.3.1.1.5 SC No. 4 customers may not combined discounts on the same load.~~

34.3.1.2 Permanent load shall be defined as the addition of demand and/or kWh which is associated with the installation of new facilities or equipment which consume electricity or a permanent increase in the utilization of manufacturing facilities such as results from the addition of another shift. Seasonal or other fluctuations in load of the customer's existing facilities or equipment, such as heating or air conditioning demands and construction power demands, shall not qualify as meeting the permanent load requirement.

34.3.1.3 Qualifying EZR Load: The load (expressed in kW and kWh) qualified to receive Empire Zone benefits shall be identified according to the billing methodologies specified in Rule 34.3.2 and 34.3.3.

34.3.2 Billing Methodology: Separately Metered EZR Load

34.3.2.1 For customers taking service under Program 2 (EZR) and who have elected to separately meter Economic Development load, the entire separately metered account shall be eligible for the EZR discount rate.

34.3.2.2 Separately Metered Qualifying EZR Load under this EZR program shall be exempt from Rule 41 – System Benefits Charge, unless the customer elects to participate in Rule 41 with respect to such Qualifying EZR Load, as provided in Rule 41.3.

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GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.6 Program 5 - Recharge New York ("RNY") Power Program

34.6.3.4 LOAD FACTOR SHARING: (Continued)

34.6.3.4.1 Determination of Billing Demand and Energy (Continued)

34.6.3.4.1.5 In each interval, calculate the apportioned Company energy. The amount of the interval's total energy deliveries allocated to the Company is the difference between the interval's total energy deliveries and that which was determined to have been generated by NYPA in 34.6.3.4.1.4.

34.6.3.4.1.6 For the billing period, aggregate the apportioned NYPA and Company billing energy. The aggregated billing units for each account are the sum of the NYPA and Company billing units for each interval of the billing period.

34.6.4 The following rules apply to a customer combining RNY with the Empire Zone Rider (EZR) or the Excelsior Jobs Program (EJP) and whose RNY demand allocation is greater than its lowest monthly EZR/EJP base period billing demand.

34.6.4.1 When the customer accepts its RNY allocation or whenever the Company receives notification from NYPA that the customer's RNY allocation is changing or whenever the customer qualifies for EZR or EJP, the customer must make an election to choose either:

(1) billing RNY delivery demand pursuant to the billing methodology in Section 34.6.3; or

(2) limiting the RNY delivery demand to the lesser of the EZR or EJP base period billing demand or the RNY demand allocation.

34.6.4.2 Regardless of the election made in Section 34.6.4.1, the customer will receive its RNY commodity service pursuant to the billing methodology described in Section 34.6.3.

34.6.4.3 A customer who meets the initial requirements of Section 34.6.4 may receive additional discounts described in Section 34.6.4.3.1 and 34.6.4.3.2 below, provided the customer demonstrates a financial need as prescribed in Service Classification No.12, Special Contract Rates, in either Sections 4.3.2 and 4.3.3 (Revitalization) or Sections 4.4.2 and 4.4.3 (Relocation).

34.6.4.3.1 Eligible customers who have a RNY allocation and an EZR will be exempt from SBC established in Rule 41, RPS established in Rule 49, LTC established in Rule 42, and TRA established in Rule 43 on both their RNY and qualifying EZR load.

34.6.4.3.2 Eligible customers who have a RNY allocation and an EJP will be exempt from SBC established in Rule 41, RPS established in

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SERVICE CLASSIFICATION NO. 4 (Continued)

P. The following rules apply to a customer combining SC4 Supplemental Service with the Empire Zone Rider (EZR) or the Excelsior Jobs Program (EJP) and whose total loss-adjusted NYPA demand allocations are greater than its lowest monthly EZR/EJP base period billing demand.

(1) When the customer accepts its NYPA allocation or whenever the Company receives notification from NYPA that the customer's NYPA allocation is changing or whenever the customer qualifies for EZR or EJP, the customer must make an election to choose either:

(a) billing NYPA delivery demand pursuant to the billing methodology in this SC-4; or

(b) limiting the billed NYPA delivery demand to the lesser of the EZR or EJP base period billing demand or the billed NYPA delivery demand pursuant to the billing methodology in this SC-4.

(2) Regardless of the election made in Section 1 above, the customer will receive its NYPA commodity service pursuant to the billing methodology described in this SC-4.

(3) A customer who meets the initial requirements of this Special Provision P may receive additional discounts described in Section 3(a) below, provided the customer demonstrates a financial need as prescribed in Service Classification No.12, Special Contract Rates, in either Sections 4.3.2 and 4.3.3 (Revitalization) or Sections 4.4.2 and 4.4.3 (Relocation).

(a) Eligible customers who have a NYPA allocation and an EJP will be exempt from SBC established in Rule 41 and RPS established in Rule 49 on both their NYPA allocation and qualifying EJP load.

(b) To the extent that the financial need demonstrated by the customer is greater than the benefit derived from Section 3 (a), the customer may apply for a Special Contract pursuant to all terms and conditions of Service Classification No. 12.