

PSC NO: 220 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION

LEAF: 198
REVISION: ~~11~~12

INITIAL EFFECTIVE DATE: ~~APRIL 27, 2017~~DECEMBER 1, 2020

SUPERSEDING REVISION: ~~10~~11

STAMPS: -Issued in Compliance with Order of the PSC in Case ~~15-E-0751~~and ~~15-E-0082~~18-E-0130 issued ~~March 9, 2017~~September 17, 2020.

GENERAL INFORMATION

36. Net Metering for Solar Electric Generating Equipment, Farm Waste Electric Generating Equipment, Micro-Combined Heat and Power Generating Equipment, Fuel Cell Electric Generating Equipment, and Micro-Hydroelectric Generating Equipment

36.1.7 To qualify for net metering, the Customer Generator must comply with the requirements of the generating size limits by complying with the following criteria:

- 1) Each project up to the respective generating size limit must be separately metered and separately interconnected to the utility grid.
- 2) Each project must be located on a separate site.
- 3) Each project must operate independently of other units.

36.1.8 Net Metering compensation under this Rule No. 36 will no longer be available to new projects with eligible electric generating equipment under PSL Section 66-j after March 9, 2017. Projects with eligible generating equipment under PSL Section 66-j that are either in service or have completed Step 8 of the Standard Interconnection Requirements (SIR) for projects greater than 50 kW or Step 4 of the SIR for projects equal to or less than 50 kW by the close of business on March 9, 2017 will remain eligible under Rule No. 36 net metering tariffs provided that written notification of the completion of Step 8 or Step 4 of the SIR, as required by Step 9 and Step 5 of the SIR, has been provided to the Company by March 17, 2017. Projects in service by March 9, 2017 or projects that have completed the above milestones by March 17, 2017 define the Company's ceiling for net metered compensation under this Rule No. 36. The Company's ceiling as reported to the Commission on March 31, 2017 is 178.23 MW.

36.1.9 Mass market on-site projects, defined as those Customer-Generators served under a residential or small commercial service class that are not billed for demand, that are in service as of March 9, 2017, or have completed the required milestones set forth above by March 17, 2017, will be permitted to pair on-site energy storage with the eligible generating equipment under PSL Section 66-j and remain eligible under Rule No. 36 net metering tariffs.

36.1.10 Projects compensated under Rule No. 36 net metering tariffs will be provided a one-time, irrevocable opt in to the Value Stack tariff under Rule No. 40, when available.

36.1.11 Projects compensated under Rule No. 36 net metering tariff are ineligible to participate in the Company's Term-DLM program or Auto-DLM program.

36.2 Qualifying Customers must install and operate the Solar, Farm Waste Electric Generating system, Micro-Combined Heat and Generating Equipment, Fuel Cell Generating Equipment, and Micro-Hydroelectric Generating Equipment in compliance with Rule No. 53 – Standard Interconnection Requirements for New Distributed Generation Units of 5 MW or Less, Connected in Parallel to Utility Distribution Systems and Addendum -SIR, as may be from time to time changed, amended and/or supplemented. Qualifying Customers must also complete the Standardized Contract for Interconnection of New Distributed Generation Units With Capacity of 5 MW or Less, Connected in Parallel With Utility Distribution Systems.

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2016 September 17, 2020.

GENERAL INFORMATION

37. NET METERING FOR RESIDENTIAL, FARM SERVICE AND NON-RESIDENTIAL WIND ELECTRIC GENERATING SYSTEMS AS DEFINED IN PUBLIC SERVICE LAW ("PSL") 66-1

37.1 Applicable to:

37.1.1 Residential Customer-Generators who own or operate one or more wind electric generators with a combined rated capacity of not more than twenty-five kilowatts (25 kW).

37.1.2 Farm Based Customer-Generators who own or operate wind electric generating equipment located and used on land used in agricultural production as defined in subdivision four of Section -301 of the Agriculture and Markets Law and which is also the location -of the customer's primary residence, with a combined rated capacity of not more than 500 kilowatts (500 kW).

37.1.3 A non-residential Customer-Generator which owns or operates wind electric generating equipment located and used at its premises with a combined rated capacity of not more than two thousand kilowatts (2,000 kW).

37.1.4 Projects compensated under Rule No. 37 are ineligible to participate in the Company's Term-DLM Pprogram or Auto-DLM Pprogram.

37.2 Qualifying Customers must install and operate Wind Electric Generating Equipment in compliance with Rule No. 53 – Standard Interconnection Requirements and Application Process for New Distributed Generators 2 MW or Less Connected in Parallel with Utility Distribution Systems ("SIR") as may be amended from time to time changed, amended, and/or supplemented. Qualifying Customers must also complete a Form "K"-Standardized Contract for Interconnection of New Distributed Generation Units With Capacity of 5 MW or Less Connected in Parallel with Utility Distribution Systems.

37.3 This program will be available to qualifying customers on a first come, first served basis, until the total rated generating capacity for Wind Electric Generating Equipment in the Company's service territory is equivalent to 19,608 kW. (In accordance with PSL 66-1, three-tenths percent of Niagara Mohawk's electric demand for the year 2005.)

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GENERAL INFORMATION

37. NET METERING FOR RESIDENTIAL, FARM SERVICE AND NON-RESIDENTIAL WIND
ELECTRIC GENERATING SYSTEMS AS DEFINED IN PUBLIC SERVICE LAW ("PSL") 66-1

37.4 In the event the Company determines that it is necessary to install a dedicated transformer or transformers, or other equipment deemed necessary to protect the safety and adequacy of electric service to other customers, the Customer-Generator shall pay the Company's actual costs of installing the transformer or transformers, or other equipment:

37.4.1 In the case of a residential or farm service Customer-Generator who owns or operates Wind Electric Generating Equipment located and used at his or her residence or a non-residential Customer-Generator who owns or operates Wind Electric Generating Equipment with a rated capacity of not more than 25 kW, up to a maximum amount of seven hundred fifty dollars (\$750);

37.4.2 In the case of a farm service Customer-Generator who owns or operates Wind Electric Generating Equipment located and used at his or her "farm operation," up to a maximum of five thousand dollars (\$5,000) per "farm operation"; and

37.4.3 In the case of a non-residential Customer-Generator who owns or operates Wind Electric Generating Equipment with a rated capacity of more than 25 kW located and used at its premises, such costs shall be determined by the Company subject to review by the PSC if requested by the Customer-Generator.

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GENERAL INFORMATION

40. VALUE OF DISTRIBUTION ENERGY RESOURCES (VDER) (Continued)

40.1.7 Excluding mass market on-site projects, all other projects compensated under Phase One NEM must be equipped with interval meters in accordance with Rule No. 25 – Meter, capable of recording net hourly consumption and injection. The Customer-Generator will be responsible for the cost of such interval meters. For RNM and CDG projects, interval meters must be installed by the time of interconnection. For large on-site projects, where an insufficient meter may already be present, the required metering should be installed by a date mutually agreed upon by the customer and the Company.

40.1.8 Mass market customers served under Phase One NEM that opt in to the VDER Value Stack tariff must have an interval meter installed before the VDER Value Stack compensation can be received. Such mass market customers will be responsible for the cost of such interval meters in accordance with Rule No. 25 - Meters.

40.1.9 Mass market on-site projects subject to Phase One NEM compensation will be permitted to pair on-site energy storage with the eligible generating equipment under PSL Sections 66-j and 66-l and remain eligible under Phase One NEM. However, customers that wish to pair energy storage with a RNM, large on-site, or CDG project will be required to receive compensation based on the VDER Value Stack tariff.

40.1.10 The compensation methodology should be determined at the time that a project pays 25% of its interconnection costs or at the time the Standard Interconnection Contract is executed if no such payment is required. However, projects electing compensation under Phase One NEM will be provided a one-time, irrevocable opt in to the VDER Value Stack tariff. Changes in project ownership, as well as subscription changes for CDG projects, are not a basis for seeking a change in a project's compensation methodology.

40.1.11 Once the compensation term under Phase One NEM ends, projects still in operation and interjecting energy onto the Company's electric system will be compensated under the tariff then in effect.

40.1.12 Projects compensated under Phase One NEM are ineligible to participate in the Company's Term-DLM Program or Auto-DLM Program.

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SUPERSEDING REVISION: ~~42~~

GENERAL INFORMATION

40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

iv. Value Stack Demand Reduction Value ("DRV") Component:

Projects Eligible for Value Stack on or before July 26, 2018:

The Demand Reduction Value ("DRV") Component will be calculated by multiplying: i) the average of the project's net kW injections for each of the Company's ten (10) highest peak hours during the preceding calendar year, by ii) the project's applicable DRV Component rate (\$/kW-mo.) in effect during the billing period. If an interval meter was not in service for the project at the time of the Company's ten (10) highest peak hours during the preceding calendar year, then the Company will estimate the project's net injections for those hours.

The DRV Component rate will be fixed for the project for three (3) years from the interconnection date, using the DRV Component rate established at the time of the project's Eligibility Date. The project's DRV rate will be adjusted by the Company after three (3) years from the interconnection date to the DRV in effect at that time.

The DRV Component is not applicable to customers who receive the Value Stack MTC Component, which include CDG satellites that are mass market customers and mass market customers who opt into the Value Stack per Rule 40.2.1.8.

Projects may elect to participate ~~in~~ in ~~any of~~ the Company's Commercial System Relief Program ("CSRP"); ~~however, Customer-Generators making such election must forgo as an alternative to~~ DRV and LSRV compensation. This is a one-time, irrevocable decision that may be made at any point during a project's Value Stack compensation term, in accordance with Rule 62.1. Customer-Generators that ~~choose~~ this election, shall not receive DRV ~~or LSRV~~ compensation for the remainder of their project term.

Projects may elect to participate in the Company's Term-DLM Program or Auto-DLM Program; however, Customer-Generators making such election must forgo DRV compensation. Customer-Generators that choose this election, shall not receive DRV compensation for the duration of their participation in either the Term-DLM Program or Auto-DLM Program under Rule 65.1.

For CDG projects participating in the CDG Net Crediting Program, the DRV Component calculated above will only apply to non-mass market satellites and will be included in the calculation of the Value Stack Credits that will apply to CDG Satellites as specified in Rule 29.4.

For CDG projects not participating in the CDG Net Crediting Program, as specified in Rule 29.4 the DRV Component will only apply to non-mass market satellites and will be determined for each non-mass market satellite by multiplying the applicable DRV Component rate calculated above by the satellite's allocation percentage in effect for the billing period as provided by the CDG project sponsor. The DRV Component associated with any Unallocated Satellite Percentage will be banked for later distribution by the CDG project sponsor as specified in Rule 40.2.5.

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GENERAL INFORMATION

40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

Projects Eligible for Value Stack after July 26, 2018:

The DRV Component will be calculated by multiplying: i) the project's net injections (kWh) each bill period during the hours of 2:00 pm to 7:00 pm weekdays, non-holidays, between June 24 and September 15 inclusive, by ii) the project's hourly DRV Component rate (\$/kWh). The project's hourly DRV Component rate will be determined by multiplying the Company's \$/kW-year DRV Component rate in effect at the time of the project's Eligibility Date by ten (10) years and then dividing the result by the total number of eligible hours in the ten-year eligibility period for the project. This hourly DRV component rate will be fixed for the first ten (10) years of the project's operation. At the end of the ten-year period, the hourly DRV Component rate (\$/kWh) will be the DRV rate and hours in effect during the billing period.

Projects may elect to participation in ~~any of~~ the Company's CSRP; however, Customer-Generators making such election must forgo as an alternative to DRV and LSRV compensation. This is a one-time, irrevocable decision that may be made at any point during a project's Value Stack compensation term, in accordance with Rule 62.1. Customer-Generators that chose this election, shall not receive DRV ~~or LSRV~~ compensation for the remainder of the ~~if~~ project term.

Projects may elect to participate in the Company's Term-DLM Pprogram or Auto-DLM Pprogram; however, Customer-Generators making such election must forgo DRV compensation. ~~Customer-Generators that choose this election, shall not receive DRV compensation for the duration of their participation in the Term-DLM Pprogram or Auto-DLM Pprogram under Rule 65.1.~~

For CDG projects participating in the CDG Net Crediting Program, the applicable DRV Component calculated above will be included in the calculation of the Value Stack Credits that will apply to all CDG Satellites, as specified in Rule 29.4, except for CDG Satellites of CDG projects that opt into ~~any of~~ the Company's CSRP, Term-DLM Pprogram, or Auto-DLM Programs.

For CDG projects not participating in the CDG Net Crediting Program, as specified in Rule 29.4, the DRV Component will apply to all CDG Satellites, with the exception of CDG Satellites of projects that opt into ~~any of~~ the Company's CSRP, Term-DLM Pprogram, or Auto-DLM Pprograms. The DRV Component associated with any Unallocated Satellite Percentage will be banked for later distribution by the CDG project sponsor as specified in Rule 40.2.5.

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GENERAL INFORMATION

40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

v. Value Stack Locational System Relief Value ("LSRV") Component:

The LSRV Component will only be available to projects located in LSRV areas at the time of their Eligibility Date. Eligible LSRV areas that have been identified by the Company will be available on the Company's website and displayed on a statement filed with the PSC. If a project previously included in an LSRV area's MW capacity limit is canceled or abandoned, that project's proposed capacity shall be returned to the LSRV area's MW capacity limit and the revised remaining capacity will be displayed on a statement filed with the PSC.

Existing Customer-Generators located in an LSRV area that opt into the Value Stack will not receive the LSRV Component.

Projects may elect to participate ~~in~~ in any of the Company's CSRP; however, Customer-Generators making such election must forgo as an alternative to DRV and LSRV compensation. This is a one-time, irrevocable decision that may be made at any point during a project's Value Stack compensation term, in accordance with Rule 62.1. Customer-Generators that chose this election, shall not receive ~~DRV or~~ LSRV compensation for the remainder of their project term.

Projects may elect to participate in the Company's Term-DLM Program or Auto-DLM Program; however, Customer-Generators making such election must forgo LSRV compensation. Customer-Generators that choose this election, shall not receive LSRV compensation for the duration of their participation in the Term-DLM Program or Auto-DLM Program under Rule 65.1.

Projects Eligible for Value Stack on or before July 26, 2018:

The LSRV Component will be calculated by multiplying: i) the average of the project's net kW injections for each of the Company's ten (10) highest peak hours during the preceding calendar year, by ii) the project's LSRV Component rate (\$/kW-mo.) in effect during the billing period. If an interval meter was not in service for the project at the time of the Company's ten (10) highest peak hours during the preceding calendar year, the Company will estimate the project's net injections for those hours.

The LSRV Component rate will be fixed for the first ten (10) years from the project's interconnection date and the project's applicable LSRV Component rate will be the LSRV rate (\$/kW-mo.) as filed by the Company in a statement with the PSC, in effect at the time of the project's Eligibility Date.

For CDG projects participating in the CDG Net Crediting Program, the LSRV Component calculated above will be included in the calculation of the Value Stack Credits that will apply to CDG Satellites as specified in Rule 29.4.

For eligible CDG projects not participating in the CDG Net Crediting Model, as specified in Rule 29.4, the LSRV Component will be determined for each satellite by multiplying the project's applicable LSRV Component rate (\$/kW-mo.) by the satellite's allocation percentage in effect for the billing period as provided by the CDG project sponsor. The LSRV Component associated with any Unallocated Satellite Percentage will be banked for later distribution by the CDG project sponsor as specified in Rule 40.2.5.

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GENERAL INFORMATION

64. Dynamic Load Management (DLM) Surcharge

The Dynamic Load Management Surcharge provides for recovery from customers of costs incurred by the Company, and approved by the Commission, for demand response programs to ensure reliability needs are met. This surcharge applies to costs incurred in accordance with Rule No. 61--Distribution Load Relief Program, Rule No. 62-Commercial System Relief Program, Rule No. 63-Direct Load Control Program, Rule No. 65-Term--Dynamic Load Management Program, and ~~Rule No. 66-Auto--Dynamic Load Management Program. Rule 65 was effective December 1, 2020 per Commission order dated September 17, 2020 in Case 18 E 0130.~~

64.1 The DLM surcharge is applicable to all customers taking service under P.S.C. No. 220 and 214 Electricity, regardless of supplier.

64.2 The ~~Recovery-recovery~~ of costs incurred for the Programs in Rule 61 and Rule 63 will be allocated to all P.S.C. No. 214 service classifications, and to all customers served at the secondary or primary voltage delivery levels of P.S.C. No. 220 Service Classifications 1, 1C, 2, 2D, 3, 3A, 4, 7 and 12, (applicability of SC12 customers will be in accordance with the terms of their individual contracts), except for EZR and EJP customers. The above allocations will be based on the non-coincident peak allocator from the Company's most current rate ~~planease ("ECOS").~~ The ~~r~~Recovery of Rule 62 Program ~~and~~ Rule 65 Program, ~~and Rule 66 Program~~ costs will be allocated to all P.S.C. PSC No. 214 service classifications and to all customers in P.S.C. No. 220 Service Classifications 1, 1C, 2, 2D, 3, 3A, 4, 7 and 12, (applicability of SC12 customers will be in accordance with the terms of their individual contracts), except for EZR and EJP customers. The above allocations will be based on the transmission plant allocator from the Company's most current rate case ~~("ECOS").~~

64.3 The DLM surcharge will be set on an annual basis for the next twelve-month billing periods and applied to customers on a forecasted sales volume basis.

64.3.1 The DLM will be collected from customers on a volumetric basis, per kWh for non-demand service classifications and per kW-mo for demand service classifications.

64.3.2 The DLM surcharge shall be determined by dividing the amount of total costs incurred by the Company for the prior year under these DLM demand response programs by the annual forecasted sales or demand for each service classification. The per kW rate for demand customers will be further divided by twelve to establish a per kW-mo rate.

64.3.3 The DLM surcharge collected from customers will be subject to annual reconciliation for any over or under collection from the previous year. The DLM surcharge reconciliation over or under collections will be included in the amount of cost recovery in Rule 64.3.2 above used to determine the DLM surcharge for the next year, inclusive of -interest at the applicable customer deposit rate.

64.4 The DLM surcharge will be shown on statements filed with the Public Service Commission apart from this rate schedule not less than 3 days before its effective date.

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GENERAL INFORMATION

65. Term- and Auto-Dynamic Load Management Programs

Purpose: The Term-Dynamic Load Management Program ("Term-DLM Program") and Auto-Dynamic Load Management Program ("Auto-DLM Program") are being offered by the Company in response to the Commission's order in Case 18-E-0130. These Programs will enable participating eligible customers to be compensated for reducing their load under certain conditions when called upon by the Company to do so, for a term of a specified number of years in accordance with an agreement to be entered into by the Company and a Direct Participant or Aggregator selected by the Company through a Request for Proposal ("RFP") process ("Program Agreement").

65.1 Contracting for Term-DLM and Auto-DLM Programs

Eligible customers must be served under Service Classification Nos. 1, 1C, 2, 3, 3A, 4, 7, and 12. Customers must install interval metering that conforms to the requirements of Rule 65.4 to participate in these Programs.

A Direct Participant must contract to provide at least 50 kW of Load Relief. An Aggregator must contract to provide at least 50 kW of Load Relief.

If other requirements for service under these Programs are met, Electric Generating Equipment may be used to participate under these Programs subject to the provisions set forth in Rule 65.3.5 below. The participating Direct Participant or Aggregator is responsible for determining that the operation of the Electric Generating Equipment under these Programs will be in conformance with any governmental limitations on such operation.

Customers who take service under Rule 36, Rule 37, or Rule 40.1 are not eligible to participate in these Programs. However, Customer-Generators that qualify for Value Stack compensation under Rule 40.2 are permitted to participate in these Programs but will not receive DRV and/or LSRV compensation during the term of their participation in these Programs. Value Stack Customer-Generators that opt-into these Programs will be compensated for their injections using the same load reduction calculation methodology for load reductions as described in Rule 65.6. The Customer-Generator must notify the utility of its intention to opt in to these Programs.

65.2 Definitions - the following terms are defined for purposes of these Programs only:

Programs

Term-Dynamic Load Management ("DLM") Program ("Term-DLM Program") is generally activated for peak shaving when the day-ahead system electric load forecast reaches a Company-specified percent of its forecasted system peak, as specified in the Program Agreement. An event called under this condition shall be defined as a Term-DLM Event.

Auto-Dynamic Load Management Program ("Auto-DLM Program") is a program activated by the Company for the following conditions: (1) to prevent or mitigate overload situations on the utility's electric grid; or (2) for peak shaving purposes using the same activation criteria as for Term-DLM. An event called under condition (1) shall be defined as an Auto-DLM Event.

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65. Term- and Auto-Dynamic Load Management Programs (continued)

Definitions applicable to both Term- and Auto-DLM

"Aggregator" refers to a party other than the Company that represents and aggregates the load of eligible customers who collectively have a Load Relief potential of 50 kW or greater and is responsible for the actions of the customers it represents, including performance and, as applicable, performance adjustments, penalties, and repayments to the Company. "Capability Period" under this Program refers to the period during which the Company can request Load Relief. The Capability Period shall be from May 1 through September 30.

"Application" is defined as the set of materials required to enroll eligible resources in the program(s) as detailed in the Program Agreement.

"CBL" means the customer baseline load as calculated under the Company's Customer Baseline Load methodology. The Customer Baseline Load methodology is described in the Company's baseline operating procedure, which is published on the Company's website. Direct Participants or Aggregators may propose alternate CBL methodologies to the Company by December 1 each year, with specific details and documentation as to how the proposed calculation will be performed. The Company will review the process and methodology by January 1 of the subsequent year and notify the Direct Participant or Aggregator if the proposed methodology is acceptable. Following acceptance, the proposed alternate CBL will be used for the Direct Participant or Aggregator's demand response calculations beginning May 1.

"CBL Verification Methodology" means the methodology used by the Company to verify the actual Load Relief provided (kW and kWh) during each hour of each designated Load Relief Period and Test Event. Actual load levels are compared to the customer baseline loads to verify whether the Direct Participant or Aggregator provided the kW of contracted Load Relief; provided, however, that the Company may estimate the data pursuant to the Company's operating procedure if data is not available for all intervals. When the weather-adjusted CBL methodology is used and the calculated weather adjustment falls outside of Company-defined ranges (i.e., the Company deems the weather to be atypical on the day of a Load Relief Period or Test Event when compared to the baseline period), the Company may review and revise a participant's baseline based on the customer's historical load data. When the weather-adjusted CBL methodology is used, or an approved alternate CBL methodology, the Company, at its own discretion, may select alternate hours for the adjustment period to calculate the weather adjustment factor in order to accurately reflect the customer's typical usage.

"Direct Participant" is a customer who enrolls under these Programs directly with the Company for a single account and agrees to provide at least 50 kW of Load Relief. If the customer wishes to enroll multiple customer accounts within the Company's service territory that collectively have a Load Relief potential of 50 kW or greater, each account must meet the terms of service under these Programs. Performance of multiple customer accounts will be measured on a portfolio basis.

"Electric Generating Equipment" is the: (a) electric generating equipment, including technologies that can be exported, at the premises of an eligible customer used to provide Load Relief under these Programs; or (b) emergency electric generating equipment that is interconnected and operated in compliance with the Company's Standard Interconnection Requirements and used to provide Load Relief under these Programs.

"Load Relief" is the demand (kW) and energy (kWh): (a) ordinarily supplied by the Company that is displaced by use of Electric Generating Equipment and/or reduced by the Direct Participant or Aggregator at the customers' premises; or (b) produced by use of Electric Generating Equipment at the premise of an eligible customer and delivered by that customer to the Company's delivery system during a Load Relief Period.

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65. Term- and Auto-Dynamic Load Management Programs (continued)

“Load Relief Period” refers to the hours for which the Company requests Load Relief during: (a) a Term-DLM Event, which can also include Auto-DLM participants; or (b) an Auto-DLM Event, provided, however, that Load Relief will not be required under Auto-DLM Event between the hours of 12:00 AM and 6:00 AM. A Load Relief Period may be designated under Auto-DLM in accordance with the terms of the Program Agreement.

“Performance Factor” is the ratio of Load Relief specified in the Program Agreement to the actual Load Relief provided.

“Performance Payments” will be paid by the Company, as applicable, to a Direct Participant or Aggregator for Load Relief during the Load Relief Period as described in the Program Agreement.

“Portfolio Quantity” is the amount of Load Relief a Direct Participant or Aggregator agrees to supply based on the Program Agreement.

“Program Agreement” refers to the specific terms and conditions that apply to Aggregators and Direct Participants based on signed contracts associated with their Vintage Year.

“Test Event” refers to the Company’s request under the Reservation Payment Option of either Term- or Auto-DLM for Direct Participants and Aggregators to provide Load Relief to test participants’ response to a request for Load Relief. The duration of a Test Event is one hour for both the Term- and Auto-DLM Programs. If a Test Event is called under the Term-DLM Program, Load Relief will be requested within the four-hour span of Contracted Hours. If called under the Auto-DLM Program, Load Relief will be requested at a time determined solely at the Company’s discretion but not between the hours of 12:00 AM and 6:00 AM.

“Vintage Year” refers to the first Capability Period an Aggregator or Direct Participant is contractually obligated to participate in.

Definitions applicable to Term-DLM Program only

“Contracted Hours” refers to the four-hour period within a weekday (i.e., Monday through Friday) during the Capability Period, excluding holidays, during which the Direct Participant or Aggregator contracts to provide Load Relief whenever the Company designates a Term-DLM Event. The Contracted Hours are established by the Company location and will be provided in the Program Agreement.

65.3 Application and Terms of Service

65.3.1 Customers taking service under this Rule shall enter into a Program Agreement with the Company. The ability to complete these Program Agreements is awarded based on a , Request for Proposal (“RFP”) process which considers the price per Load Relief offered, the quantity of proposed Load Relief, location and the program the applicant is applying for. All bids will be for single Aggregations (including sub-Aggregations) and will be considered at the Aggregation level.

65.3.2 Load Relief of an Aggregator will be measured on a portfolio basis by Aggregation.

65.3.3 A single CBL Verification Methodology will be used for each customer account to assess both energy (kWh) and demand (kW) Load Relief.

65.3.4 A Direct Participant or Aggregator may change the CBL Verification Methodology or kW of pledged Load Relief for the upcoming Capability Period provided the request is received prior to commencing participation for that Capability Period.

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65. Term- and Auto-Dynamic Load Management Programs (continued)

65.3.5 If a Direct Participant or Aggregator requests to operate Electric Generating Equipment for Load Relief purposes under these Programs, the offer for Load Relief must state generator information, including the unit's nameplate rating, manufacturer, date of manufacture, fuel type or energy source, the kW enrolled using this equipment, and identification as to whether the unit incorporates three-way catalyst emission controls (natural gas-fired rich-burn engine), a natural gas lean-burn engine of model year vintage 2000 or newer. Diesel-fired generators are excluded from participating in these Programs.

65.3.5.1 If the Electric Generating Equipment has a NOx emission level of no more than 2.96 lb/MWh, but is not natural gas-fired rich-burn generating equipment that incorporates three-way catalyst emission controls, a natural gas lean-burn engine of model year vintage 2000 or newer written certification by a professional engineer registered in the State of New York must be attached to the application attesting to the accuracy of all generation-related information contained in the application, including the NOx emission level.

65.3.5.2 A copy of the required New York State Department of Environmental Conservation ("DEC") permit or registration must be included with the application or provided to the Company within seven days of applying for participation in these Programs. If the permit or registration has not yet been issued, a copy of the application to the DEC for the required permit or registration may instead be submitted; provided, however, that a copy of the actual DEC permit or registration must be submitted before commencing service under this Program.

65.3.5.3 By proposing service under these Programs, Direct Participants and Aggregators (on behalf of their customers) agree to permit the Company to provide information regarding the Electric Generating Equipment to the DEC for its review, subject to the DEC's agreement to keep this information confidential.

65.3.5.4 Participants enrolled in a NYISO market-based program offered by the Company, NYPA, or other entity, must provide the Company with their NYISO generator identification number, subject to entering into a confidentiality agreement with the Company, and give the Company the ability to view their market participation activity. This information will be used to verify the times of participation in these other programs to prevent double-payment during concurrent events.

65.3.6 Direct Participants and Aggregators must meet the metering requirements specified in Rule 65.4 of these Programs.

65.4 Metering

65.4.1 All electricity load measurement for these Programs shall utilize the Company's interval-based meter at the customers' premises. The customer is responsible for paying the metering and installation costs. The metering and installation costs are available from Company representatives.

65.4.2 Metering communications are necessary for program administration. Where meter reading communications must be installed, the Company shall provide the necessary communications equipment to the customer's meter which records the electric requirements delivered to the customer's premise. The customer agrees to pay the Company an Incremental Customer Charge in the amount of \$12.42 per month to cover the incremental cost of metering communications.

65.4.3 The customer shall be responsible for all metering and communication devices and associated costs as prescribed above and in accordance with Rule 25 of the Tariff.

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65. Term- and Auto-Dynamic Load Management Programs (continued)

65.5 Notification by the Company

65.5.1 The Company will call a Term-DLM Event or Test Event on not less than 21 hours' notice in advance of the event. The Company will again provide, on the day of the event, advance notice of confirmation or cancellation of the event, no less than two hours before the start of the event.

65.5.2 The Company will call an Auto-DLM Event or Test Event on not less than ten minutes' advance notice.

65.6 Payment

65.6.1 The Company will make Reservation Payments to a Direct Participant or Aggregator at the conclusion of each Capability Period in which the Direct Participant or Aggregator is enrolled under Term- or Auto-DLM. The Reservation Payment is equal to the applicable Reservation Payment Rate per kW multiplied by the Direct Participant or Aggregator's kW of Portfolio Quantity multiplied by the Performance Factor (as described in the Program Agreement). Reservation Payments to Aggregators or Direct Participants are determined per Aggregation based on the Aggregator's kW of Portfolio Quantity in that Aggregation. Details regarding the calculation of Reservation Payments are specified in the Program Agreement.

65.6.2 The Company will make Performance Payments, as applicable, to a Direct Participant or Aggregator. The payment calculation method is described in the Program Agreement.

65.7 Early Exit Provision

65.7.1 Aggregators and Direct Participants shall have the right to terminate their obligations under their respective Program Agreements prior to the first Capability Period, before a Company-specified deadline, by paying an Early Exit Fee equal to ten percent of the product of the remaining length of the contractual obligation in years, the Aggregator or Direct Participant's applicable reservation rate, and the kW of Portfolio Quantity. At its discretion, the Company can offer additional opportunities to exercise such early exit rights or require payment of the Early Exit Fee based on a failure to meet minimum performance standards. These requirements will be specified in Program Agreements.

65.8 Restrictions

65.8.1 Term-DLM Program participants may participate in the DLM in Rule 61 of this Tariff, but Auto-DLM Program participants may not. However, participation in Rule 62, CSRP, is prohibited for participants in the Term-DLM and Auto-DLM Programs. Additionally, concurrent participation in both the Term- and Auto-DLM Program is prohibited. Performance Payments will not be made under these Programs if the Direct Participant or Aggregator (on behalf of its customers) receives payment for energy during concurrent Load Relief hours under Rule 61, DLRP, or any other Company, third party, or NYISO demand response program.