

PSC NO: 220 ELECTRICITY
 NIAGARA MOHAWK POWER CORPORATION
 INITIAL EFFECTIVE DATE: ~~JANUARY 1, 2021-APRIL 1, 2018~~
 STAMPS: ~~Issued in Compliance with Order in Case 17 E-0238 Issued March 15, 2018.~~

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30. SHARED METERS

In accordance with 16NYCRR Sections 11.30 through 11.32, and Section 52 of the Public Service Law, when a tenant's service meter also registers utility service use outside the tenant's dwelling and/or control, the tenant is not required to pay the charges for that service. The owner has three options when shared metering has been determined:

- a) Request the account be placed in the owner's name
- b) Correct the condition
- c) If allowed by law and if certain conditions are met, enter into a mutually acceptable agreement.

Following 120 days after the determination that a shared meter exists, if the owner does nothing, then the account will be placed in the owner's name without their request. The Company will rebill for past service in accordance with Section 52 of Public Service Law. A Customer may request a copy of Section 52 of Public Service Law and 16NYCRR Sections 11.30 through 11.32 from the Company.

31. ~~RESERVED FOR FUTURE USE~~ NYPA Supply Service

In accordance with the Public Authorities Law ("PAL") §1005, subdivision 27(a), the New York Power Authority ("NYPA") is authorized to supply power and energy procured from competitive market sources or supply renewable power and energy procured from competitive market sources to any: (i) authority customer, (ii) public entity; or (iii) Community Choice Aggregation ("CCA") community through the supply of such products through an energy services company or other entity that is authorized by the Commission to procure and sell energy products to participants of a CCA program. This Rule 31 will allow NYPA to supply power and energy to NYPA customers and public entities as defined in PAL §1005, subdivisions 17(b) and 27(g) and in accordance with the following provisions.

31.1 Customers taking service under this Rule 31 will have their electric power provided by NYPA pursuant to the customer's agreement with NYPA. If a customer chooses to no longer take service under this Rule 31, the customer may choose to take electric supply from an energy service company under Rule 39, or from the Company under Rule 46.

31.2 With the exception of supply and supply-related charges and adjustments applicable under Rule 46, customers taking service under this Rule 31 shall be assessed all charges under the customer's applicable service classification.

31.3 Customers taking service under this Rule 31 will continue to be eligible to participate in energy efficiency programs offered by the Company and by the New York State Research and Development Authority, if otherwise eligible to do so if they were not participating in this Rule 31.

31.4 Customers who have designated a portion of their electric power supply requirements to be provided by NYPA under its Recharge New York ("RNY") program, shall be permitted to select NYPA to provide the remainder of their electric power supply under this Rule 31.

31.5 NYPA shall provide at least thirty days prior written notice to the Company for the initial delivery or termination of electric supply service under Rule 31 for each participating customer, unless otherwise agreed upon by NYPA and the Company. Service will be initiated or terminated as of the Customer's first scheduled meter reading date on or after the end of such notice period.

31.6 Consolidated billing shall not be available to customers served under this Rule 31 and NYPA shall separately bill participating customers for supply service under this Rule 31.

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GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.3 Program 2 - Empire Zone Rider (EZR) (Continued)

34.3.3.3 Charges for demand and energy not available for EZR discount shall be as specified in Special Provision K of Service Classification No. 7.

34.3.4 Electric Pricing For Qualifying EZR Load

34.3.4.1 Unless otherwise taking service under Rule 31, NYPA Supply Service, or -Rule 39, Retail Access Program, customers served under Program 2 - EZR, shall be subject to Electricity Supply Cost in accordance with Rule 46.1(Electricity Supply Cost).

34.3.4.2 Delivery Rates Applicable to Qualifying EZR Load on or after September 1, 1998. Except as otherwise expressly provided for in a fully executed Form C Agreement, between the Company and a Customer dated on or before August 31, 1998, delivery rates applicable to Qualifying EZR Load shall be priced as follows:

34.3.4.2.1 Transmission Delivery Rates:

All EZR Service provided under this Program must be transmitted and delivered into the Company's distribution system pursuant to the provisions of the NYISO Tariff filed with the Federal Energy Regulatory Commission, as that NYISO Tariff may be changed or modified from time to time. The applicable rates for this Rule 34.3.4.2.1 are as follows:

All Voltage Delivery Levels

	<u>Per kWh</u>	<u>Per kW</u>
SC-2ND	\$ 0.00477	\$0.00
SC-2D	\$ 0.0000	\$1.89
SC-3	\$ 0.0000	\$1.89
SC-3A	\$ 0.0000	\$1.89

34.3.4.2.2 Marginal Distribution Delivery Rates:

The Marginal Distribution delivery rates apply only to those customers served at a primary or secondary voltage delivery. The rates shall be administered on a per kWh basis, specific to customer's voltage delivery level as follows:

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GENERAL INFORMATION

34.- ECONOMIC DEVELOPMENT PROGRAMS (Continued)

34.6- Program 5 – Recharge New York (“RNY”) Power Program (Effective July 1, 2012)

34.6.1- Eligibility Criteria

34.6.1.1 Applicant or customer who qualifies must take service under and in accordance with the provisions (except as expressly provided herein) of Service Classification Nos. 2D, 3, 3-A, 4, 7, or 12 hereinafter referred to as the parent service classification, and

34.6.1.2 Customer's revitalization and expansion load requirements will be administered in accordance with New York State Economic Development Law, Article 6, Sections 1834 188-A, Public Authority's Law, as amended by Chapter 316 of the New York Laws of 1997 and the regulations of the Power Authority of the State of New York.

34.6.1.3 Applicant must complete the subscription procedure as described in Section 34.6.2.

34.6.2- Subscription Procedure

34.6.2.1 Applicant must apply to NYPA on forms provided by NYPA, and application must include written approval from the New York State Economic Development Power Allocation Board and the NYPA’s Trustees regarding their RNY allocation, and;

34.6.2.2 Written verification of NYPA trustees award of RNY allocation should specifically state:

34.6.2.2.1 effective date of allocation of RNY power;

34.6.2.2.2 if customer is electing the total allocation of 50% low cost hydropower and 50% market power, or only low cost hydropower;

34.6.2.2.3 if a customer is electing the total allocation of 50% low cost hydropower and will be receiving NYPA Supply Service under Rule 31 for the remaining 50% of their allocation requirements.

34.6.2.3- If customer makes an election per Rule 34.6.2.2.2 and selects ~~elects~~ an alternate supplier for their allocation of RNY market power other than NYPA, the customer must choose the same supplier that provides their supplemental load. If the Company bills for the alternate supplier chosen by the customer, the market power will be billed at the same rate as the supplemental load.

If the customer makes an election per Rule 34.6.2.2.3, the customer must also have NYPA supply their supplemental load under Rule 31. Under this election, NYPA will bill the customer for all their supply requirements.
~~If the customer makes an election per Rule 34.6.2.2.3, the customer must also have NYPA supply their supplemental under Rule 31. Under this election, NYPA will bill the customer for all their supply requirements.~~

34.6.2.4 All RNY Service provided under this Program must be transmitted and delivered to the Company's distribution system pursuant to the provisions of the NYISO Tariff filed with and accepted by the Federal Energy Regulatory Commission, as that NYISO Tariff may be changed or modified from time to time.

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GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.7 Program 6 - Excelsior Jobs Program ("EJP") (Continued)

34.7.4 Electric Pricing For Qualifying EJP Load

34.7.4.1 Unless otherwise taking service under Rule 31, NYPA Supply Service or Rule 39, Retail Access Program, customers served under Program 6, EJP shall be subject to Electricity Supply Cost in accordance with Rule 46.1 (Electricity Supply Cost).

34.7.4.2 EJP Load shall be subject to all surcharges and adjustments of the customer's otherwise applicable parent service classification. EJP customers will not be subject to Rule 57- Revenue Decoupling Mechanism, Rule 46.2-Legacy Transition Charge, Rule 41-Transmission Revenue Adjustment, Rule 49 – Earnings Adjustment Mechanism, Rule 64 – Dynamic Load Management Surcharge on the EJP portion of their load.

34.7.4.3 Customers who have met the qualifications in accordance with Rule 34.7.1 above and from whom the Company has received the Certificate of Tax Credit from the NYS Department of Economic Development will have their EJP load priced at the following rates.

Delivery Rates Applicable to Qualifying EJP Load:

	<u>Per kWh</u>	<u>Per kW</u>
SC2	\$0.03486	
SC2D		\$5.51
SC3 - Secondary		\$3.93
SC-3 Primary		\$2.60
SC-3 Sub Transmission		\$1.79
SC-3 Transmission		\$1.79
SC-3A Secondary		\$3.04
SC-3A Primary		\$3.04
SC-3A Sub Transmission		\$2.86
SC-3A Transmission		\$1.42

*SC7 customers will be subject to the rates of their Parent Service Classification above.

**All EJP Customers pay full standard tariff Customer Charges.

34.7.4.4 Certification and Verification

Customers qualifying for the EJP discount will be eligible to qualify to receive a certificate of tax credit from the State of New York each year which will entitle the customer to receive service at the discounted rates in Rule 34.7.4.3 for the following 12 month period commencing with the next full billing period after the utility receives the certificate of tax credit. Service at discounted rates will end no later than fifteen months after receipt of such notification The Company shall receive a copy of this certificate of tax credit prior to billing the discounted rate.

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GENERAL INFORMATION

38. RENEWABLE ENERGY MARKETING PROGRAM

38.1 PROGRAM DESCRIPTION

The Renewable Energy Marketing Program is a voluntary program in which the Company's customers may elect to receive renewable energy service options from independent Renewable Energy Service Providers meeting eligibility criteria hereafter referred to as "Green ESCos". The purpose of this program is to spur the development of renewable energy generation resources and the sale of renewable energy in the Company's service territory.

38.2 CUSTOMER ELIGIBILITY

38.2.1 All customers served under P.S.C.No.220 Service Classification Nos. 1, 1-C, 2, 3, 3A, 4, 11 and 12 and all customers taking service under P.S.C. No. 214 are eligible to participate in this program if they take their electricity supply service from the Company. Customers participating in the ~~Rule 39, Company's~~ Retail Access Program ~~or~~ Rule ~~31 or Rule 39, NYPA Supply Service~~, are not eligible to participate in this program unless they elect to voluntarily terminate participation in the Retail Access Program ~~or NYPA Supply Service~~.

38.2.2 The portion of a customer's load provided by NYPA under Economic Development Power (EDP), Power For Jobs (PFJ), Recharge New York ("RNY"), and Replacement and Expansion Power Programs is not eligible for the Renewable Energy Marketing Program.

38.3 GREEN ESCo ELIGIBILITY

38.3.1 To participate in the Renewable Energy Marketing Program as a Green ESCo, a renewable energy service provider must sign a Company prescribed form stating that they will comply with all the provisions of this Tariff and any written agreements between the Green ESCo and the Company. The Green ESCo must also meet the following requirements, as applicable at all times:

38.3.1.1 The Green ESCo has complied with all the oversight requirements as set forth in Opinion 97-5 dated May 19, 1997 as may be amended or superseded by the PSC from time to time. The Green ESCo must notify the DPS at any time of any material change in information previously submitted to the DPS, and

38.3.1.2 The Green ESCo must cooperate with the Company such that the Company can complete the necessary Conversion Transactions.

38.4 ENROLLMENT GUIDELINES

38.4.1 A customer desiring to take service under the Renewable Energy Marketing Program will select an eligible Green ESCo and will provide the Green ESCo with the necessary enrollment information.

38.4.2 The Green ESCo will submit the customer's enrollment information to the Company. At minimum, the Green ESCo will provide the customer's current account number, and the customer's selected renewable energy service option as described in Rule 38.5.

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41. SYSTEM BENEFITS CHARGE

41.1 The System Benefits Charge is a mechanism which permits the Company to recover from customers the costs associated with clean energy activities conducted by the New York States Energy Research and Development Authority ("NYSERDA").

41.2 Service bills rendered to customers taking service under P.S.C. Nos. 220 and 214 Electricity are subject to the System Benefits Charge regardless of supplier, except:

- (i) load served by NYPA except as provided in Rule 31 and 41.2.1, or
- (ii) load served under the Empire Zone Rider as described in Rule 34.3.2.2 and Rule 34.3.3.2, or
- (iii) load served under the Recharge New York Program as provided in Rule 31 and e—34.6, or
- (iv) as established by contract under the or SC-12 tariff as described in SC No. 12 – Sections 5.4.3 and 6.2.3.

41.2.1 Certain NYPA allocations are subject to the System Benefits Charge. Deliveries of High Load Factor Fitzpatrick Power not specifically enumerated on Schedule A to the Agreement Among Niagara Mohawk Power Corporation, the New York Power Authority, and the Department of Public Service Resolving and Settling Certain Disputes dated May 22, 1997 or otherwise authorized by that Settlement Agreement.

41.2.2 Customers who have load served by NYPA are exempt from the SBC on the NYPA portion of their load, except as provided in Rule 41.2.1. Customers will be assessed the SBC on any non-NYPA portion of their load and would thus qualify to participate in the energy efficiency programs mentioned in Rule 41.1.

41.2.3 Effective January 21, 2016, customers will no longer have the option to elect to pay SBC on any exempt load. Customers who previously elected to become subject to the SBC under this option shall be grandfathered under this opt-in provision and continue to pay the SBC.

41.3 Clean Energy Fund (CEF) Surcharge Rate:

Beginning on March 1, 2016, the CEF surcharge rate will collect funds associated with NYSERDA administered clean energy activities, including RPS, EEPS, SBC IV, and CEF, as well as over- or under-collections associated with Company administered EEPS programs for the period prior to 2016. The surcharge rate will be calculated by dividing the necessary collections by the projected annual kWh sales. Necessary collections will include:

41.3.1 Annual authorized collections for NYSERDA administered programs, plus or minus any under- or over-collections for prior years.

41.4 On an annual basis, the Statement of SBC will be filed on no less than 15 days' notice to become effective January 1st of each year.

41.5 The System Benefits Charge rates will be stated in cents per kWh.

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41. SYSTEM BENEFITS CHARGE (Continued)

41.6 Energy Efficiency Program Costs (ETIP):

Commencing April 1, 2018, the Company's electric energy efficiency costs (ETIP) will be recovered in the Company's base rates.

41.6.1 Customers who have load served by NYPA (including RNY load) and SC12 customers in accordance with their individual contracts, are exempt from the ETIP on the NYPA portion of their load, except as provided in Rule 41.2.1 ~~and; except as provided in Rule 31.-~~

41.6.2 Exempt customers in Rule 41.6.1 will receive a monthly credit on their bills for ETIP costs included in base rates based on their service class.

41.6.3 The ETIP Exemption will be a separate line item on exempt customer's bills and labeled as the SBC Exemption.

41.6.4 The following credits will be applied to exempt customers per kW of NYPA load:

	<u>Per kW</u>
SC 2D	(\$0.53)
SC 3 SEC	(\$0.70)
SC3 PRI	(\$0.78)
SC3 SUB/TRA	(\$0.67)
SC3A SEC/PRI	(\$0.85)
SC3A SUB	(\$0.89)
SC3A TRA	(\$0.84)

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46. SUPPLY SERVICE CHARGES (Continued)

46.2.4 The LTC shall not be assessed on qualifying EZR load or qualifying EJP load or any portion of a customer's power that is supplied by NYPA, including Replacement and Expansion, Power For Jobs, Economic Development Power, and High Load Factor Fitzpatrick Power, with the exception that power supplied by NYPA under Rule 31 shall not be exempt from the LTC.

46.2.5 The LTC shall be assessed on a volumetric basis to applicable customers in all service classifications as a line item on delivery bills and will include the NYPA Benefit applicable to Service Classification Nos. 1 and 1-C per Rule 46.2.6.

46.2.6 NYPA Hydropower Benefit Mechanism ("NYPA Benefit") - The benefits associated with the net market value of NYPA Rural & Domestic (R&D) power, and the benefit of the monthly Residential Consumer Discount Program payment ("RCD payment") under New York Public Authorities Law §1005, Subdivision 13-b, are applicable to Service Classification Nos. 1 and 1-C only.

46.2.6.1 "NYPA R&D Contract" is defined as the contract for Niagara Peaking power.

46.2.6.2 The net market value of the NYPA R&D Contract is defined as the monthly contract cost less the market value of the generation.

46.2.6.3 The portion of the NYPA Benefit associated with the NYPA R&D Contract shall be calculated monthly as the sum of (1) the monthly forecasted contract cost minus the forecasted market value of the NYPA R&D Contract, and (2) any reconciliation balance from prior periods determined pursuant to Rule 46.2.6.4. The resulting factor shall be calculated as the amount so determined divided by the forecasted kWh sales for the applicable month of Service Classification Nos. 1 and 1-C customers. The forecasted market value of generation associated with the NYPA R&D Contract will be determined based on the forecasted monthly market prices as set forth in 46.1.1.

46.2.6.4 The portion of the NYPA Benefit associated with the NYPA R&D Contract shall be subject to reconciliation in which the actual net market value shall be calculated and compared to the actual revenue billed by the factor in Rule 46.2.6.3 for the applicable month. Any reconciliation balance, whether positive or negative, shall be included in the Rule 46.2.6.3 factor in effect in subsequent periods.

46.2.6.5 The portion of the NYPA Benefit associated with the RCD payment shall be calculated monthly as the sum of (1) the RCD payment scheduled for the applicable month, and (2) any reconciliation balance from prior periods, determined pursuant to Rule 46.2.6.6. The resulting factor shall be calculated as the amount so determined divided by the forecasted kWh sales for the applicable month of Service Classification Nos. 1 and 1-C customers.

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57. REVENUE DECOUPLING MECHANISM (“RDM”)

57.1 The Revenue Decoupling Mechanism reconciles actual billed delivery service revenues for the RDM reconciliation period to annual target revenues (“ATR”) for delivery service as approved in the Company’s most recent rate case for each Reconciliation Group subject to the RDM defined in Rule 57.1.1 and as adjusted by the delivery service revenue associated with exempt customers identified in Rule 57.1.2. RDM targets will be adjusted, as applicable, to exclude credits applied to customer accounts pursuant to Rule 26.14. The RDM reconciliation shall determine the difference between actual billed delivery service revenues and the ATR for any Reconciliation Group listed in Rule 57.1.1 in each annual RDM reconciliation period and forms the basis of the RDM adjustment for that Reconciliation Group.

57.1.1 Delivery service revenue shall be defined as charges associated with distribution and transmission rates (customer, demand, reactive, and energy charges) applicable to retail delivery service customers subject to this RDM.

57.1.1.1 For the Street Lighting Reconciliation Group, delivery service revenues will also include facility charges. In the event that the Company transfers street lighting assets to one or more municipalities, the targets will be reduced to reflect changes in facilities charge revenues resulting from such sales.

For the first month after a delivery service rate change, the “billed delivery service revenues” will be defined as the product of actual sales and rate year rates.

The RDM reconciliation shall be performed for the following Reconciliation Groups:

1. SC-1, SC1-C
2. SC-2 Non Demand
3. SC-2 Demand
4. SC-3
5. SC-3A
6. Street Lighting (PSC 214)

* Customers served under SC4, SC7, and SC12 customers whose contracts provide exclusively for an alternative billing methodology, will be included in the RDM of their parent service classification.

57.1.2 Exempt/excluded from the RDM are the following:

57.1.2.1 SC-12 customers whose contracts do not provide exclusively for an alternative billing methodology for a NYPA allocation; therefore the ATR and billed delivery service revenue shall be excluded from the RDM, subject to the provisions of this rule below;

57.1.2.2 NYPA customers, including Recharge New York (“RNY”) customers, but not including load served under Rule 31, will not be subject to the RDM on the NYPA/RNY portion of their load; ~~except load served under Rule 31~~; ~~h~~However, ATR and billed delivery service revenue associated with the NYPA load of customers who receive NYPA/RNY power will be included in the RDM. RNY customers that receive credits under the provisions of Rule Nos. 29, ~~3~~36, 37 and 40 are excluded from this exemption and will be subject to the RDM surcharge; and

—————57.1.2.3 Empire Zone Rider (“EZR”) and Excelsior Jobs Program (“EJP”) customers shall not be subject to an RDM charge or credit on the EZR/EJP portion of their loads.

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**SERVICE CLASSIFICATION NO. 4
UNTRANSFORMED SERVICE TO CERTAIN CUSTOMERS TAKING POWER FROM
PROJECTS OF THE NEW YORK POWER AUTHORITY**

APPLICABLE TO USE OF SERVICE FOR:

The supply by the Company of:

- (1) transmission, distribution and delivery by the Company of Replacement Power and Expansion Power (collectively referred to herein as "Niagara Power") produced by the New York Power Authority's ("NYPA") Niagara Project under the provisions of the Settlement Agreement dated April 21, 2004 and approved by the Federal Energy Regulatory Commission by order dated July 9, 2004 in Docket No. ER03-989-000 ("Niagara Power Delivery Service"); and
- (2) transmission, distribution and delivery by the Company of High Load Factor ("HLF") Power provided by NYPA from Authority Sources (as defined in section 1005 of the Public Authorities Law under the provisions of the Settlement Agreement between the Company, NYPA and the New York State Department of Public Service dated May 27, 1997 and approved by the Commission in Orders dated May 23, 1997, June 10, 1997 and August 20, 1997 in Cases 97-E-0528 and 97-E-0569 ("the May 22, 1997 Settlement"))(hereinafter referred to as "HLF Delivery Service"); and
- (3) transmission, distribution and delivery by the Company of that portion of the customer's contract demand for Preservation Power produced by NYPA's St. Lawrence Project that is sold to such customer pursuant to the provisions of section 1005(13) of the Public Authorities Law ("Preservation Power Delivery Service"); and
- (4) the supplemental electric service requirements of an individual customer who has contracted to receive (A) Niagara Power Delivery Service; and/or (B) Preservation Power Delivery Service; and/or (C) HLF Delivery Service under this rate schedule SC-4 (hereinafter referred to as "SC-4 Supplemental Service").

Customers receiving any form of ESS from NYPA other than:

- (i) Niagara Power,
- (ii) HLF Power,
- (iii) Preservation Power eligible for delivery under subpart (3) above, ~~and~~
- (iv) ~~ReCharge~~Recharge New York ("RNY") Power under Rule 34.6, ~~and~~
- (v) NYPA Supply Service under Rule 31

shall receive all of their commodity requirements under the retail access program rules set out in Rule 39 of this Tariff at the delivery rates established therein.

Service hereunder is available throughout the Company's service area from existing circuits of adequate capacity and appropriate character.