

PSC NO: 1 GAS LEAF: 174
COMPANY: KEYSpan GAS EAST CORP. DBA BROOKLYN UNION OF L.I. REVISION: 9
INITIAL EFFECTIVE DATE: 02/01/12 SUPERSEDING REVISION: 8
STAMPS: Issued in compliance with Order in C. 11-G-0412 dated 01/10/12
Service Classification No. 12
Temperature-Controlled Service - Non-Residential (continued)
(Rate Codes: 330, 331, 332)

Customer Failure:

Each instance where a Customer fails to curtail gas consumption (in excess of two therms per hour) service when there is a Company initiated interruption will be considered a separate violation of the requirements of this Service Classification, unless such failure is due to a failure of Company-owned equipment that is not attributable to Customer. It will also be considered a violation if the Company becomes aware that the Customer interfered with the Company-owned equipment and such interference resulted in failure to interrupt gas service. The Customer will be notified of each violation. For any two violations during a winter period (November through March), including any violation during the annual system-wide test, the Customer will be notified that it has violated the requirements of the tariff and the following penalties will apply:

For sales Customers, effective as soon as practicable but no later than the second billing period following notice of the second violation, and for transportation Customers, effective as soon as practicable following the notice, such Customers will be transferred to the equivalent firm service classification unless (i) the Company has been notified in writing that the Customer has chosen to terminate gas service or (ii) the Customer has been notified that the Company has determined in its sole discretion that it can not provide firm service to the Customer, and service will be terminated in thirty (30) days. Such Customers transferred to firm service are required to remain on firm service for the remainder of that winter season and through the end of the next winter season. Such Customers who have either elected to terminate service pursuant to (i) above, or whose service has been terminated pursuant to (ii) above, may not return to service under this Rate Schedule for the remainder of that winter season and through the end of the next winter season. After that time, a Customer becomes eligible to re-apply for any non-firm service.

There is an amnesty clause available to Customers that experience an equipment failure. Should a Customer fail to switch when it is notified to do so because of equipment failure, the Customer must notify the Company within one hour of the failure, and provide proof within two days that the equipment has been repaired and is operable. If a Customer can demonstrate that it was unable to obtain and install the necessary equipment within two days, the Customer will have five more days to remedy the situation. The Customer will provide proof that it has installed the necessary equipment and that it is operable. If a Customer meets these criteria, amnesty for the violation caused by the failure of the Customer's equipment will apply. If the Customer cannot obtain and/or install the necessary equipment within seven days, the equipment failure will be considered a violation. Only one grant of amnesty for an equipment violation will be allowed per winter season. Such grant of amnesty does not exempt the Customer from having to pay any applicable charges, including Unauthorized Use Charges or Non-Compliance Charges.

Issued by: William J. Akley, President, Hicksville, NY