

PSC NO: 12 GAS  
COMPANY: THE BROOKLYN UNION GAS COMPANY  
INITIAL EFFECTIVE DATE: 02/01/12  
STAMPS: Issued in compliance with order in Case 11-G-0411 dated January 10, 2012

LEAF: 227.2  
REVISION: 2  
SUPERSEDING REVISION: 1

### **SERVICE CLASSIFICATION No. 6M - Continued**

#### **Non-Compliance Charges for Equipment Failure and/or Inadequate Fuel on Hand:**

Whenever the Company becomes aware that the Customer's equipment is incapable of switching to an alternate fuel and/or that the Customer does not have a reasonable amount of fuel on hand considering the time in the heating season, the Company will notify the Customer within forty-eight (48) hours that the violation must be corrected within ten (10) calendar days. It will be the responsibility of the Customer to contact the Company and provide proof that the violation has been corrected. Any such violation will not trigger penalties if the Customer has previously stipulated in writing that the Customer is willing and able to shut down during periods of interruption.

Customers that receive notice from the Company regarding inadequate standby fuel and/or equipment failure that fail to supply the Company with proof that the violation has been corrected will be subject to a non-compliance charge per therm equal to the greater of 130% of the No. 2 oil gas equivalent price (as published in the Journal of Commerce NY barge consumer No. 2 oil) or 130% of their otherwise applicable variable sales rate. For Customers taking Temperature Controlled Transportation service, the non-compliance charges will be 130% of the applicable month's posted Temperature Controlled Transportation Rate, SC 18-TC. Such non-compliance charge, which will be subject to all applicable utility taxes and surcharges, will be in lieu of the otherwise applicable variable rate and will be effective for the billing period during which non-compliance becomes known, and for any subsequent periods until the Customer provides the Company with satisfactory proof that the violation has been corrected. Customers subject to this higher variable rate continue to be subject to all terms and conditions of this Service Classification. If a Customer's action during a specific interruption results in both non-compliance and Unauthorized Use charges being warranted, only the Unauthorized Use charges will be billed.

#### **Termination:**

Notwithstanding any other provisions or requirements of this Service Classification, if a Customer fails to maintain the dual-fuel equipment or associated control devices, regardless of ownership, in proper working order; or interferes in any manner with the operation of such devices; or interferes with or hinders in any manner the Company's rights of access, metering and inspection; or otherwise violates any provision of this Service Classification, the Company will have the absolute right to terminate the gas service provided for hereunder. Any Customer terminated for non-compliance with this Service Classification will not be permitted to return to this Rate Schedule until the end of the following winter season.

#### **Charge for Late Payment:**

A late payment charge at the rate of one and one half percent (1½%) per month will be applied to the accounts of all Customers, except state agencies, taking service under this Service Classification. The charge will be applied to all amounts billed, including arrears, and unpaid late payment charge amounts applied to previous bills that are not received by the Company on or before the date specified on the bill. The date so specified will not be less than 20 days after the last day of each billing period. Service to state agencies will be rendered in accordance with the provisions of Article XI-A of the State Finance Law (Chapter 153 of the Laws of 1984, effective July 1, 1984). Notwithstanding the foregoing, the Company reserves the right to discontinue service and/or to take any other action permitted by law with respect to any Customer who fails to make full and timely payment of all amounts due the Company, including amounts due for late payment charges hereunder.

Issued by: Kenneth D. Daly, President, Brooklyn, NY