

PSC NO: 12 GAS

LEAF: 204

COMPANY: THE BROOKLYN UNION GAS COMPANY

REVISION: 6

INITIAL EFFECTIVE DATE: 11/01/11

SUPERSEDING REVISION: 5

STAMPS:

**SERVICE CLASSIFICATION No. 6C - Continued**

There is an amnesty clause available to Customers that experience an equipment failure. Should a Customer's equipment fail to switch, 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 will apply. If the Customer cannot obtain and/or install the necessary equipment within seven days, the equipment failure will be considered a violation. Amnesty will not apply if the Customer's failure to switch was caused by an inadequate supply of its alternate fuel. Only one grant of amnesty of a 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.

**Unauthorized Use Charge:**

Gas consumed in excess of two therms per hour during periods that the Customer did not interrupt gas service during a Company initiated interruption without the express written authorization of the Company will be subject to an additional charge of either (i) two times the sum of the Market Price for natural gas delivered to the Company's city gate on the day of violation plus the transportation rate the Customer would be subject to if it were a transportation customer, or (ii) nine times the applicable sales rate, whichever is higher. All charges are subject to all utility taxes and surcharges. *Market Price* is defined as the highest city gate delivered price of natural gas at Transco Zone 6 NY, Texas Eastern M3 or Iroquois Zone 2 on the days of interruption, as quoted by Platts' "Gas Daily" report. Where a condition is experienced by the Customer that prevents the required transfer from gas, the Customer agrees to immediately notify the Company and to take immediate action to correct such condition, and to notify the Company when such condition has been corrected.

In the event Customer consumes gas during such periods the Company will have the right to estimate the amount of such consumption for the purpose of imposing the additional charge. Such estimate may be based upon the average daily consumption during periods of authorized consumption or upon any other reasonable method, including but not limited to the use of telemetering equipment.

Issued by: Alan P. Foster, Senior Vice President and Controller, Brooklyn, NY