

PSC No: 120 - Electricity  
New York State Electric and Gas Corporation  
Initial Effective Date: December 1, 2012

Leaf No. 107  
Revision: 2  
Superseding Revision: 1

#### GENERAL INFORMATION

16. Customer Advantage Program - General Retail Access: (Cont'd.)

I. Indemnity and Limitation on Liability: (Cont'd.)

2. Limitation on Liability: (Cont'd.)

Without limiting the generality of the foregoing, the Company may, without liability therefor, interrupt, reduce or impair service to any ESCO, its Customers, or the DC, in the event of an emergency threatening the integrity of the Company's system, or any other systems with which it is directly or indirectly interconnected, if in the Company's sole judgment or that of the NYISO, such action will prevent, alleviate or reduce the emergency condition, for such period of time as the Company or the NYISO deems necessary.

ESCOs serving Customers who require service which is uninterrupted, unreduced or unimpaired on a continuous basis should ensure that the Customers provide their own emergency or back-up capability the Company shall not be liable for any special, incidental, indirect, exemplary, punitive or consequential damages, including, but not limited to, lost profits, purchased power costs, or amounts owed by a DC or an customer to its ESCO, suffered by an ESCO, its Eligible Customers, or a DC or to any other persons or entities caused by, arising from or related to the performance of or failure to perform any of the services or obligations of the Company under the General Retail Access Program as set forth in the Company's tariff or the Electric Supplier Manual, even if the Company has been advised of the possibility of such damages.

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