

PSC NO: 220 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 451
REVISION: 0
SUPERSEDING REVISION:

SERVICE CLASSIFICATION NO. 12 (Continued)

3. DEFINITIONS (Continued)

3.2 Contestable Customer: A customer that:

- (a) has a financially viable competitive alternative for all or part of its present or future loads supplied by the Company at Standard Tariff Rates, including the option to forego the construction or installation of new facilities or equipment; and
- (b) is reasonably expected by the Company, in its sole judgement, to select this alternative if the Company does not provide an economically attractive contract offer; and
- (c) is reasonably expected by the Company to provide greater net revenues to the Company pursuant to a Customer Service Agreement authorized by this service classification, than it would in the absence of this service classification.

3.3 Manufacturing Customer: A customer with a North American Industry Classification System (NAICS) code of 31, 32 or 33. NAICS codes will be assigned according to the activity at the facility in the Company's service territory.

3.4 Energy Intensive Manufacturing Customer: A customer with an NAICS code of 311 (food manufacturing), 326 (rubber and plastics), 332 (metal fabrication), 334 or 335 (electronics) or 336 (transportation equipment). NAICS codes will be assigned according to the activity at the facility in the Company's service territory.

3.5 Service Sector Customer: A customer that has an NAICS code of 42 (wholesale trade), 493 (regional warehousing or storage), 541 (professional, scientific or technical services) or 561 (administrative or support services) or 812921 (Photofinishing Laboratories, except one hour). NAICS codes will be assigned according to the activity at the facility in the Company's service territory.

3.6 Qualifying Customer: A customer qualifying for service under this Service Classification No.12 by meeting the requirements of Section 4 of this service classification.

3.7 Standard Tariff Rates: The standard rate provisions of rate schedules SC-2D, SC-3, SC-3A, SC-4, and SC-7, either before or after retail access as appropriate.

3.8 September 1, 1998: The effective date of the Company's tariff amendments in response to the Commission's Opinion and Order dated March 20, 1998, in Case Nos. 94-E-0098 and 94-E-0099.

3.9 Power Choice Term: The 60-month period immediately following September 1, 1998.

Issued by Thomas B. King, President, Syracuse, NY