

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

LEAF: 461
REVISION: 0
SUPERSEDING REVISION:

SERVICE CLASSIFICATION NO. 12 (Continued)

4. PROGRAM ELIGIBILITY (Continued)

4.6.1.3 The customer must receive electric service from the Company under rate schedule SC-2D, SC-3, SC-3A or SC-4; or, in the Company's opinion, the customer would be eligible for electric service under one of these service classifications at either its existing or at a new facility in the Company's service territory after the proposed business expansion occurs; and

4.6.1.4 The customer must have an average existing monthly Company peak demand of 25 kW or more in the preceding twelve months; or, in the Company's opinion the average monthly peak demand will (i) increase to 25 kW or more annually at an existing facility or (ii) be at least 25 kW or more annually at a new facility, after the business expansion occurs; and

4.6.1.5 The customer must demonstrate to the Company's satisfaction that the customer's ability to expand its operations at a facility in the service territory of another utility, or to forego the expansion in the Company's service territory makes it a Contestable Customer.

4.6.1.6 The customer may be required by the Company to demonstrate that it has undertaken reasonable efforts to participate or be involved in economic development programs offered by the New York Power Authority ("NYPA"), the New York State Energy Research and Development Authority ("NYSERDA"), the Empire State Development Corporation ("ESD"), and other state and local programs for which it may be eligible.

4.6.2 SC-12 Contract Load Quantities: Customer must commit to an overall increase in the historic SC-12 Contract Load Quantities, as defined in Section 3.16, which represents a permanent physical expansion (in kW) or increased energy utilization (in kWh). Any discount under the Business Expansion Program shall be calculated on the load that exceeds the SC-12 Contract Load Quantities as established in either 4.6.2.1, 4.6.2.2 or 4.6.2.3 below:

4.6.2.1 Permanent Physical Expansion: Customers who elect this option shall establish SC-12 Contract Load Quantities which represent an increase in the customer's historic monthly demand (in kW) in each of the preceding twelve months by the lesser of ten percent (10%) or 100 kW per month over the kW levels established in Section 3.16. Customers must also agree to use at least as much electric energy (in kWh) as established in Section 3.16. The SC-12 Contract Load Quantities (expressed in kW and kWh) shall be specified in the Customer Service Agreement

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