

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

LEAF: 454
REVISION: 0
SUPERSEDING REVISION:

SERVICE CLASSIFICATION NO. 12 (Continued)

4. PROGRAM ELIGIBILITY (Continued)

4.3 Retention: Revitalization (Continued)

- 4.3.1.3 The customer must have a monthly peak metered Company demand in at least one of the preceding twelve months for electric service in excess of 500 kW; and
- 4.3.1.4 The customer must have been in business at that location for at least (7) seven consecutive years; and
- 4.3.1.5 The customer must meet the financial distress requirements of Section 4.3.2 of this service classification; and
- 4.3.1.6 The customer must submit a revitalization plan meeting the requirements of section 4.3.3 of this service classification.

4.3.2 Demonstration of Financial Distress

In order to qualify for a revitalization discount, the customer must provide the Company with persuasive documentary evidence that it is experiencing long-term financial distress and not simply a short term problem due to market conditions or the business cycle. The information required to make this showing must include:

- 4.3.2.1 Audited financial statements (balance sheet, income statement and notes to the financial statements) for the specific facility, and for the company (if different), for the latest three fiscal years subject to the provisions in this Section No. 4.3.2.1. If customer does not have audited financial statements for the specific facility because such audited financials are not prepared in the customer's normal course of business, then unaudited financial statements will be prepared for the specific facility. All financial statements delivered to the Company shall be accompanied by a certification of the Chief Financial Officer of the parent company or the appropriate company division, as applicable, to the effect that the financial statements comply with generally accepted accounting principles, consistently applied; and
- 4.3.2.2 Statements of sources and uses of funds for the customer's three most recent fiscal years for the facility in question. This information must be submitted on a standard form of the Company's design; and
- 4.3.2.3 Such other information as the customer may wish to provide to the Company to support its claims of financial distress.

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