

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

LEAF: 467  
REVISION: 0  
SUPERSEDING REVISION:

## SERVICE CLASSIFICATION NO. 12 (Continued)

### 5. INDIVIDUALLY NEGOTIATED RATES (Continued)

#### 5.2 Standards for Individually Negotiated Rate Agreements (Continued)

- 5.2.2 Term:** Except as provided in this Section 5.2.2, no individually negotiated Customer Service Agreements establishing fixed rates for electric service shall have a term in excess of five (5) years. If a customer desires a fixed price contract with a term in excess of five (5) years and the Company is willing to agree to this arrangement, the Company will request authorization from the New York State Public Service Commission to enter into that arrangement. If the Commission grants the Company the authority it requests on terms acceptable to the Company, the Company will then enter into the agreement.
- 5.2.3 Adjustments and Surcharges:** Unless otherwise specified in the Customer's Service Agreement, customers receiving individually negotiated rates and Customer Service Agreements pursuant to this Service Classification No.12 shall be subject to all adjustments and surcharges that would have applied to the customer if it had received non-discounted service under the service classification otherwise applicable to the customer's usage and these surcharges shall be specified in the negotiated Customer Service Agreement. All such adjustments and surcharges shall be determined in accordance with the corresponding rules of the standard tariffs and shall be increased by a tax factor in accordance with Rule 32.
- 5.2.4 Filing Requirements:** The Company shall file information concerning each individually negotiated Customer Service Agreement required by the New York State Public Service Commission in its Order and attached Guidelines dated April 14, 2005 in Case No. 03-E-1761 within 30 days of the execution of that Customer Service Agreement.

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