

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

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GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS (Continued)

34.4 Program 3 - Economic Development Power Rider (EDPR)

34.4.1 Eligibility Criteria

34.4.1.1 Applicant or customer who qualifies must take service under and in accordance with the provisions of Service Classification Nos. 3 or 3-A, hereinafter referred to as the parent service classification, and

34.4.1.2 Customer's revitalization and expansion load requirements will be administered in accordance with New York State Economic Development Law, Article 6, Sections 184, 185 and 187, Public Authority's Law, and the regulations of the Power Authority of the State of New York; and

34.4.1.3 Customer must complete the subscription procedure as described in Section Rule 34.4.2; and

34.4.1.4 Customer must be currently receiving an allocation of EDP specifically identified on Schedule A to the May 22, 1997 Settlement Agreement between NYPA, the Company and the New York State Department of Public Service Commission ("the May 22nd Agreement") or must provide the Company with certification by NYPA that the customer's allocation of EDP is included in the first 46.00 MW of EDP allocated for sale in the Company's service territory, as provided in the May 22nd Agreement. EDP allocations in excess of this 46.00 MW limit are only eligible for delivery to retail customers of the Company pursuant to the provisions of Service Classification No. 4 or Rule 39 if the customer qualifies for such service.

34.4.2 Subscription Procedure

34.4.2.1 Applicant must apply to the Company on Company provided forms, including but not limited to a Form C contract, and application must include written approval from the New York State Economic Development Power Allocation Board and the New York Power Authority's Trustees regarding their EDPR allocation, and;

34.4.2.2 The completed application shall include written verification of the NYPA trustees award specifically stating:

34.4.2.2.1 delivery date;

34.4.2.2.2 delivery amount;

34.4.2.2.3 characterization of award: load growth or load retention, and

34.4.2.2.4 statement of eligibility from NYPA

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