

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

LEAF: 298
REVISION: 0
SUPERSEDING REVISION:

FORM I
CUSTOMER SERVICE AGREEMENT
FOR SERVICE CLASSIFICATION NO. 12 (Continued)

5. THE NON-CONTESTABLE LOAD COMPETITIVE TRANSITION CHARGE

For each Billing Period during the term of this Agreement, the Non-Contestable Load Competitive Transition Charge for Electricity Supply Service furnished by the Company to the Customer shall be determined by multiplying the Competitive Transition Charge rate for Non-Contestable kilowatt-hours established in this Agreement by the Non-Contestable kilowatt-hours furnished by the Company to the Customer during the Billing Period.

The Non-Contestable kilowatt-hours shall be as determined in Sections 5A and 5B below.

- A** If the Actual kW exceeds the Contract Load kW specified in Attachment C1, and the total Electricity Supply Service in kWh furnished by the Company to the Customer during the Billing Period (hereinafter referred to as "Actual kWh") exceeds the Contract Load kWh specified in Attachment C1, then the Non-Contestable kilowatt-hours shall be the Contract Load kWh specified in Attachment C1.
- B** If the Actual kW is less than the Contract Load kW specified in Attachment C1 and/or the Actual kWh is less than the Contract Load kWh specified in Attachment C1, then the Non-Contestable kilowatt-hours shall be the Actual kWh.

The Competitive Transition Charge rate for Non-Contestable kilowatt-hours shall be set according to the Competitive Transition Charges per kWh rate specified in Service Classification No. _____ of the Tariff at the appropriate voltage delivery level, Load Zone, and where applicable by hours of maximum kW usage for the Customer.

6. THE CONTESTABLE LOAD COMPETITIVE TRANSITION CHARGE

For each Billing Period during the term of this Agreement, the Contestable Load Competitive Transition Charge for Electricity Supply Service furnished by the Company to the Customer shall be determined by multiplying the Competitive Transition Charge rate for Contestable kilowatt-hours established in this Agreement by the Contestable kilowatt-hours furnished by the Company to the Customer during the Billing Period.

The Contestable kilowatt-hours shall be determined as the Actual kWh less the Non-Contestable kilowatt-hours. The Contestable kilowatt-hours shall not be less than 0. If the Contract Load kW and kWh specified in Attachment C1 are both equal to zero, then the Contestable kilowatt-hours shall be equal to the Actual kWh.

For the term of this Agreement, the Competitive Transition Charge rate for Contestable kilowatt-hours shall be calculated using the following formula:

Competitive Transition Charge Rate for Contestable kilowatt-hours

= CTC per kWh rate * (1-Discout)

where:

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