

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

LEAF: 305
REVISION: 0
SUPERSEDING REVISION:

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

In the event the Customer does choose an alternate supplier: (a) the Customer shall avoid the Electricity Supply Cost Charge for the amount of Electricity Supply Service not purchased from the Company; and (b) the Customer shall be eligible for the Customer Service Credit according to the provisions of Rule 42 of the Tariff, or its successor.

5. THE NON-CONTESTABLE LOAD COMPETITIVE TRANSITION CHARGE PER ON-PEAK KWH

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

The On-peak 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 C2, and the total kilowatt-hours furnished by the Company to the Customer during the Billing Period exceeds the Total Contract loads kWh specified in Attachment C2, then the On-Peak Contract Load kWh specified in Attachment C2, shall be the On-Peak Non-Contestable kilowatt-hours.

B. If the Actual kW is less than the Contract Load kW specified in Attachment C2 and/or the Actual On-peak kWh furnished by the Company to the Customer during the Billing Period is less than the Total Contract Load kWh specified in Attachment C2, then the On-peak Non-Contestable kilowatt-hours shall be the On-peak kilowatt-hours furnished by the Company during the Billing Period (hereinafter "Actual On-Peak kWh").

The On-peak Competitive Transition Charge rate for Non-Contestable kilowatt-hours shall be set according to the Competitive Transition Charges per On-peak kWh rate specified in Service Classification No. 3A of the Tariff at the appropriate voltage delivery level and Load Zone for the Customer.

The current Competitive Transition Charge per On-peak kWh rate for Non-Contestable kilowatt-hours at the appropriate voltage delivery level and Load Zone is

\$_____ for the First 250 Hours of Use;

\$_____ for the next 150 Hours Use; and

\$_____ for over 400 Hours of Use.

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