

PSC NO: 220 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2011

LEAF: 211
REVISION: 2
SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order of the PSC in Case No. 10-E-0050 Issued January 24, 2011

GENERAL INFORMATION

39. RETAIL ACCESS PROGRAM (Continued)

39.4 CREDITWORTHINESS (Continued)

39.4.2.4.1 The information in the notice and revised disclosure statements and/or contracts would include the following:

- 1) A description of the credit evidence, escrow account, or letter of credit evidence submitted by the ESCo as set forth in Rules 39.4.2.1 and 39.4.2.2;
- 2) Applicable interest rate, if any;
- 3) Conditions of use of customer funds;
- 4) Circumstances that allow the use of funds for payment of customer bills;
- 5) Conditions for return of funds to customers.

39.4.2.5 Any transfers obtained by the Company Under Rule 2.3 will be prohibited. The Company will continue to administer its deposit policy in accordance with Rule 2.3 of the Tariff.

39.5 LOAD BALANCING

The ESCo/Direct Customer shall be responsible for compliance with all of the provisions of the NYISO Tariff that are applicable to Load Serving Entity's ("LSE").

39.6 CHANGES IN SERVICE PROVIDERS

39.6.1 Appendix A, Section 5 of the UBP establishes practices for receiving, processing and fulfilling requests for changing a customer's ESCo and for obtaining a customer's authorization for such a change.

39.7 CUSTOMER INQUIRIES

Appendix A, Section 6 of the UBP establishes requirements for responses by an ESCo or the Company to retail access customer inquiries.

39.8 RATES TO BE PAID BY CUSTOMERS PARTICIPATING IN THE RETAIL ACCESS PROGRAM

39.8.1 All customers participating in the Retail Access Program will pay unbundled Transmission and Distribution charges and non-bypassable Competitive Transition Charges (CTC) to the extent applicable. Each customer is subject to the above mentioned unbundled rates and charges as set forth in the customer's otherwise applicable Service Classification or Agreement.

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