

PSC NO: 220 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 290
REVISION: 1
SUPERSEDING REVISION: 0

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

3. RETAIL ACCESS

Pursuant to Rule 39 of the Tariff, Retail Access Program, the Customer shall be eligible for retail access for its requirements by meeting the eligibility requirements of Rule 39 of the Tariff.

4. CONFIDENTIALITY

The obligation of confidentiality established in the Non-Disclosure Agreement between the parties effective _____, shall survive the expiration or termination of this Agreement and shall continue in effect until the third anniversary of such expiration or termination, provided however that notwithstanding anything contained in any agreement between the Customer and the Company, Customer hereby acknowledges and agrees that Company shall file a copy of this Agreement and any amendments thereto with the New York State Public Service Commission in accordance with the Commission's order Approving Guidelines For Flexible Rate Service Contracts issued and effective April 14, 2005 in Case 03-E-1761.

5. PRICING

The Customer elects to receive service under the price and quantity provisions specified in Attachment A to this Agreement, which Attachment A is incorporated into this Agreement as if fully set out herein, and to pay the amounts specified therein. All rates, charges, and fees, including any applicable adjustments within this Agreement will be increased by a tax factor in accordance with Rule 32 of the Tariff.

6. PAYMENT OF OUTSTANDING BILLS REQUIRED

Notwithstanding any other provision of this Agreement, the Customer shall not be eligible to receive service under this Agreement until the Customer pays all outstanding bills for any service rendered to the Customer by the Company which remain outstanding on the date of execution of this Agreement, including any and all late penalties and/or interest charges applicable thereto.

Until the Customer pays all such outstanding bills, the Customer shall be required to receive electric service from the Company under the provisions of Service Classification ("Parent Service Classification") of the Tariff and to pay the rates and charges in the Tariff applicable thereto.

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