

PSC No. 2 - Gas
N.E.A. Cross of N.Y., Inc.
Initial Effective Date: 4/1/2008

Leaf No. 64
Revision: 0
Superseding Revision:

24. Adjustment of Rates in Accordance with Public Service Commission Assessment:

- A. The rates for gas service under all Service Classifications shall be subject each month to the addition of a Public Service Commission surcharge.
- B. The Public Service Commission (PSC) surcharge is required to pay the PSC assessment on all gas utilities, which is 0.247% of total revenue minus \$25,000.
- C. The Public Service Commission surcharge shall be recalculated each fiscal year by the Company, with the revised surcharge becoming effective one month after the end of the fiscal year.
- D. The Public Service Commission surcharge will be calculated as follows:
 - i. The Company will forecast total revenue and total gas sales in Mcf for the next fiscal year. Using these forecasts, the surcharge will be calculated using the formula in 24.B.
 - ii. A true-up for the preceding fiscal year period will be calculated by comparing the PSC surcharge collected for that year with the final calculation of the assessment in 24.D.i. Any under recovery will be added to the assessment calculated in to be paid. Any over recovery shall be subtracted from the assessment calculated 24.D.i.
 - iii. The final projected number from adding or subtracting the true-up obtained from 24.D.ii to the assessment calculated in 24.D.i shall be divided by the forecast total gas sales in Mcf From 24.A. The surcharge thus derived shall be calculated to six significant figures on a per Mcf basis.
- E. The Public Service Commission surcharge beginning October 1, 1996 shall be \$0.019361 per Mcf.

25. Liability:

- A. The Company will endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants or agents, the Company will not be liable thereof.
- B. Neither of the parties hereto shall be liable in damages to the other for any act, omission or circumstance occasioned by or in consequence of any acts of God, strikes, lockouts, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints of rulers and peoples, civil disturbances, explosions, breakage or accident to machinery or lines of pipe, the binding order of any court or governmental authority which has been resisted in good faith by all reasonable

Issued by: Vincent Cross, President, 8923 Wattsburg Road, Erie, PA 16509