

PSC No: 120 - Electricity
New York State Electric and Gas Corporation
Initial Effective Date: December 1, 2005

Leaf No. 76
Revision: 1
Superseding Revision: 0

GENERAL INFORMATION

16. Customer Advantage Program - General Retail Access: (Cont'd.)

D. Eligible Customer Participation: (Cont'd.)

13. Retail Access Credit: (Cont'd.)

- (d) In the event that any portion of the service provided hereunder is subject to the FERC jurisdiction, such portion shall be provided in accordance with the NYISO Tariffs, as the same may be revised, modified, amended, supplemented, clarified or superseded from time to time. This Program tariff is subject to change in accordance with the FERC orders, rules and regulations governing the same.

14. Customer's Agent:

- (a) Participation by an Eligible Customer in the Program shall be deemed an election by such customer for the ESCO selected by the Eligible Customer, to act as such customer's agent and attorney-in-fact for all matters relating to acquisition of Electric Power Supply, power scheduling, and transmission service (including, but not limited to, designation by such customer's ESCO or another ESCO to take responsibility for scheduling, Balancing and Settlement), and Eligible Customers shall be bound by any determinations, decisions, understandings or agreements reached by such ESCO with respect to scheduling, Balancing and Settlement.

15. Provider of Last Resort ("POLR"):

- (a) NYSEG will be the POLR for those customers: (i) for whom competition is not a viable option, (ii) who choose not to participate in retail access, (iii) who terminate their agreements with an ESCO and fail to designate a substitute ESCO, (iv) who are acting as a DC, or (v) who are impacted by an ESCO's discontinuance of service.
- (b) As a POLR, NYSEG will:
 - i. Accept customers, subject to Commission consumer protection rules, and provide related customer services;
 - ii. Obtain and deliver Electric Power Supply for such customers, consistent with the then-current NYISO Tariffs and retail tariffs; and
 - iii. Provide for any programs, as approved by the Commission to assist low-income customers.

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