

PSC NO: 219 GAS
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: 08/01/03

LEAF: 198
REVISION: 0
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 11
LOAD AGGREGATION (CONTINUED)**

OTHER BILLING, COLLECTION SERVICES, AND CHARGES: (continued)

- D. Unless otherwise mutually agreed upon, payments will be applied by the Company to arrears first and then to current charges.
 - E. Upon failure of the Marketer/Direct Customer to make any payment when due, the Company has the right to draw down on any security that may be available, as described in this Service Classification.
 - F. The Company reserves the right to set off against any sums otherwise payable to the Marketer/Direct Customer (i) any amounts invoiced by the Company pursuant to this Service Classification or pursuant to any written agreement with the Marketer/Direct Customer in connection with the Supplier Select Program, or pursuant to the Tariff; (ii) any other sums owed by the Marketer/Direct Customer to the Company; and (iii) any late payment charges or deposits that have not been paid.
 - G. The costs of any payment defaults that occur due to mutually agreed-upon terms between the Company and a Marketer/Direct Customer will not be borne by any other Marketers/Direct Customers, or customers.
 - H. Bills will not be suspended as a consequence of a complaint filed with the DPS.
 - I. The Company and a Marketer/Direct Customer may, by mutual agreement, develop customized billing and collection arrangements.
4. Billing Questions and Disputes :
- A. All questions concerning invoices shall be directed in writing to the Company's designated department, which will direct such inquiries to the Company's cognizant representatives who will explain how the invoice amounts were determined.
 - B. Responses to billing inquiries will be acknowledged in writing or by electronic transmission promptly, but not later than 5 calendar days from the Company's receipt of the inquiry. The Company will investigate and respond to the complaint, in writing, no later than 20 calendar days from the Company's receipt of the inquiry.
 - C. Any objections to payment must be made in writing to the Company within 3 months after the date of the subject invoice. The Marketer/Direct Customer's failure to present an invoice claim within this three-month period shall constitute a waiver of any claim the Marketer/Direct Customer may have with respect to the charges set forth in the subject invoice, unless the Marketer/Direct Customer can show cause after the 3 month period as to why it could not reasonably have filed claim prior to the 3 month deadline.

Issued By: William F. Edwards, President, Syracuse, New York