

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

LEAF: 206
REVISION: 0
SUPERSEDING REVISION:

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

**INVOLUNTARY DISCONTINUANCE OF A MARKETER'S PARTICIPATION IN THE SUPPLIER
SELECT PROGRAM: (continued)**

2. The Marketer's day ahead forecast nominations are less than 75% of Marketer's actual aggregate customer load in the service territory for 3 consecutive days, unless balancing services are provided by the Company
3. For the under deliveries associated with the cases identified above the Company shall issue a special interim bill for the associated imbalance charges, pursuant to this Service Classification.
- B. Where the Marketer fails to comply with the terms and conditions of the Tariff or with any agreements entered into by the Company with the Marketer in connection with the Supplier Select Program.
- C. Where there is a continued pattern of Slamming, Cramming, or other similar practices.
- D. Where a court of competent jurisdiction issues an order authorizing discontinuance of the Marketer.
- E. Where the PSC or DPS determines that the Marketer is not eligible to sell electricity or natural gas to retail customers in the State of New York for reasons including:
 1. Failure to adhere to the policies and procedures described in its disclosure statement to customers;
 2. Failure to comply with prescribed consumer protections;
 3. An unacceptably high volume of customer complaints;
 4. Failure to comply with applicable ISO and Power Exchange requirements;
 5. Failure to comply with prescribed reporting requirements;
 6. Failure to comply with oversight requirements set forth by the PSC or DPS;
 7. Failure to apprise the PSC of all material changes in the information in the applicant's initial filing;
 8. Failure to comply with the voluntary discontinuance requirements set forth in this Service Classification;

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