

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

LEAF: 225  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 14**  
**GAS TRANSPORTATION SERVICE FOR DUAL FUEL ELECTRIC GENERATORS (CONTINUED)**

**SPECIAL PROVISIONS: (continued)**

B. Liability for Pressure and Quality:

As between customer and Niagara Mohawk, customer will be solely responsible and liable for any charges, penalties, costs or expenses incurred or payable by either party for customer's failure to provide gas that conforms to the pressure and quality requirements of Special Provision 9, Section A above.

10. Imbalances:

Niagara Mohawk will not provide balancing service to the customer. The customer will be responsible for purchasing balancing services in the competitive marketplace that are satisfactory to Niagara Mohawk.

11. Liability and Indemnification:

Customer and Niagara Mohawk will indemnify and hold the other harmless against any and all claims, actions or damages caused by or resulting from its control and possession of gas transported under this Agreement. As between the parties, the customer will be presumed to be in control and possession of the gas transported under this Agreement at any time prior to the time Niagara Mohawk receives the gas at the Receipt Point and at any time after Niagara Mohawk delivers the gas at the Delivery Point. Niagara Mohawk will be in control and possession of such gas after it has received the gas at the Receipt Point and up to the time it delivers gas at the Delivery Point. Title to gas transported under this Agreement will, at all times, vest in customer.

Each customer under this Service Classification warrants that it will, at the time it delivers gas to the Company for transportation, have good and merchantable title to all such gas free and clear of all liens, encumbrances and claims whatsoever. The customer shall indemnify the Company and save it harmless from all suits, actions, debts, accounts, damages, costs, losses and expenses arising out of the adverse claims of any or all persons to said gas including claims for any royalties, taxes, license fees or charges applicable to such gas or to the delivery of such gas to the Company for transportation.

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