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Rochester Gas and Electric Corporation
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GENERAL INFORMATION

PART II - RULES AND REGULATIONS

8. LIABILITY AND FORCE MAJEURE

A. LIABILITY

(1) **Limitation on Liability**

The Distribution Provider will endeavor at all times to provide regular and uninterrupted Distribution Service to the Distribution Customer, but in case the service shall be interrupted or irregular or defective or shall fail, from causes beyond the control of the Distribution Provider (including, without limiting the generality of the foregoing, executive or administrative rules or orders issued from time to time by State or Federal officers, commissions, boards, or bodies having jurisdiction) or because of the ordinary negligence of the Distribution Provider or its employees, servants or agents, the Distribution Provider shall not be liable to the Distribution Customer or to any Retail Customer therefor. In addition, the Distribution Provider reserves the right to curtail or interrupt service as provided in this Tariff.

Compliance with directives of the Senior Dispatcher of the NYISO shall, without limitation by reason of specification, constitute a circumstance beyond the control of the Distribution Provider for which the Distribution Provider shall not be liable; provided, however, that the Distribution Provider shall not be absolved from any liability to which it may otherwise be subject for gross negligence or intentional wrongdoing in the manner in which it carries out the Senior Dispatcher's instructions.

Without limiting the generality of the foregoing, the Distribution Provider may, without liability therefor, interrupt, reduce or impair service to any Retail Customer in the event of an emergency threatening the integrity of its system, or any other systems with which it is directly or indirectly interconnected, if in its sole judgment or that of the Senior Dispatcher of the NYISO, such action will prevent, alleviate or reduce the emergency condition, for such period of time as the Distribution Provider or said Senior Dispatcher deems necessary.

Distribution Customers serving Retail Customers who require service which is uninterrupted, unreduced or unimpaired on a continuous basis should ensure that the Retail Customers provide their own emergency or back-up capability.

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