

PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
Initial Effective Date: February 19, 2004

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#### GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

B. Definitions: (Cont'd.)

Department of Public Service ("DPS"): The Public Service Commission Staff which is responsible for developing and implementing New York State regulatory and energy policies; receiving, investigating, and resolving complaints on billing, services, or other utility practices; and administering regulations issued by the Commission. (For example, ESCOs must file their initial eligibility application with the Commission's Consumer Services Division, a part of DPS.)

Electric Power Supply: The electricity required to meet the Eligible Customer's needs, including energy, Energy Losses, Unforced Capacity, Unforced Capacity Losses and Unforced Capacity Reserves. ESCOs/DCs are responsible for providing the full Electric Power Supply requirements of their eligible customers.

Eligible Customer: A customer that takes service through an account that meets the customer eligibility criteria set forth in Section 16.D.

Eligible Industrial Customer: An account of a customer which is coded Revenue Class 30 as defined by Division "D" of the Standard Industrial Classification ("SIC") Manual that is engaged in manufacturing (SIC Codes 20-39) or Division "B" mining (SIC Major Codes 10-14) and which does not qualify for the Industrial/High Load Factor provision within SC 2, 3 and 7 of this tariff as more particularly described herein.

Energy Losses: The unusable energy that results from the generation, transformation, transmission and distribution of Electric Power Supply to an Eligible Customer's meter. Unaccounted For Energy ("UFE") is also included.

FERC: Federal Energy Regulatory Commission, or any successor agency thereto.

Issued in compliance with orders in Case 98-M-1343 dated 11/21/2003 and Cases 99-M-0631 and 03-M-0117 dated 12/19/2003.

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