

PSC NO: 219 GAS  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: 02/19/04

LEAF: 196  
REVISION: 3  
SUPERSEDING REVISION: 2  
(REVISION 1 PENDING)

STAMPS: Issued in Compliance with Order of PSC in Case 98-M-1343 dated 11/21/03.

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

**DISCONTINUANCE OF A DIRECT CUSTOMER:**

UBP Addendum No. 1, Section 2, Paragraph F, sets forth the discontinuance of a direct customer.

**ASSIGNMENT OF MARKETER CONTRACTS:**

UBP Addendum No. 1, Section 5, Paragraph J, sets forth assignment of marketer contracts.

**DISPUTE RESOLUTION PROCESS:**

UBP Addendum No. 1, Section 8, sets forth the dispute resolution process.

**LIMITATION OF LIABILITY:**

1. The Company shall not be liable to a customer or a Marketer/Direct Customer for any damages or losses of any nature (including economic losses), or for any costs or expenses (including attorneys' fees), or for any judgments or claims, directly or indirectly caused by, arising out of, or resulting from the Company's acts or omissions under this Service Classification, or from its supply of data and information, or under any legal or regulatory requirements related to the Supplier Select Program, except for any damages or losses caused by the gross negligence or intentional misconduct of the Company.
2. The Company shall not be liable to a customer for any damages or losses of any nature (including economic losses), or for any costs or expenses (including attorneys' fees), or for any judgments or claims, directly or indirectly caused to the customer by any act or omission of a Marketer/Direct Customer.
3. The Company shall not be liable to a Marketer/Direct Customer for any damages or losses of any nature (including economic losses), or for any costs or expenses (including attorneys' fees), or for any judgments or claims, directly or indirectly caused to the Marketer/Direct Customer by any act or omission of a customer.
4. Any suspension or termination of a Marketer/Direct Customer shall be without any liability to the Company.
5. The Company's total cumulative liability to a Marketer/Direct Customer or a customer whether arising out of Tariff, contract, tort (including negligence and strict liability) or otherwise, shall be limited to direct damages.

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