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COMPANY: NIAGARA MOHAWK POWER CORPORATION REVISION: 1
INITIAL EFFECTIVE DATE: 10/06/01 SUPERSEDING REVISION: 0
STAMPS: Issued in Compliance with order of PSC in C. 00-G-0996 dated 01/31/01.
Cancelled by 2 Rev. Leaf No. 34.3 Effective 10/17/2001
RECEIVED: 09/06/01 STATUS: Cancelled EFFECTIVE: 10/06/01

GENERAL INFORMATION

3.4.4 Penalties for Non Compliance (continued)

3.4.4.1.1 S.C. 4 customer*s bills, who incur a penalty for non compliance under Rule 3.4 of this rate schedule will have their invoices subject to an additional charge in addition to any other applicable charges. The additional charge will be equal to the difference between the billed rate per therm exclusive of Gross Revenue Tax and the alternative rate per therm exclusive of Gross Revenue Tax multiplied by the customer*s metered consumption. The alternative rate will be equal to the higher of (1) the customer*s billed rate per therm exclusive of Gross Revenue Tax plus ten percent or (2) the average of the equivalent per therm rate for the customer*s alternate fuel type of the City of Albany or Syracuse as appropriate from the Journal of Commerce and Bloomberg*s Oil Buyers Guide plus 30 percent.

3.4.4.1.2 S.C. 6, S.C. 9 and S.C. 14 customer*s bills, who incur a penalty for non compliance under Rule 3.4 of this rate schedule will have their invoices subject to an additional charge. The additional charge will be equal to the incremental rate calculated in Rule 3.4.4.1.1 above times the customer*s metered consumption.

3.5 Verification of Alternate Fuel Requirements

The Company will conduct an on-site inspection of a random sampling of interruptible customers taking service under S.C. Nos. 4, S.C. 6, S.C. 9 and S.C. 14 in order to verify the alternate fuel requirements set forth in Rule 3.4 above.

Issued By: Darlene D. Kerr, Executive Vice President, Syracuse, New York