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..TXT: PSC NO: 218 GAS LEAF: 206.20
COMPANY: NIAGARA MOHAWK POWER CORPORATION REVISION: 0
INITIAL EFFECTIVE DATE: 05/16/99 SUPERSEDING REVISION:
STAMPS: Issued in Compliance with order of PSC in C. 98-G-0122 dated 03/17/99.
RECEIVED: 05/15/99 STATUS: Effective EFFECTIVE: 05/16/99

SERVICE CLASSIFICATION NO. 14
GAS TRANSPORTATION SERVICE FOR DUAL FUEL ELECTRIC GENERATORS

Special Provisions (continued)

L. Force Majeure

1. Definition of Force Majeure Events - The term Force Majeure means an event (i) that was not within the control of the party claiming its occurrence (ii) that could not have been prevented or avoided by such party through the exercise of due diligence; and (iii) that prohibits or prevents such party from performing its obligations under this agreement. Events that may give rise to a claim of Force majeure include:

- a. Acts of God, including earthquakes, epidemics, fires, floods, hurricanes, landslides, lightning, storms, washouts, blowouts, freezing of wells or lines of pipe used to supply the gas described in this Agreement and other similar unusual and severe natural calamities;
- b. Acts of the public enemy, wars, blockade, insurrections, riots, civil disturbances and arrests;
- c. Strikes, lockouts or other industrial labor disturbances;
- d. Explosions, breakage, accidents to equipment or lines of pipe used to supply or affecting the use of the gas described in this Agreement;
- e. The imposition by a Government Authority, court or other governmental authority having jurisdiction of binding laws, conditions, limitations, orders, rules or regulations that prevent or prohibit a party from performing, provided such governmental action has been resisted in good faith by all reasonable legal means.

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