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COMPANY: NIAGARA MOHAWK POWER CORPORATION REVISION: 0
INITIAL EFFECTIVE DATE: 09/12/97 SUPERSEDING REVISION:
STAMPS:
RECEIVED: 07/03/97 STATUS: Effective EFFECTIVE: 09/12/97
GENERAL INFORMATION

4. LIMITATION OF SERVICE OFFER: (continued)

4.5.1 Except for the payment of bills already due, neither the Company nor the customer shall be liable for damages, including the payment of minimum billing amounts, for interruptions of service caused by an act of God, windstorm, flood, fire, public enemy, governmental interference, explosion or any other cause whether of the kind here enumerated, or otherwise not reasonably within the control of the Company or customer. Prompt notice shall be given by the party claiming relief under this provision of the nature and duration of the event leading to such a claim.

4.6 Neither by inspection, if any, nor non-rejection, nor in any way, does Company give any warranty, expressed or implied, as to the adequacy, safety or other characteristics of any structures, equipment, pipes, appliances or devices owned, installed or maintained by customer or leased by customer from third parties.

4.7 Company will not be liable for any injury, casualty or damage resulting in any way from the supply or use of gas or from the presence or operation of Company's structures, equipment, pipes, appliances, wires or devices on customer's premises, except injuries or damages resulting from the negligence of Company.

4.8 The Company may, without liability therefore, interrupt or curtail service to any customer or customers if an emergency may threaten the health or safety of a person, a surrounding area, the Company's generation, transportation or distribution systems if, in its sole judgment, such action will prevent or alleviate the emergency condition, or, in the case of non-residential customers, if there is a need to make permanent or temporary repairs, changes or improvements in any part of the system, or there is a governmental order or directive requiring the Company to do so.

4.8.1 The Company shall, to the extent reasonably feasible under the circumstances, provide advance notice to those whose non-residential service will be interrupted for any of the above reasons.

4.8.2 The Company shall act promptly to restore non-residential service as soon as possible after disconnection under this section, provided, however, that service need not be restored to any building unit or piece of equipment if, at the time restoration is to occur, the Company has the lawful right to terminate service for another reason pursuant to 16 NYCRR, Parts 11, 12 and 13.

Issued By: Albert J. Budney, Jr., President, Syracuse, New York