

PSC NO: 119 ELECTRICITY
NEW YORK STATE ELECTRIC & GAS CORPORATION
Initial Effective Date: 07/25/22
Issued in compliance with Order in Case No. 22-M-0159, dated July 14, 2022.

Leaf: 102
Revision: 5
Superseding Revision: 4

GENERAL INFORMATION

5. Liability:

A. Continuity of Supply

The Company shall endeavor at all times to provide a regular and uninterrupted supply of service (except where the terms and conditions of a particular Service Classification provide otherwise), but in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond the Company's control (including without limiting the generality of the foregoing, executive or administrative rules or orders issued from time to time by State or Federal officers, commissions, boards, or bodies having jurisdiction), or because of the ordinary negligence of the Company, its employees, contractors, subcontractors, servants, or agents, the Company shall not be liable therefore.

Customers requiring service which is uninterrupted, unreduced or unimpaired on a continuous basis should provide their own emergency or back-up capability.

Notwithstanding the foregoing, Section 4.S governs the Companies' obligation to pay bill credits and reimbursement for spoiled food or medicine following a qualifying Widespread Prolonged Outage.

B. Customer's Equipment

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

C. Company Equipment

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

D. Improper Turn Off

In cases where intentional disconnections of individual customers are made in error, the Company shall:

- (a) reimburse residential customers served either directly or indirectly for their losses actually sustained, not to exceed \$100 for any one customer for any one incident, as the result of improper turn offs of service lasting more than 12 hours, when such losses consist of the spoilage of food or medicine for the lack of refrigeration.
- (b) reimburse non-residential customers served either directly or indirectly for their losses actually sustained, not to exceed \$2000 for any one customer for any one incident, as the result of improper turn offs of service lasting more than 12 hours when such losses consist of the spoilage of perishable merchandise for lack of refrigeration.

Customer claims in the above cases must be made within a 90-day period following the improper turn off incident.