

PSC NO: 214 ELECTRICITY
 NIAGARA MOHAWK POWER CORPORATION
 INITIAL EFFECTIVE DATE: SEPTEMBER 1, 2020
 STAMPS:

LEAF: 44.0.2
 REVISION: 3
 SUPERSEDING REVISION: 2

SERVICE CLASSIFICATION NO. 2 (Continued)

- i. Nothing herein shall require the Company to transfer to the customer any of its interests in real property or to obtain any interests in real property or other licenses or permits on the customer's behalf. To the extent that the customer will require any such interests as a result of its acquisition of street lights under this provision, the customer shall be solely responsible for obtaining such rights.
- j. The Company shall release the security provided by the customer upon receipt of proof acceptable to the Company that electric disconnection devices acceptable to the Company have been installed on all the street lights acquired by the customer. If all such work has not been completed within twenty-four (24) months of the execution of the purchase and sale transaction closing, the Company may at its option elect to notify the customer of its intention to perform such work on the customer's behalf. Upon completion of such work, the Company shall determine its actual costs of performing such work, inclusive of all applicable overheads and adders, and shall invoice the customer for that amount. If any invoice issued by the Company for such work is not paid within thirty (30) days, the Company may draw on the firm security provided by the customer for such purposes and shall either release any security amounts in excess of such costs or shall include any remaining costs of such work in supplemental bills to the customer for street lighting service. Upon timely payment of the full amount of any such invoice, or upon receipt of proof that such work has been performed by the Customer or its contractor, the Company shall promptly release any security provided by the customer.
- k. Customers purchasing part or all of the Company's street lighting systems must provide proof acceptable to the Company that any personnel that work on such street lighting systems will be qualified by complying with established regulations and standards associated with the work to be conducted. To identify requirements related to safety or the construction, repair, or maintenance of the street lighting system, the owner(s) should consult among other documentation, the Occupational Health and Safety Administration ("OSHA") requirements, including but not limited to OSHA 1910.269, "The Electric Power Generation, Transmission, and Distribution" standard, the National Electrical Code ("NEC"), the National Electric Safety Code ("NESC"), the New York State Labor Law governing how close workers (qualified) and non-workers (unqualified) can get to energized equipment at primary and/or secondary voltages, and requirements by the New York State Department of Transportation.
- l. Notwithstanding the provisions of this Section 8, the customer may file an application with the PSC at any time to determine if there is public interest for the PSC to commence a proceeding to facilitate the sale by the Company to the customer of all of the Company's street lights serving the customer, other than Facilities used by the Company to serve other customers. Any such petition must comply with the requirements of § 70-a of the Public Service Law and with the requirements of the PSC's Rules of Procedure, 16 N.Y.C.R.R. Part 3, and any other applicable requirements, all as modified and in effect from time to time.
- m. Nothing in this Section 8 shall prevent the Company from agreeing to sell less than the minimum amount of street lights specified in Section 8.a. serving any customer, subject to the approval of the PSC under §70 of the Public Service Law.