

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 1  
REVISION: 0  
SUPERSEDING REVISION:

**P.S.C. No. 220 Electricity**  
**SUPERSEDING P.S.C. No. 207**

NIAGARA MOHAWK POWER CORPORATION

d/b/a NATIONAL GRID

SCHEDULE

FOR

ELECTRIC SERVICE

APPLICABLE

IN

ALL TERRITORY SERVED BY THIS COMPANY

P.S.C. No. 220 *Schedule for Electric Service* ("P.S.C. No. 220 Electricity Tariff") supersedes and replaces former P.S.C. No. 207 *Schedule for Electric Service* ("P.S.C. No. 207 Electricity Tariff") effective April 27, 2009 ("Effective Date"). As of the Effective Date, all references to P.S.C. No. 207 Electricity Tariff in agreements existing as of the Effective Date shall be construed as references to P.S.C. No. 220 Electricity Tariff.

The Rule Numbers, Forms, and Service Classifications in P.S.C. No. 220 Electricity Tariff as of the Effective Date are identical to those of P.S.C. No. 207 Electricity Tariff as of the day immediately prior to the Effective Date, but Leaf Numbers may differ. To avoid any possible ambiguity resulting from this change, references to Leaf Numbers in P.S.C. No. 207 Electricity Tariff in agreements existing as of the Effective Date shall be construed as references to the equivalent Leaf Numbers for the same Rule Numbers, Forms, and Service Classifications in P.S.C. No. 220 Electricity Tariff.

For detailed description of Territory, See General Information Leaf, Paragraph 1

(Note: It will not be necessary to replace this title page in case at a later date the Schedule is made to apply to additional territory or area.)

Subsequent changes will be effective as shown on individual leaves.

PSC NO: 220 ELECTRICITY

LEAF: 2

NIAGARA MOHAWK POWER CORPORATION

REVISION: 15

INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

SUPERSEDING REVISION: 14

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

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LEAF: 3

NIAGARA MOHAWK POWER CORPORATION

REVISION: 26

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LEAF: 4  
 REVISION: 5  
 SUPERSEDING REVISION: 4

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

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## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

NOTE: THERE ARE SIX NYISO LOAD ZONES/SUB-ZONES LOCATED IN NIAGARA MOHAWK'S FRANCHISE CONTROL AREA. LOAD ZONE A-SUB-ZONE 1: FRONTIER; LOAD ZONE B-SUB-ZONE 29: GENESEE; LOAD ZONE C-SUB-ZONE 2: SYRACUSE; LOAD ZONE D-SUB-ZONE 31: ADIRONDACK; LOAD ZONE E-SUB-ZONE 3: UTICA; LOAD ZONE F-SUB-ZONE 4: CAPITAL. Each LOAD ZONE/SUB-ZONE is broken down by City, County, Towns and their respective Hamlets. The names of the Hamlets are indented under the name of the town in which they are located. Footnotes are located on the last leaf of Rule No. 1. **WITHIN IN EACH SERVICE CLASSIFICATION CONTAINED IN THIS TARIFF, THE NYISO LOAD ZONES WILL BE REFERRED TO AS LOAD ZONES A, B, C, D, E, AND F.** A limited number of Customers located near subzone and/or franchise borders may not correspond to the Zone locations below. The customer's electrical location is determined by the corresponding feeder and substation.

### LOAD ZONE A-SUB-ZONE 1 - FRONTIER

#### Southwest Region

#### Allegany County

##### Villages

Andover

Cuba

Wellsville

##### Towns and Hamlets

Alma

Friendship

New Hudson

Allentown

Genesee

Black Creek

Alma

Independence

Scio

Andover\*

Independence

Scio

Centerville

Whitesville

Wellsville\*

Centerville

Willing

Cuba

#### Cattaraugus County

##### City

Olean

Salamanca\*

##### Villages

Allegany

Cattaraugus

Delevan

Ellicottville

Franklinville

Limestone

Portville

##### Towns and Hamlets

Allegany

Franklinville

Mansfield

Knapp Creek

Freedom\*

New Albion\*

Ashford

Elton

Olean

West Valley

Great Valley\*

Otto

Carrollton

Hinsdale

Otto

Cold Spring

Hinsdale

Perrysburg\*

Steamburg

Humphrey

Portville

East Otto

Humphrey Center

Weston Mills

East Otto

Ischua

Randolph

Ellicottville

Ischua

Red House

Farmersville

Little Valley\*

Red House

Farmersville Station

Lyndon

Salamanca\*

Machias

South Valley

Lime Lake

Onoville

Machias

Yorkshire\*

Machias Junction

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LEAF: 6  
 REVISION: 0  
 SUPERSEDING REVISION:

## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE A-SUB-ZONE 1 - FRONTIER**

##### Southwest Region

##### **Chautauqua County**

##### City

Dunkirk

##### Villages

Bemus Point

Brocton(1)

Cassadaga

Fredonia

Lakewood

Panama

Sherman

Sinclairville

##### Towns and Hamlets

Arkwright

Ellicott(5)

Pomfret

Busti

French Creek

Lily Dale

Carroll

Gerry\*

Portland

Frewsberg

Gerry

Portland

Charlotte

Van Buren

Chautauqua

Harmony

Ripley

Chautauqua

Niobe

Ripley

Dewittville

Watts Flats

Sheridan

Point Chautauqua

Kiantone

Sheridan

Clymer

Mina

Sherman

Clymer

Findley Lake

Stockton

North Clymer

North Harmony

Burnhams

Dunkirk

Ashville

Stockton

Ellery

Poland

Greenhurst

Kennedy

Maple Spring

##### **Erie County**

##### Villages

Angola

Farnham

N. Collins

##### Towns and Hamlets

Brant

Eden

N. Collins

Brant

Eden

Lawtons

Evans

Collins

Derby

Collins

North Evans

Collins Center

Iroquois

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 SUPERSEDING REVISION:

## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE A-SUB-ZONE 1 - FRONTIER**

##### Frontier Region

##### **Erie County**

##### City

Buffalo

Lackawanna

Tonawanda

##### Villages

Blasdell

Depew(2)

Kenmore

Lancaster\*

Williamsville

##### Towns and Hamlets

Amherst\*

Cheektowaga(4)

Hamburg(6)

East Amherst\*

Concord\*

Athol Springs

Egbertsville

Grand Island

Lakeview

Getzville

Woodlawn

Snyder

Tonawanda

Swormville\*

West Seneca(7)

##### **Niagara County**

##### City

Niagara Falls

North Tonawanda

##### Villages

Lewiston

Youngstown

##### Towns and Hamlets

Cambria

Niagara

Wheatfield

Pekin

Pendleton

Bergholtz

Sanborn

Beach Ridge

St. Johnsburg

Lewiston

Hoffman Station

Shawnee

Modeltown

Pendleton

Wilson

Sanborn

Pendleton Center

Newfane

Appleton

Porter

Newfane

Ransomville

Olcott

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 SUPERSEDING REVISION:

## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE B-SUB-ZONE 29 - GENESEE**

##### Genesee Region

##### **Erie County**

Village  
 Akron\*

Towns and Hamlets  
 Alden

Newstead

##### **Genesee County**

City  
 Batavia

Villages  
 Alexander  
 Leroy

Attica  
 Oakfield

Elba  
 Corfu

Towns and Hamlets  
 Alabama

Alabama  
 Basom  
 Alexander  
 Batavia  
 Bergen\*  
 Betheny  
 East Betheny

Byron  
 South Byron  
 Byron Center  
 Darien  
 Darien  
 Darien Center  
 Elba

LeRoy  
 Oakfield  
 Pavilion  
 Pavilion  
 Pembroke  
 East Pembroke  
 Stafford  
 Stafford

##### **Livingston County**

Villages  
 Avon  
 Lima

Caledonia  
 Livonia

Geneseo\*

Towns and Hamlets

Avon  
 Caledonia  
 Conesus  
 Conesus  
 Geneseo\*  
 Groveland  
 Groveland

Lima  
 South Lima  
 Livonia  
 Hemlock  
 Lakeville  
 Livonia Center

York  
 Linwood  
 Piffard  
 Retsof  
 Wadsworth  
 York

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LEAF: 9  
 REVISION: 0  
 SUPERSEDING REVISION:

## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE B-SUB-ZONE 29 - GENESEE**

##### Genesee Region

##### Village

Brockport

##### **Monroe County**

Honeoye Falls

Scottsville

##### Towns and Hamlets

Brighton\*

Chili\*

Clarkson

Clarkson

Hamlin

Hamlin

Morton

Walker

Henrietta\*

Mendon\*

Ogden\*

Parma\*

Riga

Rush

Industry

Rush

West Rush

Sweden

Wheatland

Garbutt

Mumford

##### **Niagara County**

##### Villages

Barker

Middleport

Wilson

##### Towns and Hamlets

Hartland

Royalton

Gasport

Somerset

Somerset

Newfane

Appleton

Burt

Newfane

Olcott

Wilson

Beebe

Pleasant Corners

Sunset Beach

##### **Ontario County**

##### Towns and Hamlets

Canadice

East Bloomfield\*

Richmond

Honeoye

West Bloomfield

Ionia

North Bloomfield

##### **Orleans County**

##### Villages

Albion

Lyndonville

Medina

##### Towns and Hamlets

Albion

Barre

Carlton

Kent

Waterport

Clarendon

Clarendon

Gaines

Eagle Harbor

Kendall

Kendall

Murray

Hulberton

Fancher

Ridgeway

Knowlesville

Shelby

Yates

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LEAF: 10  
REVISION: 0  
SUPERSEDING REVISION:

## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE B-SUB-ZONE 29 - GENESEE**

##### **GENESEE REGION**

##### **Wyoming County**

##### **Villages**

Attica

##### **Towns and Hamlets**

Attica

Covington

Orangeville

Wethersfield

#### **LOAD ZONE C-SUB-ZONE 2 - CENTRAL**

##### **CENTRAL REGION**

##### **Cayuga County**

##### **Town**

Niles

##### **Chenango County**

##### **Town**

Lincklaen

Lincklaen

##### **Cortland County**

##### **City**

Cortland

##### **Villages**

Homer

McGraw

##### **Town and Hamlets**

Cortlandville

Scott

Truxton

Cuyler

Solon

Virgil\*

Homer

Virgil

Preble

##### **Lewis County**

##### **Town**

Osceola

Osceola

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LEAF: 11  
 REVISION: 0  
 SUPERSEDING REVISION:

## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE C-SUB-ZONE 2 - CENTRAL**

#### **CENTRAL REGION**

##### **Madison County**

##### Villages

Canastota

Cazenovia

Chittenango

Deruyter

##### Towns and Hamlets

Cazenovia

Sullivan

Deruyter

Bridgeport\*

Fenner

Nelson

##### **Oneida County**

##### Villages

Sylvan Beach

##### Towns and Hamlets

Vienna

Jewell

North Bay

##### **Onondaga County**

##### City

Syracuse

##### Villages

Baldwinsville

Camillus

East Syracuse

Fabius

Fayetteville

Liverpool

Manlius

Minoa

North Syracuse

Skaneateles\*

Solvay\*

Tully

##### Towns and Hamlets

Camillus

Fabius

Manlius

Cicero

Apulia

Onondaga

Brewerton\*

Apulia Station

Nedrow

Bridgeport\*

Geddes\*

Onondaga Hill

Cicero

LaFayette

South Onondaga

Clay

Lafayette

Otisco\*

Clay

Onativia

Pompey

Euclid

Pompey

Dewitt

Salina

Jamesville

Lysander

Skaneateles\*

Elbridge\*

West Phoenix

Mottville

Skaneateles Falls

Tully

Van Buren\*

## Attachment 1

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: OCTOBER 19, 2015

LEAF: 12  
 REVISION: 1  
 SUPERSEDING REVISION: 0

## GENERAL INFORMATION

## I. TERRITORY TO WHICH SCHEDULE APPLIES:

**LOAD ZONE C-SUB-ZONE 2 - CENTRAL****CENTRAL REGION****Oswego County**City

Fulton

Oswego

Villages

Hannibal  
 Parish  
 Sandy Creek

Central Square  
 Lacona  
 Phoenix

Cleveland  
 Mexico  
 Pulaski

Towns and Hamlets

Albion  
 Altmar  
 Amboy  
     Fernwood  
 Boylston  
 Constantia  
     Constantia  
 Granby  
 Hannibal  
     Lycoming  
 Hastings  
     Brewerton\*  
 Mexico  
 Minetto  
     Minetto

New Haven  
     New Haven  
 Orwell  
     Orwell  
 Oswego  
     Oswego Center  
 Palermo  
 Parish

Richland  
     Richland  
 Sandy Creek  
 Schroepel  
 Scriba  
 Volney  
 West Monroe



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## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE D-SUB-ZONE 31 - ADIRONDACK**

#### **NORTHERN REGION**

##### **Clinton County**

##### Towns

Black Brook

Saranac\*

##### **Essex County**

##### Villages

Bloomingdale

Lake Placid\*

Saranac Lake

##### Town and Hamlets

North Elba\*

St Armand

##### **Franklin County**

##### Villages

Brushton

Malone

Fort Covington

Saranac Lake

Tupper Lake\*

##### Town and Hamlets

Altamont

Dickinson

Santa Clara

Bangor

Dickinson Center

Santa Clara

North Bangor

Duane

Waverly

South Bangor

Duane Center

St Regis Falls

West Bangor

Fort Covington

Westville

Belmont\*

Franklin

Westville Center

Mountain View

Harrietstown

Owls Head

Malone

Bombay

Whippleville

Bombay

Moir

Hogansburg

Moir

Brandon

Skerry

Brighton

Constable\*

Trout River

##### **St. Lawrence County**

##### Town and Hamlets

Brasher

Lawrence

Piercefield

Brasher Falls

Fort Jackson

Stockholm\*

Helena

Lawrenceville

Winthrop

Hopkinton

Nicholville

Fort Jackson

North Lawrence

Hopkinton

Parishville

Parishville

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## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE E-SUB-ZONE 3 - UTICA**

#### **MOHAWK VALLEY**

##### **Fulton County**

##### Village

Dolgeville(part)

##### Towns and Hamlets

Oppenheim

Stratford

Stratford

##### **Hamilton County**

##### Towns and Hamlets

Inlet

Long Lake\*

Raquet Lake

Inlet

Morehouse

##### **Herkimer County**

##### City

Little Falls

##### Villages

Cold Brook

Dolgeville(part)

Frankfort\*

Herkimer

Ilion\*

Middleville

Mohawk\*

Newport

Poland

##### Towns and Hamlets

Columbia\*

Little Falls

Schuyler

Danube

Manheim

Webb

Indian Castle

Newport

Big Moose

Newville

Norway

Eagle Bay

Fairfield

Ohio

McKeever

Frankfort

Russia

Old Forge

Kent

Salisbury

Thendara

German Flatts

Salisbury Center

Herkimer

Salisbury Corners

Litchfield\*

##### **Madison County**

##### City

Oneida

##### Villages

Lincoln

Munnsville

Wampsville

Clockville

Lenox

##### Towns and Hamlets

Lenox

Stockbridge

Oneida Lake

Valley Mills

South Bay

Whitelaw

PSC NO: 220 ELECTRICITY  
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LEAF: 15  
 REVISION: 0  
 SUPERSEDING REVISION:

## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE E-SUB-ZONE 3 - UTICA (CONTINUED)**

#### **MOHAWK VALLEY REGION**

#### **Oneida County**

##### City

Rome

Utica

##### Village

Boonville\*

Clinton

New York Mills

Prospect

Trenton

Yorkville

Camden

Holland Patent

Oneida Castle

Remsen

Vernon

Clayville

New Hartford

Oriskany

Sherrill

Whitesboro

##### Towns and Hamlets

Annsville

Blossvale

Taberg

Ava\*

Camden

Westdale

Deerfield

Floyd

Forestport

Forestport

Otter Lake

White Lake

Woodhull

Kirkland

Clark Mills

Lee

Lee Center

Marcy

Stittville

New Hartford

Chadwicks

Washington Mills

Willowvale

Paris

Cassville

Sauquoit

Remsen

Steuben

Trenton

Vernon

Verona

Vernon Center

Churchville

Durhamville

New London

Stacy Basin

Verona

Verona Mills

Vienna

McConnellsville

Vienna

Western

North Western

Westernville

Westmoreland

Westmoreland

Whitestown

Florence

Florence

Lehigh

#### **NORTHERN REGION**

#### **Jefferson County**

##### City

Watertown

##### Villages

Adams

Black River

Carthage

Deferiet

Evans Mills

Mannsville

Philadelphia\*

Alexandria Bay

Brownville

Chaumont

Dexter

Glen Park

Sackets Harbor

Theresa\*

Antwerp

Cape Vincent

Clayton

Ellisburg

Herrings

West Carthage

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 16  
 REVISION: 0  
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## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE E-SUB-ZONE 3 - UTICA** **NORTHERN REGION**

##### Towns and Hamlets

Adams  
     Adams Center  
     Smithville  
 Alexandria  
     Plessis  
     Redwood  
 Antwerp  
 Brownville  
     Limerick  
 Cape Vincent  
     Rosiere  
     St. Lawrence  
 Champion  
     Champion  
     Great Bend  
 Clayton  
     Depauville  
 Ellisburg  
     Belleville  
     Pierrepoint Manor  
     Woodville

##### **Jefferson County (Continued)**

Henderson  
     Henderson  
     Henderson Harbor  
 Hounsfield  
 Leray  
     Calcium  
     LeRaysville  
 Lorraine  
     Lorraine  
 Lyme  
     Three Mile Bay  
 Orleans  
     Fishers Landing  
     LaFargeville  
     Omar  
 Pamela  
     Pamela Four  
     Corners  
 Philadelphia\*  
 Rodman  
     East Rodman  
 Rutland  
     Felts Mills  
 Tylerville  
 Theresa  
 Watertown  
     Burrville  
 Wilna  
     Natural Bridge\*  
     Woods Mills  
 Worth

##### **Lewis County**

##### Villages

Castorland  
 Croghan  
 Lowville

Constableville  
 Harrisville  
 Lyons Falls  
 Copenhagen  
 Port Leyden  
 Turin

##### Towns and Hamlets

Croghan  
     Beaver Falls\*  
     Belfort  
 Constableville  
 Denmark  
     Deer River  
     Denmark  
     Naumburg  
 Diana  
     Natural Bridge\*  
 Greig  
     Greig  
 Harrisburg  
 High Market

Lewis  
 Leydon  
 Lowville  
 Lyonsdale  
 Martinsburg  
     Glenfield  
     Martinsburg  
     West Martinsburg  
 Montague  
 New Bremen\*  
     Beaver Falls\*  
     New Bremen  
 Pinckney  
 Barnes Corners  
 Turin  
 Watson  
     Watson  
 West Turin

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## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE E-SUB-ZONE 3 - UTICA**

#### **NORTHERN REGION**

#### **Oneida County**

##### Town

Boonville\*

Alder Creek

#### **Oswego County**

##### Towns and Hamlets

Redfield

Redfield

Williamstown

Williamstown

#### **St. Lawrence County**

##### City

Ogdensburg

##### Villages

Canton

Hammond

Massena\*

Potsdam

Waddington

Edwards

Hermon

Morristown

Rensselaer Falls

Gouverneur

Heuvelton

Norwood

Richville

##### Towns and Hamlets

Brasher\*

Canton

Morley

Pyrites

Clare

Clifton

Cranberry Lake

Colton

Colton

South Colton

Fine

Oswegatchie

Star Lake

Wanakena

Fowler

Balmat

Fowler

Gouverneur

Natural Dam

Hammond

Chippewa Bay

Madrid

Madrid

Madrid Springs

Massena\*

Morristown

Brier Hill

Edwardsville

Norfolk\*

Norfolk

Raymondsville

Oswegatchie

Parishville

Pierrepont

Hannawa Falls

Pierrepont

Pitcairn

Potsdam

Crary Mills

West Potsdam

Rossie

Russell

Russell

Stockholm\*

West Stockholm

Waddington

Chase Mills

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# GENERAL INFORMATION

## I. TERRITORY TO WHICH SCHEDULE APPLIES:

### LOAD ZONE F-SUB-ZONE 4 - CAPITAL

#### CAPITAL REGION

#### Albany County

##### City

Albany

Cohoes

Watervliet

##### Village

Altamont

Colonie

Green Island\*

Menands

Voorheesville

##### Towns and Hamlets

Berne

Colonie

Guilderland

Bethlehem

Latham

McKownville

Delmar

Loudonville

Knox

Elsmere

Maplewood

New Scotland

Selkirk

Newtonville

Slingerlands

West Albany

South Bethlehem

Coeymans\*

#### Columbia County

##### City

Hudson

##### Villages

Kinderhook

Valatie

##### Towns and Hamlets

Chatham\*

Greenport

Stockport

Claverack\*

Kinderhook

Scottville

Clermont

Livingston

Stuyvesant

Clermont

Stuyvesant

Gallatin\*

Stuyvesant Falls

Germantown

Taghkanic\*

Ghent

#### Herkimer County

##### Towns and Hamlets

Stark

#### Montgomery County

##### Towns and Hamlets

Amsterdam

Florida

Tribes Hill

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## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE F-SUB-ZONE 4 - CAPITAL**

##### **Rensselaer County**

###### City

Rensselaer

Troy

###### Villages

Castleton on Hudson  
 Schaghticoke

Hoosick Falls  
 Valley Falls

Nassau

###### Towns and Hamlets

Brunswick  
     Cropseyville  
 East Greenbush  
     East Greenbush  
     Hampton Manor  
 Grafton  
     Grafton

Hoosick  
 Nassau  
 North Greenbush\*  
 Sand Lake\*

Pittstown  
 Johnsonville  
 Poestenkill  
 Schaghticoke\*  
 Schodack

##### **Saratoga County**

###### Villages

Waterford

###### Towns and Hamlets

Ballston  
 Charlton  
 Clifton Park\*  
     Rexford

Galway  
 Halfmoon\*  
 Malta\*

Milton  
 Waterford

##### **Schenectady County**

###### City

Schenectady

###### Village

Scotia

###### Towns and Hamlets

Duanesburg  
 Glenville  
     Alplaus

Niskayuna  
     Niskayuna  
 Princetown

Rotterdam  
     Carman  
     Rotterdam Jct.  
     S. Schenectady

##### **Schoharie County**

###### Towns and Hamlets

Wright

##### **Washington County**

###### Towns and Hamlets

Cambridge

Easton

White Creek

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## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE F-SUB-ZONE 4 - CAPITAL**

#### **NORTHEAST REGION**

##### **Essex County**

##### **Villages**

Port Henry

Ticonderoga

Westport

##### **Towns and Hamlets**

Crown Point

North Hudson

Ticonderoga

Minerva

Schroon

Westport

Moriah

Schroon Lake

Mineville

Moriah

Witerbee

##### **Fulton County**

##### **City**

Gloversville

Johnston

##### **Village**

Broadalbin

Mayfield

Northville

##### **Towns and Hamlets**

Bleecker

Ephratah

Northampton

Broadalbin

Johnstown

Perth

Caroga

Mayfield

##### **Hamilton County**

##### **Village**

Speculator

##### **Towns and Hamlets**

Arietta

Indian Lake\*

Wells

Benson

Indian Lake

Hope

Lake Pleasant

##### **Montgomery County**

##### **City**

Amsterdam

##### **Village**

Ames

Canajoharie

Fonda

Fort Johnson

Fort Plain

Fultonville

Hagaman

Nelliston

Palatine Bridge

St. Johnsville



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## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE F-SUB-ZONE 4 – CAPITAL**

#### **NORTHEAST REGION**

##### **Montgomery County: (Continued)**

##### Towns and Hamlets

Amsterdam  
 Minden  
 Mohawk  
 Palatine

Canajoharie  
 Root  
 St. Johnsville

Florida  
 Charleston  
 Glen

##### **Otsego County**

##### Villages

Cherry Valley

Schenevus

##### Towns and Hamlets

Cherry Valley  
 Decatur

Maryland  
 Roseboom

Worcester  
 East Worcester  
 Worcester

##### **Saratoga County**

##### City

Saratoga Springs

##### Villages

Ballston Spa  
 Schuylerville

Corinth  
 South Glens Falls

Galway  
 Victory Mills

##### Towns and Hamlets

Ballston  
 Charlton  
 Corinth  
 Palmer  
 Day  
 Edinburg

Galway  
 Greenfield  
 Hadley  
 Milton  
 Moreau  
 Mt. McGregor  
 Northumberland

Providence  
 Saratoga  
 Stillwater\*  
 Wilton  
 Malta\*

##### **Schenectady County**

##### Village

Delanson

##### Towns and Hamlets

Duanesburg

Princeton

##### **Schoharie County**

##### Villages

Cobleskill  
 Schoharie

Esperance  
 Sharon Springs

Middleburgh

##### Towns and Hamlets

Blenheim  
 Broome  
 Carlisle  
 Cobleskill

Esperance  
 Fulton  
 Middleburgh  
 Richmondville\*

Schoharie  
 Seward  
 Sharon  
 Summit

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## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES:

#### **LOAD ZONE F-SUB-ZONE 4 - CAPITAL**

##### **NORTHEAST REGION**

##### **Warren County**

###### City

Glens Falls

###### Villages

Lake George

###### Towns and Hamlets

Bolton

Bolton Landing

Chester

Chestertown

Hague

Hague

Horicon

Brant Lake

Johnsburg

North Creek

Lake George

Lake Luzerne

Luzerne

Queensbury

Stony Creek

Thurman

Warrensburg

Warrensburg

##### **Washington County**

###### Villages

Argyle

Fort Ann

Whitehall

Cambridge

Fort Edward

Greenwich

Hudson Falls

###### Towns and Hamlets

Argyle

Cambridge

Dresden

Clemons

Fort Ann

Comstock

Fort Edward

Greenwich

Hampton

Hartford

Jackson\*

Kingsbury

Putnam

White Creek

Whitehall

### 2. **NATIVE AMERICAN RESERVATIONS**

#### County City

#### Town

##### Oneida

LOAD ZONE E-UTICA

SUB-ZONE 3

Madison Oneida

Oneida

Vernon

##### Onondaga

LOAD ZONE C-CENTRAL

SUB-ZONE 2

Onondaga

LaFayette

Onondaga

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### GENERAL INFORMATION

I. TERRITORY TO WHICH SCHEDULE APPLIES:

2. **NATIVE AMERICAN RESERVATIONS (CONTINUED)**

	<u>County</u>	<u>Town</u>
<u>Seneca</u> LOAD ZONE A-FRONTIER SUB-ZONE 1		
Allegany (part)	Cattaraugus	Alleghany Carollton Great Valley Salamanca Red House Cold Springs South Valley
Cattaraugus (part)	Cattaraugus Chautauqua Erie	Perrysurg Hanover Brant Collins N. Collins
<u>St. Regis</u> LOAD ZONE D-ADIRONDACK SUB-ZONE 31	Franklin	Bombay Ft. Covington
<u>Tonawanda</u> LOAD ZONE B-GENESEE SUB-ZONE 29	Genesee County Erie Niagara	Alabama Newstead Royalton
<u>Tuscarora</u> LOAD ZONE A-FRONTIER SUB-ZONE 1	Niagara	Lewiston

\*Denotes Part

FOOTNOTES:

1. Brocton: General lighting service may be taken only when permitted by Village authorities.
2. Depew: Limited to large general service, Demand of 75 kW or more.
3. Lancaster: Limited to large general service, Demand of 75 kW or more.
4. Cheektowaga: A portion of the town is limited to large general service with Demand of 75 kW or more.
5. Ellicott: Except Lighting Districts (1), (2), and (3).
6. Hamburg: A portion of the town is limited to large general service with Demand of 75 kW or more.
7. West Seneca: A portion of the town is limited to large general service with Demand of 75 kW or more.

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## GENERAL INFORMATION

### II. RULES AND REGULATIONS:

#### 1. DEFINITIONS AND ABBREVIATIONS:

- 1.1 The term "Company" or "Utility" means Niagara Mohawk Power Corporation.
- 1.2 The term "Residential Applicant" means an individual, firm, partnership, corporation, association, municipality, or governmental body requesting service from the Company for their own use and not for resale or delivery to others. See Rule 1.4 for additional information regarding residential applicants.
  - 1.2.1 The term "Non-Residential Applicant" means a person, corporation, or other entity who has requested service as a non-residential customer. See Rule 1.5 for additional information regarding non-residential applicants.
- 1.3 The term "Customer" means an individual, firm, partnership, corporation, association, municipality, or governmental body lawfully receiving service from the Company. See Rule 1.4 for additional information regarding residential customers.
  - 1.3.1 The term "Non-Residential Customer" means a person, corporation or other entity, receiving service from the Company, who is not a residential customer as defined in 16NYCRR, Part 11. See Rule 1.5 for additional information regarding non-residential customers.
  - 1.3.2 The term "Premise" is a unified, undivided parcel of real property under the customer or applicant's control through ownership or lease which is not separated by public road, right of way, or property belonging to another entity. A premise may or may not contain buildings or structures within the real property.
- 1.4 Residential Applicants and Customers

A residential customer is any person, who, pursuant to an application for service made by such person or a third party on the customer's behalf, is supplied directly by the Company with electric service at a premise used in whole or in part as their residence where:

  - 1.4.1 The Company's effective tariff specifies a residential rate for such service, provided however that no person who requests or is supplied service to an entire multiple dwelling or for the common areas of a multiple dwelling, as defined in the Multiple Dwelling Law or the Multiple Residence Law, shall be considered a residential applicant or customer solely because the Company's tariff specifies a residential rate;

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## GENERAL INFORMATION

### II. RULES AND REGULATIONS:

#### 1. DEFINITIONS AND ABBREVIATIONS: (Continued)

1.4.2 Such service will be or is primarily used for their residential purposes, and the applicant or customer has so notified the Company; or

1.4.3 The Company knows that any of such service will be provided through a single meter to both units of a two-family dwelling; or

1.4.4 Such person was a residential customer of the Company within 60 days of making the request, and was not terminated for nonpayment, meter tampering or theft of services and has moved to a different dwelling within the Company's service territory, so long as such person remains a residential customer as defined in the preceding subparagraphs.

1.4.5 A residential applicant is any person who requests electric service to a premise to be used at the applicant's residence or the residence of a third party, as defined in 16NYCRR 11.2 (a)(3).

#### 1.5 Non-Residential Applicants and Customers

A non-residential customer is any person, corporation or other entity receiving service from the Company, who is not a residential customer as defined in 16NYCRR Part 11. The terms in the following subsections refer to only non-residential customers.

1.5.1 A "New Customer" is a customer who was not the last previous customer at the premises to be served, regardless of whether such customer was or is still a customer of the utility at a different location.

1.5.2 A "Seasonal Customer" is a customer who applied for and receives utility service periodically each year, intermittently during the year, or at other irregular intervals.

1.5.3 A "Short Term or Temporary Customer" is a customer who requested service for a period of time up to two years.

1.5.4 A "Demand Customer" is a customer who is billed for demand charges.

1.5.5 An "Actual Reading" is one obtained by a utility employee from either the meter or a remote registration device attached thereto.

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## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS: (Continued)

1.5.6 An "Access Controller" is a party known to a utility to be in control of access to the metering equipment of a customer, and to have an active account of its own with the utility.

1.5.7 A "Payment" is considered to be made on the date it is received by the utility or one of its authorized agents.

1.5.8 A "Late Payment" is any payment made more than 20 calendar days after the date payment was due. Payment is due whenever specified by the Company on its bill, provided such date does not occur before personal service of the bill or three calendar days after the mailing of the bill.

1.5.9 "Arrears" are charges for which payment has not been made more than 20 calendar days after payment was due.

1.5.10 A "Delinquent Customer" is a customer who has made a late payment on two or more occasions within the previous 12 month period.

1.5.11 A "Business Day" is any Monday through Friday when a utility's business offices are open.

1.5.12 A "Deferred Payment Agreement" is a written agreement for the payment of outstanding charges over a specified period of time. It must be signed in duplicate by a utility representative and the customer, and each must receive a copy, before it becomes enforceable by either party.

1.5.13 A "Levelized Payment Plan" is a billing plan designed to reduce fluctuation in a customer's bill payments due to varying, but predictable, patterns of consumption.

1.5.14 A "Backbill" is that portion of any bill, other than a levelized bill, which represents charges not previously billed for service that was actually delivered to the customer during a period before the current billing cycle. A bill based on an actual reading rendered after one or more bills based on estimated or customer readings (commonly called a catch-up bill) which exceeds by 50 percent or more the bill that would have been rendered under a utility's standard estimation program is presumed to be a backbill.

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## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS: (Continued)

1.5.15 "Tampered Equipment" is any service related equipment that has been subjected to either unauthorized interference so as to reduce the accuracy or eliminate the measurement of a utility's service, or to unauthorized connection occurring after a utility has physically disconnected service.

1.5.16 "Utility Deficiency" means any action or inaction by a utility or one of its authorized agents that does not substantially conform to the Rules and Regulations of Part 13, Rules of Subchapter 6B, Chapter 1, Title 16 of the New York Code of Rules and Regulations, the utility's tariff, or the utility's written business procedures.

1.6 "Electric Service" - Maintenance by Company of the appropriate voltage and frequency at the point of delivery shall constitute delivery of electric service to Customer.

1.7 A "line" is a system of poles, ducts, wires, cables, transformers, fixtures and accessory equipment used for the distribution of electricity to the public. A line may be located (1) in a street, highway, alley or (2) on private right-of-way when used or useful to supply two or more customers at separate premises.

1.8 "Network Area" is the area supplied with electricity by Company through a network system of single and multiple lines for the distribution of electricity to Customers located within the area, usually underground but sometimes overhead or within a building.

1.9 A "service line" or "service lateral" is an electric line including the necessary and ancillary accessories to connect a distribution line to an individual customer's meter or point of attachment. A service line or service lateral, at the Company's discretion, may be connected to two or more meters at a single premise. Wiring along the outside of customer's house or building shall not be included in the service line or service lateral.

1.10 A "service entrance" is that part of the wiring from the point of attachment or termination of the service lateral to and including the main service switch on Customer's premises.

1.11 "Cost" or "expense" shall include all labor, material and other charges applicable thereto, including cost of removing and replacing pavement and sidewalks, plus a reasonable allowance for engineering, superintendence, purchasing and use of construction equipment.

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## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS: (continued)

- 1.12 "Surcharge" is a charge payable by Customer to Company, in addition to the charge for electric service under the applicable service classification.
- 1.13 "Short-Term Service" is a service which is recurrently required only for short periods each time, either periodically each year, intermittently during the year, or at other irregular intervals.
- 1.14 "Temporary Service" is non-recurring service intended to be used for a short time only and not to continue in use.
- 1.15 "Standby Service" is service which is supplied to a Customer who obtains all or a part of the customer's Electric Service from a source other than the Company. The terms "breakdown" and "auxiliary" are deemed to be synonymous to "standby". S.C. No. 7 of this tariff defines the conditions for Standby Service.
- 1.16 "Dual Service" as distinguished from separately metered service, is two or more separate, duplicate services to a Customer's single premise and is usually from different directions and sometimes from different distribution or transmission systems of the Company.
- 1.17 "Building" is a structure which stands alone or which is cut off from adjoining structures by fire walls with all openings therein protected by approved fire doors.
- 1.18 Abbreviations  
kW - one thousand watts of power, a kilowatt  
kWh - one kilowatt for one hour, a kilowatt hour  
Hour's Use - kilowatt hours per kilowatt  
kV - one thousand volts  
Amp - a unit of current flowing, an ampere  
kVA - volts times amperes in thousands  
RkVA - reactive kva  
16NYCRR - Title 16 of the New York Code of Rules and Regulations. Numerical suffix denotes a section or part.  
Hp - 746 watts, a horsepower  
P.S.C. - Public Service Commission - State of New York  
S.C. - Service Classification
- 1.19 The terms in the following subsection refer to Rule 15 and Rule 16 as defined in 16NYCRR Sections 98, 99 and 100.
- 1.19.1 A "Distribution Line" is an electric line including the necessary and ancillary accessories to distribute electric energy, which may be located (1) in a street, highway, alley or (2) on a private right of way when used or useful to supply two or more customers at separate premises.
- 1.19.2 "Supply Line" is a part of a distribution line that is installed between an existing electric distribution system and an underground distribution line within a residential subdivision.



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## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS: (Continued)

1.19.3 A "service line" or "service lateral" is an electric line including the necessary and ancillary accessories to connect a distribution line to an individual customer's meter or point of attachment. A service line or service lateral, at the Company's discretion, may be connected to two or more meters at a single premise. Wiring along the outside of customer's house or building shall not be included in the service line or service lateral.

1.19.4 "Applicant" is a developer, builder, person, partnership, association, corporation or governmental agency requesting the provision of electric service as a:

1.19.4.1 "Residing Applicant" - at a premises to be used as the applicant's residence.

1.19.4.2 "Non-Residing Applicant" - in a residence to be used by others, provided however, that a governmental agency applying for service on behalf of a client, who would otherwise be a Residing Applicant, shall be treated as a Residing Applicant.

1.19.4.3 "Non-Residential Applicant" - where the applicant is a person, corporation or other entity who is not a residential applicant as defined in 16NYCRR 11.

1.19.5 "Residential Building" is a building which is designed for permanent residential occupancy.

1.19.6 "Multiple Occupancy Building" is a structure, including row houses, enclosed within exterior walls or fire walls, which is built, erected and framed of component structural parts and is designed to contain four or more individual dwelling units for permanent residential occupancy.

1.19.7 "Residential Subdivision" is a tract of land divided into five or more lots for construction of five or more residential buildings, or the land on which new multiple occupancy buildings are to be constructed, the development of either of which, if required, has been approved by governmental authorities having jurisdiction over land use.

1.19.8 "Developer" is a person(s) or entity engaged in the sale of vacant lots or in the construction of dwelling units in the development of a subdivision.

1.19.9 "Right-of-Way" is the right to pass over, occupy or use another's land for placing and maintaining Company facilities.

1.19.10 "Public Right-of-Way" is the area within the territorial limits of any street, avenue, road or way that is for any highway purpose under the jurisdiction of the State of New York or of the legislative body of any county, city, town or village that is open to public use and that may be used for the placement of Company facilities.

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## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS: (Continued)

- 1.19.11 "Visually Significant Resource" (VSR) is an area designated primarily or exclusively because of its exceptional, outstanding, significant, special or unique scenic quality pursuant to State or Federal enabling legislation.
- 1.20 "On-Site Generation" - Any facility which is capable of generating electricity for use by a Customer which is located on the same site, tract of land or service location as the Customer's load or which constructs or has constructed a distribution or transmission line from a location not on the site to a Customer location so as to serve all or any part of the Customer's load.
- 1.21 "Retail Access Program" - The transmission, distribution, and delivery by the Company to the Customer of Electricity Supply Service furnished to the Company by the Customer or by a third party on the Customer's behalf pursuant to the provisions of P.S.C. No. 220 and in particular Rule 39, including the Company's applicable tariffs filed with the FERC.
- 1.22 "FERC" - Federal Energy Regulatory Commission, or any successor agency thereto.
- 1.23 "Open Access Transmission Tariff" (OATT) - The tariff accepted for filing by the FERC that sets forth the terms and conditions under which the Company provides open access transmission service, as that tariff may be amended from time to time.
- 1.24 "Generator" - A facility capable of synchronizing to the interconnected electric system which supplies 60 Hertz alternating current electric energy, capacity, or ancillary services.
- 1.25 "Independent System Operator" (ISO) - An organization formed in accordance with FERC order(s) to administer the operation of the transmission system, provide equal access to the transmission system of New York State, and to maintain system reliability.
- 1.26 "Energy Service Company" (ESCO) - Any non-utility entity that can perform energy and customer service functions in a competitive environment including provisions of Electricity Supply Service (ESS) and the assistance in the efficiency of its use. An ESCo must be deemed eligible by the Department of Public Service (DPS) and accepted by the Company to be eligible to provide Electricity Supply Service and associated customer service functions to end use customers under the Retail Access Pilot Program and the Retail Access Program via the Company's transmission and distribution system.
- 1.27 "Electricity Supply Service" (ESS) - The furnishing of the electricity required to meet a Customer's needs, exclusive of the transmission, distribution and delivery service provided by the Company under this tariff and its OATT.
- 1.28 "Slamming" - The unauthorized transfer of a Customer's account from one entity providing Electricity Supply Service to another entity providing Electricity Supply Service.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 31  
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SUPERSEDING REVISION:

## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS: (Continued)

- 1.29 "Load Shapes" - Electricity Supply Service usage patterns developed from service class data used to determine hour by hour electricity usage in the absence of interval metering.
- 1.30 "Load Profile" - A Customer's actual Electricity Supply Service usage as recorded on interval meter designed for such purpose.
- 1.31 "Retail Delivery Point" - The point where the Company's retail distribution system connects to the Customer's Service Entrance at the Customer's premises.
- 1.32 "Retail Delivery Metering Point" - The location where the Electric Service is metered or the location to which meter readings are compensated.
- 1.33 "Retail Distribution Receipt Point" (RDRP) - The point(s) of receipt of electricity into the distribution system.
- 1.34 "Firm Point-to-Point Transmission Service" - Transmission service that is reserved and or scheduled pursuant to the provisions of the Company's Open Access Transmission Tariff governing Firm Point-to-Point Transmission Service.
- 1.35 "ESCo Supplier" - A generator within the Company's Control Area or another Control Area that is the authorized agent for scheduling deliveries on behalf of the ESCo or the Direct Retail Customer.
- 1.36 "Direct Retail Customer" - A customer with one (1.000) MW or more of coincident load who is authorized to provide electricity supply service on its own behalf for the Retail Access Program.
- 1.37 "Installed Capacity" - A generator that for a period of a month or longer can be called upon to meet the supply of an established or specified amount of electricity to the NYPP or ISO and whose capability to do so has been determined in accordance with Good Utility Practice.
- 1.38 "Good Utility Practice" - shall mean any of the practices, methods and acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods and acts which, in the exercise of reasonable judgement in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at the lowest reasonable cost consistent with good business practices, reliability, safety, and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method, or act, to the exclusion of all others, but rather to be acceptable practices, methods, or acts generally accepted in the region and consistently adhered to by the Company. Good Utility Practice shall include, but not limited to NERC, NPCC and NYSRC, and NYISO, criteria, rules and standards, as they may be amended from time to time including the rules, guidelines and criteria of any successor organizations to the foregoing entities.

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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012

LEAF: 32  
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SUPERSEDING REVISION: 1

## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS: (Continued)

- 1.39 "Control Area" - An electric system or systems, bounded by interconnection metering and telemetry, capable of controlling generation to maintain its interchange schedule with other Control Areas and contributing to the frequency regulation of the interconnection.
- 1.40 "Load Zone" - One of several (currently eleven) geographical areas located within the New York Control Area that is bound by one or more of the fourteen New York State transmission interfaces. Electricity Supply Service prices within different load areas may differ due to transmission system congestion and electric losses.
- 1.41 "NERC" - North American Electric Reliability Council, or any successor organization thereto.
- 1.42 "NPCC" - Northeast Power Coordinating Council or any successor organization thereto.
  - 1.42.1 "NYSRC" - New York State Reliability Council or any successor organization thereto.
- 1.43 "NYISO" - New York Independent System Operator or any successor organization thereto.
- 1.44 "Reserved for future use"
- 1.45 "Electricity Supply Cost" (ESCost) - the cost of Electricity Supply Service Pursuant to Rule 46.1.
- 1.46 "New York Power Authority" (NYPA) - Power Authority of the State of New York or any successor organization thereto.
- 1.47 "Distribution Delivery Charge" - Delivery charges related to furnishing, maintaining, and operating the connection between the Customer's Electricity Supply Service source and the customer's point of delivery inclusive of the NYISO Transmission Service Charge.
- 1.48 "Electrically Isolate" - Separation of electrical points of contact where interconnection may occur, if (a) such separation is at least 100 feet from any other interconnected electrical service of such customer, or (b) the disconnected isolated service is not within the same building structure as any other interconnected electrical service of such customer and not housed within a common enclosure with other interconnected breakers and/or fuses of such customer.
- 1.49 "Fully Loaded Rates" - As used in Rule 28 of this Tariff, this term shall mean rates developed by utilizing a fully embedded costing methodology for services performed. The methodology shall be based upon the four pricing components of direct costs, indirect costs, taxes and surcharges, and profit.
- 1.50 "Emergency Power System" - A system legally required and classed as emergency by codes or any governmental agency having jurisdiction that automatically provides an independent reserve source of electricity, upon failure or outage of the normal power source, to elements of a power system essential to the safety of human life, or a system used exclusively by customers during interruptions of Electric Service and/or in response to NYISO direction for Emergency Response Programs and/or Unforced Capacity requirements for NYISO special case resources.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 33  
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## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS: (Continued)

- 1.51 "Standby Power System" - An alternate source of electricity incorporating necessary transfer equipment intended to supply power to selected loads upon loss of the normal power supply.
- 1.52 "Aggregator" - A non-utility entity that aggregates customers (including Direct Customers) for the purpose of obtaining electricity supply service for those customers but does not sell electricity supply service to those customers.
- 1.53 "Cramming" - The addition of unauthorized charges to a customer's bill.
- 1.54 "Direct Customer" - A customer, with an account(s) with the Company which results in 1 MW or more of coincident load, that purchases and schedules delivery of electricity supply service for its own consumption from one or more suppliers and not for resale. Direct Customers do not have to file an application with the Department of Public Service to become an eligible ESCo, but must comply with the applicable operating requirements set forth in Rule 39 of this Tariff and, when available, the NYISO. A Direct Customer may aggregate and schedule load for itself and other Direct Customers, each of which would continue to be responsible individually for meeting requirements placed on Direct Customers.
- 1.55 "Involuntary Switch" - A process or situation where a customer's energy supplier is changed from one ESCo to another without the customer's authorization. This type of switch includes, but may not be limited to, when the ESCo goes out of business, assigns its customers to another ESCo, decides to no longer serve a particular customer, or where a customer returns to the Company as a result of an ESCo's failure to deliver. An involuntary switch that is not in accordance with Rule 39.14, "Discontinuance of Service" is referred to as Slamming.
- 1.56 "Special Meter Read" - A service provided to obtain a customer's actual meter reading on a date that is different than the customer's regularly scheduled meter read date.
- 1.57 "Voluntary Switch" - A process or situation where a customer's energy supplier is changed from one ESCo to another with the customer's direct authorization.
- 1.58 "DPS" - Department of Public Service, or any successor agency thereto.
- 1.59 "PSC" - Public Service Commission, or any successor agency thereto.
- 1.60 "Lockbox" - A collection mechanism agreed upon by a utility and an ESCo/Direct Customer which employs a third party financial institution to receive and disburse customer payments.
- 1.61 "Special Needs Customer" - A customer, as defined by the Home Energy Fair Practices Act (HEFPA), with documented medical conditions or who is elderly, blind, or physically challenged. HEFPA makes available to these customers special protections regarding utility service and life threatening situations.

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INITIAL EFFECTIVE DATE: JANUARY 1, 2012

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SUPERSEDING REVISION: 0

## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS (Continued)

- 1.62 "NYISO TARIFF" - The NYISO Services Tariff and the NYISO Open Access Transmission Tariff filed on April 30, 1999 and approved with modification by FERC on July 28, 1999 which may be amended from time to time.
- 1.63 "Locational Based Marginal Pricing" ("LBMP") - A pricing methodology under which the price of energy at each location in the NYS Transmission System is equivalent to the cost to supply the next increment of load at that location (i.e., the short-run marginal cost). The short-run marginal cost takes generation bid prices and the physical aspects of the NYS Transmission System into account. The short-run marginal cost also considers the impact of Out-of-Merit Generation (as measured by its Bid Price) resulting from the congestion and marginal losses occurring on the NYS Transmission System which are associated with supplying an increment of load. The term LBMP also means the price of energy bought or sold in the LBMP Markets at a specific location.
- 1.64 "Locational Based Marginal Capacity Price" ("LBMCP") – The NYISO monthly Rest-of-State ("ROS") Installed Capacity Spot Market auction clearing price for the respective calendar month , in \$/kW-mo for capacity in each of the respective zones.
- 1.65 "NYPA Transmission Adjustment Charge" ("NTAC") - A surcharge on all Energy Transactions designed to recover the Annual Transmission Revenue Requirement of NYPA which cannot be recovered through its TSC, transmission congestion contracts, or other transmission revenues, including, but not limited to, its existing transmission agreement revenues. This charge will be assessed to all load statewide, as well as transmission customers in wheels through and exports.
- 1.66 "Load Serving Entity" ("LSE") - An entity, including a municipal electric system and an electric cooperative, authorized or required by law, regulatory authorization or requirement, agreement, or contractual obligation to supply Energy, Capacity and/or Ancillary Services to retail customers located within the New York Control Area, including an entity that takes service directly from the NYISO to supply its own load in the New York Control Area.
- 1.67 "Transmission Usage Charge" ("TUC") - Payments made by the transmission customer to cover the cost of marginal losses and, during periods of time when the transmission system is constrained, the marginal cost of congestion. The TUC is equal to the product of: (1) the LBMP at the point of withdrawal minus the LBMP at the point of injection (in \$/MWh); and (2) the scheduled or delivered Energy (in MWh).
- 1.68 "Interconnection Agreement" - A separate Interconnection Agreement between Niagara Mohawk Power Corporation and the "Customer".
- 1.69 "Transmission Service Charge" ("TSC") - A charge designed to ensure recovery of the embedded cost of a transmission owner's transmission system.
- 1.70 "Day-Ahead LBMP" - the LBMPs calculated based upon the NYISO's Day-Ahead Security Constrained Unit Commitment Process.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024  
STAMPS:

LEAF: 35  
REVISION: 1  
SUPERSEDING REVISION: 0

## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS (Continued)

- 1.71 "Renewable On-Site Generation" - Non-fossil fuel-based energy that is largely sustainable or reclaimable from natural resources.
- 1.72 "Electric and Gas System Bulletin No. 309, Procedure for New or Changed Customers' Services"- Niagara Mohawk's specifications for electrical installations and supplemental bulletins thereto as they may be amended from time to time.
- 1.73 "Unforced Capacity" ("UCAP") - The measure by which Installed Capacity Suppliers are rated to quantify how much they (each) can contribute to the New York Control Area's (NYCA) Installed Capacity Requirement. Each Supplier's resource is assigned an Unforced Capacity value based upon its (twelve-month rolling average) reliability. While the overall NYCA peak load and reserve requirement is fixed for a year, a resource's Unforced Capacity can change each month.
- 1.74 "Unforced Capacity Requirement" ("UCAPR") - The amount of UCAP reserves (in percent or fraction) that each LSE must procure prior to each Obligation Procurement Period, as such term is defined in the NYISO Tariff. The UCAPR is designed to insure no more than a one-day interruption in ten years (as a result of generation shortages) and is calculated by the NYISO.
- 1.75 "Ancillary Services" means as defined in the NYISO OATT as amended from time to time, those services that are necessary to support the transmission of Capacity and Energy from resources to Loads while maintaining reliable operations of the NYS Transmission System in accordance with Good Utility Practice.
- 1.76 "Wholesale Generator" - A company whose primary business is the production of electricity for sale into the wholesale electricity market.
- 1.77 "Trading Period" – The annual period in which participants will be allowed to trade and retire Renewable Energy Certificates determined in the New York Generation Attribute Tracking System.
- 1.78 "Solar Electric Generating Equipment"- A photovoltaic system that is manufactured, installed, and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities, that is operated in compliance with standards and requirements in accordance with Section 66-j of Public Service Law and Rule No. 53 of this tariff.
- 1.79 "Farm Waste Electric Generating Equipment" - Equipment that generates electric energy from biogas produced by the anaerobic digestion of agricultural waste, such as livestock manure, farming wastes and food processing waste that is manufactured, installed, and operated in accordance with applicable government and industry standards; connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities; operated in conjunction with any standards and requirements established in Section 66-j of Public Service Law and Rule No. 53 of this Tariff.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: NOVEMBER 29, 2019  
STAMPS: Issued in Compliance with Order in Case 16-M-0330 Issued November 18, 2019.

LEAF: 36  
REVISION: 5  
SUPERSEDING REVISION: 4

## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS (Continued)

- 1.80 "Cable System Operator" – an entity, certified by New York State, whose service is limited solely to providing cable television service.
- 1.81 "Electric Distribution Pole(s)" – Niagara Mohawk owned electric distribution wood poles, the record and financial accounting being booked to FERC account 364.
- 1.82 "Wireless Attachment" – attachments of Wireless Facilities installed in the communications space and other sections of the pole (i.e., "unusable or common" space, and Pole Top antennas) by a Wireless Carrier on an Electric Distribution Pole. The space occupied by Wireless Facilities shall be determined based upon the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot, and shall exclude space occupied by conduits, risers, and electrical meters associated with the Wireless Facilities. Wireless Attachments shall be billed on a per foot of space occupied basis. Except for Pole Top Antennas, Wireless Attachments are not permitted in or above the Electric Supply space.
- 1.83 "Pole Attachment" – (i) a single span wire (cable) or steel messenger supporting a telecommunication cable(s), owned by the same entity, utilizing one foot or less of usable communication space on an Electric Distribution Pole. Each span wire or messenger cable will be counted as a separate attachment. The sag of the wire will be included in determining the pole space utilized; and (ii) Telecommunication Accessory Equipment. Pole Attachments are not permitted in or above the Electric Supply Space.
- 1.84 "Telecommunication Service Provider" – a New York State certified provider of telecommunications services, excluding Incumbent Local Exchange Carriers (ILECs) and Cable System Operators.
- 1.85 "Telecommunication Accessory Equipment" – Telecommunication equipment mounted on the Electric Distribution Pole, installed in addition to traditional wire-line attachments which occupies space that could otherwise be utilized by Niagara Mohawk, a joint owner or another third party. The space occupied by attachments of Telecommunications Accessory Equipment shall be determined based upon the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot, and shall exclude space occupied by conduits, risers, and electrical meters associated with the Telecommunications Accessory Equipment. Attachment of Telecommunication Accessory Equipment shall be billed on a per foot of space occupied basis.
- 1.86 "Wireless Facilities" – shall mean any Pole Top Antenna, antenna, hardware, equipment, apparatus, wireless device or other hardware, and cables or wires connecting such Pole Top Antenna to such equipment, apparatus, device or other hardware placed on the same Electric Distribution Pole. Wireless Facilities do not include wires or cables used to connect to other wireless or wired communication facilities or equipment not on the same pole.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: NOVEMBER 29, 2019  
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SUPERSEDING REVISION: 1

## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS (Continued)

- 1.87 “Wind Electric Generating Equipment” - Equipment that generates electric energy from wind with a rated capacity as stated in Rule No. 37.1 of this tariff that is manufactured, installed, and operated in accordance with applicable government and industry standards; connected to the electric system and operated in conjunction with an electric corporation’s transmission and distribution facilities; operated in conjunction with any standards and requirements established in Section 66-l of Public Service Law and Rule No. 53 of this Tariff.
- 1.88 “Excess Pole Height” - Additional pole height requirements attributable to a Wireless Carrier requesting a Wireless Attachment.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024

LEAF: 37  
REVISION: 6  
SUPERSEDING REVISION: 5

## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS (Continued)

- 1.89 "Holiday" - shall mean New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day
- 1.90 "Class Load Factor" - is the ratio of the average demand to the demand at the hour of the New York Control Area ("NYCA") peak load of that portion of a PSC No. 220 or PSC No. 214 service classification receiving Electricity Supply Service during the most recent year for which data is available. For service classifications with more than one voltage delivery level, the Class Load Factor shall be calculated separately for each voltage delivery level within the service classification.
- 1.91 "Demand Curve" - the NYISO administered curve used during spot market auctions to determine monthly unforced capacity obligations in excess of the Unforced Capacity Requirement.
- 1.92 "Customer-Generator" – (1) a residential customer who owns or operates Solar or Wind Electric Generating Equipment located and used at the customer's residence; or (2) a customer who owns or operates Farm Waste Electric Generating Equipment located at the customer's "farm operation," as defined in subdivision eleven of Section 301 of the Agriculture and Markets Law; or (3) a non-residential customer who owns or operates Solar or Wind Electric Generating Equipment located and used at its premises; or (4) a farm service customer who owns or operates Wind Electric Generating Equipment; or (5) a residential customer who owns, leases or operates Micro-Combined Heat and Power Generating Equipment located on the customer's premises; or (6) a residential customer who owns, leases or operates Fuel Cell Generating Equipment located on the customer's premises as defined in Public Service Law ("PSL") Sections 66-j and PSL 66-l.
- 1.93 "Micro-Combined Heat and Power Generating Equipment" - an integrated, cogenerating building heating and electrical power generation system, operating on any fuel and of any applicable engine, fuel cell, or other technology, with a rated capacity of at least one kilowatt and not more than ten kilowatts electric and any thermal output that at full load has a design total fuel use efficiency in the production of heat and electricity of not less than eighty percent, and annually produces at least two thousand kilowatt hours of useful energy in the form of electricity that may work in combination with supplemental or parallel conventional heating systems, that is manufactured, installed and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities.
- 1.94 "Fuel Cell Electric Generating Equipment" - a solid oxide, molten carbonate, proton exchange membrane or phosphoric acid fuel cell with a combined rated capacity of not more than ten kilowatts for a residential customer and with a combined rated capacity of not more than one thousand five hundred kilowatts for a non-residential customer, that is manufactured, installed and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in parallel with an electric corporation's transmission and distribution facilities, and that is operated in compliance with any standards and requirements established under Public Service Law ("PSL") Section 66-j.
- 1.94.1 "Micro-Hydroelectric Generating Equipment" - a hydroelectric system with a rated capacity of not more than twenty-five kilowatts for a residential customer and with a rated capacity of not more than two thousand kilowatts for a non-residential customer, that is manufactured, installed and operated in accordance with applicable government and industry standards that is connected to the electric system and operated in parallel with an electric corporation's transmission and distribution facilities, and that is operated in compliance with any standards and requirements established under Public Service Law ("PSL") Section 66-j.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: OCTOBER 19, 2015  
STAMPS: Issued in compliance with order in Case 15-E-0082 dated 7/17/2015

LEAF: 37.1  
REVISION: 1  
SUPERSEDING REVISION: 0

## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS (Continued)

- 1.95 "Capacity Tag" - Specific to each individual Mandatory Hourly Pricing customer, the capacity tag is the customer's demand (in kW, as measured using hourly meter data) at the hour of the New York Control Area (NYCA) peak load in the most recently completed Capability Year, adjusted by the Local Transmission Efficiency Factor and the System Peak Factor. The Local Transmission Efficiency Factor is the value set forth in Rule 39.18.1.1 for the customer's distribution delivery voltage level. The System Peak Factor adjusts for weather, load growth, and other changes forecast to occur between the most recently completed Capability Year and the current Capability Year to which the Capacity Tag applies. The Capacity Tag is calculated each April based on the customer's demand at the hour of the prior calendar year's NYCA peak load, and is set for a period of twelve months starting each May 1st.
- 1.96 "Remote Net Metering" ("RNM") – refers to net energy metering in which excess energy produced by a Customer's electric generating equipment is applied to that Customer's other electric accounts pursuant to Rule 36.7 and Rule 37.10 of this tariff.
- 1.97 "Community Distributed Generation" ("CDG") refers to net energy metering in which excess energy produced by a Customer's generating equipment is applied to other Customer's electric accounts pursuant to Rule 29 of this tariff.
- 1.98 "CDG Host" - A non-residential customer who owns or operates electric generating equipment, in conformance with Public Service Law 66-j and 66-l and whose net energy produced by its generating equipment is applied to the accounts of other electric Customers ("CDG Satellites") with which it has a contractual arrangement related to the disposition of the CDG facility's excess output (net metering credits) in accordance with Rule 29.
- 1.99 "CDG Satellite" - A customer of the Company who is participating member in a CDG project. Each member shall have a contractual relationship with the CDG Host to be allocated a portion of the net metering credits accumulated at the meter of the CDG Host in accordance with Rule 29.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: JUNE 1, 2023  
 STAMPS: Issued in Compliance with Order in Cases 15-E-0302 & 15-E-0751 dated April 20, 2023.

LEAF: 37.2  
 REVISION: 2  
 SUPERSEDING REVISION: 1

## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS (Continued)

- 2.0 Clean Energy Standard (“CES”) – The program intended to achieve the New York State Energy Plan goals that 50 percent of electricity generated in New York will be from renewable sources by the year 2030 (the “50 x 30 goal”) and greenhouse gas emissions will be reduced by 40 per cent by the same year. The CES includes, but is not limited to, the following components: (a) program and market structures to encourage consumer-initiated clean energy purchases or investments; (b) obligations on LSEs to financially support new renewable generation resources to serve their retail customers; (c) a requirement for regular Renewable Energy Certificate (“REC”) procurement solicitations; (d) obligations on distribution utilities on behalf of all retail customers to continue to financially support the maintenance of certain existing at-risk small hydro, wind and biomass generation attributes; (e) a program to maximize the value potential of new offshore wind resources; and (f) obligations on LSEs to financially support the preservation of existing at-risk nuclear zero-emissions attributes to serve their retail customers.
- 2.1 Offshore Wind (“OSW”) Standard - The Program adopted by the PSC as a supplementary goal toward the overall objective of the CES, whereby the quantity of electricity supplied by renewable resources and consumed in New York State should include the output of 2.4 GW of new OSW generation facilities by 2030. The primary components of the OSW Standard include: (a) initial procurement solicitations, to be held by NYSERDA, NYPA, and/or LIPA in 2018 and 2019, for ORECs associated with approximately 800 MW of OSW (i.e., Phase 1); and (b) an obligation on LSEs to obtain, on behalf of their retail customers, the ORECs procured in Phase 1 in an amount proportional to their load.
- 2.2 Renewable Energy Standard (“RES”) – The renewable program as set forth in the CES that requires LSEs to procure RECs and ORECs (as defined below) from qualified renewable resources and demonstrate compliance on an annual basis.
- 2.3 Tier 2 Maintenance Renewables – A provision of the RES that provides financial support for at-risk baseline renewable facilities which are demonstrated to be economically unviable and will cease operation.
- 2.4 Renewable Energy Certificate (“REC”) - Certificates that evidence that an entity has procured renewable energy from a renewable resource. “Renewable Energy Credit,” where used in this tariff, has the same meaning.
- 2.5 Offshore Wind Renewable Energy Credits (“ORECs”) – Certificates from qualifying OSW generation facilities, as defined in the OSW Standard that evidence that an entity has procured renewable OSW energy from a renewable OSW resource.
- 2.6 Zero-Emissions Certificate (“ZEC”) – Certificates from qualifying nuclear generation facilities, as defined in the CES, that evidence that an entity has procured zero-emission energy from a zero-emissions resource.
- 2.7 NYSERDA – The New York State Energy and Research Development Authority
- 2.8 Alternative Compliance Payment (“ACP”) – A payment of a certain dollar amount per MWh which an LSE may submit to NYSERDA in lieu of providing qualified RECs for RES compliance as defined in the CES. The ACP payment alternative obligation for LSEs will cease as of December 31, 2024.

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 INITIAL EFFECTIVE DATE: MARCH 1, 2024  
 STAMPS:

LEAF: 37.3  
 REVISION: 7  
 SUPERSEDING REVISION: 6

## GENERAL INFORMATION

### 1. DEFINITIONS AND ABBREVIATIONS (Continued)

- 2.9 RES Compliance Year – A calendar year beginning January 1<sup>st</sup> and ending December 31<sup>st</sup>, for which an LSE must demonstrate that it has met the requirements of the RES.
- 2.10 ZEC Compliance Year – The twelve months beginning April 1<sup>st</sup> and ending March 31<sup>st</sup>, for which an LSE must demonstrate it has met the obligations of the CES ZEC requirement.
- 2.11 Backstop Charge – The charge to be paid to NYSERDA funded by distribution customers of the electric distribution companies to ensure NYSERDA has sufficient funds to make timely payments to generators. The Backstop Charge applies to both RES and ZEC programs.
- 2.12 “Wireless Carrier” – providers of wireless data or telecommunications services, excluding their suppliers and product manufacturers, and excluding ILECs and Cable System Operators.
- 2.13 “Private Attacher” – Any private or public entity or agency that is not a Telecommunication Service Provider, Wireless Carrier, ILEC, or Cable System Operator.
- 2.14 “Communications Space” – that portion of the usable space on an Electric Distribution Pole in which communication wires and devices have traditionally been located and that can be accessed by a qualified communications worker, qualified in accordance with OSHA 1910.268.
- 2.15 “Electric Supply Space” – that space on an Electric Distribution Pole where Niagara Mohawk has installed or may install energized electric conductors and related electric equipment. This space is the “supply space”, as defined in the National Electric Safety Code (NESC). All work performed within the Electric Supply Space shall be performed by electrical workers qualified in accordance with OSHA 1910.269.
- 2.16 “Pole Top Antenna” – consists of an antenna and mounting hardware attached to the top of an Electric Distribution Pole.
- 2.17 “Integrated Energy Data Resource (IEDR)” – a program initiated by Order issued and effective February 11, 2021 in Case 20-M-0082, Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data, to create a platform that enables effective access and use of integrated energy customer data and energy system data to support transformation of the New York electricity system into one that is cleaner, more resilient, and more affordable.
- 2.18 “Long Island Power Authority (LIPA)” – The Long Island Power Authority, a municipal subdivision of the State of New York that owns the electric transmission and electric distribution system serving Long Island and a portion of New York City, or any successor organization thereto.
- 2.19 “Wholesale Distribution Service (WDS)” – service provided by the Company pursuant to the Company’s Wholesale Distribution Service tariff on file with the Federal Energy Regulatory Commission (“FERC”), at such time that the WDS tariff becomes effective.
- 2.20 “New York Generation Attributes Tracking System (NYGATS)” – refers to the online certificate-tracking system that records information about electricity generated, imported, and consumed within New York State.

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INITIAL EFFECTIVE DATE: MARCH 1, 2024

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## GENERAL INFORMATION

### 2. HOW SERVICE MAY BE OBTAINED:

#### 2.1 Applications for Residential Service, as defined in Rule 1.4, Definitions:

2.1.1 Applications for service may be made by ordinary mail, telephone call or by personal application at the Company's offices.

2.1.1.1 A service application shall be deemed complete when the applicant provides their name, proof of identity, address, telephone number (if any), and a prior account number and address (if any).

2.1.1.2 An oral application for electric service shall be deemed completed when the applicant complies with Rule 2.1.1.1.

2.1.1.3 A written application containing the required information (see Rule 2.1.1.1) shall be deemed completed when received by the Company.

2.1.1.4 The Company may require an applicant to complete a written application if: there are arrears at the premises to be served and service was terminated for nonpayment; or is subject to a final disconnect notice of termination; or there is evidence of meter tampering or theft of service; or the meter has advanced and there is no customer of record; or the application is made by a third party on behalf of the person(s) who would receive service. The Company will require a written application when service is taken from an existing or proposed line extension which requires a surcharge or contribution.

2.1.1.5 If the application for service is to an address which was recently terminated for nonpayment or where the meter has advanced and there is no customer of record at the address, the applicant must also provide a reasonable proof of responsibility for service for completion of the application. If there are arrears owed on a prior account, the applicant must also meet one of the qualifications of Rule 3.1.1.1 for completion of the application.

2.1.1.6 A written application may require the submission of information required in an oral application, and reasonable proof of the applicant's identity and responsibility for service at the premises to be supplied.

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### 2. HOW SERVICE MAY BE OBTAINED: (Continued)

#### 2.1 Applications for Residential Service, as defined in Rule 1.4, Definitions:

2.1.1.7 The Company when requiring a written application shall so notify the applicant as soon as practicable after the request for service is made, and in no event more than two (2) days after such request, and shall state the basis for requesting a written application.

2.1.2 The applicant will be required to make separate applications for each point of delivery and metering point, or for each class of service at each separate residence, apartment, business, building or location for which service is desired. See also Rules 9, 10 and 14.

2.1.3 The Company shall not be obligated to provide electric service to an applicant, for seasonal or short term service, who fails to post a lawfully required deposit.

2.1.4 The Company shall provide service to an applicant within five (5) business days, or a later date as may be specified by the applicant. If the applicant has been previously denied service and now meets one of the qualifications for service in Rule 3.1.1.1, the Company shall provide service within two (2) business days, or a later time specified by the applicant. By direction of the Commission or its authorized designee, service will be provided within 24 hours. The following are exceptions to the time limitations for providing service:

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### 2. HOW SERVICE MAY BE OBTAINED: (Continued)

#### 2.1.4.1 Applicant Related Exceptions

2.1.4.1.1 When the applicant has not paid or agreed in writing to pay the material and installation costs or reasonably assignable costs relating to permanent line extensions or line extension rights-of-way or has otherwise failed to comply with any applicable requirements relating to overhead and underground line extensions.

2.1.4.1.2 When the applicant elects a surcharge plan for payment of excess reasonable costs for a line extension and has not paid an advance payment of the surcharge, when there is reasonable doubt of the applicants permanency, or when the applicant has not paid the material and installation costs for a temporary line extension.

2.1.4.1.3 When the applicant has not paid the material and installation costs or reasonably assignable costs for permanent service laterals. In hardship cases, the Company shall offer an installment plan agreement, designed for each individual case, subject to interest charges at the rate of interest paid on customer deposits.

2.1.4.1.4 When the applicant has not paid the material and installation costs for a temporary service lateral.

2.1.4.1.5 When the applicant has not complied with the Company's minimum insulation standards pursuant to Rule 3.1.3.

2.1.4.1.6 When the applicant has not completed construction of the necessary facilities or obtained an inspection thereof by the appropriate authorities.

#### 2.1.4.2 Company Related Exceptions

2.1.4.2.1 When the Company is precluded by labor strikes or precluded by law.

2.1.4.2.2 When the Company is precluded by consideration of public safety.

2.1.4.2.3 When the Company is precluded by physical impediments included but not limited to the Company's inability to gain access to premises in the possession of the applicant or others, adverse weather conditions and incomplete construction of the necessary facilities by the Company. The Company shall make reasonable efforts to eliminate conditions preventing extension of service and shall pursue completion of any facilities it must construct with due diligence.



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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

2.1.5 If the Company fails to initiate service within the time required by Rule 2.1.4, the Company shall pay to the applicant the sum of twenty-five dollars (\$25.00) per day for each day that service is not supplied unless the Commission finds that the Company had good cause for not initiating service in the required time.

2.16 Upon written request from a prospective tenant or lessee, the Company will provide, at no cost, the total electricity charges incurred at the prospective residential rental premises for the life of the premises, or the preceding two-year period, whichever is shorter. Prior to the commencement of the tenancy or execution of a lease, the Company will provide such information to the landlord or lessor and to the prospective tenant, or other authorized person, within ten days of receipt of the written request.

#### 2.2 Application for Non-Residential Service

2.2.1 Applications for service may be made by ordinary mail, a telephone call or by personal application at one of the Company's business offices. A service application shall be available in every Company business office and shall be provided to every applicant for service for whom the filing of a written application is a prerequisite for providing service.

2.2.2 As a prerequisite to accepting an applicant as a customer, and providing service, the Company may require the applicant to:

2.2.2.1 File a written service application containing information sufficient to establish the applicant's identity and responsibility for the premises as either the owner or occupant. The correct service classification, and who controls access to Company owned meters and other equipment.

2.2.2.2 Comply with the Company's tariff, or any applicable state, city or local laws or ordinances.

2.2.2.3 Fulfill any applicable requirements of Part 98 of 16NYCRR.

2.2.2.4 Make full payment for all amounts due and payable which are not either the subject of a pending billing dispute or an existing deferred payment agreement that is in good standing, including:

2.2.2.4.1 Service provided and billed in the applicant's name or for which the applicant is legally responsible.

2.2.2.4.2 Other tariff fees, charges or penalties.

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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

2.2.2.4.3 Reasonably chargeable material and installation costs relating to temporary or permanent line extensions or service laterals as required by the Company's tariff, provided these costs are itemized and given to the applicant in writing.

2.2.2.4.4 Special services billable under the Company's tariff, provided these costs are itemized and given to the applicant in writing.

2.2.2.4.5 A security deposit requested by the Company.

2.2.3 As a prerequisite to accepting an applicant as a customer, and providing service, the Company will require a written application when service is taken from an existing or proposed line extension which requires a surcharge or contribution, or when required by the provisions of the applicable service classification.

2.2.4 The applicant will be required to make separate applications for each point of delivery and metering point, or for each class of service at each separate residence, apartments, business, building or location for which service is desired.

2.2.5 A service application shall contain a section for determining the customer's service classification which shall include the following:

2.2.5.1 A conspicuous notice advising the customer that the questions in this section are designed to assist the Company in placing the customer on the proper and the most beneficial service classification; that the Company may rely on this information in classifying the service; that the cost of service may vary under different service classifications; that a customer may be eligible for service under more than one classification; that one classification may be more beneficial than another; that a description of the common non-residential service classifications accompanies the application; that the Company's tariff, which describes each service classification in detail, may be examined in every Company business office during normal working hours; that questions about service classifications may be discussed with Company representatives; that if the customer's use of service or equipment changes in the future, the customer must notify the Company of these changes, in order to assure that the customer is being properly billed; and that if the information provided by the customer relevant to service classification is inaccurate or incomplete, the customer may be subject to back-billing on the correct service classification, or may be precluded from receiving a refund for overcharges based on an incorrect service classification, and a comprehensive series of questions relevant to identifying the customer's service classification based on the Company's tariff.

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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

2.2.6 The Company may require the submission of appropriate types of documents to substantiate the information provided in the service application. Specific documents which the Company may require, however, must be listed on the service application.

2.2.7 Any Company report relevant to the establishment of the proper service classification shall be made part of the service application.

2.2.8 A service application shall contain, close to the place where the applicant signs, a notice that the applicant has the right to request that the Company inspect the metering device in order to assure its accuracy, along with a place to indicate whether such inspection is requested; provided, however, that if the Company has a written policy of not backbilling previously unbilled service when the failure to charge for such service resulted from the faulty operation or in operation of a metering device, which faulty operation or in operation was not due to the culpable conduct of the customer or the customer's agent, the above notice is not required.

2.2.9 A service application must be signed by the applicant or an authorized agent of the applicant, and a copy must be provided to the applicant or agent. In the case of agents, the Company may require suitable proof of the authorization of the agent.

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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

2.2.10 The Company shall either provide or deny service to any applicant as soon as reasonably possible, but no later than 10 calendar days after receipt of a completed application for service or such later time as may be specified by the applicant. Exceptions to this time limitation are as follows:

2.2.10.1 Conditions precluding Company compliance with the time limitation.

2.2.10.1.1 Where prevented by labor strikes, or other work stoppages.

2.2.10.1.2 Where precluded by consideration of public safety.

2.2.10.1.3 Where precluded by adverse weather conditions.

2.2.10.1.4 Where precluded by inability to gain access to premises in the possession of the applicant or others.

2.2.10.1.5 Where precluded by incomplete construction of necessary facilities by the applicant or inspection and certification thereof by the appropriate authorities.

2.2.10.1.6 Where precluded by incomplete construction of necessary facilities by the Company.

2.2.11 The Company shall make reasonable efforts to eliminate conditions preventing extensions of service and shall pursue completion of any facilities it must construct with due diligence.

2.2.12 The Company shall provide service to any accepted applicant whose application for service was previously denied solely for failure to make full payment as provided in Rule 2.2.2.4, as soon as reasonably possible, but no later than 3 business days, or such later time as may be specified by the applicant, after payment is made, or 10 calendar days after receipt of the original application, whichever is later, except as provided in Rule 2.2.10.

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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

2.2.13 The Company shall, at the time of application for service, provide applicants for non-residential service with a brochure containing a detailed summary of their rights and obligations, and a notice to include: descriptions of the commonly used non-residential service classifications and their rates, an offer of written guidelines regarding eligibility requirements for the Company's service classifications, notice that the Company's tariff is available for review in every Company business office and notice that some non-residential customers may be eligible for protections under Part 11, 16NYCRR.

2.2.14 The notice required at the time of application for non-residential service shall be provided with the service application to an applicant from whom a written application is required and by mail within 30 calendar days of the request for service to an applicant from whom a written application is not required.

2.2.15 The notice provided to non-residential applicants will be provided annually to non-residential customers or at anytime upon customer request.

### 2.3 Security Deposits

#### 2.3.1 Residential Customers

2.3.1.1 The Company may require a security deposit as a condition for receiving service from a residential customer (See Rule 1.4) receiving short term or temporary service or from a current residential customer who is delinquent in the payment of bills.

2.3.1.1.1 Termination of service to the customer for nonpayment during the previous six (6) months; or

2.3.1.1.1.1 The accumulation of two consecutive months of arrears without making a reasonable payment of one-half of the total arrears before the time that the late payment charge, if any, becomes applicable.

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## GENERAL INFORMATION

### 2. HOW SERVICE MAY BE OBTAINED: (Continued)

#### 2.3.1.2 Exceptions to Rule 2.3.1.1

2.3.1.2.1 The Company shall not require a security deposit for any customer it knows to be a recipient of public assistance, supplemental security income, or additional State payments.

2.3.1.2.2 The Company shall not demand or hold a security deposit from any new or current residential customer it knows is 62 years of age or older unless such customer has had service terminated for nonpayment of bills within the preceding six (6) months.

2.3.1.3 The Company shall require a security deposit as a condition of receiving service upon application for seasonal or short term service. A seasonal customer is defined as an applicant who applies for and receives electric service periodically each year, intermittently during the year, or at other irregular intervals. A short-term customer is an applicant who requires service for a specified period of time not to exceed one (1) year.

2.3.1.4 The amount of the security deposit requested by the Company shall be a reasonable amount not to exceed two (2) times the average monthly bill for a calendar year, except in the case of electric space heating customers, where security deposits shall be a reasonable amount not to exceed two (2) times the estimated average monthly bill for the heating season. The heating season is defined as bills rendered during the period November through April inclusive.

2.3.1.5 The Company shall notify a customer of its requirements for the payment of a security deposit within two (2) months after the failure to pay the bills rendered. The notification shall be a written notice providing the customer at least twenty (20) days advance notice before the security deposit is due.

2.3.1.6 The Company will permit a customer to pay the security deposit in installments over a period not to exceed twelve (12) months.

2.3.1.7 The Company shall review the status of a customer, for which a security deposit has been obtained, during the one-year period following payment of deposit. If the customer has not been delinquent in the payment of bills during the period, the security deposit and the unpaid interest accrued thereon shall be refunded promptly, without prejudice to the Company's right to require a future deposit in the event that the customer thereafter becomes delinquent.

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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

2.3.1.8 Whenever a security deposit has been required by the Company but thereafter refunded, the Company can require the payment of a new security deposit if the customer again becomes delinquent in the payment of bills for electric service pursuant to Rule 2.3.1.1.

2.3.1.9 Whenever a security deposit held by the Company is insufficient to cover the amount of the security deposit pursuant to Rule 2.3.1.4, the Company may require the customer to pay an additional security deposit.

#### 2.3.2 Non-Residential Applicants and Customers

##### 2.3.2.1 Security Deposit Requirements

2.3.2.1.1 The Company may only require payment of a security deposit from:

2.3.2.1.1.1 A new customer

2.3.2.1.1.2 An existing customer who is delinquent.

2.3.2.1.1.3 An existing customer whose financial condition is such that it is likely that the customer may default in the future, provided, however, that the Company must have reliable evidence of such condition, such as reports from accepted financial reporting services, or credit reporting agencies.

2.3.2.1.1.4 An existing customer who has filed for reorganization or bankruptcy.

2.3.2.1.1.5 An existing customer who has been rendered a backbill within the last twelve months for previously unbilled charges for service that came through tampered equipment.

2.3.2.1.2 The Company shall offer an existing customer, from whom a security deposit is required, the opportunity to pay the deposit in three installments, 50 percent down and two monthly payments, the sum of which equals the balance of the deposit.

2.3.2.1.3 The Company shall establish a written procedure covering its deposit policy and practice.

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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

2.3.2.1.4 A Company request for a deposit or a deposit increase shall be in writing and shall advise the customer of the following:

2.3.2.1.4.1 Why the deposit is being requested.

2.3.2.1.4.2 How the amount of the deposit was calculated.

2.3.2.1.4.3 That the deposit is subject to later upward or downward revision based on the customer's subsequent billing history.

2.3.2.1.4.4 That the customer may request that the Company review the account in order to assure that the deposit is not excessive.

2.3.2.1.4.5 The circumstances under which the deposit will be refunded.

2.3.2.1.4.6 That the customer will receive annual notice of the interest credited to the account.

2.3.2.1.4.7 The available deposit alternatives.

2.3.2.1.4.8 That for an existing customer from whom a deposit is being requested because of delinquency or financial condition, the deposit may be paid in three installments.

2.3.2.1.5 The Company shall issue to every customer from whom a deposit is obtained, a receipt showing the date, the account number, the amount received and the form of payment. Additionally, the receipt will contain a notice explaining the manner in which interest will accrue and be paid and that the receipt is neither negotiable nor transferable.



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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

#### 2.3.2.2 Deposit Calculation

2.3.2.2.1 The amount of a deposit shall not exceed the cost of twice the customer's average monthly usage, except in the case of customers whose usage varies widely such as space heating or cooling customers, or certain manufacturing and industrial processors, where the deposit shall not exceed the cost of twice the average monthly usage for the peak season.

2.3.2.2.2 In the case of an existing customer who has 12 months or more of billing history, the amount of the deposit shall be based on service used during the previous 12 month period as evidences by the billing history.

2.3.2.2.3 In the case of a new customer or a customer with less than 12 months of billing history, the amount of the deposit shall be based on one or more of the following, as available:

2.3.2.2.3.1 The billing history of the customer.

2.3.2.2.3.2 Information provided in the application of the customer about the expected load and use of service.

2.3.2.2.3.3 Information contained in a load study of the premises prepared by the Company.

2.3.2.2.3.4 The billing history of the previous customer, provided there have been no significant changes in the load.

#### 2.3.2.3 Deposit Review

2.3.2.3.1 The Company shall, at the first anniversary of the receipt of the deposit and at least biennially thereafter, review the billing history of every customer who has a deposit with the Company, to assure that the amount of the deposit conforms to the limitations contained in Rule 2.3.2.2. This requirement does not limit the right of the Company to review a deposit at any time.

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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

2.3.2.3.2 If a deposit review shows that the deposit held falls short of the amount that the Company may lawfully require by 25 percent or more, the Company may require the payment of a corresponding additional deposit amount from the customer.

2.3.2.3.3 If a deposit review shows that the deposit held exceeds the amount that the Company may lawfully require by 25 percent or more, the Company shall refund the excess deposit to the customer.

2.3.2.3.4 Upon request of the customer for a downward revision of a deposit, which request is substantiated both by the customer's billing history and by a permanent documented change in load and consumption, the Company shall refund any portion of the deposit in excess of the amount the Company may lawfully require.

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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

#### 2.3.2.4 Deposit Alternatives

2.3.2.4.1 The Company shall accept deposit alternatives which provide a level of security equivalent to cash, such as irrevocable bank letters of credit and surety bonds.

2.3.2.4.2 The Company may, at its discretion, accept from the customer in lieu of a deposit, a written promise to pay bills on receipt and a written waiver of the customer's right not to be sent a final termination notice until 20 calendar days after payment is due.

#### 2.3.2.5 Deposit Interest

2.3.2.5.1 Every cash deposit shall accrue interest at a rate prescribed at least annually by the Commission in light of the current economic conditions and current charges paid for money borrowed by the Company, taking into account the expenses incurred by the Company in obtaining, handling, returning or crediting the sum deposited.

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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

2.3.2.5.2 Interest shall be paid to the customer upon return of the deposit, or where the deposit has been held for a period of one year or more, the interest shall be credited to the customer no later than the first bill rendered after the next succeeding first day of October and at the expiration of each succeeding one year period.

2.3.2.5.3 Interest shall be calculated on the deposit until the day it is applied as a credit to an account or the day on which a refund check is issued. If the deposit is credited in part and refunded in part, interest shall be calculated for each portion up to the day of the credit and refund.

#### 2.3.2.6 Deposit Return

2.3.2.6.1 The Company shall return a deposit or portion thereof plus applicable interest as soon as reasonably possible, but not more than 30 calendar days after:

2.3.2.6.1.1 The day an account is closed.

2.3.2.6.1.2 The issuance date of the first cycle bill rendered after a three year period during which all bills were timely paid, provided there is no other basis for the Company to request a deposit under Rule 2.3.2.1

2.3.2.6.1.3 A review pursuant to Rule 2.3.2.3, that shows a deposit reduction is warranted.

2.3.2.6.2 A deposit or portion thereof plus the applicable interest that is subject to return:

2.3.2.6.2.1 Shall be credited to the account it secured in the amount of any outstanding charges.

2.3.2.6.2.2 May be credited to the account it secured in the amount of the next projected cycle bill, if applicable.

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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

2.3.2.6.2.3 May be credited to any other account of the customer not secured by a deposit, in the amount of the arrears on that account.

2.3.2.6.3 If a balance remains after the Company has credited the customer's account(s), a refund check shall be issued to the customer.

#### 2.3.3 All Customers

##### 2.3.3.1 Interest Paid On Security Deposits

Security Deposits held by the Company will be credited with simple interest at the interest rate prescribed from time to time by the Public Service Commission as required by Subchapter A, Chapter 11, 16NYCRR, Part 90.3. Interest paid on security deposits will be paid as a credit applied to the customer's bill. See Rule 2.3.2.5 for additional information regarding interest paid on non-residential accounts.

##### 2.3.3.2 Withholding of Service for Non-Payment of Security Deposits

Service will be withheld if an applicant refuses to pay a requested security deposit. If a current customer refuses to pay a security deposit, service will be terminated upon proper notification. If an applicant or customer initiates a security deposit complaint to the Public Service Commission, the Company will provide service during the pendency of the complaint provided the customer keep current on bills for service rendered. If the complaint only challenges the amount of the security deposit, the customer will be required to pay a reasonable security deposit.

##### 2.3.3.3 Deposit Circulars

Copies of a circular entitled "TERMS AND CONDITIONS UPON WHICH CONSUMERS' DEPOSITS ARE COLLECTED, HELD, AND MAY BE WITHDRAWN" setting forth Section 117 of the Public Service Law and Subchapter A, Chapter II, Title 16 of the New York Code of Rules and Regulations, Part 90.3 are available upon request at offices of the Company where applications for service are received.

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### 2. HOW SERVICE MAY BE OBTAINED: (continued)

2.4 Whenever service is supplied from a line extension constructed in accordance with the provisions of these rules and regulations relating to line extensions or to additional or special facilities, or whenever such service is subject to a surcharge or minimum charge determined pursuant to these rules, the applicant or customer shall:

2.4.1 Make written application for service upon Company's prescribed forms.

2.4.2 Comply with all the applicable provisions of these rules including the guarantee to pay the surcharge or minimum charge.

### 3. LIMITATION OF THE SERVICE OFFER:

#### 3.1 Denial of Service

3.1.1 Residential applicants, as defined in Rule 1.4, Definitions.

3.1.1.1 The Company reserves the right to deny or refuse to supply service to a residential applicant who is indebted to the Company for residential service provided to a prior account in their name, unless one of the following qualifications are met:

3.1.1.1.1 The applicant makes full payment of the arrears for the residential service provided to any such prior account in their name; or

3.1.1.1.2 The applicant has pending a billing dispute with the Company or the Public Service Commission with respect to any amounts due for service to a prior account in their name; or

3.1.1.1.3 The applicant has paid any amounts required by the settlement of a billing dispute relating to a prior account in their name; or

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### 3. LIMITATION OF THE SERVICE OFFER: (continued)

3.1.1.1.4 The applicant is a recipient of or an applicant for public assistance, supplemental security income benefits or additional State payments pursuant to the Social Services Law, and the Company receives from an official of the Social Services District in which the applicant resides, or is notified by such an official that the Company is entitled to receive payment for services due on a prior account in the applicant's name together with a guarantee of future payments to the extent authorized by the Social Services Law; or

3.1.1.1.5 The Commission or its authorized designee directs the Company to provide service; or

3.1.1.1.6 The applicant agrees to make payments under a deferred payment agreement of any amounts due for service to a prior account in the applicant's name. In negotiating the deferred payment agreement with the Company, the applicant may be required to make a reasonable down payment based on the applicant's financial circumstances, not to exceed one-half of the amount in arrears or three months of average billing, whichever is less. The payments required under the deferred payment agreement would be in reasonable amounts based on the applicant's financial circumstances, on a weekly or monthly payment basis. After receiving service, the customer can renegotiate the payment agreement with the Company if the customer can demonstrate that the customer's financial circumstances have changes because of conditions beyond the customer's control.

3.1.1.2 When the Company denies service to a residential applicant, the Company shall send a written notice to the applicant which states the reason or reasons for the denial, specifies precisely what the applicant must do to qualify for service, and advises the applicant of their right to an investigation and review of the denial by the Commission or its authorized designees if the applicant considers the denial to be without justification. The Company shall send the written notice to the applicant within three (3) business days of receipt of the application for service. When the written notice is sent by mail, the Company shall make a reasonable effort to provide immediate oral notice to the applicant.

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### 3. LIMITATION OF THE SERVICE OFFER: (continued)

#### 3.1.2 Non-Residential Applicants

3.1.2.1 The Company reserves the right to deny or refuse to supply electric service to a non-residential applicant who has failed to comply with any lawful prerequisite to becoming a customer of the Company. Such prerequisites are detailed in Rule 2.2.

3.1.2.2 The Company shall deny service only by written notice either delivered personally to the applicant or sent to the applicant's current business address or any alternative mailing address provided in the application for service.

3.1.2.3 The written notice of denial shall state the reasons(s) for the denial, specify what the applicant must do to qualify for service, advise the applicant of the right to an investigation by the Commission or its authorized designee if the applicant considers the denial to be without justification, and identify the appropriate address and telephone number of the Commission.

3.1.2.4 The Company shall advise any applicant who submits an incomplete application, in writing and within 3 business days after receipt of the application, of the information and/or documents that must be submitted in order for the application to be considered complete. Such notice shall not itself be considered a denial of the application for service.

3.1.2.5 The Company shall maintain, for a period of not less than one year, service applications that are denied and the Company's written notice of denial



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### 3. LIMITATION OF THE SERVICE OFFER: (Continued)

3.1.3 The Company requires compliance with appropriate minimum insulation standards for all applications for electric service for new dwellings and any conversions of existing dwellings to electric space heating, as follows:

#### 3.1.3.1 Definitions

- a. "Dwelling" - A building designed or used as a living unit for one or more families. For the purposes of this standard, mobile homes shall not be considered dwellings.
- b. "Historic Building" - Any building or structure designated historically significant by the state or local governing body, or listed (or determined by the Secretary of the Interior to be eligible to be listed) in "The National Register of Historic Places."

#### 3.1.3.2 Minimum Standards for New Dwellings

##### 3.1.3.2.1 Applicability and Compliance

- a. All new dwellings in the State of New York for which an application for a building permit was made and plans were filed on or after January 1, 1979, and all new dwellings within the state for which construction was begun on or after January 1, 1979, will not be eligible for electric service unless the dwellings comply with the New York State Energy Conservation Construction Code. Compliance with this Code will be satisfied under any of the following circumstances:
  - 1. A building permit is obtained for the dwelling from a building code authority or similar authority of power by local law to issue building permits; or
  - 2. An affirmation is given by the contractor or builder on a Certificate of Compliance that the construction of the dwelling will comply with the State Energy Conservation Construction Code within 30 days after occupancy; or
  - 3. A modification or variance from the requirements of the State Energy Conservation Construction Code is issued by the State Board of Review as constituted pursuant to the Executive Law.

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### 3. LIMITATION OF THE SERVICE OFFER: (Continued)

b. For any dwelling constructed after April 1, 1977, but before January 1, 1979, electric service will not be provided without compliance with the Company's minimum insulation standards which were in effect during this time period.

#### 3.1.3.2.2 Waivers

For any dwelling subject to the requirements of Rule 3.1.3.2.1, a waiver from these requirements may be granted by:

- a. The Company, when the overall heat loss for building envelope does not exceed the total heat loss which would result from conformance to the individual requirements. The heat loss calculation shall be certified by a licensed engineer or architect.
- b. The Company, if the applicant for service can establish through two estimates, one of which may be a Company audit, that the purchase price and installation charge (excluding financing charges) will be greater than seven times the anticipated annual savings to be obtained. The annual savings will be based on the present cost of the fuel currently used in the dwelling.
- c. The Public Service Commission for just cause, in unusual circumstances, if the applicant for electric service has been denied a waiver pursuant to Subsections a. or b. or Rule 3.1.3.2.2.
- d. Copies of waivers granted or denied by the Company shall be made available to the Commission. Each applicant that has been denied a waiver shall be promptly informed by the Company of the right to appeal to the Commission.

#### 3.1.3.2.3 Certificate of Compliance

- a. A Certificate of Compliance shall be required by the Company in all areas of the State where no local authority exists to assure compliance with the insulation requirements of the State Energy Conservation Construction Code.
- b. Each Certificate of Compliance shall be signed by the builder or contractor. The owner of the structure shall receive a copy of the certificate.

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### 3. LIMITATION OF THE SERVICE OFFER: (continued)

#### 3.1.3.2.4 Compliance Procedures

a. In areas where there is no local building code authority, upon a complaint by a dwelling owner or tenant concerning noncompliance with the provisions of Rule 3.1.3.2, the Company will perform an on-site inspection to determine conformance with the standards concerning roofs, walls, foundations walls, floors, windows and doors. The result of this inspection will be provided in writing to the owner (and tenant when applicable) of the residential building.

b. Whenever the Company finds, as a result of such inspection in Subsection a. or notification by the local building code authority, more than one outstanding complaint against any contractor wherein a dwelling constructed by such contractor or builder was found to be in non-compliance with the applicable standards, the Company shall refuse to provide electric service to any construction site of that contractor or builder until all existing violations are corrected. The Company shall undertake random inspections of the future construction work of a past non-complying contractor or builder until such time as the Company is satisfied that the applicable standards are being met. The Company may charge the builder or contractor a reasonable inspection fee for each residential structure inspected.

#### 3.1.3.2.5 Penalties for Non-Compliance

a. In the event the Company finds that any dwelling fails to comply with Rules 3.1.3.2.1 (a) or 3.1.3.2.1 (b), the Company shall impose a 25 percent surcharge on the customer's total bill for electric and/or gas service until such violations are corrected.

b. The effective date of the surcharge rate shall be:

1. Immediately after notice, in the event the owner is directly responsible for the non-compliance.
2. Ninety days after notice, in the event the owner has not contributed to the efficiencies. No surcharge shall be applied if the owner brings the building into compliance within the ninety day period.

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### 3. LIMITATION OF THE SERVICE OFFER: (Continued)

c. In the event the owner is not billed for the Company's services, no surcharge will be applied to the bills of the non-owner occupants of the dwelling. After notification to the owner that the building is not in compliance, a surcharge will be billed to the owner. The surcharge will be 25 percent of the Company's total bills for the dwelling that is not in compliance. In the event that circumstances prevent collecting the surcharge amount from the owner of the non-complying building, the Company may refuse future connections for service to new tenants in the dwelling until it is brought into compliance. If the owner is an occupant of the building, but is not billed for the Company's services, the surcharge will be imposed on the bill for services to the unit occupied by the owner.

#### 3.1.3.3 Minimum Insulation Standards for Existing Dwellings Converting to Electric Space Heating

##### 3.1.3.3.1 Applicability and Conditions

An existing dwelling will not be supplied with electric service for the purpose of converting to electric space heating unless:

- a. The roof/ceiling has at least six inches of insulation or insulation with an R value of 19 or greater, and
- b. The dwelling has storm windows or thermal windows with multiple glazing, and
- c. The entrances have storm doors or thermal doors.

##### 3.1.3.3.2 Waivers

- a. The utility may waive the requirements in Rule 3.1.3.3.1 where:

1. The applicant for service can establish through two estimates, one of which may be a Company audit, that the purchase price and installation charge (excluding financing charges) will be greater than seven times the anticipated annual savings to be obtained. The annual savings will be based on the present cost of the fuel currently used in the building, or
2. The dwelling is an historical building, or

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#### 3. LIMITATION OF THE SERVICE OFFER: (Continued)

3. Other measures have been taken so that the overall heat loss for the building envelope does not exceed the total heat loss which would result from conformance with the minimum requirements of Rule 3.1.3.3.1. Such a heat loss calculation must be certified by a licensed architect or engineer.

b. In the case of a dwelling having a flat roof, compliance with the roof insulation standard will not be required if four or more inches of insulation are already in place or if insulation can be installed only by means of cutting an opening in the roof.

c. For a dwelling having six or more stories, storm windows will not be required as long as the utility certified that the dwelling's windows are caulked and weatherstripped. This certification shall be made in writing to the Commission. For dwellings having less than six stories, a storm window will not be required on any window opening onto a fire escape.

d. The Commission may grant a waiver of the requirements of Rule 3.1.3.3.1 for just cause, in unusual circumstances if the applicant for electric service has been denied a waiver pursuant to Subsection a. of Rule 3.1.3.3.2.

e. Copies of waivers granted or denied by the Company shall be made available to the Commission. Each applicant that has been denied a waiver shall be promptly informed by the Company of the right to appeal to the Commission.

##### 3.1.3.3.3 Certificate of Compliance

a. A dwelling's compliance with Rule 3.1.3.3.1 shall be certified either by owner, a contractor of the owner's choice who has inspected the building or a utility representative who has inspected the building at the owner's request.

b. The Company shall provide the Certificate of Compliance to the applicant at the time of application for service so that the applicant will be appraised of the requirements for service and the methods by which compliance with the Company's minimum insulation standards can be certified.

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### 3. LIMITATION OF THE SERVICE OFFER: (continued)

#### 3.1.3.3.4 Penalties for Non-Compliance

a. The Company shall impose a 25 percent surcharge on the customer's total bill for electric and/or gas services to any dwelling which has been converted to electric space heating and which does not comply with the standards set forth in Rule 3.1.3.3.1.

b. The effective date of the surcharge rate shall be:

1. Immediately after notice, in the event the owner is directly responsible for the non-compliance.

2. Ninety days after notice, in the event the owner has not contributed to the deficiencies. No surcharge shall be applied if the owner brings the building into compliance within ninety days.

c. In the event the owner is not billed for the Company's service, no surcharges would be applied to the bills of the non-owner occupants of the dwelling. After notification to the owner that the building is not in compliance, a surcharge will be billed to the owner. The surcharge will be 25 percent of the Company's total bills for the building that is not in compliance. In the event that the circumstances prevent collecting the surcharge amount from the owner of the non-complying building, the Company may refuse future connections for service to new tenants in the dwelling, but is not billed for the Company's services, the surcharge will be imposed on the bill for service to the unit occupied by the owner.

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#### 3. LIMITATIONS OF THE SERVICE OFFER: (Continued)

##### Certificate of Compliance New Residential Construction

The undersigned certifies that the: \_\_\_\_\_ 1 or 2 family residence \_\_\_\_\_ multi-family residence  
 at \_\_\_\_\_  
 (Location)

is or will be not later than 30 days after time of occupancy, in compliance with one of the following statute provisions  
 (check appropriate application):

\_\_\_\_\_ Part 1: E101.6)  
 \_\_\_\_\_ Part 3 ) New York State Energy Conservation  
 \_\_\_\_\_ Part 4 ) Construction Code  
 \_\_\_\_\_ Part 5 )  
 \_\_\_\_\_ Company's Minimum Insulation Standards (applies only to buildings on which  
 construction began between April 1, 1977 and January 1, 1979)

It is understood that electric service will, depending on the applicable circumstances, not be connected, be subject to a 25 percent surcharge on the Company's total bill for electric and/or gas service at the above location until all violations are eliminated, or be disconnected if upon inspection (consent of which is hereby given) the structure is found not to be in compliance with the conditions set forth above.

The undersigned certifies that a properly executed copy of this certificate will be delivered to the owner prior to closing, in the case of new construction, on completion of the electric work and agrees that any successor in title shall be deemed a beneficiary of the undertaking described in this certificate and further attests that all statements and representations contained in this certificate are true and accurate.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of Builder or Contractor

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
 Date Rec'd. Mo/Da/Yr

\_\_\_\_\_  
 Signature of NMPC Representative

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3. LIMITATION OF THE SERVICE OFFER: (Continued)

Certificate of Compliance  
Dwelling Converting to Electric Space Heat

One of the following certificates shall be completed and signed.

1. I \_\_\_\_\_ am aware that the Minimum  
(Owner)

Insulation Standards for Dwellings Converting to Electric Space Heat require my house to have storm doors, storm windows and at least R-19 (usually six inches) roof insulation. I certify that my building at \_\_\_\_\_ meets those requirements, or that

(Location)

I have obtained a waiver; and I understand that should my building be found not in compliance, a 25 percent surcharge on my utility bill may be imposed or electric service may be discontinued.

The undersigned attests that all statements and representations contained in this certificate are true and accurate.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date Rec'd.

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of NMPC Representative

2. I have inspected the building at \_\_\_\_\_ owned by \_\_\_\_\_ and certify that it meets the requirements of the Minimum Insulation Standards for Dwellings Converting to Electric Space Heat.  
(Owner)

The undersigned certifies that a properly executed copy of this certificate will be delivered to the owner and further attests that all statements and representations contained in this certificate are true and accurate.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Contractor or NMPC Representative

\_\_\_\_\_  
Date Rec'd.

\_\_\_\_\_  
Signature of NMPC Representative



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INITIAL EFFECTIVE DATE: JULY 25, 2022  
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### 3. LIMITATION OF THE SERVICE OFFER: (Continued)

3.2 Electric service will be supplied by Company subject to the provisions of orders, amendments and interpretations thereof of any governmental body having authority or jurisdiction over such service, notwithstanding anything to the contrary in these Rules and Regulations and the terms and conditions of service as set forth in Company's Service Classifications.

3.3 Applicant should inquire of Company as to arrangements for and as to exact character of service available before proceeding with installation of wiring or ordering of electrical equipment.

3.4 Each dwelling unit, in a residential multiple occupancy building must be individually metered if the internal wiring was not completed prior to January 1, 1977. After this date, the practice of including the electric bill as part of the rent is prohibited for new residential dwelling units. Master metering of such buildings may be permissible when each dwelling unit is submetered pursuant to Rule 8.

3.5 Company shall not be required to provide facilities to supply service in excess of the amount of the kilowatts of demand in application for service.

3.6 Company does not guarantee against variation in voltage or frequency, or against the presence on Company's system or customer's circuits of voltage pulses or harmonic frequencies.

3.7 Company will endeavor at all times to provide a regular and uninterrupted supply of electric service.

3.7.1 In case the supply of service shall be interrupted or irregular or defective or shall fail from causes beyond the Company's control or because of the ordinary negligence of Company, its employees, servants, or agents, Company will not be liable therefore. The provision of Credits and Reimbursements made available to eligible customers pursuant to Rule 26.14 as required by law does not constitute an admission of liability.

3.7.2 When the supply of electric service has been intentionally disconnected in error by the Company for a period of more than 12 hours, compensation for spoilage of food, medicine or perishable merchandise because of a lack of refrigeration will be made by the Company in accordance with the provisions of Rule 14.6.

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### 3. LIMITATION OF THE SERVICE OFFER: (Continued)

3.7.3 Except for the payment of bills already due, or as required by law as provided under Rule 26.15 regarding Widespread Prolonged Outages, neither the Company nor the Customer shall be liable for damages, including 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.

3.8 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 judgement, 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.

3.8.1 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.

3.8.2 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 Parts 11, 12 and 13, 16NYCRR.

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#### 3. LIMITATION OF THE SERVICE OFFER: (Continued)

3.9 If Company is unable to deliver service to customer due to strike or other labor disagreement affecting Company's employees, there shall be an appropriate adjustment of minimum and demand charges.

Notwithstanding the provisions of Rule 3.7.3 above, if customer is unable to take service from Company due to strike or other labor disagreement affecting customer's employees, there shall be no abatement of charges under the effective service agreement and at the Service Classification theretofore being applied.

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

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

3.12 For the purposes of this rule, certain terms used herein are defined as follows:

(a) "Power Pool" shall mean the New York Power Pool, established by the New York Power Pool Agreement dated July 21, 1966, as thereafter amended or superseded.

(b) "Member Companies" shall mean Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas & Electric Corporation, the original members of the Power Pool.

(c) "PASNY" shall mean the Power Authority of the State of New York.

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#### 3. LIMITATION OF THE SERVICE OFFER: (Continued)

(d) "Pool Participants" shall mean the member companies and PASNY.

(e) "Senior Pool Dispatcher" shall mean the employee of the Power Pool on duty at any given time at the Power Control Center of the Power Pool, then having immediate operating responsibility for the analysis of operations and the security of the integrated power systems of the Pool Participants.

3.13 Compliance with directives of the Senior Pool Dispatcher shall, without limitation by reason of specification, constitute a circumstance beyond the control of the Company for which the Company shall not be liable; provided, however, that the Company shall not be absolved from any liability to which it may otherwise be subject for negligence in the manner in which it carries out the Senior Pool Dispatcher's instructions. (See Rule 3.7).

3.14 Without limiting the generality of the foregoing, the Company may, without liability therefore, interrupt, reduce, or impair services to any customer or customers in the event of an emergency threatening the integrity of its system, or any other systems with which it is directly or indirectly interconnected, if, in its sole judgement or that of the Senior Pool Dispatcher (Rule 3.13), such action will prevent, alleviate, or reduce the emergency condition, for such period of time as the Company, or said Senior Pool Dispatcher, deems necessary.

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

#### 3.16 Selection of Service Classification:

The Company will endeavor to assist a customer in the selection of the available service classification which may be most favorable to the customer's requirements, but does not make any warranty, expressed or implied, as to the rates, classifications or provisions favorable to the present or future service requirements of the customer.

#### 3.17 Customer Consent to Contact

By accepting electric service from the Company pursuant to the terms of this tariff, customer hereby expressly consents to receive autodialed and prerecorded/automated calls and texts (collectively "calls") closely related to the utility service, unless the customer opts out as described below. Such calls shall be limited to calls that warn about planned or unplanned service outages; provide updates about service outages or service restoration; provide information about potential brown-outs due to heavy energy usage; ask for confirmation of service restoration or information about lack of service; provide notification of meter work, tree trimming, or other field work that affects customer's utility service; notifies customers they may be eligible for subsidized or lower-cost services due to certain qualifiers such as, e.g., age, low income or disability; and calls relating to handling, servicing, and billing for customer's account. Calls may include contact from companies working on the Company's behalf to service customer's account. Message and Data rates may apply. Customer may stop these types of messages by replying STOP in response to a text message, or by contacting the Company to request removal of their phone number using the following:

- Call Center Number (1-800-642-4272)
- via email to [optout@nationalgrid.com](mailto:optout@nationalgrid.com)
- via regular mail to the following address:

Attention: Customer Care  
300 Erie Boulevard West, Syracuse, NY 13202

Issued by Rudolph L Wynter, President, Syracuse, NY

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INITIAL EFFECTIVE DATE: DECEMBER 1, 2023

SUPERSEDING REVISION:

STAMPS: Issued in compliance with Order in Case 20-M-0082 dated October 13, 2023

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## 3. LIMITATION OF THE SERVICE OFFER: (Continued)

- 3.18 Pursuant to the Commission's *Order Addressing Integrated Energy Data Resource Matters* issued and effective October 13, 2023 in Case 20-M-0082, the Company is required to transfer Customer Data Sets ("Data Sets") to the State's Integrated Energy Data Resource ("IEDR") platform as defined in the Commission's *Order Adopting a Data Access Framework and Establishing Further Process* issued and effective April 15, 2021 in Case 20-M-0082. The Data Sets are comprised of the Customer Energy Usage Data Set, Customer Contact Data Set, and Customer Billing Data Set. Although the Data Sets could include non-anonymized and non-aggregated customer-specific data, no highly confidential personal information, such as social security number or banking information, will be made available or included in the Data Sets. Once the Company transfers data to the IEDR platform, the Company is not liable for any improper access or sharing of the Data Sets. to any person or entity, originating from or caused by a third party through the IEDR Administrator, its agents, contractors, or users. Consistent with the Commission's policies regarding data ownership, this data is owned by the customer, not the Company.

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#### 4. CUSTOMER USE OF SERVICE:

4.1 Company is not responsible for the adequacy or safety of customer's equipment or wiring. Company reserves the right to discontinue service whenever customer fails to maintain such equipment and wiring in a safe and adequate condition or fails to utilize electricity in such a manner as to avoid interference with the service furnished by Company to other customers, or with the use of service by customer or others.

4.2 Customer shall give Company reasonable advance notice, preferably in writing, of any proposed increase in service required, setting forth in such notice the amount, character and expected duration of time the increased service will be required.

4.2.1 If such increase in load exceeds 150 kilowatts, and if it necessitates added or enlarged facilities (other than metering equipment) for the sole use of customer, Company may require customer to make a reasonable contribution to the cost of adding or enlarging the facilities whenever customer fails to give assurance, satisfactory to Company, that the taking of the increased service shall be of sufficient duration to render the supply thereof reasonably compensatory to Company.

4.2.2 If unusual expenditures are or become necessary to supply such proposed service because of the location or character of the customer's installation, Company, upon advanced written notice to the customer, may require customer to make a reasonable contribution toward the cost of the facilities whenever customer fails to give assurance, satisfactory to the Company, that taking of the service shall be reasonably compensatory to the Company.

Customer or Company may apply to the Public Service Commission for a ruling as to the necessity for and reasonableness of the contribution required.

4.3 Customers now receiving service no longer standard with the Company shall not expand the use of such service. They are requested to consult with the Company regarding additional electrical requirements, so that a satisfactory single or three phase 60 cycle service at an appropriate delivery voltage can be made available.

4.4 The Customer shall inquire of the Company as to the type of service to be supplied prior to the purchase of electrical equipment or before proceeding with the wiring installation. In response to such inquiry, the Company will designate the type of service based on the location of the Customer and the size and character of the proposed load. Special consideration will be given to the selection of the type of service to supply electric furnaces, welders, x-ray apparatus and other loads which may interfere with satisfactory service to other Customers.

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### 5. DISTURBANCES:

5.1 Company's service may be refused or withdrawn when Customer's wiring or equipment is so designed or operated as to disturb Company's service to other Customers.

#### 5.2 Motors:

All motors connected to Company lines (1) shall be a type that shall not require starting current deemed unreasonable by Company, or (2) shall have starting devices to restrict the starting current within the limits considered reasonable by Company, or (3) both. Motors of five horse power or less connected to Company's lines shall normally be single phase, and motors over five horse power shall normally be three phase, but Customer should contact Company in advance to ascertain the applicable condition.

5.3 Customer, in taking three phase electric service, shall maintain as nearly as is reasonably possible, equal currents in each of the three phase conductors at the point of taking. If at any time the current in any phase conductor shall exceed the average of the currents in all the three phase conductors by more than five percent (5%), the amount to be paid by Customer for the period within which the unbalance occurred may be increased by a percentage equal to that of the unbalance.

#### 5.4 Automatic Reclosing:

Where the Company has installed on its facilities equipment for automatic reclosing after an interruption of power supply, it shall be the obligation of the Customer to provide at the customer's expense, (1) adequate protective equipment for all electrical apparatus of the Customer that might be adversely affected by the Company's reclosing equipment, and (2) such equipment as may be required for the prompt disconnection of any apparatus of the Customer that might affect proper functioning of the Company's reclosing equipment.

#### 5.5 Electrical Interferences:

If at any time, in the opinion of Company, any devices installed by Customer for purposes other than the distribution of electrical power are causing interference on the electrical system of Company, Customer or to any other person, then, upon notice from Company, it shall be the responsibility of Customer to install remedial equipment or take such other measures as may be necessary to reduce such interference to a tolerable level. Customer shall provide any facilities necessary to secure their own equipment against disturbances including but not limited to voltage pulses or harmonic frequencies, whether originating with their own equipment or elsewhere. Customer shall indemnify Company from all claims and demands against Company by any person in consequence of failure by Customer to perform their obligations under this provision.

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INITIAL EFFECTIVE DATE: MARCH 1, 2024

LEAF: 71  
REVISION: 1  
SUPERSEDING REVISION: 0

#### GENERAL INFORMATION

6. HIGHLY FLUCTUATING LOADS:

6.1 Customer taking service for the operation of welders, x-ray machines, electric furnaces, hoists or any other equipment having a highly fluctuating or large instantaneous load characteristic which adversely affects voltage regulation or impairs Company's service to Customer or other supplied from the same distribution system, shall remedy the condition in a manner deemed adequate by Company, by either:

(a) installing and maintaining at their own expense the corrective equipment deemed necessary by Company to remedy the condition, or

(b) making a cash contribution of the actual reasonable cost of any standard equipment installed by Company on its side of the point of delivery to effect such correction.

Company may discontinue service if Customer shall fail, upon notice from Company, to comply with the foregoing requirements.

6.2 Welders of capacity larger than 8 1/2 KVA will not be served under Service Classifications No. 1 and No. 2 of this Schedule, except with permission of Company.



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SUPERSEDING REVISION: 3

## GENERAL INFORMATION

### 7. MAINTENANCE OF POWER FACTOR CORRECTIVE EQUIPMENT:

7.1 Customer who has installed power factor corrective equipment which has to be taken out of service periodically for maintenance or inspection will be permitted to disconnect such apparatus not more than four times per year, for periods of not more than twelve hours each, when such disconnection has been prearranged with and agreed upon by Company. The reactive demand which occurs during such agreed upon periods shall be disregarded in determining reactive demand charges.

### 8. RESALE, REMETERING OR SUBMETERING:

8.1 Except as hereinafter provided, electric service will not be supplied under any service classification of this rate schedule for resale, submetering, redistribution or other redistribution provided, however, that any customer may furnish electricity for the use of their tenants or for the use of other occupants of their premises provided that the customer shall not resell, make a specific charge for, or submeter or measure any of the electricity so redistributed or furnished.

8.1.1 Residential customers that submeter will be billed for electric service from the Company under the Service Classification that would be applicable to the residential customer if the electric service were not being resold.

8.1.2 The Company has been granted a limited waiver by the Commission of 16 NYCRR 96.2(a)(1), which precludes the provision of electric service to a submetered service request without prior authorization by Commission Order. The limited waiver allows the Company to energize service to a submetered premise prior to receipt of Commission authorization provided that:

- i) the applicant or customer has filed a submetering application that is pending with the Commission with a notice published in the New York State Register;
- ii) the filed petition contains all filing requirements identified in 16 NYCRR Part 96;
- iii) the applicant or customer has completed all Company-required paperwork and remitted payment for service;
- iv) the applicant or customer has resolved all concerns identified by the Company in its review of the submetering request.

8.1.2.1 Applicants and customers satisfying the conditions of Rule 8.1.2 above will have the option of having service energized under the applied for service classification prior to Commission authorization of the submetering application, subject to the following:

8.1.2.1.1 An additional temporary submetering charge will be applied to the base delivery rate. The temporary charge will be 20% higher than the otherwise applicable service class base delivery rate and will end with the beginning of the billing period following approval of the submetering application by the Commission.

8.1.2.1.2 A per unit security deposit amount will be collected by the Company prior to energization and will be returned to the applicant or customer following approval of the submetering application by the Commission. The submetering security deposit is separate from any other applicable security deposits required by the Company and will not accrue interest while being held by the Company. The per unit deposit amount will be two (2) times the residential class average bill. If the applicant or customer is 60 days or more delinquent on its electric service bills while the deposit is being held, the Company may apply the deposit to offset the arrears.

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STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

#### GENERAL INFORMATION

#### 8. RESALE, REMETERING OR SUBMETERING: (Continued)

8.2 Rule 8.1 does not apply to electric service supplied to an electric public utility.

8.3 Pursuant to 16 NYCRR § 96.2, electric service shall only be provided to a multi-unit residential premises in which individual dwelling units in the premises receive submetered electric service if the submetering (a) is and continues to be authorized by a New York State Public Service Commission order where a Commission order was necessary, (b) is and continues to be consistent with any conditions imposed by such order, and (c) is and continues to be consistent with 16 NYCRR Part 96.

#### 8.4 Existing Direct Metered Multi-Unit Residential Premises

8.4.1 Except as otherwise provided in 16 NYCRR Part 96, electric service provided to individual residential units in existing multi-unit residential premises through direct metering may not be discontinued or replaced by master metering. If, however, the customer files a petition to submeter with the Commission, which (1) complies with the applicable requirements of 16 NYCRR § 96.3(b) and (2) demonstrates that the building or complex for which master metering with submetering is sought will participate in building level demand response programs or will employ on-site co-generation plant or an alternative, advanced energy efficiency design, the conversion to submetering may be sought from the Commission. All costs associated with a conversion to master metering shall be the responsibility of the customer.

#### 8.5 Assisted Living and Senior Living Facilities

8.5.1 Pursuant to the Public Service Commission's Memorandum and Resolution Adopting Residential Electric Submetering Regulations in Case 11-M-0710, issued and effective December 18, 2012, new and existing assisted living and senior living facilities may elect to master meter or convert to master metering, subject to Rule 47.

An assisted living facility shall mean a multi-unit residential premise, identified as an assisted living facility and certified by the New York State Department of Health as such, which provides congregate residential housing with supportive services, including on-site monitoring, and personal care services and/or home care services in a homelike setting. An assisted living facility must meet this definition to be eligible for the exemption from the requirement that its facility be individually metered.

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STAMPS: Issued in Compliance with Order in Case No. 11-M-0710 issued December 18, 2012

## GENERAL INFORMATION

## 8. RESALE, REMETERING OR SUBMETERING: (Continued)

## 8.5 Assisted Living and Senior Living Facilities (Continued)

A senior living facility shall mean a multi-unit residential premise in which energy-efficient housing and other services are provided, and will be provided in the future, to resident senior citizens, in which electric usage does not vary significantly from unit to unit because units are uniform in size and in the types of appliances, and which promotes economic development. A senior living facility must meet this definition to be eligible for the exemption from the requirement that its facility be individually metered.

If an assisted living or senior living facility as defined in this Rule installs master metering, and thereafter elects to convert the facility to a different use and no longer meets the criteria stated above, the customer shall petition the Commission for approval of an appropriate means of receiving electric service. All costs associated with a conversion from master metering shall be the responsibility of the customer.

## 8.6 Campgrounds, Recreational Trailer Parks, Marinas, and Parking Facilities.

8.6.1 Electric service may be provided to the facility owner or operator of campgrounds, recreational trailer parks, marinas and parking facilities for redistribution to individual campsites, trailer, boat hookups, or plug-in electric vehicle charging stations with or without submetering. Master metering and submetering, at the facility owner's or operator's option, may be installed and used for billing without Commission approval and are not subject to submetering service conditions.

Campground, recreational trailer park, marinas and parking facilities shall mean facilities for use on an intermittent, temporary, or irregular basis by campground, recreational, trailer park, marine, or vehicle charging stations where electric service is delivered by the utility to the facility owner and redistributed to individual campsites, trailers, boats or plug-in electric vehicle charging stations with or without submetering.

## 8.7 Submetering in Master-Metered Residential Cooperatives and Condominiums.

8.7.1 Master-metering with submetering in residential cooperatives or condominiums shall be authorized:

8.7.1.1 After filing a notice of intent to submeter, which includes the information, descriptions, plans, forms, certifications, and other materials and representations specified for such notices in 16 NYCRR § 96.5;

8.7.1.2 After individual notices to owners or shareholders are provided pursuant to 16 NYCRR §96.3(c); and

8.7.1.3 Upon the Commission's determination and order approving such submetering is in the public interest and consistent with the provision of safe and adequate electric service to residents. In making this determination, the Commission may rely on the notice of intent to submeter and the information contained therein, when complete, as a rebuttable presumption that submetering at such premises is in the public interest and consistent with the provision of safe and adequate service to residents.

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#### GENERAL INFORMATION

#### 8. RESALE, REMETERING OR SUBMETERING: (Continued)

##### 8.8 Existing Master-Metered Residential Rental Premises and Submetering in New Residential Premises

8.8.1 Customers seeking to convert existing master-metered residential rental premises to submetering or to submeter new residential premises shall file a notice of intent to submeter or petition to submeter with the Commission in accordance with 16 NYCRR § 96.3. Submetering shall be authorized upon Commission approval as set forth in 16 NYCRR Part 96.

##### 8.9 Commercial Submetering

8.9.1 Non-residential customers are permitted to convert existing master-metered commercial premises to submetering and to submeter new commercial premises pursuant to the Commission's *Order Authorizing Commercial Submetering and Requiring Rate Cap Bill Calculator* (issued and effective February 20, 2013) in Case 12-E-0381.

8.9.2 Non-residential customers seeking to convert commercial premises from direct metering to submetering shall file a petition with the Commission. Submetering shall only be authorized upon Commission approval.

8.9.3 Non-residential customers that submeter will be billed for electric service from the Company under the Service Classification that would be applicable to the non-residential customer if the electric service were not being resold.

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GENERAL INFORMATION

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NIAGARA MOHAWK POWER CORPORATION

REVISION: 1

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GENERAL INFORMATION

RESERVED FOR FUTURE USE

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STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

## GENERAL INFORMATION

### 9. SERVICE RE-ESTABLISHMENT AND DISCONNECTION CHARGES

#### 9.1 Non-seasonal customers

9.1.1 When the Company re-establishes electric service to the same non-seasonal customer at the same meter location within 12 months after disconnection of service, a service re-establishment charge will be made in addition to all other charges under this schedule. The following charges will be assessed for each service:

9.1.1.1 When the customer specifies service to be re-established during normal business hours, the following re-establishment charges will be assessed regardless of the time the service is actually re-established:

9.1.1.1.1 \$54.00 when the service was disconnected at the meter.

9.1.1.1.2 \$214.00 when the service was disconnected at the pole.

9.1.1.2 When the customer specifies service to be re-established during other than normal business hours, the following re-establishment charges will be assessed:

9.1.1.2.1 \$68.00 when the service was disconnected at the meter.

9.1.1.2.2 \$375.00 when the service was disconnected at the pole.

9.1.1.3 When the customer also receives gas service from the Company which is disconnected at the meter or at the outside service valve for nonpayment of bills, the larger of the two electric and gas charges will be the applicable charge to cover the electric and gas service re-establishment if both services are re-established at the meters at the same time.

9.1.1.4 After agreement with the customer on the date, time and the charge for re-establishment, the Company will endeavor to re-establish service as soon as possible.

9.1.2 Waiver of Re-establishment Fee – The Company will exempt all reconnect fees for customers who participate in the Company's Energy Affordability Program and have had their service disconnected for non-payment.

#### 9.2 Seasonal customers

9.2.1 When the Company disconnects and/or re-establishes electric service to the same seasonal customer at the same meter location within 12 months after re-establishment or disconnection of service, a disconnection or re-establishment charge will be made in addition to all other charges under this schedule. The following charges will be assessed for each service:

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#### GENERAL INFORMATION

### 9. SERVICE RE-ESTABLISHMENT AND DISCONNECTION CHARGES (Continued)

#### 9.2 Seasonal Customers (Continued)

9.2.1.1 When the seasonal customer specifies service to be disconnected or re-established during normal business hours, the following charges will be assessed regardless of the time the service is actually re-established or disconnected:

9.2.1.1.1 \$54.00 when the service was re-established or disconnected at the meter.

9.2.1.1.2 \$214.00 when the service was re-established or disconnected at the pole.

9.2.1.2 When the seasonal customer specifies service to be disconnected or re-established during other than normal business hours, the following charges will be assessed:

9.2.1.2.1 \$68.00 when the service was re-established or disconnected at the meter.

9.2.1.2.2 \$375.00 when the service was re-established or disconnected at the pole.

9.2.2 When the same seasonal customer of record has more than one seasonal meter/account at the same location and requests the disconnection or re-establishment of all such meters at the same time by the Company, the first meter will be assessed the full charge presented above, and any other meter(s) will be assessed the partial charge. This partial charge recognizes that no additional travel time and other expenses by the Company's representative is incurred to the other meter(s) since all such meters are at the same location. The partial charges are as follows:

9.2.2.1 When the seasonal customer specifies service to be disconnected or re-established during normal business hours, the following charges will be assessed regardless of the time the service is actually re-established or disconnected:

9.2.2.1.1 \$22.00 when the service was re-established or disconnected at the meter.

9.2.2.1.2 \$49.00 when the service was re-established or disconnected at the pole.

9.2.2.2 When the seasonal customer specifies service to be disconnected or re-established during other than normal business hours, the following charges will be assessed:

9.2.2.2.1 \$23.00 when the service was re-established or disconnected at the meter.

9.2.2.2.2 \$51.00 when the service was re-established or disconnected at the pole.

9.3 For purposes of this Rule, normal business hours are considered to be from 8:00 a.m. to 4:00 p.m., local time, Monday through Friday, excluding holidays.



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#### GENERAL INFORMATION

10. SHORT-TERM AND TEMPORARY SERVICE:

10.1 Short-term service shall be supplied under the applicable service classification upon the payment, each time and for each meter location, of the service re-establishment charge provided in Rule 9. The applicant for such service may be either (1) an individual owner or tenant or (2) the owner, lessee or operator of a resort or other establishment for rentals to transient tenants.

10.2 Temporary service is non-recurring service intended to be used for a short time only, or service to a non-permanent structure or personal property, or service to a building or structure which is non-permanent in that it may be readily removed or relocated or a temporary service connection preliminary to the establishment of permanent service. Temporary service may include the installation of an extension, service lateral, setting meters or other extra work by Company. For such service, the entire cost of making the connection and removing same shall be paid by customer. Payment of such costs and of the estimated bill for service may be required in advance. Temporary service will be furnished under the applicable service classification without term limitation.

11. DUAL SERVICE:

Dual service is two or more separate, duplicate services to customer's installation on a single premise as defined in Rule 1.16. Dual service as so defined shall be supplied under the applicable service classification and pursuant to the provisions of Rule 28.2.

12. CANCELED

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#### GENERAL INFORMATION

#### 13. ACCESS TO PREMISES:

13.1 In accepting service, customer grants to identified Company employees and agents the right of access to customer premises, or any building or other location supplied with service by the utility, at all reasonable times for such purposes as the reading of meters, inspection and examination of meters, wiring and appliances, or installing, operating, maintaining, disconnecting and removing any or all of the property belonging to the Company. Company may discontinue service if access to its meters or other equipment is unreasonably refused, or if access is obstructed or hazardous provided Company has complied with applicable provisions of 16NYCRR, Parts 11, 12 and 13.

13.2 In the case of non-residential customers receiving service, except to the extent prevented by circumstances beyond its control, the Company shall conduct a field inspection as soon as reasonably possible and within 60 calendar days of a reasonable customer request, issuance of a field inspection order in accordance with an automatic utility bill review program, notification from any reasonable source that service may not be correctly metered or a directive by the P.S.C. or its authorized designee.

13.3 The Company may bill a \$100 penalty charge to a non-residential customer who, at any time, directly or indirectly prevents or hinders a duly authorized employee or agent of the Company from entering the building or location, or from making an inspection or examination, at any reasonable time. The penalty may be billed for each such offense as provided in Section 65 (9) of the Public Service Law.

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#### GENERAL INFORMATION

#### 14. DISCONTINUANCE AND COMPLAINT PROCEDURES AND THE WITHHOLDING OF SERVICE:

14.1 Company may discontinue the supply of electricity for non-payment of bills rendered for service or for failure to post a required deposit when Company has complied with:

##### 14.1.1 Non-Residential Customers

The procedure and form of notice required by 16NYCRR, Part 13, provided that there will be no discontinuance of service until at least eight (8) days after the mailing of the final notice of termination, five (5) days if notice has been personally served upon the customer.

##### 14.1.2 Residential Customers

The procedures and form of notice required by 16NYCRR parts 11 and 12, provided that there will be no discontinuance of service until at least fifteen (15) days after the mailing of the final notice of termination.

##### 14.1.3 Multiple Dwelling Customers

Where service is to an entire multiple dwelling (as defined in the Multiple Dwelling Law or Multiple Residence Law) the procedures and form of notice required by 16NYCRR Part 11.7, provided that there will be no discontinuance of service until at least eighteen (18) days after the mailing and posting of the appropriate notices.

14.1.4 Copies of the Company's discontinuance of service and complaint handling procedures along with the provisions contained in Parts 11, 12 and 13, 16NYCRR are available for inspection at Company offices where applications for service may be made in person.

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#### GENERAL INFORMATION

14. DISCONTINUANCE AND COMPLAINT PROCEDURES AND THE WITHHOLDING OF SERVICE:  
(Continued)

14.2 Any complaint filed with the Company regarding disputed bills, charges or deposits will be promptly investigated in accordance with the procedures and form of notice required by Public Service Commission rules contained in Part 143 - Notice of Discontinuance and Complaint Procedures, of Subchapter D - Rates and Charges of Chapter II of Title 16 of the New York Code of Rules and Regulations, Sections 143.8 and 143.9.

14.2.1 The Company may discontinue service to a customer who has disputed a bill or deposit when Company has complied with said Commission rules.

14.2.2 Copies of Company's Notice of Discontinuance and Complaint Handling Procedures and form of notice are on file with the Commission and are available to the public upon request at Company offices where applications for service are received.

14.2.3 In connection with a complaint, the rules of the Public Service Commission or Company's Notice of Discontinuance and Complaint Handling Procedures may authorize the release of Company data or information to a Customer or to a Customer's authorized representative. Any disclosure of such information shall be as set forth in Rule 26.13.

14.3 In addition to the provisions of the Service Classifications as to the term of their respective Agreements for Service, the Company reserves the right to withhold service or to discontinue service or terminate any agreement therefore, in such manner as may be permitted by law under the circumstances, if the customer at any time refuses or fails to make application and Agreement for Service as provided by this schedule or defaults in the payment of a bill rendered for service, or if the customer refuses or fails to comply with any applicable provision, rule, regulation, term or condition of this schedule, or with any applicable law or order of the Public Service Commission or other authorities having jurisdiction, or if the customer's installation or part thereof is deemed by the Company to be unsafe, inadequate or unsuitable for receiving the Company's service, or to interfere with or impair the continuity or quality of the Company's service to the customer or to others, or if changes at customer's premises cause Company's facilities to become unsafe, inadequate or unsuitable.

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#### GENERAL INFORMATION

14. DISCONTINUANCE AND COMPLAINT PROCEDURES AND THE WITHHOLDING OF SERVICE:  
(Continued)

14.4 If any wire or other contrivance is connected upon customer's premises with any wire used for supplying electricity to customer in such a manner that customer takes electricity under such circumstances that a meter provided by Company for the purpose does not register the quantity consumed or if any meter or other instrument installed upon customer's premises for measuring the quantity of electricity consumed is wrongfully obstructed, altered, injured or prevented from functioning, or if any fraud upon Company shall be practiced upon Customer's premises, Company may, at any time, discontinue the supply of electricity to the residential customer and remove its meter or meters, apparatus and wires, provided the Company has complied with all applicable provisions of 16NYCRR Parts 11, 12 and 13. In the case of non-residential customers, prior to discontinuing service, the Company must:

14.4.1 have evidence that the customer opened the account and used the service prior to the creation of the condition or that the customer knew, or reasonably should have known, that service was not being fully billed.

14.4.2 have rendered a written unmetered service bill.

14.4.3 have made reasonable efforts to provide a person in charge of the premises both the written unmetered service bill and oral notice of the conditions, if any, under which the Company will continue service, which may include the payment by cash, certified check, or money order within two hours, of some portion of the bill up to, but not exceeding 50 percent.

14.4.4 have not received the required payment.

14.5 When the supply of electricity has been discontinued for any of the reasons set forth in this Rule 14, the Company is obligated to reconnect terminated service within 24 hours, unless prevented by circumstances beyond the Company's control or unless a customer requests otherwise, in the following situations:

14.5.1 Receipt by Company of the full amount of arrears and/or a security deposit for which service was terminated, and, in the case of non-residential customers, any other tariff charges billed after the issuance of the termination notice which are in arrears at the time reconnection is requested.

14.5.2 Agreement by the Company and the customer on a deferred payment plan and the payment of a downpayment, if required, under that plan.

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14. DISCONTINUANCE AND COMPLAINT PROCEDURE AND THE WITHHOLDING OF SERVICE:  
(Continued)

14.5.3 The utility shall reconnect service that has been terminated within 24 hours after the direction of the Commission or its designee. In the case of non-residential service, such direction may occur only where the termination was in error, or the customer has filed a complaint with the Commission and has either paid in full the undisputed amount or has entered into a deferred payment agreement and has paid the required downpayment.

14.5.4 Upon the receipt by the Company of a commitment of a direct payment or written guarantee of payment from the social services official of the social services district in which the residential customer resides.

14.5.5 Where the Company has notice that serious impairment to health or safety is likely to result if residential service is not reconnected.

14.5.6 The utility shall reconnect service that has been terminated solely for failure to provide access within 24 hours of the non-residential customer's request for reconnection, provided the customer has allowed access and has made a reasonable arrangement for future access.

14.5.7 The utility shall reconnect non-residential service that has been terminated solely for a violation of the tariff within 24 hours of a customer's request for reconnection and, at the option of the utility, either receipt by the utility of adequate notice and documentation, or a field verification by the utility, that the violation has been corrected, provided, however, that the field verification, if required, shall be arranged within two business days of the customer's request or such later time as may be specified by the customer.

14.5.8 The utility shall reconnect non-residential service that has been terminated for two or more independent reasons when the customer has requested reconnection and has satisfied all conditions for reconnection. The reconnection shall be accomplished within the time period applicable to the last condition satisfied under 14.5.1, 14.5.6 and 14.5.7 of this section.

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#### GENERAL INFORMATION

14. DISCONTINUANCE AND COMPLAINT PROCEDURE AND THE WITHHOLDING OF SERVICE:  
(Continued)

14.5.9 Whenever circumstances beyond the utility's control as set forth in 2.1.4.1.6 and 2.1.4.2, prevent reconnection of service within 24 hours of any of the events specified in Section 14, service shall be reconnected within 24 hours after those circumstances cease to exist.

14.6 When the supply of electricity has been intentionally disconnected by the Company in error causing a loss of electric service for more than 12 hours:

14.6.1 A directly or indirectly served residential consumer may recover up to \$100 for food or medicine which spoils due to lack of refrigeration.

14.6.2 Directly or indirectly served non-residential consumers may recover an amount not to exceed \$2000 for perishable merchandise which spoils due to a lack of refrigeration.

Claims for such loss must be filed with the Company within 90 days from the date of such disconnection.

14.7 Discontinuance of Service Outdoor Advertising Signs, Displays or Devices:

Electric service to outdoor advertising signs, displays or devices shall be discontinued upon receipt of a written notification from an authorized official of the New York State Department of Transportation if there will be no adverse effect on electric service supplied for any other purpose.

14.7.1 The written notification shall state the following:

14.7.1.1 The outdoor advertising sign, display or device has been found to be illegal and has been declared a public nuisance under Section 88 (8) of the Highway Law.

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14. DISCONTINUANCE AND COMPLAINT PROCEDURES AND THE WITHOLDING OF SERVICE:  
(Continued)

14.7.1.2 A 30 day notice was given to the sign owner under Section 88 (8) of the Highway Law and the date that such notice was given.

14.7.1.3 The 30 day statutory notice had not been stayed by court proceedings.

14.7.1.4 The Department of Transportation has complied with all provisions of Section 88 (8) of the Highway Law.

14.7.1.5 Company is to be provided a definitive description and location of the outdoor advertising sign, display or device for which electric service is to be removed.

14.7.1.6 The anticipated removal date of the outdoor advertising sign, display or device.

14.7.1.7 The cost of terminating electric service to the illegal sign, display or device shall be reimbursed to the Company by the Department of Transportation.

14.7.2 Service to the illegal sign, display or device shall be discontinued no later than fifteen (15) days after the Company's receipt of written notice from the Department of Transportation.

14.7.3 When a discontinuance of service to outdoor advertising signs, displays or devices is made, the sign owner will not be entitled to refunds for excess line extensions, service lateral charges, or any other installation charges paid to the Company for the initial installation.

14.8 In accordance with Public Service Law, Article 2, and Chapter 686 of the Laws of 2003, effective June 18, 2003, Residential Customer's who obtained their commodity service from an ESCO and received a consolidated bill from the Company, may have their delivery service suspended by the Company and commodity services terminated by the ESCo for failure to pay their commodity charges with an ESCo under the following conditions:

14.8.1 The Company is notified by the ESCo in a manner and form as prescribed by the Public Service Commission. The request for suspension must include sufficient documentation to confirm that such termination was in compliance with Public Service Law, Article 2.

14.8.1.1 The Company will accept, after review for completeness, a request for suspension of delivery service submitted by the ESCo. An ESCo may request suspension of a Residential Customer's delivery service within one year after termination of the customer's commodity service.



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## GENERAL INFORMATION

14. DISCONTINUANCE AND COMPLAINT PROCEDURES AND THE WITHOLDING OF SERVICE:  
(Continued)

14.8.1.2 Upon receipt of an ESCo's request for suspension, the Company will follow HEFPA procedures prior to discontinuing delivery services to the Residential Customer.

14.8.2 The Company is providing distribution services to the customer at the time of suspension.

14.8.3 In accordance with all the provisions of Rule 26.12, a Deferred Payment Agreement will be offered by the Company and ESCo, either jointly or separately at the Company's and ESCo's discretion, before service is suspended. The customer must accept and abide by the terms of the Deferred Payment Agreement.

14.8.4 The Company will only suspend delivery service, at the ESCo's request, for the delivery of the commodity for which the Residential Customer is in arrears to the ESCo. The Company will continue to maintain its rights to discontinue delivery and commodity service in accordance with the provisions of Rule 14.

14.8.5 The Company will implement the ESCo initiated suspension within the same schedule as the Company's suspensions. If the ESCo initiated suspension cannot be implemented on a timely basis, the ESCo will be notified and a subsequent suspension to the Residential Customer will be issued, if necessary and all reasonable action to effectuate suspension as soon as possible will be taken.

14.8.6 All ESCo initiated suspension of service for non-payment of commodity charges will be subject to the charges established by the Company in Case Nos. 99-M-0631 and 03-M-0017 and will be the responsibility of the ESCo requesting termination. The ESCo initiated disconnect charges are set forth below.

14.8.6.1 When the Company suspends service to a customer for non-payment of commodity charges initiated by an ESCo, a suspension charge will be assessed. The charge applicable to all ESCos will be \$54.00 at the meter and \$214.00 at the pole during normal business hours.

14.8.6.2 When the Company suspends service to a customer for non-payment of commodity charges initiated by an ESCo and disconnects the same customer for non-payment of delivery charges for the utility, the charges in Rule 14.8.6.1 will be reduced by fifty percent (50%).

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14. DISCONTINUANCE AND COMPLAINT PROCEDURES AND THE WITHOLDING OF SERVICE:  
(Continued)

14.8.7 The Company will take all action within its control necessary to resume service of electric delivery and commodity to the Residential Customer if the customer makes full payment of the amount of arrears that were the basis for the termination.

14.8.7.1 A Customer may resume service for an ESCo-initiated suspension of delivery service by paying the lesser amount of combined utility delivery and ESCo commodity charges or bundled utility commodity and delivery service as calculated by the Company coincident with the time period that the Customer is in arrears with the ESCo. If the amount calculated by the Company is less than the amount that the Customer is in arrears with the ESCo for termination, the Customer will still be liable for any difference between the total arrears owed and the payment made to restore service.

14.8.8 For purposes of the above Rule 14.8 the following terms apply:

14.8.8.1 "Termination" - Refers to ending an ESCo's provision of commodity service.

14.8.8.2 "Suspension" - Refers to a Customer's loss of delivery service at the request of an ESCo.

14.8.8.3 "Discontinuance" – Refers to a Customer's loss of delivery service due to the non-payment of distribution utility charges.

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#### GENERAL INFORMATION

##### 15. EXTENSION OF OVERHEAD ELECTRIC LINES:

15.1 Company will furnish, place, construct, operate, maintain and when necessary replace at its own cost and expense all overhead electric lines and other facilities within the territorial limits of any street, avenue, road or way that is for any highway purpose under the jurisdiction of the legislative body of any city, town, village, county or the State of New York, or on private right-of-way when Company elects to use such a route in lieu of construction within such limits, under the terms and conditions hereinafter provided. The Company will comply with 16NYCRR Parts 98.4 and 98.5, where applicable, as adopted by Public Service Commission Order No. 93-20 in Case No. 92-M-0607 issued and effective September 21, 1993.

15.2 Upon written application for service by an applicant whose property abuts on, or has access to, any public right-of-way, other than a controlled access highway, within 500 feet for single phase service or 300 feet for three phase service of any overhead electric line, Company shall furnish, place and construct at its own cost and expense such lines, service connections and facilities as are necessary to render the service requested. For secondary and primary services, the cost of additional overhead facilities shall be determined based upon average historical actual costs as filed in annual statements reconciled to the installed span footage whenever the installed span footage varies from the footage provided in the initial design by more than 10 feet and actual number of pole sets. If the actual installed span footage is equal or less than the free span footage allotment pursuant to this tariff, then the customer contribution shall be returned to the customer. Costs for the extension of subtransmission and transmission services will be actual costs.

15.3 Whenever an applicant whose property abuts on, or has access to, any public right-of-way, other than a controlled access highway, and the distance is greater than 500 feet for single phase service or 300 feet for three phase service of any overhead electric line, and Company has authority to render service to said property, Company shall furnish, place and construct such lines to serve said property, provided:

15.3.1 That applicant shall first have assured Company that the service requested will be of a reasonably permanent nature, and

15.3.2 That applicant shall either:

15.3.2.1 Deliver to the Company, free from cost any necessary right-of-way agreements, or;

15.3.2.2 Pay in advance or agree in writing to pay the Company any charge relating to the Company's acquisition of the necessary right-of-way agreement(s), so long as the applicant indicates to the Company in writing that the applicant has been unable to obtain such agreement(s).

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#### GENERAL INFORMATION

#### 15. EXTENSION OF OVERHEAD ELECTRIC LINES: (Continued)

15.3.3 That applicant shall furnish reasonable security as to performance of the applicant's agreement if so required by Company.

15.3.4 That applicant shall pay or agree in writing to pay the Company a lump sum charge for material and installation costs relating to any portion of the distribution and/or service lines that exceed the portion which the Company provides without customer contribution, as calculated on Form "B", Application For Electric Extensions. Should additional customers be connected from said distribution and/or service lines during the initial five (5) year period from the date energized, ten (10) year period for residing applicant, customer will receive a prorata refund for cost of that additional portion of distribution and/or service lines which Company would have allowed without customer contribution; or

15.3.5 A residing applicant has the option to elect a surcharge in lieu of a lump sum payment. The surcharge may include right-of-way acquisition costs defined in Rule 15.3.2.2, and shall be applicable for ten (10) years, billed in installments as determined by the Company. The surcharge shall be reviewed, recalculated and adjusted for the remaining payment period as a new customer(s) is added. The interest factor shall remain constant for the life of the surcharge for each customer.

The monthly surcharge shall be calculated as follows:  
(cost of excess facilities X interest factor)

The interest factor shall be calculated as follows:  
$$(C/12)/(1-(1+(C/12))^{-120})$$

Where C is the Company's weighted pre-tax cost of capital awarded in the prior rate proceeding.

15.3.5.1 At any time, the customer may make a lump sum payment of the outstanding principal balance. Such lump sum payment shall be subject to refund for the remaining term under Rule 15.3.4.

15.3.5.2 The surcharge shall cease if at any time the number of customers added to the extension equal or exceed the applicable footage allowances of the total extension, or the gross revenue in each of two consecutive calendar years from those customers receiving electric service from the distribution line extension exceeds 1.5 times the total cost of the extension.

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#### 15. EXTENSION OF OVERHEAD ELECTRIC LINES: (Continued)

15.3.5.3 The remainder of any surcharge shall be collected from any subsequent owner(s) of the premises served, provided the Company has included the bold face notice required by 16NYCRR 98.3(f) in its surcharge agreement. The applicant shall inform such prospective owner(s) in writing prior to a closing on its property of the surcharge. Failure to provide proper notification does not relieve the previous owner(s) from the responsibility for payment of the surcharge.

15.3.5.4 Canceled

15.3.5.5 If the initial amount of the surcharge is less than \$1,000 for the distribution line, the service line, and/or the right-of-way acquisition, applicant shall make a lump sum payment.

15.3.5.6 In the case of multiple, initial, residing applicants for service from the same extension, or subsequent residing applicants requesting service from an existing extension which was available to provide service less than 10 years prior, the surcharges and/or lump sum payments of new applicants and/or existing customers will be recalculated according to the following rules:

(i) No applicant will incur any cost for footage which is within the aggregate free allowance of all applicants who are connected to the extension within the first 10 years of its rendering service.

(ii) The aggregate free footage allowance for all applicants and customers served by the extension within the first 10 years of its rendering service will be 500 feet per applicant/customer.

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#### GENERAL INFORMATION

#### 15. EXTENSION OF OVERHEAD ELECTRIC LINES: (Continued)

##### 15.3.5.6 (Continued)

(iii) An applicant will not incur any cost for footage of the extension which is not necessary to serve the applicant. Each applicant is responsible for the cost of any footage, beyond the aggregate free allowance, which serves only that applicant, and for a prorata share of the cost of any footage, beyond the aggregate free allowance, which serves both the applicant and any other applicant(s) or customer(s). A pro rata share shall be calculated based upon the costs and expenses for each shared portion of the extension divided by the number of customers that are supplied by that portion of the extension.

(iv) An applicant who requests an extension that requires further extension along the same, or branches from the path of an existing extension which began rendering service less than 10 years prior, is treated as an additional applicant to the existing extension, and an applicant for a new extension with respect to the additional footage beyond the existing extension, or the branch extension. Such an applicant will receive 500 feet of free footage, which is first applied to any footage of the previously built extension which is beyond the aggregate free allowance of the previous customers and which serves the new applicant. Any remaining free footage will then be applied to the branch extension built for the new applicant. Any future applicants who request service from the branch extension must contribute to the cost of any portion of the original extension which provides service to them and are in excess of the aggregate free allowance, if they take service within the original 10 year service period. Future applicants must also contribute to the costs of portions of the new branch extension which provides service to them and are in excess of the aggregate free footage, if they take service within the first 10 year service period for the branch extension.

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15. EXTENSION OF OVERHEAD ELECTRIC LINES: (Continued)

15.4 Company reserves the right to defer construction of an extension until the premises of all applicants for such extension shall have been properly wired for the service intended.

15.5 Company shall have the exclusive right to decide on the kind of facilities to be provided for any line extension and all extensions shall be the sole property of Company regardless of whether or not contributions have been made by an applicant.

15.6 The portion of the service lateral beyond the limits of a street, avenue, road or way as hereinbefore defined shall be provided, placed, constructed and maintained in accordance with Rules 21 and 22 hereof.

15.7 When Company acquires facilities from another utility, customers served from a line extension constructed under the extension plan of the other utility shall receive service in accordance with the terms and conditions of agreements made with other utility for the term specified therein.

15.8 A successor to a customer connected to an overhead line extension constructed under Rule 15.3 shall, as a condition of receiving service, agree to pay to Company the rates set forth in the service classification under which electric service is to be supplied to the customer and in addition the amount of surcharge allocable to him under the provision of Rule 15.3.

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## GENERAL INFORMATION

### 16. UNDERGROUND DISTRIBUTION:

#### 16.1 Applicability:

Pursuant to the Public Service Commission's Opinion and Order establishing rules and regulations pertaining to underground electric facilities issued on December 28, 1971, as amended and supplemented on July 31, 1973, and September 21, 1993 in Opinion No. 93-20. The Company will comply with 16NYCRR Parts 98.4 and 98.5, where applicable, as adopted by Public Service Commission Order No. 93-20 in Case No. 92-M-0607 issued and effective September 21, 1993. The following are the qualifications of applicability:

16.1.1 Extensions of electric distribution lines necessary to furnish permanent electric service shall be made underground for the following types of construction:

16.1.1.1 Residential subdivisions on which it is planned to build five (5) or more dwellings, (or)

16.1.1.2 A multiple occupancy dwelling which will contain four (4) or more residential apartments, (or)

16.1.1.3 Mobile homes in new mobile home parks of five (5) or more improved sites furnished with permanent sewer and water facilities, (or)

16.1.1.4 Within identified Visually Significant Resources (VSR), in accordance with the Rules and Regulations of the Public Service Commission set forth in 16NYCRR Part 99 as adopted in Opinion No. 93-20. The provision of underground facilities by the Company may be subject to certain exemptions outlined in 16NYCRR Parts 98, 99 and 100, (or)

16.1.1.5 Within areas required by governmental authority with appropriate jurisdiction to have underground facilities.



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## GENERAL INFORMATION

### 16. UNDERGROUND DISTRIBUTION: (Continued)

#### 16.1 Applicability: (Continued)

##### Exemptions From Underground

16.1.2 The following exemptions allow overhead residential distribution facilities within subdivisions:

16.1.2.1 An applicant(s) may be served overhead provided:

16.1.2.1.1 The developer of the subdivision is not the builder of the dwelling units,  
(and)

16.1.2.1.2 Underground distribution is not mandatory by municipal ordinance or  
other governmental regulation, (and)

16.1.2.1.3 Either:

16.1.2.1.3.1 Five or more years have elapsed from the first lot sale in the  
subdivision to the first application for service and Company has no  
indication of any other new applicants within the next 6 months, (or)

16.1.2.1.3.2 Five or more years have elapsed from the final approval of the  
subdivision or a section of the subdivision and less than 25% of the lots  
have been sold in the subdivision and every section thereof except where,  
10% or more of the lots in the subdivision or any section thereof have been  
sold in the last 2 years, (or)

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### 16. UNDERGROUND DISTRIBUTION: (Continued)

#### 16.1 Applicability: (continued)

16.1.2.1.4 In cases where an overhead installation would be permissible in accordance with Rule 16.1.2.1.3 above, but less than five years have elapsed and Company believes that the subdivision or section of the subdivision will not be developed sufficiently in the near future to permit orderly utilization of underground lines installed to serve the initial applicant(s), Company may petition the Commission to allow overhead construction.

16.1.2.2 The average trench footage per lot within the subdivision exceeds 200 feet, overhead facilities may be installed, provided underground facilities are neither requested by the applicant nor required by governmental authority with jurisdiction to do so.

16.1.3 Company is permitted to provide overhead distribution facilities to a subdivision cul-de-sac by extending no more than 600 feet of overhead facilities into the cul-de-sac, if no governmental authority having jurisdiction to do so has required undergrounding and the utility can provide service to the entire subdivision. The existing overhead facilities must be presently within or at the entrance of the cul-de-sac. When this type of construction is planned, the Company must notify the Public Service Commission quarterly regarding the date of construction, the details of the construction, and its location.

16.1.4 Company is permitted to provide overhead service to a street if overhead facilities exist on each end of the street and the distance between the overhead facilities is less than 1200 feet, if no governmental authority having jurisdiction to do so has required undergrounding and the utility can provide service to the entire subdivision. When this type of construction is planned, the Company must notify the Public Service Commission quarterly regarding the date of construction, the details of the construction and its location.

16.1.5 The Company's obligation to underground distribution lines, service lines and supply lines in VSRs is subject to financial limitations and other conditions set forth in more detail in 16NYCRR Part 98.

16.1.6 The Company is permitted to provide overhead service lines to new applicants from existing overhead lines, provided underground facilities are neither requested by applicant nor required by governmental authority with jurisdiction to do so.

#### 16.2 Definitions (See Section 1.19)

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## GENERAL INFORMATION

### 16. UNDERGROUND DISTRIBUTION: (Continued)

#### 16.3 Rights-of-Way and Easements:

##### All Applicants:

16.3.1 Applicant shall provide the Company satisfactory permanent easements or right-of-way agreements in accordance with Rule 15.3.2. These provisions are applicable irrespective of the length of the extension.

##### Non-Residing/Non-Residential Applicants/Developers:

16.3.2 Rights-of-way and easements must be cleared of tree stumps, brush and other obstruction at no charge to Company, and be graded to within six inches of final grade by applicant before Company will commence construction. Such clearance and grading must be maintained by applicant during construction by Company.

16.3.3 The applicant shall provide a survey map certified by a licensed professional engineer or land surveyor. The map shall be approved by the appropriate governmental authority having control over land use. The map shall be certified as final, showing the location of each lot, sidewalk, and roadway, including designation of individual lots to be initially served.

16.3.4 The applicant shall provide a map showing the location of all other existing and proposed underground facilities, including but not limited to sewers, water facilities and drainage facilities, shall be furnished to the Company by the applicant as soon as the location of such facilities is known.

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## GENERAL INFORMATION

### 16. UNDERGROUND DISTRIBUTION: (Continued)

#### 16.4 Installation of Underground Distribution Systems:

16.4.1 Company will furnish, place, construct, operate, maintain and when necessary replace at its own cost all underground electric lines and other facilities within the territorial limits of any street, avenue, road or way that is for any highway purpose under the jurisdiction of the legislative body of any city, town, village, county or the State of New York, or on private right-of-way when Company elects to use such a route in lieu of construction within such limits, under the terms and conditions hereinafter provided.

16.4.1.1 Upon receipt of a proper application for underground residential service and when underground service is required by governmental jurisdiction, the Company will install underground distribution lines and contribute towards the cost for service laterals. Each applicant is entitled to 100 feet of free underground distribution line, or the equivalent cost of 100 feet of service lateral credit as defined in Rule 16.4.6, measured from the connection point at the bottom of the riser pole for overhead to underground connections. For multiple occupancy buildings, the free underground line entitlement is equal to 100 feet times the average number of dwelling units per floor. As set forth in the Commission's order in Case 16-E-0637, the applicant's 100 foot entitlement may include single or multiple phase service depending on the requirements deemed necessary by the Company for service.

16.4.1.2 Applicant's requesting or required to accept service under these conditions are subject to the same payment regulations as stated in Rule 15.3 of this tariff. However, if the cost of installing the necessary facilities will be greater than two times the cost of installing such facilities calculated using the applicable charges per foot, the Company may petition the Commission to allow a greater contribution to the cost of the facilities than these rules would otherwise require.

16.4.1.3 For installations outside of subdivisions and multiple occupancy buildings, for secondary and primary services the material and installation costs of underground supply, distribution and service lines shall be determined based upon average historical actual costs as filed in annual statements reconciled to the installed trench distance whenever the installed trench varies from the initial design by more than 10 feet. Costs for the extension of subtransmission and transmission services will be actual costs.

16.4.2 Upon receipt of a proper application for underground service pursuant to this Rule 16, Company will furnish, place, construct, operate, maintain and when necessary replace at its own cost all underground electric distribution facilities within the subdivision, and inform the telephone company serving the area in which the subdivision is located of the receipt of such application, and upon compliance by the applicant with the requirements of these rules, Company will install underground electric distribution lines with sufficient capacity, including reasonable provision for load growth, and suitable material which, in its judgment, will assure that the applicant will receive safe and adequate electric service. Such installation shall be undertaken by Company as soon as reasonably

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## GENERAL INFORMATION

### 16. UNDERGROUND DISTRIBUTION: (Continued)

#### 16.4.2 (Continued)

possible after receipt of a proper application and shall be made at a time appropriate to render service. Company reserves the right to schedule installation in all or any portion of a subdivision in a manner appropriate to render service. Construction will not be delayed by Company so that applicant will be held up in the sale or other disposal of the buildings, or lots, except where such delay is caused by strikes, fire, flood, inclement weather, unavailability of materials, civil disorders, or other conditions beyond the control of the Company. No overhead circuits, including street lighting circuits, shall thereafter be installed by Company within a subdivision having underground electric distribution lines.

16.4.3 Where the average footage per dwelling unit served exceeds 100 feet, the applicant shall contribute to the cost of the excess footage. For the purpose of this rule, average footage per dwelling unit served will be determined by dividing the total footage of underground distribution line or service line required in the applicant's subdivision by the number of dwelling units to be served at the time the underground electric distribution system is installed. The average cost per foot of underground residential distribution line based upon experienced costs for all underground distribution line extensions in residential subdivisions is set forth in the Statement of Underground Residential Distribution Contribution ("URD Statement"). Company must file the new average cost per foot with the Commission no later than May 1st of each year. Where Company has on file an application executed and accepted by Company prior to the effective date of this leaf for such extension and construction is commenced not later than thirty days after the effective date of this leaf, the Company will honor the prior application or the applicant has the option of reapplying for the average cost per foot set forth herein.

16.4.3.1 Where the per foot cost of the installation will be greater than two times the cost of installing such facilities as calculated using the applicable charges per foot currently in effect, the applicant or Company may petition the Public Service Commission for the installation of overhead facilities.

16.4.4 If a charge to the applicant has been required under Rule 16.4.3 and if, after the underground distribution system is installed, additional dwelling units are constructed and take service from distribution line, Company will recalculate charges under Rule 16.4.3 as if the additional dwelling units had been constructed at the time of original construction within the subdivision, and will make an appropriate refund of such charges without interest. Any portion of the charges remaining unrefunded five years from the date Company is first ready to render service from the underground electric distribution lines installed with respect to the subdivision for which application hereunder was first made, shall be retained by Company and credited to the appropriate plant accounts.

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## GENERAL INFORMATION

### 16. UNDERGROUND DISTRIBUTION: (Continued)

16.4.4.1 The non-residing applicant/developer may elect to excavate and backfill the trench necessary for the underground distribution lines within the residential subdivision in accordance with the Company's standards and practices and pursuant to a construction schedule agreed to by the Company. The Company shall not be responsible for any delays caused by the non-residing applicant or developer's failure to construct in accordance with the Company's standards and practices and the agreed work schedule. If the non-residing applicant/developer elects to excavate and backfill the trench, the Company will reimburse the non-residing applicant/developer the per foot trench cost for developers as set forth in the Company's URD Statement. Reimbursement will be provided after completion of the trench work and the Company's verification that the trenching performed by the non-residing applicant/developer is in conformance with Company specifications. The Company will not reimburse the non-residing applicant/developer for trench work performed by the non-residing applicant/developer in connection with excess footage chargeable under Rule 16.4.3.

16.4.5 Company reserves the right to designate the service connection point to a building or to a multiple-occupancy building and the point at which any service lateral will connect to Company's electric distribution lines or equipment. The portion of the service lateral not within the bounds of the street or highway shall be installed by the applicant in accordance with Company's specifications and pursuant to Rule 21.5 of General Information.

16.4.6 Service lateral credit, where applicable, will be granted to the applicant for electric service for the dwelling after it has been energized as set forth in the URD Statement. Service lateral credits will not be given for more footage than the actual length of the service lateral.

### 16.5 Connection to Supply System:

16.5.1 The supply line installed to the non-residing applicant/developer's subdivision shall be made in accordance with the following requirements:

a. The average cost per foot of underground connecting supply line based upon experienced costs for all underground connecting supply lines required to serve residential subdivisions is set forth in the URD Statement. The Company must file the new average cost per foot with the Commission no later than May 1st of each year. Where the Company has on file an application executed and accepted by the Company prior to the effective date of this leaf for such extension and construction is commenced not later than thirty days after the effective date of this leaf, Company will honor the prior application or the applicant has the option of reapplying for the average cost per foot set forth herein.

b. Where a governmental authority having jurisdiction over land use requires supply line to be placed underground, the specified footage allowance shall apply in the sequential order of supply, distribution and service lines, respectively.

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#### 16. UNDERGROUND DISTRIBUTION: (Continued)

c. In the absence of a governmental requirement where any part of such connection is to be placed overhead, applicant must submit a written application to the Company at least 75 days prior to the projected commencement of the construction of the supply line, and the Company must report such projected construction to the Public Service Commission for its approval no later than 45 days before such construction is commenced.

d. Company may, at its sole discretion and expense, underground additional portions of such connecting supply lines.

16.5.2 Whenever Company intends to place any underground connecting supply lines between an existing distribution system and the underground distribution lines installed within an applicant's subdivision, it will inform the telephone company and cable television company serving the area in which the subdivision is located.

#### 16.6 Letter of Credit by Non-Residing Applicants:

16.6.1 In order to guarantee performance, the Company may require from the non-residing applicant/developer, before construction is commenced, a reasonable deposit, in the form of an acceptable Letter of Credit, or a cash deposit, but in no event greater than the estimated cost of construction. The Letter of Credit, when required, shall be applicable only to that portion of the extension not covered by contributions and shall be in addition to any contributions which may be required of the non-residing applicant/developer pursuant to Rule 16.4 and 16.5. An annual review shall be performed. The Letter of Credit shall be reduced at the end of the annual review period by the required amount on a pro rata basis for the new customers connected with service from the Company during the period subject to annual review.

16.6.2 Any portion of the Letter of Credit, made by the non-residing applicant/developer, remaining after five years, from the date the Company is first ready to render service from the underground electric distribution lines installed with respect to the subdivision for which application hereunder was first made, shall be retained by Company and credited to the appropriate plant accounts.

16.6.3 Any cash deposit received shall be returned quarterly to the non-residing applicant/developer with interest, on a pro rata basis as each new customer is connected with service from the Company. The interest is calculated at the Company's current deposit rate. Any portion of the cash deposit made by the non-residing applicant/developer remaining after five years from the date the Company is first ready to render service from the underground electric distribution lines, shall be retained by the Company and credited to the appropriate plant accounts.

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### 16. UNDERGROUND DISTRIBUTION: (Continued)

#### 16.7 Cooperation by Applicant:

16.7.1 Each applicant will cooperate with Company in an effort to keep the cost of construction and installation of the underground electric distribution lines as low as possible, consistent with requirements for safe and adequate service, including reasonable provision for load growth. To the extent practicable, electric and communication cables will be installed in the same trench simultaneously at random separation.

16.7.2 Company may require from the non-residing applicant/developer that all sewers, water facilities, drainage facilities and curbs be installed before it commences construction.

#### 16.8 Special Conditions:

16.8.1 In unusual circumstances when the application of these rules appears impracticable or unjust to either party or discriminatory to other customers, Company or applicant may refer the matter to the Public Service Commission for special ruling or for the approval of special conditions which may be mutually agreed upon, prior to commencing construction. This petition shall be granted or denied based on economic, engineering or environmental factors.

16.8.2 If the Company or the applicant believes that the new construction of underground distribution and service lines within a residential subdivision would be less environmentally desirable than the installation of overhead facilities, either may request that the Secretary of the Commission grant an exception. Three copies of the request shall be sent by certified mailed to the Secretary.

16.8.2.1 The request shall, as between overhead and underground construction, compare the probable environmental effects associated with the residential subdivision and any economic, engineering, or other factors considered pertinent to the case by the Company or applicant to be served.

16.8.2.2 The request shall for those instances where visual values would be diminished by underground construction, indicate factors bearing on probable retention of significant flora, including the Company's practice with respect to trimming trees in the vicinity of overhead facilities.

16.8.2.3 The request shall be mailed to the Adirondack Park Agency, whenever the request will involve construction within the Adirondack Park.

16.8.2.4 The request shall be reviewed by Commission Staff and will notify the Company within 60 days of receipt of the request either that the request is granted or that it objects to the request. If Commission Staff objects, the request shall be referred to the Commission for further review.



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### 16. UNDERGROUND DISTRIBUTION: (Continued)

16.8.3 Where a one-pole extension, including but not limited to road crossing pole extensions, would enable an existing overhead distribution line to be connected to a proposed underground distribution in a residential subdivision, such extension may be installed overhead, rather than underground.

### 16.9 Visually Significant Resources (VSR):

16.9.1 The requirement to evaluate new distribution and service lines in VSRs, as defined in Rule 1.19.11, in accordance with 16NYCRR Part 99 to determine whether underground or overhead construction is appropriate provided the Company has not expended more than its maximum obligation set forth in 16NYCRR Part 99.2, applies to new construction on public and private land in VSRs, where a qualified agency:

16.9.1.1 has no statutory authority to require the underground construction of a particular distribution or service line; and

16.9.1.2 has supplied to the Company and to the Commission, and the Commission has accepted and approved a map(s) of the particular VSR, at a scale appropriate to such VSR, showing its boundaries in sufficient detail to permit the Company to comply with the requirements of this Rule, and should be accompanied by a textual description where clarification of the VSR boundaries is desirable.

16.9.2 If it is determined after the report and assessment required by 16NYCRR Part 99.2(b) and (j) that an electric extension will be installed underground because it is located in a VSR, the Company will be responsible for that portion of both the installation costs for underground distribution and the reasonable, actual installation cost for underground service line which exceeds the amount the applicant would have been required to pay for comparable overhead facilities.

16.9.2.1 Where any telephone company has been permitted to install a distribution or feeder facility necessary to furnish permanent telephone service overhead in a particular VSR, the Company may install a distribution or service line necessary to furnish permanent electric service overhead using the poles which were used for the telephone facility.

16.9.3 VSR(s) located in the Company's Franchise Area are set forth on the "Statement of Visually Significant Resource Areas in the Company's Franchise Area" (statement) filed with the Public Service Commission apart from this Rate schedule. Such statement shall be filed with the Public Service Commission whenever changes are warranted pursuant to 16NYCRR Part 99.

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### 16. UNDERGROUND DISTRIBUTION: (Continued)

16.9.4 The Company will provide a written report to the agency which designated or administers the VSR, any agency having jurisdiction over affected public land and the Commission, of its intention to install, or provide for the installation of, the necessary facilities underground or overhead, at least 60 days before construction is planned to commence.

16.9.4.1 The Company may provide the written report described therein within 30 days after the commencement of construction if the necessary distribution or service line is installed overhead on a temporary basis, pending the review of the Company's report.

16.9.4.2 The Company may install permanent overhead facilities if the Company, before installation:

16.9.4.2.1 determines that the situation is an emergency; and

16.9.4.2.2 obtains the written approval of the appropriate agency (ies); and

16.9.4.2.3 upon written request, obtains the written approval of the Secretary of the Commission.

16.9.4.3 If undergrounding is otherwise required in a VSR, and the per-foot cost of installing the necessary facilities will be greater than two times the Company's annual cost per foot, the Company or the applicant may petition the Secretary of the Commission to allow overhead installation.

16.9.5 If an agency intends to supply a map or maps of a VSR(s) to the Company and the Commission, such agency shall consult with the Company and the Commission's Staff as to the appropriate scale(s) and other details of such map(s).

16.9.6 This Rule shall remain in full force and effect for a period of five years ending November 21, 1998.

16.10 The length of time in which the Company can respond to a request for electric service and install such service for qualified applicants may be affected by project reporting procedures and conditions governing construction practices of undergrounding facilities as set forth in Part 101 of the Public Service Commission's regulations, 16NYCRR Parts 99, 100 and 101.

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17. UNDERGROUND EXTENSIONS TO OFFICE BUILDING AND OTHER NON-RESIDENTIAL DEVELOPMENTS:

17.1 At the time of initial development, underground service will be extended for use of tenants or occupants in each separate building of a non-residential development, such as an office building, shopping center or industrial park on the following terms and conditions:

17.1.1 The applicant shall make a payment to the Company in accordance with Rule 16.4.1.3. Applicant shall receive an equivalent credit to this payment for up to 500 feet of single phase or 300 feet of three-phase overhead line extension cost.

17.1.2 If such overhead extension cost exceeds the underground extension cost, applicant shall receive up to 100 feet of underground line extension allotment.

18. SUBMARINE CABLE EXTENSIONS:

18.1 Upon written application, the Company will furnish, construct, operate and maintain submarine cable to an applicant(s) provided the applicant(s) shall agree to pay to the Company, (1) the rates charged under the applicable Service Classification, and (2) the actual reasonable cost of said extension that is in excess of 100 feet per applicant. Residing applicant(s) may opt to pay a surcharge in lieu of a lump sum payment as defined in Rule 15.3.

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19. NETWORK AREA SERVICE:

19.1 Electric service in network areas will normally be from a 120/208 volt, 4 wire system.

19.1.1 Service laterals shall be installed as provided in Rule 21.6.

19.1.2 Customer shall submit drawing of service entrance equipment for Company approval prior to construction.

19.1.3 Where Company's service cables exceeds four sets in number, customer's service equipment shall include a service bus on the supply side to which customer will connect their service equipment and to which customer will fasten the Company's service cables.

19.1.4 For large loads in network areas Company may require customer to install vaults or enclosures as specified in Rule 23.

20. NON-NETWORK VOLTAGE IN A NETWORK AREA:

20.1 Non-network, three phase, four wire, 60 cycle, 277/480Y volt service may be supplied by Company upon application from one customer or a group of customers in one building within the area served by Company's 60 cycle networks, subject to the arrangement of supply facilities specified by Company, and provided that:

20.1.1 Such Customer or group of Customers shall take such service on an annual basis and with an aggregate minimum monthly billing demand of not less than 500 kilowatts.

20.1.2 Three phase, four wire, 60 cycle, 277/480Y volt service shall not be combined with service of other characteristics for billing purposes.

20.1.3 Where three phase, four wire, 60 cycle, 277/480Y volt service is supplied to a new building, Company will not thereafter furnish service of other characteristics.

20.1.4 Where three phase, four wire, 60 cycle, 277/480Y volt service is supplied to an existing building, Company will not thereafter increase the capacity of connections used to furnish service of other characteristics.

20.2 Customer shall install the vaults to house Company's transformers and equipment at a location mutually agreed upon and as specified in Rule 23. Sufficient space shall be provided to accommodate additional or larger transformers for future load growth.

20.3 Customer's installation and service equipment shall comply with the applicable provisions of Rule 19.

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### 21. SERVICE LATERALS - BELOW 15,000 VOLTS:

21.1 The Company normally will run only one service lateral to applicant's premises for each type of service. Service laterals will not be run from building to building.

21.2 Applicant shall furnish or obtain all right-of-way agreements required by Company between Company's line and the point of attachment at applicant's meter pole, underground terminal box or building, per Rules 15.3.2 through 15.3.5, inclusive.

#### 21.3 Overhead from Overhead Distribution Lines:

21.3.1 Company will construct, own and maintain all overhead service laterals. No charge will be made to applicant unless the service lateral exceeds 100 feet in length and requires intermediate support. When intermediate support is required, the applicant will be charged for the excess over 100 feet pursuant to Rule 15.2 and Rules 15.3.3 through 15.3.5.5, inclusive, reconciled to the installed span footage whenever the installed span footage varies from the footage provided in the initial design by more than 10 feet and actual number of pole sets. The service lateral will be measured along the route of the lateral from the property line where Company's line is constructed in the highway or from Company's line where it is constructed on private property, to the applicant's point of attachment.

21.3.2 On farms or other premises where several buildings under one ownership will be supplied through one meter it may be desirable wiring economy to install the meter on a pole and to distribute to the several buildings directly from this meter pole. In such cases the meter pole and any necessary guys shall be furnished, installed, owned and maintained by Customer. Company shall be consulted in each case for its requirements concerning the pole and associated guys.

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#### 21. SERVICE LATERALS - BELOW 15,000 VOLTS: (Continued)

21.3.3 The Company shall furnish on request detailed information on the method and manner of making service connections. Such detailed information may include a copy of the Company's Specifications for Electrical Installations booklet, as may be amended from time to time, a description of the service available, connections necessary between the Company's facilities and the Customer's premises, location and access of service connection facilities and metering equipment, and Customer and Company responsibilities for installation of facilities.

Customer shall furnish, install, own and maintain all service entrance conductors in accordance with Company requirements. All connections, permanent or temporary, between overhead service lateral and these entrance conductors will be made by Company; provided that, for a single phase, three wire, 200 amp or less existing residential overhead service, all connections, permanent or temporary, between the Company's overhead service lateral and the Customer's service entrance conductors may also be made by a licensed electrician who is in good standing with the authority having jurisdiction and who is registered with the Company; provided, however, the Company gives no warranty to the Customer, express or implied, as to the knowledge, training, reliability, honesty, fitness, or performance of any electrician registered with the Company for this purpose, and shall not be liable for any damage or injury caused by any electrician who may be used for such purpose.

21.3.4 When the service lateral (2400 to 15000 volts) terminates in a building or vault, the section between the last pole and the building or vault shall be cable. See Rule 21.4.6.

#### 21.4 Underground from Overhead Distribution Lines:

21.4.1 An underground service lateral should be considered by Customer where the wall height will not permit the mounting of a service bracket at a height above final grade sufficient to maintain minimum ground clearance for an overhead service lateral.

21.4.2 The Company will designate the pole from which service lateral will be taken. Plans of the installation shall be submitted to the Company for approval before construction is started.

21.4.3 Customer desiring an underground service lateral connection (below 600 volts secondary) from an overhead line shall install, own and maintain, in accordance with Company's requirements, at their expense, the entire service connection from the point of origin on Company's pole to the point of termination at the meter or service equipment location. These laterals remain the property of Customer and must be maintained and replaced by Customer.

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#### 21. SERVICE LATERALS - BELOW 15,000 VOLTS: (Continued)

21.4.4. If a Customer desires an underground service lateral and Company's line is on the opposite side of the highway, Company will furnish and install a pole and guy on Customer's side of the highway (preferably on Customer's premises). The installed cost of this pole and guy will be borne by Customer pursuant to Rule 15.2 unless a pole would have been required for highway clearance to support an overhead service lateral to this Customer. Company will, at no expense to Customer, run an overhead line to this pole and will own and maintain the pole and guy.

21.4.5 As an alternative to the pole being installed on the same side of the highway as Customer's premises, Customer may install underground conduit under the highway to Company's pole. Where local authorities will not permit Customer to install this conduit, Company will secure the necessary permit and will install the conduit within the limits of the highway at Customer's expense.

21.4.6 If the service lateral is 2400 volts to 15000 volts, inclusive, Customer shall install, own and maintain at their expense and in accordance with the Company's specifications the entire conduit system where required by Company from its point of origin on Company's pole to their service equipment. Company will specify the type and size of the service cable. Company will furnish, install, own and provide maintenance of the cable. The cost of the cable and its installation shall be borne by Customer pursuant to Rule 16.4.1.3.

21.4.7 In the event that pursuant to the order of any governmental body or regulatory agency having jurisdiction in the matter Company is required to relocate its overhead facilities, or change its overhead facilities to underground facilities, Company shall give not less than ten days' written notice to the Customer whereupon it shall be Customer's responsibility, at their expense, to relocate their service lateral to a new location designated by Company, unless otherwise provided for in Rule 32.2.5.2.

21.4.8 The applicant/customer shall excavate and backfill the trench necessary for the underground service lateral in accordance with the Company's standards and practices. The Company shall not be responsible for any delays caused by the applicant/customer's failure to trench in accordance with the Company's standards and practices.

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#### 21. SERVICE LATERALS - BELOW 15,000 VOLTS: (Continued)

##### 21.5 Underground from Underground Lines, Non-Network Area, below 600 Volt Secondary:

21.5.1 Customer served from an underground distribution system, non-network area, below 600 volts secondary, shall install and maintain, at the customer's expense, the entire service lateral connection from the point of attachment to Company's distribution system to the point of termination at the meter or service equipment location. These laterals remain the property of Customer and must be maintained and replaced by Customer.

21.5.2 The applicant/customer shall excavate and backfill the trench necessary for the underground service lateral in accordance with Rule 21.4.8.

##### 21.6 Underground from Underground Lines, Network Areas and 2400 Volts to 15000 Volts Service Lateral:

21.6.1 Where the service lateral is underground from a 2400 volts to 15000 volts underground line or below 600 volts in network areas, Company will furnish, install, own and maintain, at its expense, the conduit as required, from the underground distribution system to a point just inside the curb or building wall of the Customer's building, if this wall is within the limits of or adjoins the boundary line of the street or highway in which the Company's underground line is located.

21.6.2 The Customer shall furnish, install, own and maintain in accordance with the Company's specifications and subject to the Company's inspection, all conduit on their premises and on any other premises which must be crossed to reach the boundary line of the highway in which the Company's underground distribution line is located.

21.6.3 The Company will furnish, install, own and maintain the underground cable between its underground distribution system and the end of the service lateral. The cable installation by Company normally will terminate at the service equipment in the Customer's premises. The cost for that portion of the cable and its installation on private property shall be borne by the Customer.



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21. SERVICE LATERALS - BELOW 15,000 VOLTS: (Continued)

21.7 If the service lateral is relocated on an order from a public authority, Customer shall pay for that portion of the work in private property. If the service is relocated at Customer's request, Customer shall pay the entire cost of this work both in the highway and in private property.

22. SERVICE LATERALS ABOVE 15,000 VOLTS:

22.1 Customer shall consult with the Company in every case where the service lateral will be above 15,000 volts in order that all details concerning the design and installation of the service lateral may be worked out to the mutual satisfaction of both Customer and Company.

23. TRANSFORMER VAULTS AND SUBSTATIONS:

23.1 As a condition of supplying service, Company may require installation of its transformers and other line equipment on Customer's property. Customer shall provide suitable space, vaults, foundations or pads, ducts and enclosures as required by the Company. Customer shall provide satisfactory access to the space, enclosures, or vaults for the Company to install, or remove, operate and maintain its equipment.

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### 23. TRANSFORMER VAULTS AND SUBSTATIONS: (Continued)

23.2 Where Company's transformers and equipment will be installed outdoors, Company will specify space requirements, transformer pads or foundations, grading, ducts and enclosures. Customer shall furnish detailed plans for approval by the Company prior to construction and shall construct, own and maintain transformer pads, foundations, ducts, site and enclosures.

23.3 Where the Company's transformers and equipment will be installed in a vault or in enclosure in or adjacent to a building, above, below or at grade, Company will specify requirements for the vault and ducts or enclosure. Customer shall furnish detailed plans for approval by Company and shall construct, own and maintain the vault or enclosure and ducts.

23.3.1 The vault shall comply with all provisions for transformer vaults stated in the latest edition of the National Electric Code and all applicable local ordinances and building codes.

23.3.2 Neither service equipment nor metering shall be located in the transformer vault.

23.3.3 Where the Company's equipment is to be located above or below grade, Customer shall provide at their expense a mutually agreed upon means for the installation, removal or replacement of Company's equipment either by elevator, permanent outdoor hoist or mobile crane.

### 24. SERVICE ENTRANCE AND BUILDING WIRING:

24.1 Customer shall provide the service entrance, in accordance with Company requirements, and all wiring on Customer's premises, beyond the point of delivery. The location of the service entrance and metering equipment shall be designated by Company. (Service will not be connected until Customer's wiring has been approved). Company will accept approval of Customer's wiring by company approved electrical inspection agencies that are also acceptable to the local authority exercising jurisdiction, if any.

24.2 The Company may refuse to connect service or may disconnect an existing service when in the Company's judgment or when Company has received notice that the customer's installation is not in a safe and proper operating condition. Also, when the installation does not conform with Niagara Mohawk's Specifications For Electrical Installations or the customer's equipment or use thereof impairs the Company's equipment or service to other customers.

24.3 Where Company is to supply service to individual tenants within a building, customer shall install and maintain feeders to connect each such tenant and Company will install and maintain meters on these feeders. Transformation required for other utilization voltages within the building shall be provided on the load side of the meter by the customer. All other metering shall be at the voltage of delivery of service to the building.

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#### 25. METER:

##### 25.1 BILLING METERS AND BILLING METER SERVICES

25.1.1 Except as otherwise provided in Rules 25.1.1 and 25.1.1.1, the Company, will supply, at its cost, those billing meters that are required by the Company for the billing of Electric Supply Service and/or transmission, distribution and delivery service it provides to customers, ESCos, and Direct Customers; and (ii) provide all associated installation, maintenance, testing and removal services. The Company will retain control of such billing meters and may remove them at any time. Customer shall be responsible for the protection of Company-provided meters and other Company property located on the premises and shall exercise reasonable care to prevent theft of, damage to, or interference with such equipment.

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25. METER: (Continued)

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#### 25. METER: (Continued)

##### 25.1 Company-Required Billing Meters (Continued)

25.1.2 Except as otherwise provided in this Tariff, the Company, at its cost, will have sole responsibility for the installation, maintenance, testing (including work performed to comply with 16 N.Y.C.R.R. Part 92, "Meter Testing and Reporting"), and removal of all meters required by the Company for its billing purposes, whether such meters are supplied and owned by the Company or by the Customer.

25.1.2.1 The Customer will be responsible for all Company costs to install, operate, and maintain any Customer-owned meter, including work performed to comply with 16 N.Y.C.R.R. Part 92, "Meter Testing and Reporting".

25.1.3 The Company will have sole control of all meters required by the Company for its billing purposes, whether such meters are owned by the Company or by the Customer.

25.1.4 All service to a Customer at a single location shall be rendered through a single meter, subject to the following provisions:

25.1.4.1 When Customer makes written request upon the prescribed form, Company will install as many meters as Customer shall desire, provided that the circuit or circuits connected on the load side of each meter are kept separate from all other circuits, in which event the service rendered through each meter shall be determined separately and billed separately in accordance with the provisions of the applicable Service Classification.

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#### 25. METER: (Continued)

##### 25.1 Company-Required Billing Meters (Continued)

25.1.4.2 Service to residential buildings will be in accordance with Rule 3.4.

25.1.4.3 The reading of two or more meters measuring the service at a single location may be combined and Customer billed for such total use, computed as if all service had been rendered through a single meter, under the following conditions and circumstances:

25.1.4.3.1 When the characteristics of service to Customer were such that at the time the service connections were installed there was no single meter commercially available to correctly measure such service and multiple meters have been continued in use.

25.1.4.3.2 When two or more service connections are necessary to provide service at the least expense to Company.

25.1.4.3.3 When service of different characteristics is supplied and there is no meter commercially available to correctly measure such combined service, provided that when service is rendered at more than one frequency such combination will be permitted only when such service is taken at primary voltage under service classifications specifically providing for such combination.

25.1.4.4 When Company elects to install two or more service connections in order to supply service at the least expense to Company, the quantities derived from all necessary meters may be combined for billing purposes. The maximum demand shall be the maximum sum of the coincident demands on all feeders, determined on each feeder by a single meter and totalized by an approved method. The RkVA demands shall be similarly determined and totalized and the billing determinants shall be the sum of the billing determinants recorded by the separate meters.

25.1.5 Customers participating in Programs 3 (Economic Development Power ) and 4 (Power for Jobs) under Rule 34, or receiving service under SC-4, may be subject to additional metering provisions, as set forth in Rule 34 and SC-4.

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### 25. METER: (Continued)

#### 25.2 Customer-Requested Enhanced Metering

25.2.1 All eligible customers, as defined in Rule No. 25.1.1.1, regardless of whether their commodity service is provided by the Company or an ESCo, may request the Company to install pulse output initiators and power quality monitoring equipment at the point of delivery. Such customers may also request the Company to install PSC-approved hourly interval recorders that are not required by the Company for its billing purposes. Such pulse output initiators, power quality monitoring equipment, and hourly interval recorders are hereinafter referred to as "enhanced metering". The available meter types and enhancements will be set forth in a schedule provided by the Company.

25.2.1.1 All enhanced metering must be compatible with the Company's metering infrastructure and must provide Company-required billing determinants.

25.2.1.2 All Customer-requested hourly interval recorders will be required to have remote reading capability compatible with the Company's infrastructure.

25.2.2 Except as otherwise provided in this Tariff, the Company, will supply and own any such Customer-requested enhanced metering.

25.2.2.1 The cost of such metering and related hardware, such as interval pulse recorders, modems, isolation relays, and software programming support, will be included in prices set forth in a schedule provided by the Company.

25.2.2.2 A Customer will be charged NMPC's costs to remove any existing NMPC-owned equipment.

25.2.2.3 The Customer's selected enhanced metering may require the installation by the Company, where technically feasible, of an additional device that will allow multiple data access, with the cost responsibility of such device and installation to be borne by the Customer.

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### 25. METER: (Continued)

#### 25.2 Customer-Requested Enhanced Metering (Continued)

25.2.2.4 The Company will have all rights with Customer-owned enhanced metering as with Customer-owned billing metering, as described in Rule 25.1.1.

25.2.3 Except as otherwise provided in this Tariff, the Company will have sole responsibility for the installation, maintenance, testing, and removal of all Customer-requested enhanced meters, whether owned by the Company or by the Customer.

25.2.3.1 As provided in Rule 28.4.7, the Customer will be responsible for all costs incurred by the Company in the installation, operation and maintenance of any Customer-owned metering.

25.2.4 The Company will have sole control of all Customer-requested enhanced metering, whether owned by the Company or by the Customer.

#### 25.3 Metering Installation

25.3.1 NMPC-required billing meters may be installed on Customer's side of the point of delivery.

25.3.2 If required, Company may make minor alterations to the meter cabinets and equipment enclosures, whether Customer or Company owned, in order to install locks or other devices necessary to protect the integrity of the metering equipment.

25.3.3 Customer shall provide sufficient and readily accessible space at a location on Customer's premises in accordance with Company's standards and practices for the installation of metering equipment. Customer shall provide mounting facilities as required by Company for metering equipment, whether Company or Customer owned.

25.3.4 Company may require Customer to install their service wiring so that the meter is accessible to Company employees from the outside of Customer's building.

25.3.4.1 Meters installed in new residential dwelling units constructed after July 15, 1976, shall be installed outdoors in an accessible location whenever feasible.



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STAMPS: Issued in Compliance with Order issued July 19, 2021 in Case 21-E-0084

#### GENERAL INFORMATION

#### 25. METER: (Continued)

#### 25.3 Metering Installation (Continued)

25.3.4.2 The meter may be located indoors, provided that the cost of the installation and equipment associated with a remote meter reading device shall be borne by the Customer, as set forth in Rule 25.5.

25.3.5 The Company will seal all meter installations. Metering equipment, including meter cabinets and equipment enclosures, whether Customer or Company owned, may be locked or sealed when service is shut off and at such other times when necessary to protect the integrity of the metering equipment. No person, except a person duly authorized by the Company, shall be permitted to break or replace a seal or lock, or to alter or change a meter or its connections or location.

25.3.6 If at any time after the installation of metering equipment, conditions are changed so that their location becomes unsuitable Company shall have the right to move such equipment to a suitable new location at the expense of the Customer. The cost of relocating metering equipment at the request of Customer shall be borne by the Customer.

#### 25.4 Metering Voltage

Metering for the Customer will normally be at the voltage of supply designated by Company. Company may at its option meter service at a voltage either higher or lower than the voltage of delivery, in which case the appropriate following adjustment shall be made:

25.4.1 When service is delivered at a secondary voltage and is metered at a higher voltage, metered energy will be decreased by three percent when metered energy is provided by the Company to the customer and will be increased by three percent when metered energy is provided as excess generation to the Company by the customer.

25.4.2 Except as otherwise designated in a particular service classification, when service is delivered at any designated voltage and is metered at a lower voltage, metered demands and energy will be adjusted for billing as follows:

25.4.2.1 When a transformer or bank of transformers is rated at 1000 kVA or more and is provided for service to a single Customer:

25.4.2.1.1 Metered demands will be multiplied by a factor based on transformer efficiency at 80% kVA load.

25.4.2.1.2 Metered energy will be multiplied by a factor based on load losses of transformers at 80% kVA load to which will be added the constant no-load transformer losses at normal voltage.

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#### GENERAL INFORMATION

#### 25. METER: (Continued)

##### 25.4 Metering Voltage (Continued)

25.4.2.1.3 No-load transformer losses are determined for 730 hours per month.

25.4.2.1.4 The multiplying factors and no-load losses will be derived from data published by the transformer manufacturer, when available, or by General Electric Company for transformers of similar voltage, type, and size.

25.4.2.2 In all other cases metered energy will be increased by three percent when metered energy is provided by the Company to the customer and will be decreased by three percent when metered energy is provided as excess generation to the Company by the customer.

##### 25.5 Meter Reading

25.5.1 The Company will be responsible for reading the meters of all Customers on their normally scheduled meter reading cycle, which may be monthly or bi-monthly.

25.5.2 If the Company or the Customer requires the Company to have remote access to the meter, the Customer shall provide access to a direct dial, voice-grade telephone line, subject to Company approval, that will be maintained by the Customer at the Customer's expense, except as otherwise provided in this Tariff.

25.5.2.1 The Customer will be solely responsible for providing, at its cost, any required telephonic communication equipment, whether a land line or a cellular telephone (where technically feasible). Where Company vendor agreements permit, cellular telephones may be procured through the Company at a cost mutually agreed to by the Company and the Customer.

25.5.2.2 The Customer will bear all costs associated with the installation, operation and maintenance of the telephone line including, but not limited to, all telephone bills. The Customer may assume responsibility for a telephone connection previously installed by the Company for this purpose or may, if the Customer plans to use a different telephone line, request the Company to remove its telephone line connection.

25.5.2.3 If the Customer's phone line is not operational for any reason when the Company attempts to read the meter, the Customer will be assessed \$50.00 on each monthly cycle until the condition is corrected. This provision will not apply to cellular telephones procured through the Company.

25.5.2.4 Distributed Generation Customers will be responsible to pay for costs incurred by the Company from the Company's telecommunication service provider for connection to the Company's wireless telecommunications system (SCADA/DTT).

25.5.2.5 The Customer will be required to pay an additional cost to upgrade a Company-owned meter, in accordance with a schedule provided by the Company.

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#### GENERAL INFORMATION

#### 25. METER: (Continued)

##### 25.5 Meter Reading (Continued)

25.5.3 The Company will require access to any meter, pursuant to Rule 13 and the transportation Corporations Law, in order to verify the accuracy of remote meter reading devices, dial card readings or telephone readings, at least once in every twelve month period. If the Customer refuses this access, the Company may invoke the provisions as outlined in Rule 26.2.5.

##### 25.6 Residential Automatic Meter Reading ("AMR") and Advanced Metering Infrastructure ("AMI") Opt-Out Option

25.6.1 Residential customers who do not wish to have an AMR meter installed at their premises, have an option to "opt-out" and have their AMR meter replaced with a non-AMR meter. This option is not applicable to residential customers who have a time of use meter installed at their premises.

25.6.1.1 Customers who elect this option will be charged an initial fee for the removal of the existing AMR meter and the installation of the non-AMR meter. Additionally, by electing this option, the customers will be charged a monthly meter reading fee for the non-AMR meter.

25.6.1.1.1 The initial fee will be \$44.63 for an electric meter only replacement.

25.6.1.1.2 The initial fee will be \$89.03 for both an electric and gas meter replacement.

25.6.1.1.3. Customers will not be assessed the initial fee until the Company installs the non-AMR meter.

25.6.1.1.4 The Company will attempt an actual meter read every two months and issue an estimated bill for the interim months that are not read. The Company shall make a reasonable estimate of the consumption of electricity during those months when the meter is not read. Such estimated bills shall be payable as rendered.

25.6.1.1.5 A monthly fee will be assessed of \$11.64 for an electric meter only reading and \$17.71 for the electric and gas meter reading to cover the manual meter reading costs.

25.6.1.2 The above fees in Rule 25.6.1.1 will be applicable to electric meter only replacement and combined electric and gas meter replacement. For customers who wish to have their AMR Gas meter only replaced, should refer to the Company's gas tariff for the gas AMR Opt-Out program and associated charges.

25.6.1.3 Customers that have a non-AMR meter, who decline installation of an AMR meter shall be considered to have elected to Opt-Out of AMR. Such customers will not be assessed the meter replacement fee in Rule 25.6.1.1.1 or Rule 25.6.1.1.2 but will be assessed the meter reading fee in Rule 25.6.1.1.5.

25.6.1.4 Effective March 2015, customers for whom we made multiple efforts to retrofit the Company's meter with an Electronic Read Transfer, "ERT" or replace with an AMR meter will be considered "opted out" of the AMR program. The monthly meter reading fee will be assessed beginning July 2015.

Issued by Rudolph L. Wynter, President, Syracuse, NY

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#### GENERAL INFORMATION

#### 25. METER: (Continued)

25.6.2 Customers electing Rule 25.6 will be billed for charges applicable to the customer's otherwise applicable service classification plus the initial fee and the monthly charge described in Rule 25.6.1.1.

25.6.3 Any "opt-out" customer who wishes to have the AMR re-installed may be charged a "re-installation fee". The re-installation fee shall be equal to the initial fee of \$44.63 for an electric meter replacement only and \$89.03 for a combination electric and gas meter replacement. The re-installation fee will be charged for the removal of the non-AMR meter and the installation of the AMR meter.

25.6.3.1 Any customer electing Rule 25.6.3 will also no longer be assessed the special monthly meter reading fee once the AMR meter is installed.

25.6.4 Customers electing this Rule will be subject to all terms and conditions under Billing, Meter Reading, and Collections as contained in this tariff.

25.6.5 The same fees assessed to AMR "opt-out" customers will also be assessed to AMI "opt-out" customers when AMI meters are available by the Company.

25.6.6 This program is only applicable to meters installed by the Company.

#### 26. BILLING, METER READING, AND COLLECTIONS:

26.1 Rates and charges specified in the various Service Classifications are stated on a monthly basis. A month as defined in the respective service classifications is any period consisting of not less than twenty-five (25) days nor more than thirty-five (35) consecutive days. The Company will ordinarily schedule meters to be read monthly (approximately thirty (30) days) or bimonthly (approximately sixty) and bills to be rendered monthly. Company reserves the right to read meters and render bills at any other interval of time. Where meters are scheduled to be read bimonthly, the Company will render interim, estimated bills in the bimonthly periods. In place of intervening month estimated bills, the meter may be read by the customer and reported to the Company for that purpose at the customer's request. In the event a bill is for a period longer than 35 days or shorter than 25 days, the bill will be prorated on the basis of a thirty-day billing period. However, when a Customer discontinues service before the expiration of one (1) month, no proration will be made.

#### 26.2 Estimated Bills - Residential

Should any meter or measuring device used under an agreement for service for any reason fail to register for any period of time the full usage of service by a Customer, or if the actual usage of service cannot be obtained because of inability of Company to read a meter or measuring device on the scheduled read date, the usage of service by such Customer may be estimated by Company on the basis of available data and the Customer billed accordingly.

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#### GENERAL INFORMATION

#### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.2.1 Estimated bills may be routinely sent to the customer for a period of four months.

26.2.2 If no actual reading is obtained after the aforementioned period, the Company shall take reasonable actions to obtain an actual meter reading. Such actions may include but are not limited to:

26.2.2.1 Making an appointment with the customer and/or such other person who controls access to the meter for the reading at a time to include times other than during normal business hours; or

26.2.2.2 Offering the customer and/or such other person who controls access to the meter the opportunity to phone in meter readings; or

26.2.2.3 Providing cards to the customer and/or such other person who controls access to the meter on which they may record the reading and mail it to the Company.

26.2.3 If no actual reading is obtained after bills representing six months have been rendered, the Company shall send a notice to the customer or to the person who controls access to the meter, offering a special appointment for a meter reading both during and outside of business hours.

26.2.3.1 Where the customer resides in a multiple dwelling (as defined in the Multiple Dwelling Law or the Multiple Residence Law), or in a two family dwelling that is known by the Company to contain residential units where service is provided through a single meter or meters, and the meter is not in the apartment, the notice shall be sent to the customer and such other person who controls access to the meter.

26.2.3.2 If the Company's records do not contain the address of the person who controls access to the meter, the Company shall request that the customer furnish such information if available to them.

26.2.4 If the Company receives no response after bills representing eight months, the Company shall send notice advising the customer and/or such other person who controls access to the meter that if no appointment is made a charge of twenty five (\$25) will be added to the next bill rendered to the person who controls and refuses to provide access to the meter.

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## GENERAL INFORMATION

### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.2.5. If the person who controls access fails to arrange an appointment in response to a second request and the Company is unable to obtain an actual meter reading, the Company will add a charge of twenty-five dollars (\$25) to the next bill of the recipient of the notice (Rule 26.2.4). If the Company intends to obtain a court order to gain access to the meter, it shall inform the recipient of the notice by certified or registered letter. The letter shall inform the recipient that the purpose of obtaining such a court order is to replace a meter, or, if physically feasible, to relocate the meter or install a remote reading device. The letter shall state that the court costs and the costs of the meter relocation or the costs of the installation of remote metering devices will be paid by the person who controls access to the meter.

26.2.6 Rules 26.2.1 through 26.2.5 shall not apply to seasonal customers or short term customers taking service for 30 days or less. For such seasonal and/or short term customers, an actual meter reading shall be taken upon termination of service.

26.2.7 Where the Company has submitted an estimated bill or bills to a residential customer and such estimate understates the actual amount of money owed by such customer for the period when estimated bills were rendered by more than 50 percent or one hundred dollars (\$100), whichever is greater, the Company shall notify the customer in writing that the customer has the right to pay the difference between the estimated charges and the actual charges in regular monthly installments over a reasonable period that shall not be less than three months.

26.2.8 The Company shall explain billing corrections to the customer and furnish the customer with the reasons for any billing cancellation and subsequent rebillings caused by estimated readings.

26.3 Bills will be rendered monthly and may be delivered by depositing the same in a U.S. Post Office or in a box or chute provided for that purpose by the U.S. Post Office Department addressed to customer at the premises where service is taken, or at another address designated by customer, by leaving same at the building where service is taken, or when posted electronically.

26.3.1 The date bills are rendered is the date bills are personally served, three calendar days after the mailing of the bill, or the date posted, if provided electronically.

26.3.2 Customers receiving bills produced and issued by the Company's billing system may elect to receive and pay their bill electronically under the Company's Online Bill-Pay Program. Under the Online Bill-Pay Program, a bill shall be deemed rendered in accordance with Rule 26.3.1.

26.3.2.1 PSC No. 220 and PSC No. 214 Customers electing to receive their bills electronically in accordance with Rule 26.3.2 will receive a paperless billing credit of \$.41 per service period.

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## GENERAL INFORMATION

### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.4 Bills are due when rendered, in accordance with Rule 26.3.1. A customer is in default unless payment is made at or is mailed to a designated office or bill paying agency of the Company on or before the date specified on the bill. Payment under the Online Bill-Pay Program shall be considered paid on the date the customer submits payment online unless the payment is made on a weekend or holiday or after 3:00 p.m. in which case the payment will be considered paid on the next business day. The date specified on the bill shall be at least twenty (20) calendar days subsequent to the date the bill is rendered. If payment is not made on or before the date specified on the bill, a late payment charge at the rate of one and one-half percent (1 1/2%) per monthly billing period may be applied to all amounts previously billed under this tariff, except for state agencies, including arrears and unpaid late payment charges applied to previous bills. Payment must be made without regard to any counterclaims relating to matters other than for service rendered and failure to receive a bill does not relieve responsibility for payments of amount due.

26.4.1 Service to state agencies will be rendered in accordance with the provisions of Article XI-A of the State Finance Law (Chapter 153 of the Laws of 1984, effective July 1, 1984).

26.4.2 The continuing late payment charge shall not be imposed on any bill that is the subject of a pending complaint before the Company or the Public Service Commission, provided, however, that a late payment charge may be imposed on the balance due where the final resolution of the complaint directs payment of the entire disputed amounts to the Company, and provided further that no such charges may be imposed for more than two months after the pendency of the complaint unless authorized by the Commission or its designees.

26.4.2.1 Late payment charges will be charged when the amount billed for non-residential service used that was previously unbilled because the service was being provided through tampered equipment and the utility can demonstrate either that the condition began since the customer initiated service or that the customer actually knew or reasonably should have known the original billing was incorrect.

26.4.2.2 In the case of residential service, the Company may not impose a continuing late payment charge on an unpaid balance that has been restructured under a deferred payment agreement, if the regularly scheduled bill (current charges plus agreed upon installment amount) is paid within twenty (20) days of when the bill is rendered. The Company may, however, impose a late payment charge on monies still owing more than twenty (20) days after the Company has rendered a bill for payment of both the agreed upon installment amount and any applicable current charges.

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#### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.4.3 Other charges. Except as provided in Rule 26.4, a late payment charge, penalty, fee, interest or other charge of any kind shall not be imposed on any residential customer for any late payment, collection effort, service termination or deferred payment agreement occasioned by the customer's failure to make timely payment for service. The Company may impose a charge pursuant to this tariff for other lawful purposes.

26.4.4 Except as provided in Rule 26.4, the Company may not impose on a non-residential customer a late payment charge, penalty, fee, interest or other charge of any kind for any late payment or deferred payment agreement occasioned by the customer's failure to make timely payment for services. The Company may impose on non-residential customers a reasonable charge for dishonored checks, reconnection of service, failure to provide access and court costs.

26.4.5 The Company shall offer residential customers on fixed incomes the opportunity to pay their bills on a reasonable schedule that is adjusted for such customer's periodic receipt of income that without incurring late payment charges, provided, however, that any such offer may prescribe a late payment charge, consistent with the standards set forth in Rule 26.4 where payment is not made within twenty (20) days of the adjusted date shown on the bill.

26.4.6 The Company may impose a continuing late payment charge on the balance due under a non-residential, deferred payment agreement, offered pursuant to the Rules and Regulations of Part 13, 16NYCRR. See Rule 26.9 for additional information regarding late payment charges on non-residential deferred payment agreements.

26.4.7 The Company may impose a continuing late payment charge on an amount billed for service used, that was provided through tampered equipment and previously unbilled, if the Company can demonstrate either that the condition began since the customer initiated service or that the customer knew or reasonably should have known that the original billing was incorrect.

26.4.8 The Company may impose a handling charge of \$10.00 on any negotiable instrument from an applicant or customer which was rendered to the company as payment of any bill, charge or deposit due, returned as dishonored or uncollectible for any reason. This charge shall include any amount the Company is required to pay its bank for handling said instrument.

26.5 The customer shall be obligated to pay for all service to premises until final reading of the meter if such reading be taken not later than forty-eight (48) hours after proper notice has been received by Company to discontinue service. In the event that the customer is a tenant in a multiple occupancy building, the customer will be obligated to pay only for service supplied for the customer's use or for service which the customer has agreed to pay.



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#### GENERAL INFORMATION

#### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

##### 26.6 Diversion of Service Notice

26.6.1 Pursuant to Commission Order issued and effective October 23, 1991, in Case 91-M-1040, this Diversion of Service Notice is superseded by the Provisions of Rule 30 - Shared Meters.

##### 26.7 Annual and Periodic Notices to Non-Residential Customers:

26.7.1 A Brochure containing a detailed summary of their rights and obligations, and a notice to include: descriptions of commonly used non-residential service classifications and their rates, offer of written guidelines regarding eligibility requirements for the Company's service classifications, notice that the Company's tariff is available for review in every Company business office and notice that some non-residential customers may be eligible for protections under Part 11, 16NYCRR shall be provided annually to every non-residential customer of the Company.

26.7.2 An accounting for the deposit held on an account showing the interest earned during the current year and either the date the deposit was obtained or the length of time that the deposit has been held shall be provided annually to every non-residential customer having a deposit with the Company.

26.7.3 A notice explaining how an increase in the customer's usage might require the Company to install a demand meter and, in some cases, the customer to make electrical modifications, shall be provided annually to every non-residential customer.

26.7.4 A notice explaining how a change in the recorded demand may cause the service classification on which the charges are based to be changed shall be provided annually to every electric customer with a demand meter.

26.7.5 A notice advising the customer of any change made in the customer's service classification and the reason for the change shall be provided to the customer at the time of the change.

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### 26. BILLING, METER READING, and COLLECTIONS: (Continued)

26.7.6 A notice advising a customer whether the Company records show that the customer, or some other party, has control over access to the meter, that the customer has an obligation to tell the Company who controls access, and that if the Company records that show the customer has access are not corrected, the customer may be subject to further notices and penalties due to the Company's failure to obtain access, shall be provided to every customer at the time a second consecutive estimated bill is rendered.

26.7.7 A notice explaining the Company's right to revise estimated demand charges, that such revision may be to the customer's disadvantage and that a revision of demand charges may be avoided by arranging access, shall be provided to every demand customer at least annually and whenever an estimated demand bill is rendered.

### 26.8 Contents of Bill - Non-residential Customers

#### 26.8.1 Generally

26.8.1.1 Only service(s) performed, materials furnished or other charges made by the Company, in accordance with the filed tariff, will be included and shall be itemized on the customer bill form.

26.8.1.2 The Company may provide pertinent messages and information on the bill, provided such information does not interfere with the presentation of the information required by this section.

#### 26.8.2 All Bills

Every customer bill will state on the portion retained by the customer:

26.8.2.1 The Company name.

26.8.2.2 The location of the Company's principal office and one or more business offices at which the bill may be paid, and a statement that bills may be paid at other authorized offices.

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### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.8.2.3 The service classification(s) on which the charges are based.

26.8.2.4 The name of the customer, the account or meter number, and the address and location of the premises where the service was supplied.

26.8.2.5 The start and end date of the billing period.

26.8.2.6 The quantity of service billed, the unit of measurement used, an explanation of any calculations or factors used to determine the cost of service, a description and the cost of any other tariff charges, and the total of the current charges.

26.8.2.7 The date payment is due; provided however, that such date does not occur before personal service of the bill or three calendar days after the mailing of the bill. A phrase indicating that a bill is due upon receipt may be used in lieu of a specific date.

26.8.2.8 Whether any charge will be imposed for late payment and the date which payment must be received in order to avoid the imposition of the late payment charge.

26.8.2.9 An explanation of any abbreviation or symbol used that is not in common English usage.

26.8.2.10 A telephone number to call at the Company if the customer has any questions about the bill.

#### 26.8.3 Cycle Bills

Every customer bill issued on a regular cycle basis will contain, in addition to the items required under Rule 26.8.2 of the section:

26.8.3.1 The registered demand for every demand meter, whether or not the customer is presently subject to a demand charge.

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### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.8.3.2 The date of the latest payment received or the date through which any payments have been credited and the debit or credit balance of the prior bill, if any.

26.8.3.3. The amount of any late payment charge applied during the current billing cycle.

26.8.3.4 The next scheduled meter reading date.

#### 26.8.4 Metered Service Bills

In addition to the items required under Rule 26.8.2 of this section, every customer bill for metered service will contain the following for every cumulative energy and demand meter:

26.8.4.1 The meter readings being used to calculate the bill.

26.8.4.2 Whether they are based on an actual reading of the meter, a remote register, a customer provided reading, or are estimated.

26.8.4.3 If estimated, the reason therefore.

26.8.4.4 The meter multiplier or constant

#### 26.8.5 Unmetered Service Bills

Every customer bill for unmetered service, whether the use of such service was authorized or unauthorized by the Company, shall contain, in addition to the items required under Rule 26.8.2 of this section:

26.8.5.1 A clear statement that the bill is for an estimated amount of service utilized but not metered.

26.8.5.2 The per day or other basis used for calculating the amount of service bill.

#### 26.8.6 Budget Bills

In addition to the items required under Rule 26.8.2 of this section, every budget bill will contain the following:

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### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.8.6.1 The total service charges incurred.

26.8.6.2 The total budget bill rendered from the beginning of the budget year to the period covered by the current bill.

26.8.6.3 The amount of difference between the two.

### 26.9 Deferred Payment Agreements for Non-Residential Customers

26.9.1 The Company will provide a written notice offering a deferred payment agreement in the following circumstances:

26.9.1.1 Not less than five calendar days before the date of a scheduled termination of service for non-payment of arrears, as indicated on a final termination notice, or eight calendar days if mailed, provided the customer has been a customer for at least six months and the arrears on which the outstanding termination notice is based exceeds two months average billing.

26.9.1.2 When it renders a backbill which exceeds the cost of twice the customer's average monthly usage or \$100, whichever is greater; provided, however, that the Company shall not be required to offer an agreement when the customer knew, or reasonably should have known, that the original billing was incorrect.

26.9.2 If the Company and the customer agree to terms of a deferred payment agreement in a telephone conversation, the Company shall send the customer two fully completed copies of the agreement, signed by the Company, for the customer to sign and return.

26.9.3 Any non-residential customer is eligible for a deferred payment agreement except the following:

26.9.3.1 A customer who owes amounts under a prior deferred payment agreement.

26.9.3.2 A customer who failed to make timely payments under a prior deferred payment agreement in effect during the previous 12 months.

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26.9.3.3 A customer that is a publicly held company, or a subsidiary thereof.

26.9.3.4 A seasonal, short term or temporary customer.

26.9.3.5 An electric customer who, during the previous 12 months, had a combined average monthly billed demand for all its accounts with the Company in excess of 20 kW, or who has registered any single demand on any account in excess of 40 kW.

26.9.3.6 A customer who the Company can demonstrate has the resources to pay the bill, provided that the Company notifies the customer of its reasons and of the customer's right to contest this determination through the Commission's complaint procedures.

26.9.4 The Commission or its authorized designee may order the Company to offer a deferred payment agreement to a customer whom it finds these rules are intended to protect, when an agreement is necessary for a fair and equitable resolution of an individual complaint.

26.9.5 Every offer of a deferred payment agreement shall inform the customer of the availability of a deferred payment agreement for eligible customers, set forth generally the minimum terms to which such customer may be entitled, explain that more generous terms may be possible and specify the telephone number and the times the customer may call the Company to discuss the possibility of entering into a deferred payment agreement.

26.9.6 Every offer of a deferred payment agreement shall state the date by which the customer must contact the Company in order to avoid termination of service. Additionally, the offer must clearly explain that the Company has the right to a larger downpayment, if the deferred payment agreement is not entered into until a field visit to physically terminate service has been made.

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26.9.7 The Company will not be required to enter into a deferred payment agreement with a customer who has received the Company's offer pursuant to Rule 26.9.1.1, if the customer does not pay the required downpayment. The amount of a downpayment to which the Company is entitled will be determined as follows:

26.9.7.1 Up to 30 percent of the arrears on which an outstanding termination notice is based, or the cost of twice the customer's average monthly usage, whichever is greater, plus the full amount of any charges billed after the issuance of the termination notice which are in arrears at the time the agreement is entered into, may be required by the Company if the agreement is entered into prior to a field visit to physically terminate service.

26.9.7.2 Up to 50 percent of the arrears on which an outstanding termination notice is based, or the cost of four times the customer's average monthly usage, whichever is greater, plus the full amount of any charges billed after the issuance of the termination notice which are in arrears at the time the agreement is entered into, may be required by the Company if the agreement is entered into either at the time of, or after, a field visit to physically terminate service.

26.9.7.3 Any amount, lesser or greater, that is mutually agreeable to both Company and customer.

26.9.8 A deferred payment agreement will obligate the customer to the following:

26.9.8.1 Make timely payment of all current charges.

26.9.8.2 Make the required downpayment pursuant to Rule 26.9.7.

26.9.8.3 To pay the balance in monthly installments of up to the cost of the customer's average monthly usage or one-sixth of the balance, whichever is greater.

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26.9.8.4 To pay late payment charges during the period of time the agreement covers, if so stipulated pursuant to Rule 26.9.10.3.

26.9.8.5 To pay a security deposit in three installments, 50 percent down and two monthly payments which total the remaining 50 percent of the deposit amount, provided that the deposit has been previously requested.

26.9.9 A deferred payment agreement entered into by the Company and the customer pursuant to Rule 26.9.1.2, will obligate the customer to pay the outstanding charges in monthly installments of up to the cost of one-half of the customer's average monthly usage or one-twenty-fourth of such charges, whichever is greater.

26.9.10 A deferred payment agreement form shall:

26.9.10.1 Set forth in general the terms of the agreement.

26.9.10.2 Indicate the due date for each installment, and the exact dollar amount of each installment, separately itemized to show the arrears payment, and the security deposit payment, as applicable.

26.9.10.3 Indicate whether the agreement is subject to late payment charges, and if so, either set forth the exact dollar amount of the late payment charge to be paid with each installment or, if late payment charges are to be billed on the customer's regular cycle bill, a late payment charge disclosure statement. The disclosure statement shall include the late payment charge rate, on both a monthly and annualized basis, how it is calculated, how and when the late payment charges will be billed, what the total cost of the late payment charges on the agreement will be if the agreement is fully complied with, and a notice that the total late payment charges may be greater or less than the disclosed cost if the customer makes payments either early or late.



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26.9.10.4 State the date by which the copy signed by the customer, and any applicable downpayment, must be received by the Company in order to become enforceable, provided, however, that such date may not be less than six business days after it is sent.

26.9.10.5 Inform the customer of the Company's policy if the agreement is not signed and returned as required.

26.9.10.6 State that if the customer fails to comply with an agreement, the Company may send an immediate termination notice.

26.9.10.7 State that the customer may obtain the assistance of the Commission to assure that the agreement is in conformance with Rule 26.9.

26.9.11 The first time a customer fails to make timely payment in accordance with a deferred payment agreement, the Company shall give the customer a reasonable opportunity to keep the agreement in force by paying any amounts due under the agreement.

26.9.12 Except as provided in Rule 26.9.11, if a customer fails to comply with the terms of a deferred payment agreement, the Company may demand full payment of the total outstanding charges and send a final termination notice.

### 26.10 Meter Reading and Estimated Bills - Non-Residential

#### 26.10.1 Meter Reading

26.10.1.1 The Company will make a reading attempt to obtain an actual reading for every customer's account, on a regularly scheduled basis as provided for in the tariff.

26.10.1.2 A reading attempt requires that a meter reader visit the premises between 8:00 a.m. and 5:00 p.m. on a business day, and follow any routine access instructions.

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26.10.1.3 Non-demand Accounts -- When circumstances beyond the Company's control prevent the Company from making a regularly scheduled reading attempt and the two previous consecutive cycle bills were not based on an actual reading, the Company will make a second similar follow-up reading attempt as soon as possible within seven calendar days after the scheduled reading date.

26.10.1.4 Demand Accounts -- When the Company does not obtain an actual reading from the meter(s) of a demand account at the time of a regularly scheduled or follow-up reading attempt, the Company will make another reading attempt as soon as possible within seven calendar days after the last attempt.

26.10.1.5 Remote Registration Devices -- When the Company has billed a customer's account based on the reading of a remote registration device for six consecutive months, the Company shall, at the time of every subsequent reading attempt, and until successful, try to gain access to read the meter.

26.10.1.6 Customer Readings -- When the Company has billed a customer's account based on customer readings for six consecutive months, and did not obtain an actual reading at the time of the next regularly scheduled or follow-up reading attempt thereafter, the Company will, within seven calendar days of the last attempt, either make another reading attempt or an appointment with the customer to read the meter.

26.10.1.7 Meter Reading Cards -- Unless the customer does not have access to the meter or the customer is unable to obtain a reliable meter reading, the Company will, at the time of any unsuccessful reading attempt, leave at the premises or mail to the customer, a meter reading card for the non-demand meter.

#### 26.10.2 Estimated Bills

26.10.2.1 The Company may render an estimated bill for a regular cycle billing period only when:

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26.10.2.1.1 The Company has failed to obtain access to the meter(s).

26.10.2.1.2. Circumstances beyond the control of the Company made obtaining an actual reading of the meter(s) extremely difficult, despite having access to the meter area. Estimated bills for this reason may be rendered no more than twice consecutively without the Company advising the customer in writing of the specific circumstances and the customer's obligation to have the circumstances corrected.

26.10.2.1.3 The Company has good cause for believing that an actual or customer reading obtained is likely to be erroneous. Estimated bills for this reason may be rendered no more than twice consecutively without the Company initiating corrective action before the rendering of the next cycle bill.

26.10.2.1.4 Circumstances beyond the control of the Company prevented the meter reader from making a premises visit.

26.10.2.1.5 An actual meter reading was lost or destroyed. An estimated bill for this reason may be rendered no more than once without the Company initiating corrective action before the rendering of the next cycle bill.

26.10.2.1.6 An estimated reading has been prescribed or authorized by the Commission for a particular billing cycle.

26.10.2.1.7 An estimated reading is the approved billed method in accordance with the Company's tariff for the billing.

27.10.2.1.8 An unmetered condition was in existence during the period.

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### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.10.2.2 Every estimated bill will be calculated in accordance with an established formula or methodology which will take into account the best available relevant factors for determining the customer's energy usage and, if applicable, demand usage.

#### 26.10.3 No Access Procedure

26.10.3.1 The Company will begin providing no access notices as described in this subdivision commencing with:

26.10.3.1.1 Demand -- The second consecutive bill estimated pursuant to either subparagraph 26.10.2.1.1 or 26.10.2.1.2 of this Rule in the case of accounts billed for demand.

26.10.3.1.2 Non-demand -- The fourth consecutive bill estimated pursuant to either subparagraph 26.10.2.1.1 or 26.10.2.1.2 of the Rule in the case of accounts not billed for demand.

26.10.3.1.3 Remote registration device or customer reading -- The tenth consecutive bill estimated pursuant to subparagraph 26.10.2.1.1 or 26.10.2.1.2 of this Rule or based on a remote registration device or a customer reading.

26.10.3.2 The no access notices and charges described in this subdivision shall be directed only to the access controller. In any case where the access controller is not the customer of the subject account, a copy of these no access notices shall also be sent to the customer at the same time.

26.10.3.3 The series of no access notices will be as follows:

26.10.3.3.1 First notice -- The first notice will advise the access controller that unless access to the customer's meter is provided on the next meter reading date or a special appointment to read the meter is made and kept by the access controller prior to that date, a no access charge will be added to access controller's next bill and to every bill thereafter until access to the customer's meter is provided, but that no charge will be imposed if an appointment is arranged and kept. The notice will advise the access controller that the Company will arrange a special appointment for a reading of the customer's meter if the access controller calls a specified telephone number.

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#### 26.10.3.3.1 (continued)

Where the access controller is not the customer of the subject account, the notice will begin by stating that the Company records indicate that the recipient is the party who controls access to the meter of the customer, specifically identified as to address, part supplied, and account number, and that the Company has not been provided access to the customer's meter as required.

26.10.3.3.2 Second notice -- The second notice will advise the access controller of the no access charge that has been added to the access controller's bill and that unless access to the customer's meter is provided on the next meter reading date or a special appointment to read the meter is made and kept by the access controller prior to that date, another charge will be added to the access controller's next bill.

The notice will further explain that if the access controller's service can be physically terminated without obtaining access, steps to terminate service will follow, and that in the event that the access controller's service cannot be physically terminated, steps to obtain a court order to gain access to the customer's meter will follow. The notice will advise the access controller that the Company will arrange a special appointment for a reading of the customer's meter if the access controller calls a specified number.

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26.10.3.3.3 Third and each successive notice -- The third and each successive notice will advise the access controller of the no access charge that has been added to the access controller's bill and, if the access controller's service can be terminated without obtaining access, will be accompanied by a final notice of termination for non-access. In any case where the access controller's service cannot be physically terminated without obtaining access, the notice will advise the access controller that the Company is seeking to obtain a court order to gain access to the customer's meter.

26.10.3.4 A no access charge as provided for in this tariff shall not exceed \$100.

26.10.3.5 No more than \$100 per building or premises shall be added to any single bill of the access controller even though more than one meter may be located there.

26.10.3.6 The Company may, at its discretion, suspend temporarily the issuance of no access notices and/or penalties under this subdivision if the access controller contacts the Company and provides a legitimate reason for postponing the provision of access; provided, however, that such suspension may not be utilized in the case of any account that is billed for demand charges and in no event for more than 90 calendar days.

#### 26.11 Backbilling Non-Residential Accounts

##### 26.11.1 Notice to Customers of Backbilling

26.11.1.1 Every backbill shall contain a written explanation of the reason for the backbill that shall be sufficiently detailed to apprise the customer of the circumstances, error or condition that caused the underbilling, and, if the backbill covers more than a 24 month period, a statement setting forth the reason(s) the utility did not limit the backbill pursuant to Rule 26.11.3.

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### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.11.1.2 Every backbill shall contain, or be accompanied by, all applicable information required by Rule 26.8.

26.11.1.3 Every backbill covering more than a one month period, other than a catch-up backbill, shall contain a notice that the customer may obtain upon request a detailed billing statement showing how the charges were calculated, including any late payment charges. All catch-up backbills shall clearly indicate how the backbill was calculated, whether as if the service were used during the current cycle, or as if redistributed back to the last actual reading.

26.11.1.4 A backbill shall be accompanied by an offer of a deferred payment agreement pursuant to Rule 26.9, if applicable.

#### 26.11.2 Limitations on Backbill Rendering.

26.11.2.1 The Company shall not render a backbill more than six months after the Company became aware of the circumstance, error or condition that caused the underbilling, unless a court extends the time to render a backbill.

26.11.2.2 The Company shall not upwardly revise a backbill unless the first backbill explicitly stated that the Company reserved the right to do so, the revised backbill is rendered within twelve months after the Company actually became aware of the circumstance, error or condition that caused the underbilling, and either the customer knew or reasonably should have known that the original billing or first backbilling was incorrect, or, new information shows that the first backbill was incorrect.

26.11.2.3 The Company shall render a downwardly revised backbill as soon as reasonably possible and within two months after the Company becomes aware that the first backbill was excessive.

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#### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.11.2.4 The Company shall not render a backbill for any underbilling when the reason for the underbilling is apparent from the customer's service application, or could have been revealed in a service application and the Company failed to obtain and/or retain such application.

#### 26.11.3 Limitations on Backbilling Period.

26.11.3.1 When the failure to bill at an earlier time was due to utility deficiency, the Company shall not bill a customer for service rendered more than 12 months before the Company actually became aware of the circumstance, error, or condition that caused the underbilling, unless the Company can demonstrate that the customer knew or reasonably should have known that the original billing was incorrect.

26.11.3.2 The Company shall not bill a customer for service rendered more than 24 months before the Company actually became aware of the circumstance, error, or condition that caused the underbilling, unless the Company can demonstrate that the customer knew or reasonably should have known that the original billing was incorrect.

#### 26.11.4 Rebilling of Estimated Demands.

26.11.4.1 The Company shall not upwardly revise an estimated demand unless it can demonstrate that, for the period during which the demand was estimated, it complied with the meter reading requirements and the no access procedures of Rule 26.10.

26.11.4.2 All revised demands shall be based on the best available information including the customer's present and historical energy consumption and load factor.



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#### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.11.4.3 No revised demand shall exceed 95 percent of the subsequent actual demand, unless the Company has, along with the estimated demand bill, offered a special appointment to read the meter, and the customer failed to arrange and keep such appointment, in which case the estimated demand may be revised up to the level of the subsequent actual demand.

26.11.4.4 The Company shall downwardly revise any estimated demand that exceeds the subsequent actual demand, within 30 calendar days after such actual demand was obtained.

26.11.4.5 The Company may only upwardly revise an estimated demand within 60 calendar days after the subsequent actual demand was obtained.

#### 26.12 Deferred Payment Agreements for Residential Customers

##### 26.12.1 Company Obligations

Generally the Company will offer any eligible residential customer or applicant a Deferred Payment Agreement with specific terms as required by 11.10 of 16NYCRR which sets forth in detail the procedures summarized here. The agreement offer will be made in duplicate on the form set forth beginning on Leaf No. 275 of this tariff.

##### 26.12.2 Eligibility

All residential customers and applicants are eligible for an agreement, unless; the customer has broken an existing payment agreement which required payment over a period at least as long as the Standard Agreement described in Rule 26.12.5.2, or, the Public Service Commission determines that the customer or applicant is ineligible because the customer has the resources to pay the bill.

If the Company has reason to believe that the Customer or applicant may not be eligible for a Deferred Payment Agreement, it must submit a denial form, clearly stating its reasons, to the Commission for a determination of eligibility. A copy of the denial form must be provided to the customer or applicant.

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#### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

##### 26.12.2. Eligibility: (continued)

While the Company is waiting for the Commission determination, the Company must postpone any termination of service activity, restore service or provide service, as applicable, as long as the customer or applicant pays current bills, and a downpayment and monthly installments consistent with the terms of the Standard Agreement, described in Rule 26.12.5.2 of this Tariff.

##### 26.12.3 Written Offer of Deferred Payment Agreement:

A specific written offer will be made to eligible customers not less than seven calendar days (ten if mailed) before the earliest date that service may be terminated. A written offer is also required where payment of outstanding charges is a requirement for reconnection of service or acceptance of an application for service, and when a customer has broken an agreement that was for a shorter period of time than the Standard Agreement.

26.12.4 Before making a written offer, the company will make a reasonable effort to contact eligible customers or applicants in order to negotiate agreement terms that are fair and equitable considering the customer's financial circumstances. The Company may, at its discretion, require the customer or applicant to complete a form showing the customer's assets, income and expenses and provide reasonable substantiation of such information. If the Company requires this type of information from the customer or applicant, it is the Company's responsibility to treat all such information confidentially.

To allow enough time to properly negotiate an agreement with the customer or applicant, the Company may postpone a scheduled service shut-off for up to 10 days.

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### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

#### 26.12.5 Payment Agreement Terms:

26.12.5.1 Mutually acceptable terms. A Deferred Payment Agreement may contain any specific terms that have been negotiated in good faith by the Company and the customer or applicant.

26.12.5.2 The Standard Agreement. Where the Company has been unable to contact the customer or applicant to negotiate specific terms, or where negotiations have failed to produce mutually acceptable terms, the Company may offer a specific agreement based on the following terms:

\* A downpayment up to 15 percent of the amount covered by the payment agreement or the cost of one-half of one month's average usage, whichever is greater, or, if the amount covered by the agreement is less than one-half of one month's average usage, 50 percent of the total amount covered by the payment agreement.

\* Monthly installments up to the cost of one-half of one month's average usage, or, one-tenth of the balance, whichever is greater.

#### 26.12.6 Entering into the Agreement:

A copy of the written payment agreement offer must be signed by the customer or applicant and returned to the Company in order to become valid and enforceable. In the case of customers who are subject to a final notice of termination, the signed agreement must be received by the Company by the day before the earliest day on which termination may occur, in order to avoid termination of service. If the signed agreement is not received as required, the Company may take steps to shut-off service.

#### 26.12.7 Renegotiating Agreements:

If a customer or applicant can demonstrate that their financial circumstances have changed significantly because of conditions beyond their control, the Company will amend the terms of the agreement to reflect such changes.

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### 26. BILLING, METER READING, AND COLLECTIONS (Continued)

#### 26.12.8 Broken Agreements

If a customer fails to make timely payment in accordance with the terms of a payment agreement, the Company will send a reminder notice before issuing a final notice of termination. If the customer fails to pay by the 20th day after payment was due and has not negotiated a new agreement, the Company may demand full payment of the total outstanding charges and issue a final termination notice in accordance with 16NYCRR 11.4 and 11.10 and Rule 14.1.

#### 26.13 Charge for Establishing and Disconnecting Service:

26.13.1 A customer served on either Service Classification No. 1 or Service Classification No. 2 Non-Demand who requests of the Company a field visit to obtain a meter reading for the purpose of establishing service or discontinuing service shall be assessed a charge of \$20.00. The \$20.00 charge may only be assessed if the Company has a good reading history, defined as the last month actual reading and at least one other actual reading within the last four months of the last actual read.

26.13.1.1 The Company must inform the requesting customer that the charge specified above will be applied to the customer's account and payable to the Company for this service.

26.13.1.2 The Company must inform the requesting customer of the alternative options available to the customer for the purpose of establishing and disconnecting service.

26.13.1.2.1 Other alternative options available to the customer include: (a) the customer providing their metering reading(s) to the Company, (b) the use of regularly scheduled meter reading(s) when applicable, or (c) the use of prorated meter reading(s) determined from actual recent meter reading history. These alternative options shall be explained to the requesting customer.

26.13.2 The \$20.00 charge shall be applicable and limited to one charge per visit for the same account.

26.13.3 A single \$20.00 charge shall apply to multiple accounts for the same customer at the same premise during a single visit.

26.13.4 A requesting customer who is elderly, blind or disabled, and is coded as such on the Company's records, and wants their meter reading(s) obtained by the Company by means of the field visit is exempt from the \$20.00 charge.

26.13.4.1 For the purpose of administering Rule 26.13.4, the terms elderly, blind and disabled are defined and administered in accordance with the Codes, Rules and Regulations of the State of New York, 16 Public Service (A), Section 11.5 (b) (1).

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#### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.14 In the event the Company is required to file a review of its outage preparation and restoration performance in accordance with 16 NYCRR Part 105 – Electric Utility Emergency Plans, the following customer policies relating to prolonged outages shall apply.

26.14.1 Outages where the restoration period exceeds three days from the start of the event, as determined in accordance with 16 NYCRR Part 105.

26.14.1.1 For any event resulting from an emergency in which electric customers are out of service for a continuous period exceeding three days, the Company will credit affected customers for customer charges and basic service charges contained in SC1, SC1C, SC2ND, SC2D, SC3, SC3A, and SC7 of PSC 220 Electricity and SC4 of PSC 214 Streetlighting incurred during the period of the outage.

26.14.1.2 Credits will be applied automatically for any customer the utility knows or reasonably believes was out of service for a period exceeding three days, and upon request from any customer that contacts the company and credibly claims they experienced an outage of such duration.

26.14.1.3 The credit will be calculated on a proportional basis (*e.g.*, customers out of service for six days would receive a credit in the amount of 6/30ths of the customer charge or basic service charge for that service classification) and applied to customer bills no later than 75 days following the outage.

26.14.1.4 For residential customers who experienced an outage of at least three days, in duration, and for any residential or non-residential customer who notifies the Company and provides credible support that their financial circumstances have changed as a result of the underlying emergency event, all collection-related activities, including termination of service for non-payment and assessments of late payment charges, with the exception of issuance of service termination notices and assessment of security deposits, will be suspended for a minimum of 7 calendar days from the beginning of the outage.

26.14.1.5 Notwithstanding the above, customers experiencing Widespread Prolonged Outages and eligible for reimbursements or credits under Rule 26.15 are not eligible for compensation under this Rule 26.14.

26.14.2 Outages exceeding three days and requiring additional protections as determined by the Commission

26.14.2.1 For certain events, as determined by Order of the Commission, utilities will take the actions listed below, both for all residential customers located in the designated area, and for any residential or non-residential customer who notifies the utility and provides evidence that their financial circumstances have changed as a result of the event.

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STAMPS: Issued in Compliance with Order of the PSC issued July 14, 2022 in Case 22-M-0159

LEAF: 145.2  
REVISION: 0  
SUPERSEDING REVISION:

#### GENERAL INFORMATION

#### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

26.14.2.2 All collection-related activities including terminations of service for non-payment and assessment of late payment charges, with the exception of issuance of service termination notices and assessment of security deposits, will be suspended for at least 14 days.

#### 26.15 Compensation to Customers Experiencing Widespread Prolonged Outages

##### 26.15.1 Definitions Applicable Under this Rule Only

“Proof of Loss” is defined as verifiable proof of perishable food and/or prescription medication spoilage a customer may be required to provide in addition to an itemized list, including price of the listed items, of the perishable food and/or prescription medication for which the customer claims reimbursement. To verify spoilage, the customer must provide a depiction (photographic evidence) of food and/or prescription medication spoilage. To determine the Reimbursement amount of an impacted customer’s food and/or prescription medication spoilage, the customer must provide at least one of the following: itemized receipts, itemized cash register receipts, itemized credit card receipts, photographs of replacement goods that also indicate the price of the item, or other verifiable documentation of the market value of the item. In appropriate circumstances, an interview with the claimant to ascertain the above information may satisfy the need to provide proof of loss.

“Reimbursement” is defined as monetary compensation for food and/or prescription medication spoilage.

“Small Business customer”, specific to this Rule 26.15, means a nonresidential customer who receives service under a non-demand billed rate or under a demand billed rate where metered demand was less than or equal to 40 kW during the previous 12 months.

“Eligible Residential customer”, specific to this Rule 26.15, means a customer who receives service under the parent service classification of SC-1, or under SC1-C.

“Widespread Prolonged Outage” means an electric outage of 72 consecutive hours or more that affects at least 20,000 customers at the same time, due to utility-owned equipment being unable to provide power.

26.15.2 Notwithstanding any other provision of law, in the event that an Eligible Residential customer, or a Small Business customer, experience a Widespread Prolonged Outage, the Company shall:

26.15.2.1 Provide a credit of \$25 on the balance of such Eligible Residential customer’s electric bill for each subsequent full 24-hour period of service outage that occurs for such customer after the initial 72 consecutive hours of such Widespread Prolonged Outage. For any bill credits that exceed the customer’s bill, any remaining credit will be carried over into future billing cycles until depleted.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 25, 2022  
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#### GENERAL INFORMATION

#### 26. BILLING, METER READING, AND COLLECTIONS: (Continued)

##### 26.15 Compensation to Customers Experiencing Widespread Prolonged Outages (Continued)

26.15.2.2 Provide Reimbursement to Eligible Residential customers of any food spoiled due to lack of refrigeration resulting from a Widespread Prolonged Outage. Eligible Residential customers shall provide the Company an itemized list of all food spoiled, including price of the items listed, and/or Proof of Loss of food spoiled within 14 days following the first 72 hours of a Widespread Prolonged Outage. The Company shall reimburse such customer within 30 days of the receipt of the itemized list, including price of the items listed, and/or Proof of Loss, provided, however, that if the Company has applied for a waiver pursuant to Public Service Law Section 73(3) the Company shall reimburse the customer within a time period to be determined by the Commission after the Commission renders a decision on the waiver request. The amount of the Reimbursement shall not exceed a total of \$235 dollars for customers who provide an itemized list, including price of the items listed. The amount of the Reimbursement for customers who also provide Proof of Loss shall not exceed \$540.

26.15.2.3 Provide Reimbursement to Eligible Residential customers of prescription medication spoiled due to lack of refrigeration. Eligible Residential customers shall provide the Company with an itemized list, including price of the items listed, and Proof of Loss of prescription medication spoiled due to lack of refrigeration, within 14 days following the first 72 hours of a Widespread Prolonged Outage. The Company shall reimburse such customer within 30 days of the receipt of the itemized list, including price of the items listed, and Proof of Loss of prescription medication, provided, however, that if the Company has applied for a waiver pursuant to Public Service Law Section 73(3), the Company shall reimburse the customer within a time period to be determined by the Commission after the Commission renders a decision on the waiver request. The amount of the Reimbursement shall total no more than the actual cost of the perishable prescription medicine spoiled due to lack of refrigeration.

26.15.2.4 Provide Reimbursement to Small Business customers for any food spoiled due to lack of refrigeration. Small Business customers shall provide the Company with an itemized list, including price of the items listed, and Proof of Loss for all food spoiled, within 14 days following the first 72 hours of a Widespread Prolonged Outage. The Company shall reimburse the Small Business customer within 30 days of the receipt of the itemized list, including price of the items listed, and Proof of Loss, provided, however, that if the Company has applied for a waiver pursuant to Public Service Law Section 73(3), the Company shall reimburse the Small Business customer within a time period to be determined by the Commission after the Commission renders a decision on the waiver request. The amount of reimbursement shall not exceed \$540 dollars.

26.15.3 All collection-related activities including terminations of service for non-payment and assessment of late payment charges, with the exception of issuance of service termination notices and assessment of security deposits, will be suspended for at least 14 days for customers that experienced a Widespread Prolonged Outage.

26.15.4 Customers eligible for compensation under this rule are not eligible for compensation under any other tariff rules providing compensation for service outages when the criteria for a Widespread Prolonged Outage are met.

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NIAGARA MOHAWK POWER CORPORATION  
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## GENERAL INFORMATION

### 27. REVISIONS:

27.1 In the event of changes or revisions of Company's schedules, customer shall take and pay for service in accordance with the provisions of the revised or superseding schedule. Unless otherwise expressly provided for whenever a rate change becomes effective during a billing period, other than on regularly scheduled meter reading dates, charges to customer for that billing period will be calculated as a weighted composite of the old and new rate as follows:

27.2 Proration factors will be computed for both the new rate and old rate by dividing the number of days in which the rates are in effect by the total of billing days.

27.3 The old and new rates shall be multiplied by their respective proration factors and added to determine the composite rate.

27.4 The composite rates are then multiplied by their respective pricing units.

27.5 The charge to the customer will be the sum of all charges calculated in the preceding Rule

### 28. SPECIAL SERVICES PERFORMED BY COMPANY FOR CUSTOMER AT A CHARGE:

28.1 Whenever the Company removes and/or relocates equipment or facilities to suit the convenience of the customer, customer shall reimburse Company the cost incurred by Company. Whenever the Company removes and/or relocates equipment or facilities to remedy an unsafe condition caused by customer actions, the customer may be required to reimburse the Company for cost incurred by the Company. Unsafe conditions include: clearance and/or other violations of the Commission's Electric Safety Standards, the National Electrical Safety Code, the High Voltage Proximity Act, or other safety standards.

28.1.1 The Company may determine remedial action is needed due to unsafe conditions caused by customer-owned equipment or facilities. If the customer's equipment or facility poses a safety hazard to the customer or the public, upon discovery of the hazard, the Company will immediately commence appropriate action to make the area safe.

28.1.1.1 For conditions the Company has made safe, the Company will allow the customer the opportunity to remedy the situation in a timely manner. For conditions that do not pose an immediate threat to the delivery of power, the Company will notify the customer of the violation in writing. The notification shall advise the customer that if the condition is not timely corrected, the Company will correct the problem and charge the customer. The Company shall provide the customer with a cost estimate for the remedy if performed by the Company. Unless impractical under the circumstances, the customer shall have up to forty-five (45) days to remedy the condition from receipt of the notice. Any customer-proposed remedy shall be presented to the Company for review, and the Company shall have final approval over the remedy selected.

28.2 The occasion may arise to cause Company to provide additional facilities and/or services beyond those normally required to supply customer's total requirements. When customer requests Company to do so and it is mutually agreed, such additional facilities shall be installed and/or services shall be provided by Company for any reasonable purpose of customer, including without limitation dual feeders to the point of delivery and/or special substation facilities to provide future capacity or to assure continuity in the supply and use of service. In that event Company will furnish, own, operate and maintain such additional facilities for customer and customer shall have the option of paying the Company, in addition to the charges for electric service, a non-refundable cash contribution upfront or a monthly surcharge of 1.5% for a ten (10) year period on the cost incurred by the Company. The remainder of any surcharge shall be collected from any subsequent owner(s) of the premises served.

28.3 When Company provides additional facilities in accordance with Rule 4.2 or Rule 6, customer shall reimburse Company as provided therein.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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SUPERSEDING REVISION: 1

#### GENERAL INFORMATION

#### 28. SPECIAL SERVICES PERFORMED BY COMPANY FOR CUSTOMER AT A CHARGE:

28.4 The Company shall not provide or offer to provide services to customers that are normally provided by Energy Services Companies (ESCOs) such as energy audits, energy efficiency equipment, etc. without prior Public Service Commission approval. The Company shall be allowed to provide operation, maintenance, and construction services to customer's equipment at a customer's explicit request that is related to energy delivery services. Any such services provided by the Company shall be subject to the following:

28.4.1 Under no circumstances shall such customer-requested services provided by the Company to individual customers impose a cost on other utility ratepayers. Customers shall be charged fully loaded rates for these services.

28.4.2 The Company shall provide these services on a first-come, first-served basis to customers who request them on non-discriminatory terms and conditions. That is, similarly situated customers shall be charged the same rates.

28.4.3 The Company shall make customers aware if there are other entities that may be able to provide the requested services.

28.4.4 The Company shall maintain records relative to all such services, including scope of work, copies of customer requests including acknowledgment that the customer was aware of alternate suppliers, revenues received, any profits made as a result of providing the services, and identifying any direct or indirect benefits to other ratepayers that the Company estimates was derived from the provision of the service.

28.4.5 The Company shall not hire any additional employees or purchase additional equipment in order to provide these services.

28.4.6 To the extent the Company's current or planned provision of the services described above requires Public Service Commission authorization pursuant to Public Service Law Section 107, that authorization is in the public interest and in approving the Settlement Agreement in P.S.C. Case Nos. 94-E-0098 and 94-E-0099, the Commission thereby grants that authorization for the term of the Settlement Agreement.

28.4.7 Pursuant to this Rule 28.4, customers may request that the Company provide data and metering services with respect to their own consumption of electricity beyond those required to bill the services furnished under this Tariff. In the event a customer requests such data and metering services beyond the most recent 24-month period and the Company agrees to provide them, such additional data and metering services shall be provided at the Company's fully loaded costs.

28.5 For the purposes of this Rule 28, the term "Customer" shall include any applicant, customer, or third party requesting the work, services, and facilities performed and/or installed by the Company under Rule 28.

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NIAGARA MOHAWK POWER CORPORATION  
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## GENERAL INFORMATION

### COMMUNITY DISTRIBUTED GENERATION ("CDG")

29. In accordance with the orders in Case 15-E-0082 issued July 17, 2015 and October 16, 2015, Rule 29 sets forth the requirements of the Community Distributed Generation ("CDG") Program which consists of a CDG Host facility eligible for net metering which is in conformance with the net metering requirements of PSL 66-j and 66-l. CDG Hosts not meeting the requirements for net metering in PSL 66-j and 66-l, may be eligible for VDER Value Stack compensation under Rule 40 if they meet the eligibility requirements for Tier 1 technologies as defined in Appendix A of the CES Order issued August 1, 2016 in Cases 15-E-0302 and 16-E-0270, and subject to the further requirements described in Rule 40.2.1.1, collectively referred to as "Newly Eligible Technologies." Stand-alone energy storage systems will be eligible under Rule 29 subject to the requirements described in Rule 40.2.1.1.2. The size of the generation must be limited in size consistent with the above statutes and located behind a host meter under either a non-residential demand or non-residential non-demand service classification. The CDG project will consist of a CDG Host and associated CDG Satellites where the CDG Satellites shall own or contract for a portion of the credits in excess of load accumulated at the CDG Host's meter.

Phase 1 of the CDG Program will be in effect from October 26, 2015 through April 30, 2016 and will be available where: (a) the generating equipment is located in an Opportunity Zone as designated by the Company; or (b) a minimum of 20% of the associated CDG Satellites in a CDG project are residential customers enrolled in the Company's low income program which includes the Low Income Discount Program, Low Income Electric Discount Program and Low Income Electric Heating Discount Program.

Phase II will commence on May 1, 2016 and will be available to any CDG Host within the Company's entire service territory.

#### 29.1 Application of CDG Host

29.1.1 The CDG Host, by submitting a completed allocation request form to the Company, is certifying that its project meets all the criteria and requirements set forth by the New York State Public Service Commission in its order issued July 17, 2015 and October 16, 2015 in Case 15-E-0082, as may be amended from time to time by any future order(s) in this case.

29.1.2 A CDG Host must be a non-residential customer who owns or operates farm waste, solar, wind, micro-hydroelectric, or fuel cell electric generating facilities; stand-alone energy storage systems (subject to the requirements described in Rule 40.2.1.1.2); or Newly Eligible Technologies, and may be any of the following: a single entity (including the generating facility developer), an ESCo, a municipal entity (e.g., town or village), a for-profit business or a not-for-profit corporation, a limited liability company, a partnership, or some other form of business or civic organization. The CDG Host and associated CDG Satellites must be located within the same NYISO load zone and within the Company's service territory, except for projects being compensated under the VDER Value Stack per Rule 40.2 where there is no interzonal restriction as long as the CDG Host and associated CDG Satellites are within the Company's service territory.

29.1.2.1 A CDG Satellite account must have only one CDG Host account and shall not be a net metered customer, a remote net metered host, satellite account, or take service under S.C. No. 7.

29.1.2.2 If the CDG Host account was previously a remote net metered customer as an energy only account and was grandfathered under the Transition Plan in Cases 14-E-0151/14-E-0422 to receive monetary crediting, conversion to a CDG Host will require that it surrenders its grandfathered status to receive monetary crediting and will be subject to volumetric crediting.

PSC NO: 220 ELECTRICITY

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NIAGARA MOHAWK POWER CORPORATION

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## GENERAL INFORMATION

## COMMUNITY DISTRIBUTED GENERATION ("CDG")

29.1.2.3 If the CDG Host account was previously established as a net metered Customer-Generator or Remote Net Metered Customer-Generator, it must forfeit any remaining kWh credits at the time it becomes a CDG Host.

29.1.3 The CDG Host will be responsible for building the CDG facility, interconnecting to the grid, and owning or operating the facility in conformance with the requirements of PSL 66-j (3)(e), (f) and (g) and 66-l (3)(e) except for projects being compensated under the VDER Value Stack per Rule 40.2 which are not limited to the same load zone requirement.

29.1.3.1 The CDG Host electing service under this provision must execute a New York State Standardized Contract for Interconnection of New Distributed Generation Units with Capacity of 5 MW or Less Connected in Parallel with Utility Distribution Systems. CDG Hosts must operate in compliance with standards and requirements set forth in the New York State Standard Interconnection Requirements and Application Process for New Distributed Generators 5 MW or Less Connected in Parallel with Utility Distribution Systems, and as set forth within the SIR Addendum to this tariff, which may be amended from time to time.

29.1.4 Projects taking service under Rule 66 – Remote Crediting are eligible to make a one-time, irrevocable election to take service under Rule 29 but shall remain under the VDER Value Stack compensation mechanism.

A Remote Crediting project that opts into CDG:

29.1.4.1 will provide the Company with notice of its intent to take service under CDG and submit a completed switching certification and CDG allocation form within 60 days of the project's first account billing date under CDG, Rule 29, or within 45 days of the project's last host account billing date under Remote Crediting, Rule 66.

29.1.4.2 must adhere to the rules and requirements of the CDG program.

29.1.4.3 will retain the same Value Stack Eligibility Date as well as any Value Stack component rates locked in at the time of eligibility.

29.1.4.4 will have CDG program term and the start date of such term will be based on the project's original interconnection date.

29.1.4.5 will have the option to enroll in the CDG Net Crediting program. If elected, the new CDG project must adhere to the requirements and timeframes of the CDG Net Crediting program, as described in Rule 29.4.

29.1.4.6 will retain any monetary credits banked on the host account that will be the starting balance of the new CDG Host bank balance.

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## GENERAL INFORMATION

### COMMUNITY DISTRIBUTED GENERATION ("CDG") (Continued)

#### 29.2 Requirements of CDG Hosts

29.2.1 The CDG Host, by submitting the completed allocation request form to the Company, certifies that it has written authorization from the customer to request and receive the customer's historic usage and that it has entered into a written contract with the Customer. The CDG Host will be responsible for providing the Company with the CDG Satellites' names, addresses, account numbers, proportionate share of excess generation credits and any other such information required by the Company 60 days before credits are to be distributed to the CDG Satellite. The Company will not be responsible or held liable for any contractual arrangements or other agreements between the CDG Host and CDG Satellite, including terms, pricing, dispute resolution or contract termination. The Company will rely exclusively on the monthly allocation request form to verify a CDG Satellite account's participation in a CDG project.

29.2.2 The CDG Host must certify in writing to the Company, both prior to commencing CDG service and annually thereafter that it meets the creditworthiness standards and requirements established by the PSC to be a CDG Host.

29.2.3 The CDG Host must not have less than ten associated CDG Satellites, except for the limited waivers set forth below in Rule 29.2.3.1 and Rule 29.2.3.2. Each associated CDG Satellite must take a percentage of the CDG Host's excess generation, except with the limited waiver in Rule 29.2.3.2. The percentage must equal at least 1,000 kWh annually but must not exceed the CDG Satellite account's historic average annual kWh or a forecasted average annual kWh if actual data is not available. Additionally, the CDG Host must allocate the project's generation to its CDG Satellites according to the following:

29.2.3.1.A CDG Host that has paid 25% of the Company's estimated interconnection costs, or executed the New York State Standardized Interconnection Contract if no such payment is required, on or before February 12, 2021, and thereafter interconnects to the Company's distribution system, in accordance with the SIR, but has not yet begun allocating credits to CDG Satellites, must allocate at least 60% of the project generation to CDG Satellites that are:

29.2.3.1.1 Served under SC-1, SC1-C, or SC-2 Non-Demand; or

29.2.3.1.2 Served under SC-2 Demand, SC-3, SC-3A, SC-4, or SC-12, in accordance with their SC-12 contract, and where the CDG Satellite has a) an average billed kW less than or equal to 25 kW based on the most recent 12 monthly billing periods, or b) a percentage allocated from the CDG Host that does not exceed 25 kW when multiplied by the AC nameplate rating of the generating facility, as reported to the Company during the interconnection process or any subsequent upgrades; or

29.2.3.1.3 A multi-unit building with a single meter serving multiple occupants, as described in Rule 29.2.4.

29.2.3.2.A CDG Host whose project has interconnected to the Company's distribution system, in accordance with the SIR, on or before February 12, 2021 and has allocated credits to CDG Satellites, must continue to use the allocation methodology accepted and approved by the Company in its initial allocation form submission for that project.

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STAMPS: Issued in Compliance with Order in Case 15-E-0082, dated February 12, 2021.

## GENERAL INFORMATION

### COMMUNITY DISTRIBUTED GENERATION ("CDG") (Continued)

29.2.3.3 A CDG Host that has paid 25% of the Company's estimated interconnection costs, or executed the New York State Standard Interconnection Contract if no such payment is required, after February 12, 2021 must allocate at least 60% of the project generation to CDG Satellites that are:

29.2.3.3.1 Served under SC-1, SC1-C, or SC-2 Non-Demand; or

29.2.3.3.2 Served under SC-2 Demand, SC-3, SC-3A, SC-4, or SC12, in accordance with their SC-12 contract, where the CDG Satellite has an average billed kW less than or equal to 25 kW based on the most recent 12 monthly billing periods; or

29.2.3.3.3 A multi-unit building with a single meter serving multiple occupants, as described in Rule 29.2.4.

29.2.3.4 Once a CDG Host's project has been interconnected to the Company's distribution system, in accordance with the SIR, and begun allocating credits to CDG Satellites, the CDG Host must continue to use the allocation methodology accepted and approved by the Company for that project.

29.2.3.5 Verification of satellites is completed by the Company each time an allocation form is submitted by a CDG Host based on the methodology established during Company's final acceptance and approval of CDG Host's initial allocation form.

29.2.4 CDG Hosts may treat each unit located within a multi-unit building as though it were a separate participant for the purpose of determining whether the ten CDG Satellite minimum and output limits set forth in Rule 29.2.3.1 are reached. CDG Hosts are required to report to the Company the number of occupants consuming 25 kW or less in demand within the multi-unit building that are participating indirectly in the CDG project.

29.2.5 CDG Hosts serving only farm operations, as defined in Public Service Law 66-j (1) (a) (ii), and residences of individuals who own or are employed by the farm operations are waived from the requirement that each CDG project must serve at least ten members and from the allocation methodologies described in Rule 29.2.3. A CDG project seeking waiver of this Rule is responsible for certifying to the Company that each member is either a farm operation or the owner or employee of one of the farm operation members.

29.2.6 A CDG Host may not request termination or suspension of electric service to an associated CDG Satellite.

29.2.7 Service under this rule terminates for the CDG Host and CDG Satellites if a CDG Host is no longer eligible, if the CDG Host terminates CDG participation, or if the Company terminates service to the CDG Host account.

29.2.8 The Company's CDG Program Procedural Requirements detail the format and requirements for CDG submissions. Additionally, the Company's CDG Program Procedural Requirements set forth consumer protections required of CDG Hosts and complement the Commission's Uniform Business Practices for Distributed Energy Resources (DER) Suppliers (UBP-DERS).

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## GENERAL INFORMATION

### COMMUNITY DISTRIBUTED GENERATION ("CDG") (Continued)

#### 29.3 Allocations of Generators' Output

29.3.1 At least sixty days before commencing net metered service under the CDG program, the CDG Host must submit to the Company an allocation request form with its list of associated CDG Satellite accounts and the percentage (up to three decimal places of accuracy) of the CDG Host's net energy output to be allocated to each, as well as the percentage to be retained by the CDG Host. If less than 100% of the CDG Host's net energy output is allocated by the CDG Host to associated CDG Satellites, the balance will be retained on the CDG Host account, so that the full output of the CDG Host is allocated. Allocations of more than 100% of the CDG Host's net energy output shall be rejected by the Company.

29.3.1.1 If there is insufficient metering data in any month to ascertain the kWh supplied by the CDG Host to the CDG Satellite accounts, the CDG Host's excess credits will be assumed to be zero. When and if actual data becomes available, credits will be prospectively applied as appropriate.

29.3.1.2 The CDG Host may modify its associated CDG Satellite accounts and/or the percentage to its CDG Satellites by giving notice to the Company no less than thirty days before the CDG Host account's billing date to which the modifications apply and by submitting a revised allocation request form to the Company with the new percentages and new associated CDG Satellite accounts.

29.3.2 If a distributed generation customer participates as a CDG Host and is billed on an energy only commercial rate, the excess generation will be allocated to the associated CDG Satellites on a volumetric basis based on the percentage directed in the allocation request form provided to the Company by the CDG Host.

29.3.2.1 Volumetric credits received from the CDG Host to be applied to the CDG Satellite accounts will be converted to a monetary credit based on the CDG Satellite's service classification and used to reduce the volumetric charges only on the CDG Satellite's electric utility bill.

29.3.2.2 If a CDG Satellite account is billed under time-of-use rates, the credits shall be applied in proportion to the usage in each time period.

29.3.2.3 After each CDG Satellite account has been credited in the current billing period, any remaining credits will be carried forward on that CDG Satellite account to the succeeding billing period.

29.3.3 If a distributed generation customer participates as a CDG Host and is billed on a demand rate the excess generation will be converted to a dollar amount based on the CDG Host's service classification. The monetary credit will be allocated to the associated CDG Satellites based on the percentage basis as directed in the allocation request form provided to the Company by the CDG Host.

29.3.3.1 Monetary credits from the CDG Host will be applied to the CDG Satellite accounts in their next bill. Credits from the CDG Host will be applied to the CDG Satellite accounts' bill, including energy, customer, demand or other charges on the electric bill until the bill is reduced to zero.

29.3.3.2 If a CDG Satellite account is billed under time-of-use rates, the monetary credits shall be applied in proportion to the usage in each time period.

29.3.3.3 After each CDG Satellite account has been credited in the current billing period, any remaining monetary credit will be carried forward on that CDG Satellite account to the succeeding billing period

PSC NO: 220 ELECTRICITY  
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## GENERAL INFORMATION

### COMMUNITY DISTRIBUTED GENERATION ("CDG") (Continued)

29.3.4 After the completion of the CDG Host's first 12 months of CDG service, the CDG Host must furnish to the Company at least once per calendar year, and as often as once per CDG Host billing cycle, and with no less than 30 days' notice, written instructions for allocating any excess credits banked to the CDG Host's account. The CDG Host cannot allocate to its own account. No distribution will be made if instructions are not received by the required date. If the Company does not receive the required notification any banked credits on the CDG Host account will be forfeited.

29.3.5 CDG Host Account Closure – The Company requires an actual reading to close an account of a CDG Host. The Company will close an account on the earlier of (a) the first billing cycle date on which a reading is taken following the requested turn off date, or (b) the date of the special reading date, which the CDG Host may request in accordance with Rule 39.14.4. After the final bill is rendered to the CDG Host, any banked credits on the CDG Host account will not be cashed out or transferred. CDG Satellites accounts will no longer receive credits once a CDG Host account is closed and the final bill is rendered for the CDG Host.

#### 29.3.6 CDG Satellite Account Closure

29.3.6.1 When a CDG Satellite's account is closed or cancelled, any remaining banked credits in the CDG Satellite's bank after the final bill will be transferred to the CDG Host's bank.

29.3.6.2 When a CDG Satellite terminates its subscription with a CDG Host, any remaining banked credits in the CDG Satellite's bank after the final bill will be transferred to the CDG Host's bank.

29.3.6.2.1 The Company will rely on the CDG Host's monthly allocation form to verify the CDG Satellite's participation in the CDG Host's project. The Company will transfer any banked credits of the CDG Satellite to the CDG Host when the CDG Satellite's account is no longer included on the CDG Host's allocation form.

29.3.6.2.2 A CDG Satellite that has been removed from a CDG Host project but continues to maintain an active utility account may not subscribe to a new CDG Host or CDG Net Crediting project until the billing period after which all banked credits on the CDG Satellite's account are returned to the previous CDG Host's bank.

29.3.6.3 Any remaining banked credits removed from a CDG Satellite's bank and added to a CDG Host's bank will be returned in full without any reduction for the Market Transition Credit (MTC) or Community Credit (CC). CDG Hosts are permitted to reallocate returned credits among any active CDG Satellites in accordance with Rule 29, with the exception that returned credits may also be reallocated to non-mass market subscribers who are otherwise ineligible to receive the MTC or CC compensation.

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NIAGARA MOHAWK POWER CORPORATION

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## GENERAL INFORMATION

## COMMUNITY DISTRIBUTED GENERATION ("CDG") (Continued)

29.3.7 Customers that would otherwise be eligible to receive credits under this Rule No. 29 may also have these credits apply to the customer's charges for the Company's deliveries of NYPA power and deliveries of RNY power under Rule 34.6 regardless of the service classification such deliveries are provided under, with the exception that if the service classification is S.C. No. 12 the deliveries must be on a "first through the meter" basis without any accompanying discount to any of the otherwise applicable service class charges ("S.C. No. 12 Supplemental Charges").

29.3.7.1 If the credits are volumetric, the credits will be calculated separately with the associated kWh being allocated in the following order;

- i. S.C. No. 4 or S.C. No. 12 Supplemental Service deliveries, as applicable;
- ii. The NYPA contract deliveries with the kWh allocated in the order of the largest NYPA contract kWh deliveries first and the remainder credited to the next largest contract kWh deliveries, and so forth, for each of Niagara Power Delivery Service, HLF Delivery Service, or Preservation Power Delivery Service; and
- iii. RNY kWh deliveries.



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## GENERAL INFORMATION

## COMMUNITY DISTRIBUTED GENERATION ("CDG") (Continued)

## 29.4 CDG Net Crediting Program

Customers who meet the requirements specified in Rule No. 29 and Rule No. 40 for a CDG Host or CDG Satellite may participate in the CDG Net Crediting Program as specified in this Rule 29.4. The CDG Net Crediting Program provides for an alternate payment and crediting methodology for CDG Hosts and CDG Satellites eliminating a separate participation payment from the CDG Satellite to the CDG Host. The Company will facilitate crediting the CDG Satellite's bills and pay the CDG Host based on Value Stack credits as calculated in Rule 40 for the CDG project's net injections and as further provided below. The CDG Host and CDG Satellites participating in this program will be subject to any requirements provided in the Company's CDG Net Crediting Manual, as filed with the PSC and which may be modified from time to time, that are not specified below.

## 29.4.1 Enrollment

CDG projects participating in the CDG Net Crediting Program must meet all the requirements and follow the provisions provided in Rule 29 and Rule 40 for CDG projects.

The CDG Host must enroll via the Company's enrollment portal and by executing a CDG Sponsor Net Crediting Agreement with the Company at least sixty days prior to commencing participation in the CDG Net Crediting Program, in addition to any other forms and registrations required under Rule 29 and the CDG Net Crediting Manual.

The CDG Host must provide the CDG Savings Rate for the project, which is the percentage of the project's Value Stack Compensation, as determined in accordance with Rule 40, that will be provided to the project's CDG Satellites in aggregate under this program. The CDG Savings Rate must be provided at least 30 days prior to the CDG host account's billing date to which the rate will be applied, via the Company's portal. The CDG Savings Rate may not be less than 5% for any CDG project. The CDG Savings Rate must be the same for all the CDG Satellites of a CDG Project, except for up to one Excluded Anchor Satellite, if applicable, as defined and specified in 29.4.4 below.

The CDG Host will provide its associated CDG Satellite account numbers and the allocation percentage via the Company's online portal, in accordance with Rule 29. The CDG Host may modify its associated CDG Satellite accounts and/or the allocation percentages of its CDG Satellites via the Company's portal no less than thirty days prior to the CDG Host account's billing date to which the modifications apply. The CDG Host may modify its associated CDG Savings Rate following the requirements provided in the CDG Net Crediting Manual.

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## GENERAL INFORMATION

## COMMUNITY DISTRIBUTED GENERATION ("CDG") (Continued)

## 29.4 CDG Net Crediting Program (continued)

CDG Hosts may remove CDG projects from the CDG Net Crediting Program with a 30-day notice to the Company. A CDG project that has been removed from the CDG Net Crediting Program is permitted to: 1) return to the CDG program, 2) re-enroll in CDG Net Crediting Program following the requirements provided in the CDG Net Crediting Manual, or 3) switch to Remote Crediting under Rule 66.

Projects that elect to return to CDG or switch to Remote Crediting will forfeit the crediting methodology in CDG Net Crediting that eliminates a separate participation payment from the satellite to the host. Once removed from the CDG Net Crediting Program, the Company will apply the full value of the Value Stack credit to the satellite as dictated on the allocation form without any separate payment to the host or deduction of the utility administration fee.

Non-Value Stack CDG or RNM projects that opt into the CDG Net Crediting will forfeit any banked volumetric credits on the existing projects before commencing with the CDG Net Crediting program. Value Stack CDG or Remote Crediting projects that opt into the CDG Net Crediting will retain any banked monetary credits on the existing projects that will become the starting balance of the new CDG Net Crediting project's host bank.

## 29.4.2 Determination of CDG Satellite's Net Member Credits

The Company will calculate and apply a Net Member Credit to the participating CDG Satellite's retail bill based on the CDG project's net injections and associated Value Stack Compensation, as determined in accordance with Rule 40 and each applicable billing period, with modifications as follows.

Net Member Credits for each CDG Satellite shall be determined as the CDG Savings Rate multiplied by the CDG Satellite's Calculated Credits. The Calculated Credits for each participating CDG Satellite will be determined as the minimum of i) the Total Available Credit and ii) the CDG Satellite's total electric retail bill charges for the applicable billing period. The Total Available Credit shall be determined as the sum of i) the CDG project's Value Stack Compensation for the applicable billing period as calculated in conformance with Rule 40, multiplied by the CDG Satellite's Allocation Percentage; and ii) any retained credits that have been banked or re-allocated to the CDG Satellite's account.

Any remainder of Net Member Credit that has not been used to credit the CDG Satellite's current electric utility bill for the applicable billing period will be banked on the CDG Satellite's account for future use. All provisions of the CDG program relating to banked credits shall be extended to CDG Net Crediting projects.

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## GENERAL INFORMATION

### COMMUNITY DISTRIBUTED GENERATION ("CDG") (Continued)

Any remainder of the Total Available Credit that has not been used to credit the Satellite's total retail bill charges for the applicable billing period will be retained on the CDG Satellite's account for future use.

Notwithstanding the above, prior to automation of the above crediting mechanisms in the Company's billing system, the crediting calculations and credits provided under CDG Net Crediting Program will be performed manually by the Company using the interim methodology described in the CDG Net Crediting Manual.

#### 29.4.3 Determination of CDG Host Payment

The Company will calculate the CDG Host Payment each month and remit such payment to the CDG Host as a separate payment from the retail bill following distribution of the Net Member Credits to the CDG Satellites for the applicable billing period. The CDG Host will provide the necessary payment information as described in the CDG Net Crediting Manual.

The CDG Host Payment is the sum of the CDG Subscription Fees calculated for each of the project's CDG Satellites in the applicable period less the Utility Administrative Fee to be retained by the Company as further described below. The CDG Subscription Fee will be determined for each CDG Satellite, excluding the Excluded Anchor Satellite, as the Calculated Credits, less the Net Member Credits. The Utility Administration Fee will be determined each billing period as 1% of the sum of the Calculated Credits and will be retained by the Company to support implementation and ongoing costs of the program.

Notwithstanding the above, prior to automation of the above crediting mechanisms in the Company's billing system, the CDG Host Payments will be determined as a result of the interim manual crediting calculation methodology described in the CDG Net Crediting Manual.

#### 29.4.4 Excluded Anchor Satellite

The CDG Host may choose to designate one large CDG Satellite to be an Excluded Anchor Satellite. The Excluded Anchor Satellite may not be a mass market customer, as defined in Rule 36.1.9. The selection of an Excluded Anchor Satellite must be made in accordance with the procedures in the CDG Net Crediting Manual and provided via the Company portal no later than thirty days prior to the CDG Host account's billing date from which the Excluded Anchor Satellite will receive credits. The Excluded Anchor Satellite will not be assigned a CDG Savings Rate. The Excluded Anchor Satellite's Net Member Credit will be equal to the Calculated Credits as calculated in 29.4.2 for the Excluded Anchor Satellite.

#### 29.4.5 Unallocated Credits

In the event the sum of the CDG Satellite's allocation percentages, including the Excluded Anchor Satellite, if applicable, for a CDG project are less than 100.00% in any applicable billing period, the difference will be the Unallocated Satellite Percentage. The Unallocated Satellite Percentage will be multiplied by the CDG project's Value Stack Compensation for the applicable billing period, excluding any Community Credits, as determined in accordance with Rule 40, to determine the Unallocated Credits. The Unallocated Credits will be added to the retained credits on the CDG Host account for future distribution to CDG Satellites.

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## GENERAL INFORMATION

## COMMUNITY DISTRIBUTED GENERATION ("CDG") (Continued)

## 29.5 Expanded Solar For All ("E-SFA") Program

The E-SFA Program is a jointly run program by the Company and NYSERDA. The E-SFA Program will provide a monthly credit to participating customers in the Company's Energy Affordability Program, as specified in Special Provision M of SC1 or Special Provision I of SC1C, from the aggregated Value Stack compensation, as specified in Rule 40.2, calculated from participating CDG projects' net injections as further provided in this Rule 29.5.

## 29.5.1 Participation Requirements

## 29.5.1.1 E-SFA CDG Projects

CDG projects participating in the E-SFA Program ("E-SFA CDG Projects") must meet the following requirements to participate:

- i) Be located in the Company's service territory;
- ii) An initial date of interconnection to the Company's electric system that is after PSC approval of the E-SFA Program;
- iii) Compliant with the interconnection requirements as specified in Rule 29.1.3;
- iv) Paid in full on any Company invoices related to interconnection costs;
- v) Eligible for, and have the required metering installed for, Value Stack compensation as specified in Rule 40.2;
- vi) Submitted all required information in response to a Competitive Solicitation issued by NYSERDA, as further described in Rule 29.5.2;
- vii) In receipt of a written notification of selection for the E-SFA Program from NYSERDA as part of the Competitive Solicitation;
- viii) Certifies acceptance of the terms and conditions of the E-SFA Program as required by the Company and NYSERDA as further described in Rule 29.5.2;
- ix) May not have satellites enrolled for participation in their CDG project, as otherwise provided for in Rule 29, nor be an active participant in Rule 29.4, CDG Net Crediting program; and
- x) The CDG project owner will be responsible for the ownership and operation of their project.

## 29.5.1.2 E-SFA Program Customers

The Company will automatically enroll any customer account participating in the Company's Energy Affordability Program ("EAP") in the E-SFA Program. A customer enrolled in the E-SFA Program may simultaneously participate as a satellite of a CDG project; or as a satellite in a Remote Crediting project, as described in Rule 66; or as a satellite in a Remote Net Metered project, as described in Rules 36.7 and 37.10.

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## GENERAL INFORMATION

### COMMUNITY DISTRIBUTED GENERATION (“CDG”) (Continued)

#### 29.5 Expanded Solar For All (“E-SFA”) Program (Continued)

EAP customers enrolled in a Community Choice Aggregation related CDG product may participate in both the E-SFA Program and Community Choice Aggregation.

E-SFA Program customers may opt-out of the E-SFA Program at any time by contacting the Company’s Contact Center or other avenues that may be available in the future. E-SFA Program customers will also be removed from the E-SFA Program at such time that the customer is no longer a participant in the Company’s EAP.

##### 29.5.2 Competitive Solicitation

NYSERDA, in coordination with the Company, may periodically offer a Competitive Solicitation for enrollment of CDG projects in the E-SFA Program, pursuant to PSC Order dated January 20, 2022 in Case No. 19-E-0735, and subject to any subsequent modifications by the PSC. Selection for enrollment will set the Compensation Level for the E-SFA Project, which is defined as the percentage of the CDG project’s Value Stack compensation, as determined in accordance with Rule 40.2.

Within sixty (60) days following receipt of written notification of its selection for enrollment and assigned Compensation Level from NYSERDA, the CDG Project will submit a Project Participation Form, to indicate its acceptance of the Compensation Level and the terms and conditions of the E-SFA Program.

The E-SFA CDG Project’s Compensation Level will be fixed for a period of 25 years from the initial date of interconnection of the CDG Project to the Company’s electric system. Payments based on the Compensation Level will expire at such time that the E-SFA CDG Project terminates participation in the E-SFA Program or has reached the end of the project’s 25-year compensation period, whichever is sooner. The E-SFA CDG Project may unenroll from the E-SFA Program with a minimum of twelve (12) months’ notice prior to the beginning of the Program Year in which the E-SFA Project no longer wishes to participate.

The Program Year will be the 12-month program year period as defined in the Expanded Solar For All Program Implementation Plan as filed in Case 19-E-0735, as may be modified from time to time.

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## GENERAL INFORMATION

### COMMUNITY DISTRIBUTED GENERATION (“CDG”) (Continued)

#### 29.5 Expanded Solar For All (“E-SFA”) Program (Continued)

##### 29.5.3 E-SFA Customer Credits

29.5.3.1 On an annual basis, or as further specified in 29.5.3.3, the Company will determine the monthly fixed dollar amount that will be credited to participating E-SFA Program customers’ retail electric charges for the upcoming Program Year (“E-SFA Customer Credit”).

The monthly E-SFA Customer Credit will be determined as:

$$\text{E-SFA Customer Credit} = \text{Credit Pool} / (\text{number of E-SFA Customers enrolled at end of previous Program Year} * \text{number of billing months in the Program Year in which customers receive the E-SFA Customer Credit})$$

The Credit Pool will be forecasted for the upcoming Program Year as follows:

$$\text{Credit Pool} = \text{Forecasted Customer Share} - \text{Forecasted Utility Administration Fee} + \text{Buffer} + \text{Previous Year Floating Credits} + \text{NYSERDA Solar for All Credits (if available)}$$

The Forecasted Customer Share will be the forecasted aggregated Value Stack Compensation, as specified in Rule 40, of participating E-SFA Projects, less the forecasted E-SFA CDG Project Payments for the upcoming Program Year.

The Forecasted Utility Administration Fee will be a forecast of the Utility Administration Fee specified in 29.5.5 for the upcoming Program Year.

The Buffer may be used at the Company’s discretion to limit overcompensation as necessary. The Buffer may reduce the Forecasted Customer Share for the upcoming Program Year by no more than 10%, or such lesser amount as determined by the Company.

The Previous Year Floating Credits will be the previous Program Year’s reconciliation balance as specified in 29.5.3.2.

The E-SFA Customer Credit will be applied to the electric portion of customers’ bills, after the application of any other applicable customer bill credits are applied. If the E-SFA Customer Credit causes the customer’s monthly bill to be less than zero, the amount less than zero caused by the E-SFA Customer Credit will be banked to the customer’s account and applied to future bills. If a customer opts-out during a Program Year, the customer will receive a final credit during the current month of the opt-out and will not receive further credits.

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## GENERAL INFORMATION

### COMMUNITY DISTRIBUTED GENERATION ("CDG") (Continued)

#### 29.5 Expanded Solar For All ("E-SFA") Program (Continued)

29.5.3.2 Following the first year of the E-SA Program, the E-SFA Credit for subsequent years will include a reconciliation balance of the previous year's compensation, credits, and payments. The reconciliation balance will be determined as i) the actual Value Stack compensation associated with the E-SFA CDG Projects during the previous Program Year as specified in Rule 40, minus ii) the actual E-SFA Customer Credits provided during the previous Program Year, as specified in 29.5.3.1, minus iii) the actual E-SFA CDG Project Payments provided during the previous Program Year, as specified in 29.5.4, minus iv) the actual Utility Administrative Fee determined for the previous Program Year as specified in 29.5.5. The annual reconciliations will include carrying charges based on the Company's pre-tax weighted average cost of capital (WACC) and will be added to the Credit Pool used to determine the E-SFA Customer Credit in the following Program Year as specified in 29.5.3.1. If the actual components of the reconciliation for the final month of the Program Year are not available in time to set the E-SFA Customer Credit for the upcoming Program Year, the Company may choose to include only 11 months of reconciliations in the upcoming Program Year's E-SFA Customer Credit or may estimate the components for the final month of the Program Year subject to reconciling the estimate in the following year's reconciliation.

29.5.3.3 The Company, at its discretion, may shorten the first year of the E-SFA Program to facilitate a sufficient customer credit rate until enrolled projects are fully operational.

29.5.3.4 The E-SFA Customer Credit will be filed on a rate statement annually with the PSC not less than fifteen (15) days prior to the effective date.

#### 29.5.4 E-SFA CDG Project Payment

The Company will pay the E-SFA CDG Project the Value Stack compensation calculated by the Company for the project for the previous month, in accordance with Rule 40, multiplied by their assigned Compensation Level percentage. Payments will be made monthly and separate from the retail bill. The E-SFA CDG Project will provide the Company with the necessary information for the Company to pay the project in the Project Participation Form.

#### 29.5.5 E-SFA Utility Administrative Fee

The Company will collect an E-SFA Utility Administrative Fee to offset incremental costs incurred to implement and administer the E-SFA Program. The fee will be forecasted for the upcoming Program Year and will be one percent of the forecasted annual value of the participating E-SFA CDG Project's total Value Stack credits.

On an annual basis, the Company will compare its actual incremental implementation and administrative costs of the E-SFA Program for the previous year to the amount collected in that year in the E-SFA Utility Administrative Fee. To the extent that the annual costs are less than the annual amount recovered in the E-SFA Utility Administrative Fee, the Company will return fifty percent of the difference through the Value Stack Cost Recovery Surcharge, as specified in Rule 40.3.

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SUPERSEDING REVISION: 3

## GENERAL INFORMATION

### 30. SHARED METERS

In accordance with 16NYCRR Sections 11.30 through 11.32, and Section 52 of the Public Service Law, when a tenant's service meter also registers utility service use outside the tenant's dwelling and/or control, the tenant is not required to pay the charges for that service. The owner has three options when shared metering has been determined:

- a) Request the account be placed in the owner's name
- b) Correct the condition
- c) If allowed by law and if certain conditions are met, enter into a mutually acceptable agreement.

Following 120 days after the determination that a shared meter exists, if the owner does nothing, then the account will be placed in the owner's name without their request. The Company will rebill for past service in accordance with Section 52 of Public Service Law. A Customer may request a copy of Section 52 of Public Service Law and 16NYCRR Sections 11.30 through 11.32 from the Company.

### 31. NYPA Supply Service

In accordance with the Public Authorities Law ("PAL") §1005, subdivision 27(a), the New York Power Authority ("NYPA") is authorized to supply power and energy procured from competitive market sources or supply renewable power and energy procured from competitive market sources to any: (i) authority customer, (ii) public entity; or (iii) Community Choice Aggregation ("CCA") community through the supply of such products through an energy services company or other entity that is authorized by the Commission to procure and sell energy products to participants of a CCA program. This Rule 31 will allow NYPA to supply power and energy to NYPA customers and public entities as defined in PAL §1005, subdivisions 17(b) and 27(g) and in accordance with the following provisions.

31.1 Customers taking service under this Rule 31 will have their electric power provided by NYPA pursuant to the customer's agreement with NYPA. If a customer chooses to no longer take service under this Rule 31, the customer may choose to take electric supply from an energy service company under Rule 39, or from the Company under Rule 46.

31.2 With the exception of supply and supply-related charges and adjustments applicable under Rule 46, customers taking service under this Rule 31 shall be assessed all charges under the customer's applicable service classification.

31.3 Customers taking service under this Rule 31 will continue to be eligible to participate in energy efficiency programs offered by the Company and by the New York State Research and Development Authority, if otherwise eligible to do so if they were not participating in this Rule 31.

31.4 Customers who have designated a portion of their electric power supply requirements to be provided by NYPA under its Recharge New York ("RNY") program, shall be permitted to select NYPA to provide the remainder of their electric power supply under this Rule 31.

31.5 NYPA shall provide at least thirty days prior written notice to the Company for the initial delivery or termination of electric supply service under Rule 31 for each participating customer, unless otherwise agreed upon by NYPA and the Company. Service will be initiated or terminated as of the Customer's first scheduled meter reading date on or after the end of such notice period.

31.6 Consolidated billing shall not be available to customers served under this Rule 31 and NYPA shall separately bill participating customers for supply service under this Rule 31.



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#### GENERAL INFORMATION

#### 32. INCREASE IN RATES APPLICABLE IN MUNICIPALITY WHERE SERVICE IS SUPPLIED:

##### 32.1 REVENUE TAX SURCHARGE

32.1.1 The rates and charges for service under all Service Classifications of this Schedule P.S.C. No. 220 Electricity, and under all Service Classifications of P.S.C. No. 214 Electricity, and including all surcharges and minimum or customer charges as applicable, shall be increased by a factor, one for commodity revenue and one for delivery revenue, developed from the aggregate percentage rate of the taxes imposed on the Company's commodity and delivery electric revenues pursuant to Section 186-a of the State Tax Law; Section 20-b of the General City Law; and Section 5-530 of the Village Law. The total of all rates and charges will be multiplied by a factor equal to the result of the tax rate divided by 1 (one) minus the tax rate (1-tax rate) for the appropriate municipality.

32.1.1.1 Delivery Revenue is defined as all charges on the delivery portion of a customer's bill less Commodity Revenue as defined in Rule 32.1.1.2 below.

32.1.1.2 Commodity Revenue is defined as Locational Based Marginal Pricing and Locational Based Marginal Capacity Price as defined in Rules 1.63 and 1.64, respectively, and determined in accordance with Rule 46 of this Tariff.

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#### GENERAL INFORMATION

32. INCREASE IN RATES APPLICABLE IN MUNICIPALITY WHERE SERVICE IS SUPPLIED: (Continued)

32.1.3 The applicable commodity and delivery revenue tax surcharge factors shall be set forth on two statements filed with the Public Service Commission and are subject to adjustment whenever a city or a village levies a new tax on the Company's gross revenues, repeals such a tax, or charges the rate of such tax.

Every such statement shall be filed not less than fifteen (15) business days before the date on which the statement is proposed to be effective, and no sooner than the date of the tax enactment to which the statement responds; shall become effective no sooner than the date when the tax enactment is filed with the Secretary of State; shall be applicable to bills subject to the tax enactment that are rendered on or after the effective date of the statement and shall be canceled not more than five (5) business days after the tax enactment either ceases to be effective or is modified so as to reduce the tax rate. Such statements will be available to the public by contacting the Company's Customer Service Center where applications for service may be made.

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## GENERAL INFORMATION

### 32. INCREASE IN RATES APPLICABLE IN MUNICIPALITY WHERE SERVICE IS SUPPLIED: (Continued)

#### 32.2 CHARGES FOR MUNICIPAL UNDERGROUNDING:

32.2.1 If a municipality requests or requires, by resolution or other appropriate evidence of authority, that the Company relocate underground all or a portion of the Company's existing overhead distribution or transmission facilities within the boundaries of such municipality ("Overhead Facilities"), the Company will recover the costs of complying with such request or requirement through a levelized surcharge applied to the kWh usage on the bills of all customers within such municipality. Such surcharge shall be applied for a period of 30 years, or such other term not to exceed 30 years, as agreed upon by the Company and the municipality for the recovery of the cost of the undergrounding project ("Surcharge Period"). The cost of complying with subsequent requests or requirements for undergrounding work shall be recovered through separate levelized surcharges.

The surcharge will be calculated to recover the incremental annual revenue requirement experienced by the Company in implementing the undergrounding project. The elements of the incremental annual revenue requirement for each undergrounding project ("Underground Facilities") shall be the incremental costs, the incremental depreciation expense, the rate of return, incremental property taxes resulting from the undergrounding facilities, and other incremental expenses.

#### 32.2.2 Calculation of Incremental Annual Revenue Requirement:

The elements of the incremental annual revenue requirement shall be determined as follows:

##### 32.2.2.1 Incremental Capital Costs

Incremental capital costs shall consist of the sum of all fully loaded incremental capital costs associated with the Underground Facilities, including costs to construct the new facilities, remove the Overhead Facilities net of salvage, relocate facilities, secure rights-of-way and obtain governmental and regulatory approvals.

##### 32.2.2.2 Incremental Depreciation Expense

Incremental depreciation expense will be computed by subtracting depreciation expense for the Overhead Facilities from the depreciation expense for the Underground Facilities. Incremental depreciation expense for the Underground Facilities will be computed by applying a depreciation rate based on the Surcharge Period to the incremental capital costs of the Underground Facilities. Depreciation expense for the Overhead Facilities will be computed by applying the approved depreciation rates, in effect at the time the initial surcharge calculation is made for any municipality, to the book cost of the Overhead Facilities.

##### 32.2.2.3 Rate of Return Component

The rate of return component will be computed by applying the overall pre-tax rate of return reflected in the rates resulting from the Company's most recent electric rate proceeding, including all income tax effects thereon, to the incremental capital costs of the Underground Facilities.

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## GENERAL INFORMATION

### 32. INCREASE IN RATES APPLICABLE IN MUNICIPALITY WHERE SERVICE IS SUPPLIED: (Continued)

#### 32.2 CHARGES FOR MUNICIPAL UNDERGROUNDING: (Continued)

##### 32.2.2.4 Incremental Property Taxes

Incremental property taxes will be computed by subtracting the property tax expense for the Overhead Facilities from the property tax expense for the Underground Facilities. Property tax expense for the Underground Facilities will be computed by applying current property tax rates annually adjusted for inflation to the estimated assessed valuation of the Underground Facilities. Property tax expense for the Overhead Facilities will be computed by applying current property tax rates annually adjusted for inflation to the estimated assessed valuation of the Overhead Facilities at the time the initial surcharge calculation is made for any municipality.

##### 32.2.2.5 Other Incremental Costs

Other incremental costs include, but are not limited to, the costs incurred to notify affected customers of the surcharge and any reimbursement costs associated with a municipality electing to include in the surcharge the costs of initial conversion of existing customer line extensions and service entrances from Overhead Facilities to Underground Facilities.

#### 32.2.3 Surcharge Calculation:

The surcharge will be assessed on a per kilowatt hour basis to all customers within the municipality. The surcharge will be calculated by dividing the incremental annual revenue requirement resulting from the undergrounding project by the preceding year's actual annual kilowatt hour consumption in such municipality. The surcharge will take effect as soon as the Underground Facilities are placed into service. The surcharge will remain in effect for the duration of the Surcharge Period.

32.2.3.1 The Company may adjust the incremental annual revenue requirement where any legislative, court, or regulatory change imposes new or modifies existing obligations or duties to recover the revenue requirement effect of such change.

32.2.3.2 The Company may adjust the incremental annual revenue requirement when the Commission approves any changes in the Company's overall rate of return and/or when there are changes in property taxes affecting Underground Facilities to recover the revenue requirement effect of such change.

32.2.3.3 The surcharge will be adjusted to reflect a contribution, if any, made by the affected municipality to cover the cost of undergrounding. The municipality may elect to make an up front lump sum payment in lieu of the surcharge.

#### 32.2.4 Statement of Municipal Surcharges:

The applicable surcharge shall be set forth on a Statement of Municipal Surcharges (the "Statement") filed with the Commission. The Statement shall include a separate municipality-specific surcharge for each municipality in which a municipality surcharge is applicable pursuant

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### 32. INCREASE IN RATES APPLICABLE IN MUNICIPALITY WHERE SERVICE IS SUPPLIED:

#### 32.2 CHARGES FOR MUNICIPAL UNDERGROUNDING: (Continued)

to this provision. Whenever there is a change in the amount to be collected, the Company shall file with the Commission a new Statement reflecting the new or additional surcharge. The Statement shall be filed not less than thirty days prior to any proposed change or addition and will show the revised municipal surcharge and the effective date. Such statement shall be sent to the affected municipality and available to the public upon request.

##### 32.2.5 Customer Owned Facilities:

32.2.5.1 All service lines connected to the Overhead Facilities shall be relocated by the customer at the customer's expense. Any costs associated with modifications to the customer's service entrance or other customer-owned facilities and/or Company-owned facilities interconnecting with customer-owned facilities shall be the responsibility of the affected customer. The Company shall notify customers whose facilities interconnect with the Overhead Facilities that are to be removed of the actions they need to take to interconnect with the Underground Facilities. The Company may suspend service to any customer that has not arranged for connection to the Underground Facilities at the time the Overhead Facilities are removed.

32.2.5.2 At the time of the undergrounding project, upon approval by the Company, a municipality may elect to include in the surcharge the cost of initial conversion of existing customer line extensions from Overhead Facilities to Underground Facilities. All service lines shall be relocated by the municipality at the municipality's expense. Any cost associated with modifications to the customer's service entrance or other customer-owned facilities and/or Company-owned facilities interconnecting with customer-owned facilities shall be the responsibility of the municipality. The Company shall reimburse the municipality and include the amount in the surcharge calculation. The municipality shall notify all customers of the actions they need to take to interconnect with the Underground Facilities. The Company may suspend service to any customer that has not arranged for connection to the Underground Facilities at the time the Overhead Facilities are removed.

32.2.5.3 Where the municipality requires Underground Facilities to upgrade or expand service, the customer shall be responsible for the incremental cost associated with Underground Facilities where the Company would otherwise have provided Overhead Facilities. Customer shall give the Company reasonable advance notice, preferably in writing, of any proposed increase in service required, setting forth in such notice the amount, character and expected duration of time the increased service will be required.

##### 32.2.6 Notification:

If a municipality requests or requires that the Company relocate underground all or a portion of the Company's existing distribution or transmission facilities within the boundaries of such municipality, the Company shall notify all affected customers of the resulting surcharge prior to implementation. The incremental cost associated with notification shall be included in the surcharge calculation.

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### 33. PAYMENT OF INTEREST ON CUSTOMER OVERCHARGES

33.1 The Company shall pay interest on customer overpayments when the overpayment was caused by Company error. The Company is not required to pay interest on overpayments if the Company remits a refund to the customer within thirty (30) days after the date the customer's overpayment is received by the Company.

33.1.1 A customer overpayment is defined as payment by the customer to the utility in excess of the correct charge for electric service supplied to the customer which was caused by erroneous billing by the Company.

33.1.2 The interest rate to be applied to customer overpayments shall be the greater of the unadjusted customer deposit rate or the applicable late payment rate, if any, for the service classification under which the customer was billed. The interest shall be paid from the date when the customer overpayment was made, adjusted for any changes in the deposit rate or late payment rate, and compounded monthly, until the date when the overpayment was refunded.

33.1.3 The total billing refund amount, overpayment and interest, will be applied to the past due balance on the customer's account. Any remaining refund amount will be paid by check to the customer, unless otherwise directed by the customer. Prior customers no longer receiving service will be paid by check. Total refund amounts relating to matters other than billing will normally be refunded by check to the customer or developer, unless the customer or developer owes the Company for services rendered.

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#### 34. ECONOMIC DEVELOPMENT PROGRAMS

34.1 INTRODUCTION: The following programs are designed to encourage the permanent location of commerce and industry and the expansion or retention of the labor force within Niagara Mohawk's service territory through meeting the special Electric Service needs of eligible applicants. The Economic Development Programs are further described herein.

##### 34.1.1 Program Titles

###### 34.1.1.1 Program 1 – RESERVED FOR FUTURE USE

###### 34.1.1.2.1 Program 2 - Empire Zone Rider (EZR):

EZR is sponsored in cooperation with New York State Department of Economic Development and Labor, local Empire Zone Boards and Niagara Mohawk to renew designated economically distressed geographic areas of the Company's service territory. Non-residential customers, both existing and new, who relocate or expand in certified zones by the addition of permanent load, shall be eligible to receive discounted rates. Qualified subscribers are eligible for special rates for up to a ten (10) year term. The EZR program is closed to new subscribers, but the Company will continue to honor existing EZR arrangements for their remaining Terms.

###### 34.1.1.3 Program 3 - RESERVED FOR FUTURE USE

###### 34.1.1.4 Program 4 - RESERVED FOR FUTURE USE

34.1.1.5 Program 5 – Recharge New York (“RNY”) Power Program (Effective July 1, 2012) This program is sponsored by the EDPAB, NYPA and the Company to offer discount RNY power to qualifying non-residential customers pursuant to the terms of Rule 34.6 of this Tariff and the Customer's individual RNY Allocation and service agreement negotiated directly with NYPA.

###### 34.1.1.6 Program 6 - Excelsior Jobs Program (“EJP”)

The Excelsior Jobs Program is sponsored by the New York State Department of Economic Development. The New York State Excelsior Jobs Program is a tax incentive program commencing with tax years beginning in 2011 for non-residential customers who add additional load and are qualified for discounted rates by the NYS Department of Economic Development. Qualified customers are eligible for discounted rates for up to a ten year term.

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#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.1 Introduction (Continued)

##### 34.1.2 Common Program Eligibility Requirements

34.1.2.1 Economic development programs are available to non-residential customers and are further restricted as specified in each program's eligibility criteria; and

34.1.2.2 who qualify to take service under the applicable service classifications; and,

34.1.2.3 who enter into and agree to the terms and conditions of a written agreement with the Company.

34.1.2.3.1 Customers, who as of August 1, 1999, have met the eligibility criteria for one or more of the Economic Development programs and do not have a written service agreement with the Company authorizing their participation in an Economic Development Program under this Rule 34, shall have until November 1, 1999 to submit such an agreement on the form specified by the Company, whereupon customers failing to finalize such an agreement shall cease to be eligible for any Economic Development Program for which they do not have an authorizing agreement. The Company shall provide written notice of the timing requirements for a written service agreement.

34.1.2.3.2 Customers, who subsequently meet the eligibility criteria of one or more of the Economic Development Programs, shall have up to 60 days from the point at which the Company determines their eligibility to execute a written service agreement. The Company shall provide written notice of the timing requirements for a written service agreement when the eligibility criteria are met.



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#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.1 Introduction (Continued)

##### 34.1.2 Common Program Eligibility Requirements (Continued)

34.1.2.4 Customers must be current in their payment of all undisputed bills and the undisputed portion of all disputed bills for service rendered by the Company to be eligible to receive service under any program offered herein. Customers who have executed a deferred payment agreement with the Company and are in full compliance with the requirements of their DPA shall be eligible for these programs.

34.1.2.5 Bills are due and payable when rendered. Full payment must be received on or before the date shown on the bill to avoid a late payment charge of one and one-half percent (1 1/2) pursuant to Rule 26.4. The Company reserves the right to terminate the discounted service if the undisputed portion of the bills are not paid when due.

34.1.2.6 Customers served under this Rule 34 shall be eligible for the Retail Access Program in accordance with Rule 39, Retail Access Program.

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#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.1 Introduction (Continued)

##### 34.1.3 General Program Administration Requirements

34.1.3.1 All customers who participate in an Economic Development Program must agree to the applicable metering and billing options as described under Rule 34.1.4, Provisions for Metering and Billing.

34.1.3.2 All incremental and retained economic development electric load must be served off;

34.1.3.2.1 existing distribution, service and/or metering facilities, or;

34.1.3.2.2 distribution, service and/or metering facilities constructed by the customer, provided they meet Company specifications, or by the Company, as agreed upon within the executed service contract. The Company shall bear material and installation costs for line extensions up to the allowances provided for in 16NYCRR 98.2(j), in the case of an overhead line extension, or in 16NYCRR 98.2(h) or 98.2(i), in the case of an underground extension. In the case of an underground extension installed at the request of the applicant or authorized governmental agency, the allowance should be based on the estimated cost of overhead line provided over the same route as the underground line extension. The applicant shall be responsible for all costs which exceed the portion which the utility is required to provide without contribution.

34.1.3.3 All customers who participate in Program 2 - EZR who do not separately meter their load are subject to an Incremental Customer Charge. The Incremental Customer Charge is determined by the provisions of the service classification which would otherwise apply, absent the Economic Development program (hereinafter referred to as the parent service classification). The incremental customer charge consists of program specific requirements related to Incremental Metering, Billing, and Administration costs associated with providing these program related services.

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#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.1 Introduction (Continued)

##### 34.1.4 Provisions for Metering and Billing Economic Development Usage

##### 34.1.4.1 Options For Program 2 - EZR

34.1.4.1.1 Physically Separated Loads - Where the customer physically separates its incremental load eligible for EZR service from its load which is not eligible for any such discount, the customer's incremental load shall be billed in accordance with the provisions of Rules 34.2.2 and 34.2.3 as applicable, and the customer's remaining load shall be billed under the otherwise applicable non-residential service classification of this Tariff.

Upon the termination of the customer's eligibility to receive service under any economic development program, all service to the customer shall be billed under the applicable non-residential service classification of this Tariff, inclusive of Retail Access under Rule 39 if elected by the customer.

34.1.4.1.2 Non - Separated Loads - Customers who elect not to establish a separately metered account for qualifying load must agree to be billed using the Program Specific Alternate Billing Methodology as described in Rule 34.2.3.

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#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.1 Introduction (Continued)

##### 34.1.4 Provisions for Metering and Billing Economic Development Usage - (Continued)

##### 34.1.4.2 Program 5 – RNY Power Program

34.1.4.2.1 All load eligible under the RNY Power Program shall be metered and billed using the Billing Methodology described below under Rule 34.6.3.

34.1.4.3 All metered quantities shall be converted to billing quantities according to Rule 25.4 prior to determining the customer's bill.

34.1.4.4 Customers served under these Programs are subject to the customer charge of the parent service classification.

##### 34.1.5 Definition of Existing Allocations and New Allocations

For the purpose of this Rule 34, the term "New Allocations" shall mean allocations of power approved by NYPA's Trustees after February 1, 2002, the effective date of the Rate Plan associated with the Joint Proposal in Case 01-M-0075, transfers and assignments of allocations from a customer premise/location on Niagara Mohawk's system (i.e., a change in ownership/occupancy of a premise/location will not be deemed "new"). A customer with an "Existing Allocation" (i.e., any allocation not within the definition of the term "New Allocations" under this Rule) may receive "New Allocations" without causing its "Existing Allocations" to be classified as "New Allocations".

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#### PROGRAM DESCRIPTIONS

34. ECONOMIC DEVELOPMENT PROGRAMS (Continued)

34.2 Program 1 - RESERVED FOR FUTURE USE

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- 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)
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### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

#### 34.3 Program 2 - Empire Zone Rider (EZR)

##### 34.3.1 Eligibility Criteria:

##### 34.3.1.1 Any applicant or customer:

34.3.1.1.1 who qualifies for service under and in accordance with the provisions of Service Classification Nos. 2, 3, 3-A, or 4 or who qualifies for service under and in accordance with the provisions of Service Classification No. 7, except an applicant or customer who is a Wholesale Generator as defined in Rule 1.76; and

34.3.1.1.2 who has been certified by the state and local empire zone administrators as being eligible to receive the benefits pursuant to Article 18-B of the General Municipal Law, and;

34.3.1.1.3 who in the case of an existing demand metered customer permanently increases demand by the lesser of twenty-five (25) percent or 100 kW, or;

34.3.1.1.4 who in the case of an existing non-demand metered customer permanently increases their annual energy usage by twenty-five (25) percent.

34.3.1.2 Permanent load shall be defined as the addition of demand and/or kWh which is associated with the installation of new facilities or equipment which consume electricity or a permanent increase in the utilization of manufacturing facilities such as results from the addition of another shift. Seasonal or other fluctuations in load of the customer's existing facilities or equipment, such as heating or air conditioning demands and construction power demands, shall not qualify as meeting the permanent load requirement.

34.3.1.3 Qualifying EZR Load: The load (expressed in kW and kWh) qualified to receive Empire Zone benefits shall be identified according to the billing methodologies specified in Rule 34.3.2 and 34.3.3.

##### 34.3.2 Billing Methodology: Separately Metered EZR Load

34.3.2.1 For customers taking service under Program 2 (EZR) and who have elected to separately meter Economic Development load, the entire separately metered account shall be eligible for the EZR discount rate.

34.3.2.2 Separately Metered Qualifying EZR Load under this EZR program shall be exempt from Rule 41 – System Benefits Charge, unless the customer elects to participate in Rule 41 with respect to such Qualifying EZR Load, as provided in Rule 41.3.

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#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.3 Program 2 - Empire Zone Rider (EZR) (Continued)

34.3.2.3 An electric customer who submeters electricity to customers certified under this program is eligible for the rates for that portion of the purchases deemed eligible by the zone administrator but subject to all rules and provisions of P.S.C. No. 220 Electricity governing submetering.

##### 34.3.3 Alternate Billing Methodology: Non Separated EZR Load

34.3.3.1 For customers taking service under Program 2 (EZR) and who have elected not to separately meter incremental load, the Company will administer EZR discounts according to Rule 34.2.3, Rule 34.3.3.3, and Rule 34.3.4.

34.3.3.2 Customers served under the EZR program who do not separately meter their load shall only be exempt from Rule 41- System Benefits Charge ("SBC"), Rule 43-Transmission Revenue Adjustment, Rule 49 – Earnings Adjustment Mechanism, and Rule 64 - Dynamic Load Management Surcharge on Qualifying EZR Load. Rule 41.2.3 sets forth the grandfathering provision for customers who have previously elected to pay the SBC on their exempt load.

34.3.3.3 For eligible Service Classification No. 7 customers, the alternate billing methodology used to separate incremental EZR load from Service Classification No. 7 load (i.e., base load), as provided in Rule 34.2.3 shall be modified as provided herein.

34.3.3.3.1 The customer's total facility load shall replace the billing metered units in the determination of the base period billing units specified in Rule 34.2.3.1. The total facility load represents the customer's load excluding power and energy supplied by the customer's on-site generation, and shall be calculated on a interval-by-interval basis as the sum of the generation metered units and the billing metered units minus any excess generation metered units that are delivered back to the Company's electric system. In the event power and energy was supplied by on-site generation during the 12-month period used to calculate the base year billing determinants and generation interval-by-interval metering data was not available for all or part of the 12-month period, the Company shall estimate the total facility load.

34.3.3.3.2 In each billing period, the total facility load shall be determined by adding, on a metered interval-by-interval basis, the generation demand and energy values to the billing demand and energy values, minus any excess generation demand and energy values that are delivered back to the Company's electric system. The total facility load demand and energy shall replace the current month's demand and energy specified in Rule 34.2.3.2 in the determination of the customer's eligibility for EZR benefits in the applicable Billing Period, the customer's EZR demand and energy available for the EZR discount, and the Company billing demands and energy for non-EZR service.

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### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

#### 34.3 Program 2 - Empire Zone Rider (EZR) (Continued)

34.3.3.3.3 Charges for demand and energy not available for EZR discount shall be as specified in Special Provision K of Service Classification No. 7.

#### 34.3.4 Electric Pricing For Qualifying EZR Load

34.3.4.1 Unless otherwise taking service under Rule 31, NYPA Supply Service, or Rule 39, Retail Access Program, customers served under Program 2 - EZR, shall be subject to Electricity Supply Cost in accordance with Rule 46.1(Electricity Supply Cost).

34.3.4.2 Delivery Rates Applicable to Qualifying EZR Load on or after September 1, 1998. Except as otherwise expressly provided for in a fully executed Form C Agreement, between the Company and a Customer dated on or before August 31, 1998, delivery rates applicable to Qualifying EZR Load shall be priced as follows:

##### 34.3.4.2.1 Transmission Delivery Rates:

All EZR Service provided under this Program must be transmitted and delivered into the Company's distribution system pursuant to the provisions of the NYISO Tariff filed with the Federal Energy Regulatory Commission, as that NYISO Tariff may be changed or modified from time to time. The applicable rates for this Rule 34.3.4.2.1 are as follows:

#### All Voltage Delivery Levels

	<u>Per kWh</u>	<u>Per kW</u>
SC-2ND	\$ 0.00477	\$0.00
SC-2D	\$ 0.0000	\$1.89
SC-3	\$ 0.0000	\$1.89
SC-3A	\$ 0.0000	\$1.89

##### 34.3.4.2.2 Marginal Distribution Delivery Rates:

The Marginal Distribution delivery rates apply only to those customers served at a primary or secondary voltage delivery. The rates shall be administered on a per kWh basis, specific to customer's voltage delivery level as follows:

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#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.3 Program 2 - Empire Zone Rider (EZR) (Continued)

##### 34.3.4 Electric Pricing for Qualifying EZR Load (Continued)

34.3.4.2.2 (Continued)	<u>2.2 - 15 kV</u>	<u>&lt; 2.2 kV</u>
	Per kWh	Per kWh
SC-2ND	\$0.00431	\$0.00657
SC-2D	\$0.00463	\$0.00705
SC-3	\$0.00341	\$0.00594
SC-3A	\$0.00307	\$0.00589

##### 34.3.4.3 Delivery Rates Applicable to Qualifying EZR Load Which Commenced Before September 1, 1998.

##### Group Classification Criteria

34.3.4.3.1 Customers who are eligible to receive EZR service and whose EZR service commenced prior to September 1, 1998 shall be divided into the following three groups for billing purposes:

34.3.4.3.1.1 Group 1 Customers: Customers who do not qualify for service under Group 2 or 3.

34.3.4.3.1.2 Group 2 Customers: Customers who meet the Manufacturing and Service Sector definitions as specified below:

##### A. Manufacturing Sectors:

Manufacturing customers shall be identified as those customers classified by the North American Industry Classification (NAICS) System Manual (1998 edition or revised thereto) as follows:

<u>Name</u>	<u>NAICS Code</u>
Manufacturing	31 – 33

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## 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

## 34.3 Program 2 - Empire Zone Rider (EZR) (Continued)

## 34.3.4 Electric Pricing for Qualifying EZR Load (Continued)

## 34.3.4.3 Delivery Rates Applicable to Qualifying EZR Load which Commenced Before September 1, 1998 (Continued)

## 34.3.4.3.1 Group Classification Criteria (Continued)

## B. Service Sectors:

Service Sector Customers shall include companies in the following business sectors having the following NAICS code classifications:

<u>Name</u>	<u>NAICS Code</u>
Wholesale Trade	42
Regional Warehousing / Storage,	493
Professional, Scientific,	
Technical Services	541
Administrative or Support Services	561

## 34.3.4.3.1.3 Group 3 Customers: Customers who qualify as Manufacturing and Service Sector Customers and who also meet one of the following criteria:

- 1) The Qualifying Manufacturing or Service Sector Customer imposes or in the Company's opinion is likely to impose monthly electric metered peak demands in the Company in excess of 5,000 kW; or
- 2) The Qualifying Manufacturing or Service Sector Customer has an average monthly load factor or in the Company's opinion is likely to impose an average load factor or at least 70 percent; or
- 3) The Qualifying Manufacturing or Service Sector Customer demonstrates that electric bills rendered to its facility paid to the Company represent at least 8 percent of the facility's annual gross revenues from sales; or,
- 4) The Qualifying Manufacturing or Service Sector Customer currently employs 300 or more manufacturing workers; or,
- 5) The Qualifying Manufacturing Customer is in the Paper/Paperboard Manufacturing (NAICS Code 3221), Chemicals Manufacturing (NAICS Code 325), Non-Metallic Mineral Products (NAICS Code 327), or Primary Metal Manufacturing (NAICS Code 331) industries.

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LEAF: 175  
 REVISION: 2  
 SUPERSEDING REVISION: 0

### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.3 Program 2 - Empire Zone Rider (EZR) (Continued)

##### 34.3.4 Electric Pricing for Qualifying EZR Load (Continued)

##### 34.3.4.3 Delivery Rates Applicable to Qualifying EZR Load which Commenced Before September 1, 1998 (Continued)

34.3.4.3.2 Delivery Rates Applicable to Qualifying EZR Load which commenced before September 1, 1998 shall be set as follows:

<u>Rate Parameter</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>
Transmission Delivery			
SC-2ND (per kWh)	\$0.00477	\$0.00477	\$0.00477
SC-2D, SC-3, SC-3A (per kW)	\$1.89	\$1.89	\$1.89
Marginal Distribution Delivery			
SC-2ND (per kWh)	\$0.00657	\$0.00657	\$0.00657
SC-2D (per kWh)			
< 2.2 kV	\$0.00705	\$0.00705	\$0.00705
2.2-15 kV	\$0.00463	\$0.00463	\$0.00463
SC-3 (per kWh)			
< 2.2 kV	\$0.00594	\$0.00594	\$0.00594
2.2-15 kV	\$0.00341	\$0.00341	\$0.00341
SC-3A (per kWh)			
< 2.2 kV	\$0.00589	\$0.00589	\$0.00589
2.2-15 kV	\$0.00307	\$0.00307	\$0.00307

34.3.4.3.2.1 Transmission Delivery service charges are established based upon the provisions of the NYISO Tariff filed with and accepted by the Federal Energy Regulatory Commission (FERC), and are subject to modification from time to time.

34.3.4.3.2.2 Group 1, 2 and 3 customers who elect to take service in accordance of Rule 39, Retail Access Program, shall pay the Group 1 rates regardless of their group classification.

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 SUPERSEDING REVISION: 13

#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS (Continued)

##### 34.3 Program 2 - Empire Zone Rider (EZR) (Continued)

##### 34.3.4.4 Delivery Rates Applicable to Qualifying EZR Load certified after February 1, 2011.

	<u>Per kWh</u>	<u>Per kW</u>
SC2	\$0.02314	
SC2D		\$5.84
SC3 - Secondary		\$3.76
SC-3 Primary		\$3.23
SC-3 Sub Transmission		\$2.02
SC-3 Transmission		\$2.02
SC-3A Secondary		\$3.29
SC-3A Primary		\$3.29
SC-3A Sub Transmission		\$3.37
SC-3A Transmission		\$1.75

\* All EZR Customers pay full standard tariff customer charges.

##### 34.3.5 Certification and Verification

Customers qualifying for the Empire Zones Program receive a Certificate of Eligibility from the State of New York, which entitles said customer to continue service at the discounted rate until the designated ten (10) year term expires, provided the Customer maintains their Zone certification throughout that period. The Company shall receive a copy of this certificate prior to offering a customer the discounted rate and reserves the right to periodically verify said customer's continued eligibility for the program, and to remove any decertified customers from the program.



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#### GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS (Continued)

34.4 Program 3 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2018  
STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

LEAF: 178  
REVISION: 2  
SUPERSEDING REVISION: 0

#### GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.4 Program 3 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 179

REVISION: 2

INITIAL EFFECTIVE DATE: APRIL 1, 2018

SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

#### GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.4 Program 3 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 180

REVISION: 2

INITIAL EFFECTIVE DATE: APRIL 1, 2018

SUPERSEDING REVISION: 0

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#### GENERAL INFORMATION

34.4 Program 3 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
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LEAF: 181

REVISION: 2

INITIAL EFFECTIVE DATE: APRIL 1, 2018

SUPERSEDING REVISION: 0

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#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.4 Program 3 - RESERVED FOR FUTURE USE

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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2018  
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REVISION: 14  
SUPERSEDING REVISION: 12

#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.4 Program 3- RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
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LEAF: 183  
REVISION: 2

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SUPERSEDING REVISION: 0

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#### GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.4 Program 3 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
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INITIAL EFFECTIVE DATE: APRIL 1, 2018  
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LEAF: 184  
REVISION: 3  
SUPERSEDING REVISION: 1

#### GENERAL INFORMATION

- 34. ECONOMIC DEVELOPMENT PROGRAMS (Continued)
  - 34.5 Program 3 - RESERVED FOR FUTURE USE



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 185  
REVISION: 3

INITIAL EFFECTIVE DATE: APRIL 1, 2018

SUPERSEDING REVISION: 1

STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

#### GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS (Continued)

34.5 Program 4 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 186

REVISION: 2

INITIAL EFFECTIVE DATE: APRIL 1, 2018

SUPERSEDING REVISION: 0

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#### GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS (Continued)

34.5 Program 4 - RESERVED FOR FUTURE USE

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INITIAL EFFECTIVE DATE: APRIL 1, 2018  
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LEAF: 187  
REVISION: 3  
SUPERSEDING REVISION: 1

#### GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.5 Program 4 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 188  
REVISION: 2

INITIAL EFFECTIVE DATE: APRIL 1, 2018

SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.5 Program 4 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
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LEAF: 189  
REVISION: 2

INITIAL EFFECTIVE DATE: APRIL 1, 2018

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#### GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.5 Program 4 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
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LEAF: 190  
REVISION: 2

INITIAL EFFECTIVE DATE: APRIL 1, 2018

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#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.5 Program 4 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
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LEAF: 191  
REVISION: 2

INITIAL EFFECTIVE DATE: APRIL 1, 2018

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#### GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.5 Program 4 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 192  
REVISION: 14

INITIAL EFFECTIVE DATE: APRIL 1, 2018

SUPERSEDING REVISION: 12

STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

#### GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.5 Program 4 - RESERVED FOR FUTURE USE



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 193

REVISION: 2

INITIAL EFFECTIVE DATE: APRIL 1, 2018

SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

#### GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.5 Program 4 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 194  
REVISION: 2

INITIAL EFFECTIVE DATE: APRIL 1, 2018

SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

#### GENERAL INFORMATION

34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

34.5 Program 4 - RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2021  
STAMPS:

LEAF: 194.1  
REVISION: 4  
SUPERSEDING REVISION: 3

#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS (Continued)

##### 34.6 Program 5 – Recharge New York (“RNY”) Power Program (Effective July 1, 2012)

###### 34.6.1 Eligibility Criteria

34.6.1.1 Applicant or customer who qualifies must take service under and in accordance with the provisions (except as expressly provided herein) of Service Classification Nos. 2D, 3, 3-A, 4, 7, or 12 hereinafter referred to as the parent service classification, and

34.6.1.2 Customer's revitalization and expansion load requirements will be administered in accordance with New York State Economic Development Law, Article 6, Sections 1834 188-A, Public Authority's Law, as amended by Chapter 316 of the New York Laws of 1997 and the regulations of the Power Authority of the State of New York.

34.6.1.3 Applicant must complete the subscription procedure as described in Section 34.6.2.

###### 34.6.2 Subscription Procedure

34.6.2.1 Applicant must apply to NYPA on forms provided by NYPA, and application must include written approval from the New York State Economic Development Power Allocation Board and the NYPA's Trustees regarding their RNY allocation, and;

34.6.2.2 Written verification of NYPA trustees award of RNY allocation should specifically state:

34.6.2.2.1 effective date of allocation of RNY power;

34.6.2.2.2 if customer is electing the total allocation of 50% low cost hydropower and 50% market power, or only low cost hydropower;

34.6.2.2.3 if a customer is electing the total allocation of 50% low cost hydropower and will be receiving NYPA Supply Service under Rule 31 for the remaining 50% of their allocation requirements.

34.6.2.3 If customer makes an election per Rule 34.6.2.2.2 and selects an alternate supplier for their allocation of RNY market power other than NYPA, the customer must choose the same supplier that provides their supplemental load. If the Company bills for the alternate supplier chosen by the customer, the market power will be billed at the same rate as the supplemental load.

If the customer makes an election per Rule 34.6.2.2.3, the customer must also have NYPA supply their supplemental load under Rule 31. Under this election, NYPA will bill the customer for all their supply requirements.

34.6.2.4 All RNY Service provided under this Program must be transmitted and delivered to the Company's distribution system pursuant to the provisions of the NYISO Tariff filed with and accepted by the Federal Energy Regulatory Commission, as that NYISO Tariff may be changed or modified from time to time.

Effective date postponed to 02/01/2021. See Supplement No. 61.

Issued by John Bruckner, President, Syracuse, NY

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 194.2  
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SUPERSEDING REVISION: 4

STAMPS: Issued in Compliance with Order in Case 19-E-0559, dated January 17, 2020.

#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS (Continued)

##### 34.6 Program 5 - Recharge New York ("RNY") Power Program

##### 34.6.2 Subscription Procedure (Continued)

34.6.2.5 The Company will commence RNY service effective the first day of the calendar month at least thirty (30) days after receiving notice from NYPA. NYPA shall also provide 30 days' notice to the Company for changes in the kW allocation and termination on any kW allocation for customers receiving an RNY allocation.

##### 34.6.3 Billing Methodology:

34.6.3.1 The billing period for customers served under Program 5 shall be the calendar month.

34.6.3.2 Reserved for Future Use

34.6.3.3 Customers served under Program 5-RNY, are subject to the following Rules:

34.6.3.3.1 Customers served under Program 5 RNY Power will be subject to the rates, charges, and adjustments specified in their applicable parent service classification. All reactive demand is billed at the parent service classification's reactive demand rate.

34.6.3.3.2 RNY allocations under this program shall be exempt from Rule 41 – System Benefit Charge and Rule 57 – RDM.

34.6.3.3.2.1 Customers served under Program 5-RNY and that receive credits through participation in Rule Nos. 29, 36, 37, and 40 will be subject to the Rule 57 – RDM surcharge.

34.6.3.3.2 Rule 32, Increase in Rates Applicable in Municipality Where Service is Supplied, shall be applied to the total billing amount.

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#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.6 Program 5 - Recharge New York ("RNY") Power Program

##### 34.6.3 Billing Methodology (Continued)

34.6.3.4 All customers subject to this Rule will be billed under the LOAD FACTOR SHARING methodology:

Load Factor Sharing is the methodology which allocates metered deliveries (demand and energy) between two sources of supply (in this instance, the Company and RNY Service furnished by NYPA) for the purposes of billing. The methodology employed in this Rule uses the ratio of the customer's RNY contract demand and the customer's maximum metered demand in the billing period to apportion both demand and energy between two generating sources for the current month.

##### 34.6.3.4.1 Determination of Billing Demand and Energy:

The maximum metered fifteen minute demand (30 minute for SC-4) in the current billing period, as determined in accordance with the provisions of the applicable Service Classification, shall be used as the basis for the determination of NYPA and Company billing demands. NYPA and Company billing energy shall be determined by the application of Load Factor Sharing on each 15 minute (30 minute for SC-4) interval basis, hereinafter interval. A step by step billing procedure used to calculate NYPA and Company billing determinants is described as follows:

34.6.3.4.1.1 Calculate the ratio (hereinafter referred to as BILLING DETERMINANT RATIO, BDR) which is used to allocate the present calendar month's demand and energy between NYPA and the Company. The BDR's numerator is the RNY contract demand and the BDR's denominator is the greater of:

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#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.6 Program 5 - Recharge New York ("RNY") Power Program

##### 34.6.3.4 LOAD FACTOR SHARING (Continued)

- a) the customer's maximum metered demand in the billing period; in the case of a RNY customer served under S.C. No. 3-A, the maximum demand is defined as the non coincident (non-time differentiated) maximum metered fifteen minute demand.
- b) the value (size in kW) of the RNY contract demand.

The calculated BDR value will then be greater than zero and less than or equal to 1.0.

#### DEMAND:

34.6.3.4.1.2 Calculate the portion of the customer's peak demand which is identified to have been met by RNY Service furnished by NYPA. The apportioned peak demand allocated to NYPA is the mathematical product of the BDR and the current month's maximum metered 15 minute (30 minute for SC-4) demand according to the parent service classification. This amount shall be considered to be the NYPA billing demand.

34.6.3.4.1.3 Calculate the portion of the peak demand which is identified to have been delivered by the Company. The apportioned peak demand delivered by the Company is the difference between the peak demand for the billing period and the RNY allocated demand in 34.6.3.4.1.2. This is the billing demand for Company load. For those customers served under S.C. No. 3A, the on-peak demand supplied by the Company shall be determined as the difference between the maximum metered on-peak demand supplied in the billing period and the RNY allocated demand determined in Rule 34.6.3.4.1.2, but in no case less than 0.00.

#### ENERGY:

34.6.3.4.1.4 In each interval, calculate the apportioned NYPA energy. The amount of the interval's total energy deliveries allocated to NYPA is the mathematical product of the BDR and the interval's total energy deliveries.

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## GENERAL INFORMATION

## 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

## 34.6 Program 5 - Recharge New York ("RNY") Power Program

## 34.6.3.4 LOAD FACTOR SHARING: (Continued)

## 34.6.3.4.1 Determination of Billing Demand and Energy (Continued)

34.6.3.4.1.5 In each interval, calculate the apportioned Company energy. The amount of the interval's total energy deliveries allocated to the Company is the difference between the interval's total energy deliveries and that which was determined to have been generated by NYPA in 34.6.3.4.1.4.

34.6.3.4.1.6 For the billing period, aggregate the apportioned NYPA and Company billing energy. The aggregated billing units for each account are the sum of the NYPA and Company billing units for each interval of the billing period.

34.6.4 The following rules apply to a customer combining RNY with the Empire Zone Rider (EZR) or the Excelsior Jobs Program (EJP) and whose RNY demand allocation is greater than its lowest monthly EZR/EJP base period billing demand.

34.6.4.1 When the customer accepts its RNY allocation or whenever the Company receives notification from NYPA that the customer's RNY allocation is changing or whenever the customer qualifies for EZR or EJP, the customer must make an election to choose either:

(1) billing RNY delivery demand pursuant to the billing methodology in Section 34.6.3; or

(2) limiting the RNY delivery demand to the lesser of the EZR or EJP base period billing demand or the RNY demand allocation.

34.6.4.2 Regardless of the election made in Section 34.6.4.1, the customer will receive its RNY commodity service pursuant to the billing methodology described in Section 34.6.3.

34.6.4.3 A customer who meets the initial requirements of Section 34.6.4 may receive additional discounts described in Section 34.6.4.3.1 and 34.6.4.3.2 below, provided the customer demonstrates a financial need as prescribed in Service Classification No.12, Special Contract Rates, in either Sections 4.3.2 and 4.3.3 (Revitalization) or Sections 4.4.2 and 4.4.3 (Relocation).

34.6.4.3.1 Eligible customers who have a RNY allocation and an EZR, will be exempt from SBC established in Rule 41 - LTC established in Rule 46.2 on both their RNY and qualifying EZR load.

34.6.4.3.2 Eligible customers who have a RNY allocation and an EJP will be exempt from SBC established in Rule 41 and LTC established in Rule 46.2 on both their RNY and qualifying EJP load.

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SUPERSEDING REVISION: 1

#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.6 Program 5 - Recharge New York ("RNY") Power Program

34.6.4.3.3 To the extent that the financial need demonstrated by the customer is greater than the benefit derived from Section 34.6.4.3.1 or Section 34.6.4.3.2, the customer may apply for a Special Contract pursuant to all terms and conditions of Service Classification No. 12.



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#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.7 Program 6 - Excelsior Jobs Program ("EJP")

##### 34.7.1 Eligibility Criteria:

##### 34.7.1.1 Any applicant or customer:

34.7.1.1.1 who qualifies for service under and in accordance with the provisions of Service Classification Nos. 2, 3, 3-A, or 4, or who qualifies for service under and in accordance with the provisions of Service Classification No. 7, except an applicant or customer who is a Wholesale Generator as defined in Rule 1.76; and

34.7.1.1.2 who has been certified by NYS Department of Economic Development as being eligible to receive the benefits pursuant to Article 17 of the Economic Development Law (Excelsior Jobs Program Act) and the Company receives a certificate of tax credit for that applicant/customer from the NYS Department of Economic Development; and

34.7.1.1.3 who in the case of an existing demand metered customer permanently increases demand by the lesser of twenty-five (25) percent or 100 kW, or more, or;

34.7.1.1.4 who in the case of an existing non-demand metered customer permanently increases their annual energy usage by twenty-five (25) percent or more.

34.7.1.2 Effective July 1, 2021, before commencement of discounted service EJP service, eligible customers must demonstrate that an assessment of potential energy efficiency opportunities has been undertaken, including documentation of measures that have been explored through programs offered by the Company, the New York State Energy Research and Development Authority, and/or other entities.

34.7.1.3 Qualifying Excelsior Jobs Program Load: The load (expressed in kW and kWh) qualified to receive Excelsior Jobs Program benefits shall be identified according to the billing methodologies specified in Rule 34.7.2 and 34.7.3.

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REVISION: 2  
SUPERSEDING REVISION: 0

#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.7 Program 6 - Excelsior Jobs Program ("EJP") (Continued)

##### 34.7.2 Billing Methodology: Separately Metered EJP Load

34.7.2.1 For customers taking service under Program 6 (EJP) and who have elected to separately meter EJP load, the entire separately metered account shall be eligible for the EJP discount rate.

34.7.2.2 An electric customer who submeters electricity to customers certified under this program is eligible for the rates for that portion of the purchases deemed eligible for the EJP discount but will subject to all rules and provisions of P.S.C. No. 220 Electricity governing submetering.

##### 34.7.3 Alternate Billing Methodology: Non Separated EJP Load

The intent of the Alternate Billing Methodology is to provide customers with an alternative to separately metering incremental electric load when the cost to physically separate the incremental load is prohibitive. The Company reserves the right to monitor and enforce the intent of the Alternate Billing Methodology.

34.7.3.1 For customers electing service under Program 6 – EJP who have elected not to separate their EJP load, the billing units eligible for the EJP discounts shall be the billing units in excess of the historic (hereinafter base) period billing units. The base period billing units shall be determined as follows:

34.7.3.1.1 The base year billing determinants shall consist of the 12 monthly maximum metered demand values from the customer's 12 billing periods prior to the customer's receipt of its initial EJP certificate of eligibility from the Department of Economic Development.

34.7.3.1.2 When in the Company's determination, the billing determinants associated with the 12 billing periods prior to the customer's receipt of its initial EJP certificate of eligibility are not representative of the customer's operations, the Company reserves the right to assign appropriate billing units to that customer.

34.7.3.1.3 Base year billing determinants shall be proposed by the Company and accepted by the customer.

34.7.3.1.4 The base period billing determinants shall be documented and included with the signed contract between the EJP recipient and the Company and shall serve as the basis for administering EJP discounts for the duration of the EJP award.

34.7.3.1.5 The highest demand identified on a fifteen minute interval basis during the billing period, as determined in accordance with the provisions of the Customer's Service Classification, shall be used for the determination of metered demand.

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INITIAL EFFECTIVE DATE: APRIL 1, 2018  
STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

LEAF: 194.8  
REVISION: 4  
SUPERSEDING REVISION: 2

#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.7 Program 6 - Excelsior Jobs Program ("EJP") (Continued)

##### 34.7.3 Alternate Billing Methodology: Non-Separated Loads (Continued)

34.7.3.2 The eligibility criteria as expressed in Rule 34.7.1.1.3 or 34.7.1.1.4 must be met in the current month's billing period in order for the customer to receive the EJP discount in the current month's bill. When the current billing period's metered units do not exceed the base period units by the minimum threshold limits as expressed in these rules, then no EJP discount shall be applied to the current month's bill.

In order to be eligible for EJP discounts, customers who subscribe to the Alternate Billing Methodology must register metered usage (demand, on-peak energy, off-peak energy, and total energy) in excess of the base period billing units. When the current month's metered units exceed the base period's units by the minimum threshold limits as expressed in Rule 34.7.1.1.3 or Rule 34.7.1.1.4, EJP units shall be identified and eligible for the EJP discount. Assuming the minimum thresholds have been met, the demand and energy will be accounted for according to the following rules:

34.7.3.2.1 The Company billing demand for non-EJP Service shall be the lesser of the base period demand and the current month's demand. All metered demand in the current billing period which is in excess of the base period demand shall be considered EJP demand and shall be eligible for the appropriate EJP discount.

34.7.3.2.2 All metered energy in the current billing period which is in excess of the base period's metered energy shall be considered EJP energy.

34.7.3.2.3 All metered quantities shall be converted to billing quantities according to Rule 25.4 prior to determining the customer's bill.

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INITIAL EFFECTIVE DATE: APRIL 1, 2018  
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#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.7 Program 6 - Excelsior Jobs Program ("EJP") (Continued)

34.7.3.3 For eligible Service Classification No. 7 customers, the alternate billing methodology used to separate incremental EJP load from Service Classification No. 7 load (i.e., base load), as provided in Rule 34.7.3 shall be modified as provided herein.

34.7.3.3.1 The customer's total facility load shall replace the billing metered units in the determination of the base period billing units specified in Rule 34.7.3.1. The total facility load represents the customer's load excluding power and energy supplied by the customer's on-site generation, and shall be calculated on an interval-by-interval basis as the sum of the generation metered units and the billing metered units minus any excess generation metered units that are delivered back to the Company's electric system. In the event power and energy was supplied by on-site generation during the 12-month period used to calculate the base year billing determinants and generation interval-by-interval metering data was not available for all or part of the 12-month period, the Company shall estimate the total facility load.

34.7.3.3.2 In each billing period, the total facility load shall be determined by adding, on a metered interval-by-interval basis, the generation demand and energy values to the billing demand and energy values, minus any excess generation demand and energy values that are delivered back to the Company's electric system. The total facility load demand and energy shall replace the current month's demand and energy specified in Rule 34.7.3.2 in the determination of the customer's eligibility for EJP benefits in the applicable Billing Period, the customer's EJP demand and energy available for the EJP discount, and the Company billing demands and energy for non-EJP service.

34.7.3.3.3 Charges for demand and energy not available for EJP discount shall be as specified in Special Provision K of Service Classification No. 7

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#### GENERAL INFORMATION

#### 34. ECONOMIC DEVELOPMENT PROGRAMS: (Continued)

##### 34.7 Program 6 - Excelsior Jobs Program ("EJP") (Continued)

##### 34.7.4 Electric Pricing For Qualifying EJP Load

34.7.4.1 Unless otherwise taking service under Rule 31, NYPA Supply Service or Rule 39, Retail Access Program, customers served under Program 6, EJP shall be subject to Electricity Supply Cost in accordance with Rule 46.1 (Electricity Supply Cost).

34.7.4.2 EJP Load shall be subject to all surcharges and adjustments of the customer's otherwise applicable parent service classification. EJP customers will not be subject to Rule 57- Revenue Decoupling Mechanism, Rule 46.2-Legacy Transition Charge, Rule 41- Transmission Revenue Adjustment, Rule 49 – Earnings Adjustment Mechanism, Rule 64 – Dynamic Load Management Surcharge on the EJP portion of their load.

34.7.4.3 Customers who have met the qualifications in accordance with Rule 34.7.1 above and from whom the Company has received the Certificate of Tax Credit from the NYS Department of Economic Development will have their EJP load priced at the following rates.

Delivery Rates Applicable to Qualifying EJP Load:

	<u>Per kWh</u>	<u>Per kW</u>
SC2	\$0.02768	
SC2D		\$6.90
SC3 - Secondary		\$5.13
SC-3 Primary		\$4.55
SC-3 Sub Transmission		\$3.11
SC-3 Transmission		\$3.11
SC-3A Secondary		\$4.53
SC-3A Primary		\$4.53
SC-3A Sub Transmission		\$4.06
SC-3A Transmission		\$2.90

\*SC7 customers will be subject to the rates of their Parent Service Classification above.

\*\*All EJP Customers pay full standard tariff Customer Charges.

##### 34.7.4.4 Certification and Verification

Customers qualifying for the EJP discount will be eligible to qualify to receive a certificate of tax credit from the State of New York each year which will entitle the customer to receive service at the discounted rates in Rule 34.7.4.3 for the following 12 month period commencing with the next full billing period after the utility receives the certificate of tax credit. Service at discounted rates will end no later than fifteen months after receipt of such notification. The Company shall receive a copy of this certificate of tax credit prior to billing the discounted rate.

Issued by Rudolph L. Wynter, President, Syracuse, NY

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2022

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REVISION: 6  
SUPERSEDING REVISION: 5

## GENERAL INFORMATION

### 35. CABLE SYSTEM OPERATOR, TELECOMMUNICATION SERVICE PROVIDER, AND WIRELESS CARRIER ATTACHMENTS TO ELECTRIC DISTRIBUTION POLES

#### 35.1 WIRELINE POLE ATTACHMENT RATE

The annual attachment rate to be charged Cable System Operators, Telecommunication Service Providers, and Wireless Carriers for wireline Pole Attachments located within the Communication Space on Electric Distribution Poles shall be \$16.75 per attachment on an equivalent pole. The rates are calculated in accordance with Opinion No. 97-10 issued by the Public Service Commission (Commission) under date of June 17, 1997 in Case No. 95-C-0341, and Order issued by the Public Service Commission (Commission) under date of June 23, 2006 in Case No. 06-E-0082, as may be amended from time to time. Attachments are subject to and must be licensed pursuant to the terms of Niagara Mohawk's standard electric distribution pole attachment agreement.

35.1.1 Attachments of Telecommunications Accessory Equipment shall be billed on a per foot of space occupied basis. The fee for such attachments shall be determined by multiplying the rate in Rule 35.1 times the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot. For purposes of calculating the fee for such attachments, space occupied by conduits, risers, and electrical meters associated with the Telecommunications Accessory Equipment shall be excluded.

35.1.2 Pole Attachment fees shall be invoiced semi-annually, and payment shall be due within thirty (30) days of invoice. Late fees of 1.5% per month will be applied to all unpaid balances.

#### 35.2 WIRELESS ATTACHMENT RATES

##### 35.2.1 APPLICABILITY

Wireless Attachment rates apply to attachments of Wireless Facilities by Wireless Carriers to Electric Distribution Poles. No such attachments shall be permitted unless licensed in advance pursuant to the terms of Niagara Mohawk's standard "Pole Attachment of Wireless Facilities to Electric Distribution Poles" agreement. Other wireline and accessory equipment Pole Attachments by Wireless Carriers shall be subject to the applicable terms of Niagara Mohawk's standard electric distribution pole attachment agreement and a separate Pole Attachment process and fee, pursuant to Rule 35.1.

35.2.1.1 The Wireless Attachment fee set forth Rule 35.2.2.1 (below) shall not apply to other Pole Attachments or attachments by a Private Attacher, and

35.2.1.2 Wireless Attachments subject to the fee set forth in Rule 35.2.2.1 must be licensed and conform with Niagara Mohawk Overhead Construction Standards. Electric Distribution Poles available for Wireless Attachments shall be free of any other major equipment and accessible by bucket truck throughout the year. Antennas and Pole Top Antennas shall not be installed on Electric Distribution Poles with air brake or load brake switches, line reclosers, sectionalizers, capacitors, voltage regulators, transformers, existing primary or secondary risers, major communications or fire alarm equipment, other antennas, three or four-way primary junction poles.

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LEAF: 196  
REVISION: 8  
SUPERSEDING REVISION: 7

## GENERAL INFORMATION

### 35. CABLE SYSTEM OPERATOR, TELECOMMUNICATION SERVICE PROVIDER, AND WIRELESS CARRIER ATTACHMENTS TO ELECTRIC DISTRIBUTION POLES (Continued)

#### 35.2.2 WIRELESS ATTACHMENT RATES – WITH AND WITHOUT EXCESS POLE HEIGHT

35.2.2.1 The Wireless Attachment fees charged to Wireless Carriers for attachment of Wireless Facilities to an Electric Distribution Pole are:

35.2.2.1.1 Wireless Attachment Rate A: Wireless Attachments shall be billed on a per foot of space occupied basis. The fee for such attachments shall be determined by multiplying the per foot rate of \$16.75/foot/year times the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot. For purposes of calculating the fee for such attachments, space occupied by conduits, risers, and electrical meters associated with the Wireless Attachment shall be excluded. This rate shall apply to any Wireless Attachments and Wireless Facilities not requiring Excess Pole Height to meet the requirements of the Wireless Carrier.

35.2.2.1.2 Wireless Attachment Rate B, applicable when Excess Pole Height is required: Wireless Attachments shall be billed on a per foot of space occupied basis. The fee for such attachments shall be determined by multiplying the per foot rate of \$16.75/foot/year times the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot, plus the number of feet of Excess Pole Height attributable to the requirements of the Wireless Carrier. For purposes of calculating the fee for such attachments, space occupied by conduits, risers, and electrical meters associated with the Wireless Attachment shall be excluded. Excess Pole Height shall not exceed use of a pole with an overall pole length exceeding 55 feet. Exceptions to limits on overall pole length may be authorized in writing by Niagara Mohawk, at its sole discretion.

35.2.2.1.3 Pursuant to the Commission's March 14, 2019 Order in Case 16-M-0330 (the "Wireless Order"), the methodology for calculating wireless attachment fees set forth in the Wireless Order supersedes existing orders related to Niagara Mohawk's wireless attachment rate policy as defined in Case 03-E-1578 and modified in Cases 11-E-0708 and 15-E-0444 for Distributed Antenna System (DAS) attachments. Any existing attachers subject to the DAS rates and former DAS Addendum, shall enter into a new standard "Pole Attachment of Wireless Facilities to Electric Distribution Poles" agreement, on or before August 1, 2019, and be subject to the new wireless attachment fee set forth in rule 35.2.2.1.

35.2.2.2 Wireless Attachment fees shall be invoiced annually and payment shall be due within thirty (30) days of invoice. Late fees of 1.5% per month will be applied to all unpaid balances.

35.3 Entities placing Wireless Attachments and/or Pole Attachments that require electric service shall separately make application for and comply with all applicable tariff requirements for electric service.

Effective date postponed to 07/25/2022. See Supplement No. 66.

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NIAGARA MOHAWK POWER CORPORATION  
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## GENERAL INFORMATION

### 36. Net Metering for Solar Electric Generating Equipment, Farm Waste Electric Generating Equipment, Micro-Combined Heat and Power Generating Equipment, Fuel Cell Electric Generating Equipment, and Micro-Hydroelectric Generating Equipment

#### 36.1 Applicable to:

36.1.1 Residential customers who own or operate Solar Electric Generating Equipment (other than a farm utilizing a residential meter, as defined in Rule 36.1.1.1 below), as defined in PSL 66-j and Rule No. 1.78 of this tariff, with a rated capacity of not more than twenty-five kilowatts (25 kW) located and used at the customer's residence.

36.1.1.1 A customer who owns or operates a farm operation as defined in Subdivision 11 of Section 301 of the Agriculture and Markets Law, who utilizes a residential meter with a rated capacity of not more than one hundred kilowatts (100 kW).

36.1.2 Non-residential customers who own or operate Solar Electric Generating Equipment located and used at its premises, with a rated capacity of not more than two thousand kilowatts (2,000 kW).

36.1.3 Customers who own or operates Farm Waste Electric Generating Equipment located and used at the customer's "farm operation" as defined in Subdivision 11 of Section 301 of the Agriculture and Markets Law or a non-residential customer which owns or operates Farm Waste Electric Generating Equipment located and used at its premises, as defined in Public Service Law ("PSL") Section 66-j and Rule No. 1.79 of this tariff, with a rated capacity of not more than two thousand kilowatts (2,000) kW, that is fueled by:

(1) Ninety (90) percent on an annual basis by biogas produced from the anaerobic digestion of agricultural waste such as livestock manure materials, crop residues and livestock and food processing waste; and,

(2) By biogas generated by anaerobic digestion with at least fifty (50) percent by weight of its feedstock being livestock manure materials on an annual basis.

36.1.4 Residential customers who own, lease or operate Micro-Combined Heat and Power Generating Equipment located on the customer's premises with a rated capacity of at least one kilowatt (1) and not more than ten (10) kilowatts as defined in Rule No. 1.93 of this tariff.

36.1.5 Residential customers who own, lease or operate Fuel Cell Electric Generating Equipment with a rated capacity of not more than ten (10) kilowatts located on the customer's premise, and non-residential customers who own, lease, or operate Fuel Cell Electric Generating Equipment with a rated capacity of not more than two thousand (2,000) kilowatts located and used on the customer's premises as defined in Rule No. 1.94 of this tariff.

36.1.6 Residential customers who own or operate Micro-Hydroelectric Generating Equipment located and used at their residence with a rated capacity of not more than twenty-five (25) kilowatts, and non-residential customers who own or operate Micro-Hydroelectric Generating Equipment located and used at its premise with a rated capacity of not more than two-thousand kilowatts (2,000) as defined in Rule No.1.94.1 of this tariff.



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STAMPS:

LEAF: 198  
REVISION: 14  
SUPERSEDING REVISION: 13

#### GENERAL INFORMATION

36. Net Metering for Solar Electric Generating Equipment, Farm Waste Electric Generating Equipment, Micro-Combined Heat and Power Generating Equipment, Fuel Cell Electric Generating Equipment, and Micro-Hydroelectric Generating Equipment

36.1.7 To qualify for net metering, the Customer Generator must comply with the requirements of the generating size limits by complying with the following criteria:

- 1) Each project up to the respective generating size limit must be separately metered and separately interconnected to the utility grid.
- 2) Each project must be located on a separate site which can be accomplished by a project having a separate deed or a unique Section-Block-Lot (SBL), a separate lease, and a separate metes and bounds description recorded via either a deed or separate memorandum of lease uniquely identifying each project.
- 3) Each project must operate independently of other units.

36.1.8 Net Metering compensation under this Rule No. 36 will no longer be available to new projects with eligible electric generating equipment under PSL Section 66-j after March 9, 2017. Projects with eligible generating equipment under PSL Section 66-j that are either in service or have completed Step 8 of the Standard Interconnection Requirements (SIR) for projects greater than 50 kW or Step 4 of the SIR for projects equal to or less than 50 kW by the close of business on March 9, 2017 will remain eligible under Rule No. 36 net metering tariffs provided that written notification of the completion of Step 8 or Step 4 of the SIR, as required by Step 9 and Step 5 of the SIR, has been provided to the Company by March 17, 2017. Projects in service by March 9, 2017 or projects that have completed the above milestones by March 17, 2017 define the Company's ceiling for net metered compensation under this Rule No. 36. The Company's ceiling as reported to the Commission on March 31, 2017 is 178.23 MW.

36.1.9 Mass market on-site projects, defined as those Customer-Generators served under a residential or small commercial service class that are not billed for demand, that are in service as of March 9, 2017, or have completed the required milestones set forth above by March 17, 2017, will be permitted to pair on-site energy storage with the eligible generating equipment under PSL Section 66-j and remain eligible under Rule No. 36 net metering tariffs.

36.1.10 Projects compensated under Rule No. 36 net metering tariff will be provided a one-time, irrevocable opt in to the Value Stack tariff under Rule No. 40, when available.

36.1.11 Projects compensated under Rule No. 36 are ineligible to 1) participate in the Company's Term-DLM or Auto-DLM programs, or 2) sell wholesale services to the NYISO through one of its wholesale DER Participation Model programs, either directly or through an aggregation.

36.2 Qualifying Customers must install and operate the Solar, Farm Waste Electric Generating system, Micro-Combined Heat and Generating Equipment, Fuel Cell Generating Equipment, and Micro-Hydroelectric Generating Equipment in compliance with Rule No. 53 – Standard Interconnection Requirements for New Distributed Generation Units of 5 MW or Less, Connected in Parallel to Utility Distribution Systems and Addendum -SIR, as may be from time to time changed, amended and/or supplemented. Qualifying Customers must also complete the Standardized Contract for Interconnection of New Distributed Generation Units With Capacity of 5 MW or Less, Connected in Parallel With Utility Distribution Systems.

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#### GENERAL INFORMATION

36. Net Metering for Solar Electric Generating Equipment, Farm Waste Electric Generating Equipment, Micro-Combined Heat and Power Generating Equipment, Fuel Cell Electric Generating Equipment, and Micro-Hydroelectric Generating Equipment

36.3 This program will be available to qualifying customers on a first come, first served basis, until the ceiling for Solar and Farm Waste Electric Generating Equipment, Micro-Combined Heat and Generating Equipment, Fuel Cell Generating Equipment, and Micro-Hydroelectric Generating Equipment owned, leased, or operated by Customers in the Company's service territory in accordance with Rule No. 36.1.8 is reached. The ceiling will automatically decrease as these projects are taken out of service to match the capacity of projects remaining in service, but the ceiling will not decrease below 65.36 MW, representing one percent of the Company's peak load for the year 2005.

36.4 In the event the Company determines that it is necessary to install a dedicated transformer or transformers, or other equipment deemed necessary to protect the safety and adequacy of electric service to other customers, the Customer-Generator shall pay the costs in Rule No. 53 – Standardized Interconnection Requirements and Application Process for New Distributed Generators 5 MW or Less Connected in Parallel to Utility Distribution Systems (Addenda – SIR).

36.5 The Company will determine if the Customer-Generator requires a single meter that enables the Company to measure net kWh provided to the Company or if the Customer-Generator requires alternate net metering arrangements.

36.5.1 When the Company requires a second meter to be installed for billing purposes, the Company will be responsible for the cost of the second meter.

36.5.2 When the customer requests installation of a second meter that is not required by the utility for billing purposes, customer will be responsible for the cost of the second meter and comply with the provisions of Rule No. 25.1.2 of this Tariff.

36.6 The Company will employ the following "net energy billing" procedure to establish bills for electric service rendered to the customer by Niagara Mohawk during each monthly or bimonthly billing period. The meter(s) will be read on a monthly or bimonthly schedule in conjunction with the Company's reading of the meter installed to measure deliveries of electric energy to the customer.

36.6.1 In the event that the amount of electric energy supplied by the Company during the billing period exceeds the amount of electric energy provided by the customer to Niagara Mohawk, the Company shall charge the customer the rates provided in the retail rate schedule applicable to the customer for only the difference between these two amounts.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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SUPERSEDING REVISION: 6

#### GENERAL INFORMATION

36. Net Metering for Solar Electric Generating Equipment, Farm Waste Electric Generating Equipment, Micro-Combined Heat and Power Generating Equipment, Fuel Cell Electric Generating Equipment, and Micro-Hydroelectric Generating Equipment

36.6.2 In the event that the amount of electric energy provided by the Customer –Generator to the Company in any billing period exceeds the amount of electric energy supplied by the Company to the customer during that billing period, customer shall be regarded as having received no electric energy (in kWh) during that billing period.

36.6.2.1 Solar, Farm Waste, and Micro-Hydroelectric Customer-Generators shall receive a credit to their energy consumption on its next bill for service equal to the amount by which its deliveries of electric energy exceed its receipts of electric energy at the same rate per kilowatt hour applicable to service provided to other customers in the same service class who do not generate electricity Any remaining balance will be carried over to the next billing month and used to offset that month's energy consumption.

36.6.2.2 Micro-Combined Heat and Power, Fuel Cell Customer-Generators, and non-residential Farm Waste Customer Generators shall have any excess energy converted to its equivalent value at the Company's average avoided cost rate for the month as calculated under Special Provision C of S.C. No. 6 of this tariff and applied as a direct credit on its next bill for service. If the value of this credit exceeds all components of the customer's total bill the remaining credit shall be carried forward to the succeeding billing period

- 36.6.3 For Demand Metered Customer Generators

36.6.3.1 Excess on-site generation shall be converted to its equivalent value at the applicable tariff per kWh rate and applied as a direct credit to the customer's current utility bill for outstanding energy, customer, demand and other charges.

36.6.3.2 In the event that the monthly credits exceed all components of a customer's current bill for services rendered, the remaining credits will be converted back to their kWh values and carried to the proceeding billing month.

36.6.3.3 Demand customers will be subject to applicable actual metered demand charges consumed in that billing period. The Company will not adjust the demand charge to reflect demand ratchets or monthly demand minimums that might be applied to a standard tariff for net metering purposes.

- 36.6.3.3.1 For Hourly Priced Customer Generators

36.6.3.3.1.1 Hourly priced Customer Generators will have their generation netted against usage in each hour of the billing period and multiplied by the applicable price for that hour to produce a monetary value (credit or debit) for that hour.

36.6.3.3.1.2 For each hour in which the electricity generated and supplied by the customer exceeds the customer's usage, the kWh difference will be summed together at the end of the billing period and then multiplied by the sum of the remaining per kWh charges to produce a delivery credit. For each hour in which the electricity supplied by the Company exceeds the customer's usage, the kWh difference will be summed together at the end of the billing period and multiplied by the sum of the remaining per kWh charges to produce a delivery charge.

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#### GENERAL INFORMATION

36. Net Metering for Solar Electric Generating Equipment, Farm Waste Electric Generating Equipment, Micro-Combined Heat and Power Generating Equipment, Fuel Cell Electric Generating Equipment, and Micro-Hydroelectric Generating Equipment

36.6.4 For Residential Solar and Farm Waste Customer-Generators:

36.6.4.1 For non-hourly priced customers, at the end of the net metering year (12 month period), defined as the 12 month period after the effective date of Form "K," or the alternative anniversary date selected by the Customer-Generator in accordance with Rule 36.6.4.3 below, and each 12 month period thereafter, any accumulated excess kWh production shall be converted to a cash value and paid to the Customer-Generator at the appropriate service classification's average avoided cost for the applicable period as calculated under Special Provisions C of S.C. No. 6 of this Tariff.

36.6.4.2 For hourly priced customers, the Company will develop a ratio using the prior month's bill and the current month's bill for the excess credit priced at avoided cost and the excess credit for remaining per kWh charges. Any remaining credits will be multiplied by this ratio to determine the excess credit at avoided cost and the excess credit for the remaining per kWh charges to carry forward to the next month. At the end of the net metering year (12 month period) as defined in 36.6.4.1, the payment shall be for the remaining portion of the excess credit priced at avoided cost after credits are applied to the current billing period. Any remaining non-avoided cost monetary credits are reset to zero.

36.6.4.3 All eligible Residential Solar and Farm Waste Customer-Generators will have a one-time option to select an individual anniversary date for their annual cash-out of any accumulated excess kWh production.

36.6.5 For Non-Residential Solar and Non-Residential Micro-Hydroelectric Customer-Generators:

36.6.5.1 Customer-Generators will continue to have any excess kWh production converted to its equivalent value and carried over to each proceeding month on an ongoing basis.

36.6 Solar, Farm Waste, Micro-Combined Heat and Power, Fuel Cell, and Micro-Hydroelectric Customer-Generators may not offset metering credits against bills for usage metered at locations other than the net metering delivery point with the exception of Rule No. 36.7 below.

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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024

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REVISION: 5  
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#### GENERAL INFORMATION

36. Net Metering for Solar Electric Generating Equipment, Farm Waste Electric Generating Equipment, Micro-Combined Heat and Power Generating Equipment, Fuel Cell Electric Generating Equipment, and Micro-Hydroelectric Generating Equipment

##### 36.7 Remote Net Metering

To qualify for remote net metering, the Customer-Generator must be:

- 1) Residential customers who own or operate a farm operation (as defined by Agriculture and Markets Law §301(11)) and locate solar photovoltaic equipment on property the customer owns or leases as defined in Rule 36.1.1.1.
- 2) A non-residential Solar Electric Customer-Generator, as defined in Rule 36.1.2.
- 3) Farm Waste Customer-Generator, as defined in Rule 36.1.3.
- 4) Micro-Hydroelectric Customer-Generator, defined as one who owns or operates micro-hydroelectric generating equipment with a rated capacity conforming with Rule No. 36.1.6 and used at a “farm operation” as defined in Subdivision 11 of Section 301 of the Agriculture and Markets Law.
- 5) Non-residential Micro-Hydroelectric Customer-Generator, as defined in Rule 36.1.6.
- 6) Residential Fuel Cell Customer-Generator as defined in Rule 36.1.5, who operate a farm operation as defined in Subdivision 11 of Section 301 of the Agriculture and Markets Law, or a non-residential Fuel Cell Customer-Generator.
- 7) Non-Residential Farm Waste Customer-Generator as defined in Rule 36.1.3.
- 8) Residential and non-residential customers who own or operate stand-alone energy storage, subject to the requirements described in Rule 40.2.1.1.2.

A Customer-Generator who qualifies per the above may designate all or a portion of their excess net metering credits generated by such equipment to any property owned or leased and in the same name as the Customer-Generator. The Company reserves the right to obtain proof that all accounts are held by the qualifying Customer-Generator. For purposes of this Rule 36.7, the account where the generator is connected will be defined as the host account and those eligible accounts that are designated by the host account to receive excess net metering credits will be defined as satellite accounts.

Effective September 1, 2021, projects that qualify for Remote Net Metering under Rule 36.7 and are compensated under, or meet the requirements of, Rule 40.2 – Value Stack compensation must adhere to Remote Crediting rules specified in Rule 66. A Customer-Generator that is eligible for, and participating in, Remote Net Metering under Rule 36.7, is permitted to make a one-time irrevocable election to opt-in to Remote Crediting as specific in Rule 66.

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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 17, 2017  
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#### GENERAL INFORMATION

36. Net Metering for Solar Electric Generating Equipment, Farm Waste Electric Generating Equipment, Micro-Combined Heat and Power Generating Equipment, Fuel Cell Electric Generating Equipment, and Micro-Hydroelectric Generating Equipment

36.7.1 The host account Customer-Generator must designate their satellite accounts and the portion of their next metering credits designated to these satellite accounts when submitting their initial remote net metering application. After the initial application, the host account Customer Generator may designate additional satellite accounts or delete existing satellite accounts from the Customer's remote net metering arrangement on January 1 of each year thereafter.

36.7.1.1 A satellite account may have more than one host account Customer-Generator. In the event a satellite has more than one host account Customer-Generator, the aggregate generator nameplate capacity of net metered electric generating equipment of all hosts, inclusive of any net metering generation located at the satellite account, shall not exceed 2 MW. The limit of the Customer-Generator's nameplate capacity for each host's generating equipment must be in compliance with the limits set forth for each technology in PSL 66-j.

36.7.1.2. Projects with multiple hosts that were either in-service or under development before December 1, 2015 that would exceed a total generating capacity over the 2MW limit serving a Satellite Account will be grandfathered and exempt from the 2MW limit in Rule 36.7.1.1 if any of the following criteria were met by December 1, 2015.

- 1) Projects that have been interconnected by December 1, 2015; or
- 2) Projects for which developers have submitted a completed preliminary interconnection application to the Company by December 1, 2015; or
- 3) Projects that have completed applications for grants through Program Opportunity Notices ("PONs") 2112, 2439, 2589, 2860, and 2956 conducted by the New York State Energy and Research Development Authority ("NYSERDA"); or
- 4) Projects that have completed applications for grants in NYSERDA's NY-Sun MW Block Program for projects sized more than 200 kW By December 1, 2015; or
- 5) Projects that a state, municipal, district, or local governmental entity has solicited through a Request for Proposals or a Request for Information issued in conformance with applicable law.
- 6) A project must enter service by the date specified in the NYSERDA PONs or NY-Sun MW Block Program for projects sized at more than 200 kW, or another governmental entity process, as that date may be extended by the relevant governmental entity, or by December 31, 2017, if no date is specified by a governmental entity

PSC NO: 220 ELECTRICITY

LEAF: 199.2.0.1

NIAGARA MOHAWK POWER CORPORATION

REVISION: 0

INITIAL EFFECTIVE DATE: SEPTEMBER 29, 2017

SUPERSEDING REVISION:

STAMPS: Issued in Compliance with Order issued September 14, 2017 in Case 15-E-0267

## GENERAL INFORMATION

36. Net Metering for Solar Electric Generating Equipment, Farm Waste Electric Generating Equipment, Micro-Combined Heat and Power Generating Equipment, Fuel Cell Electric Generating Equipment, and Micro-Hydroelectric Generating Equipment

36.7.1.3 Remote net metered customers who participate in NYSERDA PONs in Rule 36.7.1.2 or NY-Sun MW Block Program in Rule 36.7.1.2 would also be eligible to retain monetary crediting as long as the following four criteria are met:

1. The project developer has provided payment, prior to March 1, 2016, for a Coordinated Electric System Interconnection Review (CESIR) study;
2. The project developer has demonstrated that, upon receipt of the CESIR study results, the estimated construction schedule indicates a final authorization to interconnect on or after July 1, 2017;
3. The project developer has made payment, of the full or at least the first installment amount for the estimated utility interconnection costs necessary to support the project, by January 31, 2017; and,
4. The project developer has, by November 30, 2017, submitted an affidavit from the engineer of record for the project on the end-use customer's side of interconnection point has been physically constructed and that the only remaining requirements to interconnect the equipment depend upon utility, such as remaining utility construction and/or authorization to interconnect.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: AUGUST 31, 2017

LEAF: 199.2.1  
REVISION: 1  
SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order issued August 2, 2017 in Case 16-E-0604.

## GENERAL INFORMATION

36.7.2 To qualify as a satellite account to the host account, the following requirements must be met:

- 1) The satellite account must be designated as premises owned or leased by the host account Customer-Generator and in the same name in the Company's billing system as the host account Customer-Generator.
- 2) Both the satellite account and the host account Customer-Generator must be within the same Company's service territory to which the Customer-Generator's net energy meters are interconnected.
- 3) The satellite account must be in the same load zone as the host account Customer-Generator as of the date of the initial application of the host account Customer-Generator for remote net metering and must remain in the same load zone as the host account Customer-Generator to continue to be eligible to receive excess net metering credits.
- 4) A satellite account cannot be a host account Customer-Generator.
- 5) Non-metered accounts shall qualify as satellite accounts if the host account Customer-Generator is being compensated based on a monetary crediting methodology under Rule 40 - Value of Distributed Energy Resources (VDER), whether Phase One - net energy metering (NEM) or Phase One - Value Stack.

36.7.3 In the event that the amount of electric energy supplied by the Company during the billing period exceeds the amount of electric energy provided by the host account Customer-Generator to the Company during the same billing period, the Company shall charge the host account Customer-Generator the rates provided in the retail rate schedule applicable to the host account Customer-Generator for only the difference between these two amounts.

36.7.4 In the event that the amount of electric energy provided by the host account Customer-Generator to the Company in any billing period exceeds the amount of electric energy supplied by the Company to the host account Customer-Generator during the same billing period, the host account Customer-Generator shall be regarded as having received no electric energy (in kWh) during that billing period.

**Prior to June 1, 2015 For Residential, Non-Residential Non-Demand and Demand Metered Customer-Generators (For Rules after June 1, 2015, see Rule 36.7.5),**

36.7.4.1 If the host account Customer-Generator has excess on-site generation, the excess generation shall be converted to a monetary credit at the host account Customer-Generator's applicable tariff per kWh rate and applied as a direct credit to the host account Customer-Generator's outstanding electric delivery charges, with the exception of Fuel Cell Generators and non-farm based Farm Waste Generators who will be credited at SC6 avoided cost rates.

36.7.4.2 In the event that the excess on-site generation of the host account Customer-Generator as described in 36.7.4.1 above exceeds all components of the host account Customer-Generator's outstanding utility bill, the remaining monetary credit will be allocated to the eligible designated satellite accounts in the following manner:



PSC NO: 220 ELECTRICITY

LEAF: 199.3

NIAGARA MOHAWK POWER CORPORATION

REVISION: 6

INITIAL EFFECTIVE DATE: SEPTEMBER 21, 2015

SUPERSEDING REVISION: 5

.STAMPS: Issued in Compliance with Order issued April 17, 2015 in Case 14-E-0151 and 14-E-0422.

## GENERAL INFORMATION

36. Net Metering for Solar Electric Generating Equipment, Farm Waste Electric Generating Equipment, Micro-Combined Heat and Power Generating Equipment, Fuel Cell Electric Generating Equipment and Micro-Hydroelectric Generating Equipment

36.7.4.2.1 Any remaining monetary credit will be applied to the eligible designated satellite accounts in the order that each subsequent satellite account bills in the Company's billing system. In the case where more than one satellite account is billed on the same day, the monetary credit will be applied to the highest usage account first. This process will continue through each day in the billing cycle as each satellite account is billed. The monetary credit applied to each satellite account shall not exceed the satellite account's electricity delivery and electricity supply charges for that billing period.

36.7.4.2.1.1 Customers having both electric and gas service on the same account will receive separate bills for electric service and for gas service to ensure that net metering credits apply only to electric service on the satellite accounts

36.7.4.2.2 If a monetary credit still remains at the end of the current month's billing cycle after all eligible designated satellite accounts have been credited, the remaining credit will be carried forward on the host account to the next billing period at which time it will be applied to all eligible designated accounts. The above process will be repeated in each subsequent month until any remaining monetary credit on the host account that is to be applied to eligible designated satellite accounts has been fully allocated.

36.7.4.2.3 Fuel Cell Customer-Generators and non-Farm Based Farm Waste Customer-Generators will be credited for their excess generation at the Company's avoided cost under Special Provision C of S.C. No.6 of this tariff.

36.7.4.2.4 Residential Solar Customer Generators, Farm Waste Customer-Generators, and non-Farm Based Farm Waste Customer-Generators who have a credit remaining at the end of their net metering year (12-month period), will have the portion of the credit equal to average avoided cost as calculated under Special Provision C of S.C. No. 6 of this tariff paid to the host account Customer-Generator. Any remaining monetary credit will be reset to zero at the start of the host account Customer-Generator's next net metering year.

36.7.5 Effective June 1, 2015, volumetric crediting will replace monetary crediting at remote net metered sites where non-demand rates are in effect, except for fuel cell and non-farm based farm waste customer generators.

36.7.5.1 In the event that the Host Account has excess on-site generation (kWh), the excess generation will be allocated to the eligible designated satellite accounts on a percentage basis as designated by the Host Account.

36.7.5.1.1 The excess generation (kWh) will be applied to the eligible designated satellite accounts in the order that each subsequent satellite account bills in the Company's billing system. This process will continue through each day in the billing cycle as each satellite account is billed.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2017  
STAMPS: Issued in accordance with Order issued in Case 14-E-0151 dated December 16, 2016.

LEAF: 199.4  
REVISION: 3  
SUPERSEDING REVISION: 2

#### GENERAL INFORMATION

36. Net Metering for Solar Electric Generating Equipment, Farm Waste Electric Generating Equipment, Micro-Combined Heat and Power Generating Equipment, and Fuel Cell Electric Generating Equipment and Micro-Hydroelectric Generating Equipment

36.7.5.1.2 If a satellite account is billed under time-of-use rates, the kWh credits shall be applied in proportion to the usage in each time period.

36.7.5.1.3 Any volumetric credits remaining in excess of the amount required to reduce the satellite account's billed kWh to zero will be returned to the Host Account.

36.7.6 Remote net metered customers will be allowed to retain monetary crediting at qualifying remote net metered locations if they meet the following criteria and conditions:

36.7.6.1 Projects that have been interconnected by June 1, 2015; or

36.7.6.2 Projects for which developers have submitted a completed preliminary interconnection application to the Company by June 1, 2015; or

36.7.6.3 Projects that have completed applications for grants through Program Opportunity Notices ("PONs") 2112, 2439, 2589, 2860, and 2956 conducted by the New York State Energy and Research Development Authority ("NYSERDA"); or

36.7.6.4 Projects that have completed applications for grants in NYSERDA's NY-Sun MW Block Program for projects sized more than 200 kW by June 1, 2015; or

36.7.6.5 Projects that a state, municipal, district, or local governmental entity has solicited through a Request for Proposals or a Request for Information issued in conformance with applicable law.

36.7.6.6 To retain the monetary crediting, a project must enter service by the date specified in the NYSERDA PONs in 36.7.6.3 or NY-Sun MW Block Program for projects sized at more than 200 kW, or another governmental entity process, as that date may be extended by the relevant governmental entity, or by December 31, 2017, if no date is specified by a governmental entity.

36.7.6.7 Remote net metered customers who participate in NYSERDA PONs in Rule 36.7.6.3 or NY-Sun MW Block Program in Rule 36.7.6.4 would also be eligible to retain monetary crediting as long as the following four criteria are met:

1. The project developer has provided payment, prior to March 1, 2016, for a Coordinated Electric System Interconnection Review (CESIR) study;
2. The project developer has demonstrated that, upon receipt of the CESIR study results, the estimated construction schedule indicates a final authorization to interconnect on or after July 1, 2017;
3. The project developer has made payment, of the full or at least the first installment amount for the estimated utility interconnection costs necessary to support the project, by January 31, 2017; and,
4. The project developer has, by November 30, 2017, submitted an affidavit from the engineer of record for the project on the end-use customer's side of interconnection point has been physically constructed and that the only remaining requirements to interconnect the equipment depend upon utility, such as remaining utility construction and/or authorization to interconnect.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

LEAF: 199.5  
REVISION: 2  
SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

#### GENERAL INFORMATION

36. Net Metering for Solar Electric Generating Equipment, Farm Waste Electric Generating Equipment, Micro-Combined Heat and Power Generating Equipment, and Fuel Cell Electric Generating Equipment and Micro-Hydroelectric Generating Equipment

36.7.6 (Continued)

36.7.6.8 If the criteria and conditions as set forth in this Rule are met, the monetary credit will remain in effect for a term of twenty-five (25) years from the later of the date of April 17, 2015 (issue date of Commission's Order in Case 14-E-0151 and 14-E-0422) or the project in-service date. An extension of this period may be obtained upon a showing that the contractual arrangement for financing a particular project cannot be accomplished within a 25 year period, and a longer period is necessary.

36.7.6.9 Except for fuel cell and non-farm based farm waste generators, a generator who is entitled to retain monetary crediting, may opt out of this Rule and select volumetric crediting if they submit a statement in writing to the Company. The Company will acknowledge the request for volumetric crediting to the Customer-Generator. When a preference for volumetric crediting is not stated, the Company will assume that monetary crediting adheres if there is an entitlement to grandfathering in accordance with this Rule.

- 36.8 Customers that would otherwise be eligible to receive credits under this Rule No. 36 may also have these credits apply to the customer's charges for the Company's deliveries of NYPA power and deliveries of RNY power under Rule 34.6, regardless of the service classification such deliveries are provided under, with the exception that if the service classification is S.C. No. 12 the deliveries must be on a "first through the meter" basis without any accompanying discount to any of the otherwise applicable service class charges ("S.C. No. 12 Supplemental Charges").

36.8.1 If the credits are volumetric, the credits will be calculated separately with the associated kWh being allocated in the following order:

- i. S.C. No. 4 or S.C. No. 12 Supplemental Service deliveries, as applicable;
- ii. The NYPA contract deliveries, with the kWh allocated in the order of the largest NYPA contract kWh deliveries first and the remainder credited to the next largest contract kWh deliveries, and so forth, for each of Niagara Power Delivery Service, HLF Delivery Service, or Preservation Power Delivery Service; and
- iii. RNY kWh deliveries.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2023  
STAMPS:

LEAF: 200  
REVISION: 8  
SUPERSEDING REVISION: 7

#### GENERAL INFORMATION

37. NET METERING FOR RESIDENTIAL, FARM SERVICE AND NON-RESIDENTIAL WIND ELECTRIC GENERATING SYSTEMS AS DEFINED IN PUBLIC SERVICE LAW ("PSL") 66-1

37.1 Applicable to:

37.1.1 Residential Customer-Generators who own or operate one or more wind electric generators with a combined rated capacity of not more than twenty-five kilowatts (25 kW).

37.1.2 Farm Based Customer-Generators who own or operate wind electric generating equipment located and used on land used in agricultural production as defined in subdivision four of Section 301 of the Agriculture and Markets Law and which is also the location of the customer's primary residence, with a combined rated capacity of not more than 500 kilowatts (500 kW).

37.1.3 A non-residential Customer-Generator which owns or operates wind electric generating equipment located and used at its premises with a combined rated capacity of not more than two thousand kilowatts (2,000 kW).

37.1.4 Projects compensated under Rule No. 37 are ineligible to 1) participate in the Company's Term-DLM or Auto-DLM Programs, or 2) sell energy or capacity to the NYISO through one of its wholesale DER Participation Model programs, either directly or through an aggregation.

37.1.5 To qualify for net metering under Rule 37, the Customer Generator must comply with the requirements of the generating size limits by complying with the following criteria:

- 1) Each project up to the respective generating size limit must be separately metered and separately interconnected to the utility grid.
- 2) Each project must be located on a separate site which can be accomplished by a project having a separate deed or a unique Section-Block-Lot (SBL), a separate lease, and a separate metes and bounds description recorded via either a deed or separate memorandum of lease uniquely identifying each project.
- 3) Each project must operate independently of other units.

37.2 Qualifying Customers must install and operate Wind Electric Generating Equipment in compliance with Rule No. 53 – Standard Interconnection Requirements and Application Process for New Distributed Generators 2 MW or Less Connected in Parallel with Utility Distribution Systems ("SIR") as may be amended from time to time changed, amended, and/or supplemented. Qualifying Customers must also complete a Form "K"-Standardized Contract for Interconnection of New Distributed Generation Units With Capacity of 5 MW or Less Connected in Parallel with Utility Distribution Systems.

37.3 This program will be available to qualifying customers on a first come, first served basis, until the total rated generating capacity for Wind Electric Generating Equipment in the Company's service territory is equivalent to 19,608 kW. (In accordance with PSL 66-1, three-tenths percent of Niagara Mohawk's electric demand for the year 2005.)

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024

LEAF: 200.1  
REVISION: 1  
SUPERSEDING REVISION: 0

#### GENERAL INFORMATION

37. NET METERING FOR RESIDENTIAL, FARM SERVICE AND NON-RESIDENTIAL WIND ELECTRIC GENERATING SYSTEMS AS DEFINED IN PUBLIC SERVICE LAW (“PSL”) 66-1

37.4 In the event the Company determines that it is necessary to install a dedicated transformer or transformers, or other equipment deemed necessary to protect the safety and adequacy of electric service to other customers, the Customer-Generator shall pay the Company’s actual costs of installing the transformer or transformers, or other equipment:

37.4.1 In the case of a residential or farm service Customer-Generator who owns or operates Wind Electric Generating Equipment located and used at their residence or a non-residential Customer-Generator who owns or operates Wind Electric Generating Equipment with a rated capacity of not more than 25 kW, up to a maximum amount of seven hundred fifty dollars (\$750);

37.4.2 In the case of a farm service Customer-Generator who owns or operates Wind Electric Generating Equipment located and used at their “farm operation,” up to a maximum of five thousand dollars (\$5,000) per “farm operation”; and

37.4.3 In the case of a non-residential Customer-Generator who owns or operates Wind Electric Generating Equipment with a rated capacity of more than 25 kW located and used at its premises, such costs shall be determined by the Company subject to review by the PSC if requested by the Customer-Generator.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 23, 2010

LEAF: 201  
REVISION: 2  
SUPERSEDING REVISION: 1

#### GENERAL INFORMATION

37. NET METERING FOR RESIDENTIAL, FARM SERVICE AND NON-RESIDENTIAL WIND ELECTRIC GENERATING SYSTEMS AS DEFINED IN PUBLIC SERVICE LAW ("PSL") 66-1

37.5 The Company will determine if the Customer-Generator requires a single meter that enables the Company to measure net kWh provided to the Company by the Wind Electric Generating Equipment or if the Customer-Generator requires alternate net metering arrangements. In the event that:

37.5.1 The Company requires a second meter as part of an interconnection but not necessary for safety and adequacy of service, the costs of such meter installation will be considered to be interconnection costs pursuant to Rule No. 53 – Standard Interconnection Requirements.

37.5.2 The customer requests installation of a second meter that is not required by the utility for interconnection, the customer will be responsible for the cost of the second meter and comply with the provisions of Rule 25.1.2 of the Tariff.

37.6 The Company will employ the following "net energy billing" procedures to establish bills for electric service rendered to the customer-generator by Niagara Mohawk during each monthly or bimonthly billing period. The meter(s) will be read on a monthly or bimonthly schedule in conjunction with the Company's reading of the meter installed to measure deliveries of electric energy to the customer.

37.6.1 In the event that the amount of electric energy supplied by the Company during the billing period exceeds the amount of electric energy provided by the Customer-Generator, the Company shall charge the customer the rates provided in the retail rate schedule applicable to the customer for only the difference between these two amounts.

37.6.2 In the event that the amount of electric energy produced by a Customer-Generator during the billing period exceeds the amount of electricity used by the Customer-Generator, customer shall be regarded as having received no electric energy (in kWh) during that billing period.

37.6.2.1 The Customer-Generator shall receive a credit to its energy consumption on its next bill for service equal to the amount by which its delivery of electric energy exceed its receipts of electric energy at the same rate per kilowatt hour applicable to service provided to other customers in the same service class who do not generate electricity. Any remaining balance will be carried over to the next billing month and used to offset that month's energy consumption.

37.6.2.2 For Demand Metered Customer-Generators - Excess on-site generation shall be converted to its equivalent value at the applicable tariff per kWh rate and applied as a direct credit to the customer's current utility bill for outstanding, energy, customer, demand and other charges

37.6.2.2.1 In the event that the monthly credits exceed all components of a customer's current bill for services rendered, the remaining credit will be converted back to their kWh values and carried to the proceeding billing month.

37.6.2.2.2 Demand Metered Customers will be subject to applicable metered demand charges consumed in that billing period based on the maximum measured kW demand actually supplied during that billing period. The Company will not adjust the demand charge to reflect demand ratchets or monthly demand minimums that might be applied to a standard tariff for net metering purposes.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2017  
STAMPS: Issued in Compliance with Order of the PSC in Case 15-E-0751 and 15-E-0082 issued March 9, 2017.

LEAF: 201.1  
REVISION: 1  
SUPERSEDING REVISION: 0

#### GENERAL INFORMATION

37. NET METERING FOR RESIDENTIAL, FARM SERVICE AND NON-RESIDENTIAL WIND  
ELECTRIC GENERATING SYSTEMS AS DEFINED IN PUBLIC SERVICE LAW ("PSL") 66-1

37.6.2.3 For Hourly Priced Customer Generators

37.6.2.3.1 Hourly priced Customer Generators will have their generation netted against usage in each hour of the billing period and multiplied by the applicable price for that hour to produce a monetary value (credit or debit) for that hour.

37.6.2.3.2 For each hour in which the electricity generated and supplied by the customer exceeds the customer's usage, the kWh difference will be summed together at the end of the billing period and then multiplied by the sum of the remaining per kWh charges to produce a delivery credit. For each hour in which the electricity supplied by the Company exceeds the customer's usage, the kWh difference will be summed together at the end of the billing period and multiplied by the sum of the remaining per kWh charges to produce a delivery charge.

37.6.2.4 Mass market on-site projects, defined as those Customer-Generators served under a residential or small commercial service class that are not billed for demand, will be permitted to pair on-site energy storage with eligible generating equipment under PSL Section 66-1 and remain eligible under Rule No. 37 net metering tariffs. However, customers that wish to pair energy storage with a remote net metered project (as defined in Rule No. 37.10), large on-site projects (defined as Customer-Generators served under a non-residential demand or mandatory hourly pricing (MHP) service classification), or Community Distributed Generation (CDG) projects with eligible generating equipment under PSL Section 66-1 will be required to receive compensation based on the Value Stack tariff, when available.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2013  
STAMPS: Issued in Compliance with order issued November 29, 2012 in Case No. 12-E-0043.

LEAF: 202  
REVISION: 5  
SUPERSEDING REVISION: 4

#### GENERAL INFORMATION

#### 37. NET METERING FOR RESIDENTIAL, FARM SERVICE AND NON-RESIDENTIAL WIND ELECTRIC GENERATING SYSTEMS AS DEFINED IN PUBLIC SERVICE LAW ("PSL") 66-L

37.6.3 Residential Wind and Farm Service Wind Customer-Generators- At the end of the net metering year (12 month period), defined as the 12 month period after the effective date of Form "K," or the alternative anniversary date selected by the Customer-Generator in accordance with Rule 37.6.5 below, and each 12 month period thereafter, any accumulated excess kWh production shall be converted to a cash value and paid to the Customer-Generator at the appropriate service classification's average avoided cost for the applicable period as calculated under Special Provision C of S.C. No. 6 of this tariff.

37.6.4 For hourly priced customers, the Company will develop a ratio using the prior month's bill and the current month's bill for the excess credit priced at avoided cost and the excess credit for remaining per kWh charges. Any remaining credits will be multiplied by this ratio to determine the excess credit at avoided cost and the excess credit for the remaining per kWh charges to carry forward to the next month. At the end of the net metering year (12 month period) as defined in 37.6.3, the payment shall be for the remaining portion of the excess credit priced at avoided cost after credits are applied to the current billing period. Any remaining non-avoided cost monetary credits are reset to zero.

37.6.5 All eligible Residential Wind and Farm Service Wind Customer-Generators will have a one-time option to select an individual anniversary date for their annual cash-out of any accumulated excess kWh production.

37.6.6 Non-Residential Wind Customer-Generators will continue to have any excess kWh carried over each proceeding month in accordance with Rule No. 37.6.2.1 and Rule No. 37.6.2.2 above.

37.7 For a Customer-Generator who has Solar, Farm Waste and/or Wind Electric Generating Equipment installed at the same location, the total combined rated capacity of these electric generating systems shall not exceed the limits set forth in Rule No. 37.1. The Company will review these net metering arrangements on a case by case basis to determine the interconnection and generation requirements that best accommodate the net metering arrangement presented by the Customer.

37.8 In the event that the total rated generating capacity of residential and/or farm service electric wind generating equipment that provides electricity through the same local feeder line exceeds 20 percent (20%) of the rated capacity of the local feeder line, the Company may require the customer to comply with reasonable measures to ensure the safety of the local feeder line.

37.9 Wind customers may not offset metering credits against bills for usage metered at locations other than the net metering delivery point with the exception of Rule No. 37.10 below.

#### 37.10 Remote Net Metering for Farm and Non-Residential Wind Electric Customer-Generators

To qualify for remote net metering, the Customer-Generator must be:

- 1) A Farm Based Wind Customer-Generator, who own or operate wind electric generating equipment located and used on land used in agricultural production as defined in accordance with Rule No. 37.1.2; or
- 2) A non-residential Wind Electric Customer-Generator, who owns or operates wind electric generating equipment as defined in Rule 37.1.3.



PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: SEPTEMBER 1, 2021  
 STAMPS: Issued in Compliance with Order in Case 19-E-0735, Issued July 15, 2021.

LEAF: 202.1  
 REVISION: 6  
 SUPERSEDING REVISION: 5

## GENERAL INFORMATION

### 37. NET METERING FOR RESIDENTIAL, FARM SERVICE AND NON-RESIDENTIAL WIND ELECTRIC GENERATING SYSTEMS AS DEFINED IN PUBLIC SERVICE LAW ("PSL") 66-L

A Customer-Generator who qualifies per the above may designate all or a portion of their excess net metering credits generated by such equipment to any property owned or leased and in the same name as the Customer-Generator. The Company reserves the right to obtain proof that all accounts are held by the qualifying Customer-Generator. For purposes of this Rule 37.10, the account where the generator is connected will be defined as the host account and those eligible accounts that are designated by the host account to receive excess net metering credits will be defined as satellite accounts.

Effective September 1, 2021, projects that qualify for Remote Net Metering under Rule 37.10 and are compensated under, or meet the requirements of, Rule 40.2 – Value Stack compensation must adhere to Remote Crediting rules specified in Rule 66. A Customer-Generator that is eligible for, and participating in, Remote Net Metering under Rule 36.10, is permitted to make a one-time irrevocable election to opt-in to Remote Crediting as specific in Rule 66.

37.10.1 The host account Customer-Generator must designate their satellite accounts and the portion of their net metering credits designated to these satellite accounts when submitting their initial remote net metering application. After the initial application, the host account may change the above designations and/or portion of their net metering credits designated to the satellite accounts on January 1 of each year thereafter.

37.10.1.1 A satellite account may have more than one host account Customer Generator. In the event a satellite has more than one host account Customer-Generator, the aggregate generator nameplate capacity of net metered electric generating equipment of all hosts, inclusive of any net metering generation located at the satellite account, shall not exceed 2 MW. The limit of the Customer-Generator's nameplate capacity for each host's generating equipment must be in compliance with the limits set forth for each technology in PSL 66-l.

37.10.1.2. Projects with multiple hosts that were either in-service or under development before December 1, 2015 that would exceed a total generating capacity over the 2MW limit serving a Satellite Account will be grandfathered and exempt from the 2MW limit in Rule 36.10.1.1 if any of the following criteria were met by December 1, 2015.

- 1) Projects that have been interconnected by December 1, 2015; or
- 2) Projects for which developers have submitted a completed preliminary interconnection application to the Company by December 1, 2015; or
- 3) Projects that have completed applications for grants through Program Opportunity Notices ("PONs") 2112, 2439, 2589, 2860, and 2956 conducted by the New York State Energy and Research Development Authority ("NYSERDA"); or
- 4) Projects that have completed applications for grants in NYSERDA's NY-Sun MW Block Program for projects sized more than 200 kW By December 1, 2015; or
- 5) Projects that a state, municipal, district, or local governmental entity has solicited through a Request for Proposals or a Request for Information issued in conformance with applicable law.
- 6) A project must enter service by the date specified in the NYSERDA PONs or NY-Sun MW Block Program for projects sized at more than 200 kW, or another governmental entity process, as that date may be extended by the relevant governmental entity, or by December 31, 2017, if no date is specified by a governmental entity.

PSC NO: 220 ELECTRICITY

LEAF: 202.1.0.1

NIAGARA MOHAWK POWER CORPORATION

REVISION: 0

INITIAL EFFECTIVE DATE: SEPTEMBER 29, 2017

SUPERSEDING REVISION:

STAMPS: Issued in Compliance with Order issued September 14, 2017 in Case 15-E-0267

## GENERAL INFORMATION

37. NET METERING FOR RESIDENTIAL, FARM SERVICE AND NON-RESIDENTIAL WIND  
ELECTRIC GENERATING SYSTEMS AS DEFINED IN PUBLIC SERVICE LAW ("PSL") 66-L

37.10.1.3 Remote net metered customers who participate in NYSEDA PONs in Rule 37.10.1.2 or NY-Sun MW Block Program in Rule 37.10.1.2 would also be eligible to retain monetary crediting as long as the following four criteria are met:

1. The project developer has provided payment, prior to March 1, 2016, for a Coordinated Electric System Interconnection Review (CESIR) study;
2. The project developer has demonstrated that, upon receipt of the CESIR study results, the estimated construction schedule indicates a final authorization to interconnect on or after July 1, 2017;
3. The project developer has made payment, of the full or at least the first installment amount for the estimated utility interconnection costs necessary to support the project, by January 31, 2017; and,
4. The project developer has, by November 30, 2017, submitted an affidavit from the engineer of record for the project on the end-use customer's side of interconnection point has been physically constructed and that the only remaining requirements to interconnect the equipment depend upon utility, such as remaining utility construction and/or authorization to interconnect.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: AUGUST 31, 2017

LEAF: 202.1.1  
REVISION: 1  
SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order issued August 2, 2017 in Case 16-E-0604.

#### GENERAL INFORMATION

37. NET METERING FOR RESIDENTIAL, FARM SERVICE AND NON-RESIDENTIAL WIND ELECTRIC GENERATING SYSTEMS AS DEFINED IN PUBLIC SERVICE LAW ("PSL") 66-L

37.10.2 To qualify as a satellite account to the host account, the following requirements must be met:

- 1) The satellite account must be designated as premises owned or leased by the host account Customer-Generator and in the same name in the Company's billing system as the host account Customer-Generator.
- 2) Both the satellite account and the host account Customer-Generator must be within the same Company's service territory to which the Customer-Generator's net energy meters are interconnected.
- 3) The satellite account must be in the same load zone as the host account Customer-Generator as of the date of the initial application of the host account Customer-Generator for remote net metering and must remain in the same load zone as the host account Customer-Generator to continue to be eligible to receive excess net metering credits.
- 4) A satellite account cannot be a host account Customer-Generator.
- 5) Non-metered accounts shall qualify as satellite accounts if the host account Customer-Generator is being compensated based on a monetary crediting methodology under Rule 40 - Value of Distributed Energy Resources (VDER), whether Phase One - net energy metering (NEM) or Phase One - Value Stack.

**For Residential, Non-Residential Non-Demand (After June 1, 2015 see Rule 37.11.1) and Demand Metered Customers**

37.10.3 In the event that the amount of electric energy supplied by the Company during the billing period exceeds the amount of electric energy provided by the host account Customer-Generator to the Company during the same billing period, the Company shall charge the host account Customer-Generator the rates provided in the retail rate schedule applicable to the host account Customer-Generator for only the difference between these two amounts.

37.10.4 In the event that the amount of electric energy provided by the host account Customer-Generator to the Company in any billing period exceeds the amount of electric energy supplied by the Company to the host account Customer-Generator during the same billing period, the host account Customer-Generator shall be regarded as having received no electric energy (in kWh) during that billing period.

PSC NO: 220 ELECTRICITY

LEAF: 202.2

NIAGARA MOHAWK POWER CORPORATION

REVISION: 3

INITIAL EFFECTIVE DATE: SEPTEMBER 21, 2015

SUPERSEDING REVISION: 2

STAMPS: Issued in Compliance with Order issued April 17, 2015 in Case 14-E-0151 and 14-E-0422.

## GENERAL INFORMATION

## 37. NET METERING FOR RESIDENTIAL, FARM SERVICE AND NON-RESIDENTIAL WIND ELECTRIC GENERATING SYSTEMS AS DEFINED IN PUBLIC SERVICE LAW ("PSL") 66-L

37.10.4.1 If the host account Customer-Generator has excess on-site generation, the excess generation shall be converted to a monetary credit at the host account Customer-Generator's applicable tariff per kWh rate and applied as a direct credit to the host account Customer-Generator's outstanding electric delivery charges.

37.10.4.2 In the event that the excess on-site generation of the host account Customer-Generator as described in 37.10.4.1 above exceeds all components of the host account Customer-Generator's outstanding utility bill, the remaining monetary credit will be allocated to the eligible designated satellite accounts in the following manner:

37.10.4.2.1 Any remaining monetary credit will be applied to the eligible designated satellite accounts in the order that each subsequent satellite account bills in the Company's billing system. In the case where more than one satellite account is billed on the same day, the monetary credit will be applied to the highest usage account first. This process will continue through each day in the billing cycle as each satellite account is billed. The monetary credit applied to each satellite account shall not exceed the satellite account's electricity delivery and electricity supply charges for that billing period.

37.10.4.2.1.1 Customers having both electric and gas service on the same account will receive separate bills for electric and gas services to ensure that net metering credits apply only to electric service on the satellite accounts

37.10.4.2.2 If a monetary credit still remains at the end of the current month's billing cycle after all eligible designated satellite accounts have been credited, the remaining credit will be carried forward on the host account to the next billing period at which time it will be applied to all eligible designated accounts. The above process will be repeated in each subsequent month until any remaining monetary credit on the host account that is to be applied to eligible designated accounts has been fully allocated.

37.10.4.2.3 A host account that is a Farm Based Wind Customer-Generator who has a credit remaining at the end of their net metering year (12-month period), will have the portion of the credit equal to average avoided cost as calculated under Special Provision C of S.C. No. 6 of this tariff paid to the host account Customer-Generator. Any remaining monetary credit will be reset to zero at the start of the host account Customer-Generator's next net metering year.

37.11 Effective June 1, 2015, volumetric crediting will replace monetary crediting at remote net metered sites where non-demand rates are in effect.

37.11.1 In the event that the Host Account has excess on-site generation (kWh), the excess generation will be allocated to the eligible designated satellite accounts on a percentage basis as designated by the Host Account.

37.11.2 The excess generation (kWh) will be applied to the eligible designated satellite accounts in the order that each subsequent satellite account bills in the Company's billing system. This process will continue through each day in the billing cycle as each satellite account is billed.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: NOVEMBER 17, 2017

LEAF: 202.3  
REVISION: 3  
SUPERSEDING REVISION: 2

#### GENERAL INFORMATION

37. Net Metering for Residential, Farm Service and Non-Residential Wind Electric Generating Systems as Defined in Public Service Law ("PSL") 66-1

37.11.3 If a satellite account is billed under time-of-use rates, the kWh credits shall be applied in proportion to the usage in each time period.

37.11.4 Any volumetric credits remaining in excess of the amount required to reduce the satellite account's billed kWh to zero will be returned to the Host Account.

37.12 Remote net metered customers will be allowed to retain monetary crediting at qualifying remote net metered locations if they meet the following criteria and conditions:

37.12.1 Projects that have been interconnected by June 1, 2015; or

37.12.2 Projects for which developers have submitted a completed preliminary interconnection application to the Company by June 1, 2015; or

37.12.3 Projects that have completed applications for grants through Program Opportunity Notices ("PONs") 2112, 2439, 2589, 2860, and 2956 conducted by the New York State Energy and Research Development Authority ("NYSERDA"); or

37.12.4 Projects that have completed applications for grants in NYSERDA's NY-Sun MW Block Program for projects sized more than 200 kW by June 1, 2015; or

37.12.5 Projects that a state, municipal, district, or local governmental entity has solicited through a Request for Proposals or a Request for Information issued in conformance with applicable law.

37.12.6 To retain the monetary crediting, a project must enter service by the date specified in the NYSERDA PONs in 36.7.6.3 or NY-Sun MW Block Program for projects sized at more than 200 kW, or another governmental entity process, as that date may be extended by the relevant governmental entity, or by December 31, 2017 if no date is specified by a governmental entity

37.12.7 Remote net metered customers who participate in NYSERDA PONs in Rule 37.12.3 or NY-Sun MW Block Program in Rule 37.12.4 would also be eligible to retain monetary crediting as long as the following four criteria are met:

1. The project developer has provided payment, prior to March 1, 2016, for a Coordinated Electric System Interconnection Review (CESIR) study;
2. The project developer has demonstrated that, upon receipt of the CESIR study results, the estimated construction schedule indicates a final authorization to interconnect on or after July 1, 2017;
3. The project developer has made payment, of the full or at least the first installment amount for the estimated utility interconnection costs necessary to support the project, by January 31, 2017; and,
4. The project developer has, by November 30, 2017, submitted an affidavit from the engineer of record for the project on the end-use customer's side of interconnection point has been physically constructed and that the only remaining requirements to interconnect the equipment depend upon utility, such as remaining utility construction and/or authorization to interconnect.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

LEAF: 202.3.1  
REVISION: 2  
SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

#### GENERAL INFORMATION

37. Net Metering for Residential, Farm Service and Non-Residential Wind Electric Generating Systems as Defined in Public Service Law ("PSL") 66-l

37.12 (Continued)

37.12.7 If the criteria and conditions as set forth in this Rule are met, the monetary credit will remain in effect for a term of twenty-five (25) years from the later of the date of April 17, 2015 (issue date of Commission's Order in Case 14-E-0151 and 14-E-0422) or the project in-service date. An extension of this period may be obtained upon a showing that the contractual arrangement for financing a particular project cannot be accomplished within a 25 year period, and a longer period is necessary.

37.12.8 A Customer-Generator who is entitled to retain monetary crediting, may opt of this Rule and select volumetric crediting if they submit a statement in writing to the Company. The Company will acknowledge the request for volumetric crediting to the Customer-Generator. When a preference for volumetric crediting is not stated, the Company will assume that monetary crediting adheres if there is an entitlement to grandfathering in accordance with this rule.

- 37.13 Customers that would otherwise be eligible to receive credits under this Rule No. 37 may also have these credits apply to the customer's charges for the Company's deliveries of NYPA power and deliveries of RNY power under Rule 34.6, regardless of the service classification such deliveries are provided under, with the exception that if the service classification is S.C. No. 12 the deliveries must be on a "first through the meter" basis without any accompanying discount to any of the otherwise applicable service class charges ("S.C. No. 12 Supplemental Charges").

37.13.1 If the credits are volumetric, the credits will be calculated separately with the associated kWh being allocated in the following order:

- i. S.C. No. 4 or S.C. No. 12 Supplemental Service deliveries, as applicable;
- ii. The NYPA contract deliveries, with the kWh allocated in the order of the largest NYPA contract kWh deliveries first and the remainder credited to the next largest contract kWh deliveries, and so forth, for each of Niagara Power Delivery Service, HLF Delivery Service, or Preservation Power Delivery Service; and
- iii. RNY kWh deliveries.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024  
STAMPS:

LEAF: 203  
REVISION: 3  
SUPERSEDING REVISION: 2

## GENERAL INFORMATION

### 38. RENEWABLE ENERGY MARKETING PROGRAM

#### 38.1 PROGRAM DESCRIPTION

The Renewable Energy Marketing Program is a voluntary program in which the Company's customers may elect to receive renewable energy service options from independent Renewable Energy Service Providers meeting eligibility criteria hereafter referred to as "Green ESCos." The purpose of this program is to spur the development of renewable energy generation resources and the sale of renewable energy in the Company's service territory.

#### 38.2 CUSTOMER ELIGIBILITY

38.2.1 All customers served under P.S.C.No.220 Service Classification Nos. 1, 1-C, 2, 3, 3A, 4, 11 and 12 and all customers taking service under P.S.C. No. 214 are eligible to participate in this program if they take their electricity supply service from the Company. Customers participating in the Rule 39, Retail Access Program or- Rule 31, NYPA Supply Service, are not eligible to participate in this program unless they elect to voluntarily terminate participation in the Retail Access Program or NYPA Supply Service.

38.2.2 The portion of a customer's load provided by NYPA under Economic Development Power (EDP), Power For Jobs (PFJ), Recharge New York ("RNY"), and Replacement and Expansion Power Programs is not eligible for the Renewable Energy Marketing Program.

#### 38.3 GREEN ESCo ELIGIBILITY

38.3.1 To participate in the Renewable Energy Marketing Program as a Green ESCo, a renewable energy service provider must sign a Company prescribed form stating that they will comply with all the provisions of this Tariff and any written agreements between the Green ESCo and the Company. The Green ESCo must also meet the following requirements, as applicable at all times:

38.3.1.1 The Green ESCo has complied with all the oversight requirements as set forth in Opinion 97-5 dated May 19, 1997, as may be amended or superseded by the PSC from time to time. The Green ESCo must notify the DPS at any time of any material change in information previously submitted to the DPS, and

38.3.1.2 The Green ESCo must cooperate with the Company to deliver RECs via reporting in NYGATS to meet the contractual obligations of the customers in the program.

#### 38.4 ENROLLMENT GUIDELINES

38.4.1 A customer desiring to take service under the Renewable Energy Marketing Program will select an eligible Green ESCo and will provide the Green ESCo with the necessary enrollment information.

38.4.2 The Green ESCo will submit the customer's enrollment information to the Company. At minimum, the Green ESCo will provide the customer's current account number, and the customer's selected renewable energy service option as described in Rule 38.5.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 204  
REVISION: 0  
SUPERSEDING REVISION:

## GENERAL INFORMATION

### 38. RENEWABLE ENERGY MARKETING PROGRAM (Continued)

#### 38.4 ENROLLMENT GUIDELINES (Continued)

38.4.3 The Company must receive the information required in Rule 38.4.2 at least 15 calendar days prior to the next regularly scheduled meter reading. Enrollment in the program will not be deemed effective until the date the Company obtains its next meter reading of the customer's meter according to the Company's regularly scheduled reading date for such customer.

38.4.4 A customer can only contract with one Green ESCo at a time to receive a renewable energy service option for an individual electric account. When two or more meters at a single location are combined and a customer is billed for total use as an individual electric account, in accordance with Rule 25.1.4.3, only one Green ESCo may provide renewable energy service to that individual electric account.

#### 38.5 RENEWABLE ENERGY SERVICE OPTIONS

38.5.1 Each participating Green ESCo shall be allowed to offer customers a reasonable number of renewable energy service options. These options may include the following:

38.5.1.1 Block Energy Service Options whereby a Green ESCo provides customers blocks of renewable energy. The size of the individual blocks will be determined by the Green ESCo. For these options, the quantity of renewable energy provided would be the lesser of the block amount or billed consumption.

38.5.1.2 Percentage of Energy Consumption Options whereby a Green ESCo provides renewable energy at twenty-five percent (25%), fifty percent (50%), or up to 100% of a customer's total billed consumption for any given month. For these percentage energy options, the percentage of renewable energy provided would not be less than 25%.

38.5.2 The Green ESCo shall provide, for each customer enrolled, the specific details related to the service option chosen at the time of enrollment.

#### 38.6 BILLING SERVICE, PAYMENT AND REMITTANCE

38.6.1 The Company shall perform all billing services for renewable energy service options as specified by the Green ESCo in the enrollment process consistent with the Public Service Commission's Uniform Business Practices specified in Appendix A of the "Order Establishing Uniform Retail Access Billing and Payment Processing Practices" in Case Nos. 99-M-0631 and 98-M1343, issued and effective May 18, 2001 as may be modified by the Commission from time to time. The Company shall include the Green ESCo's price for the specific renewable energy option on the Electricity Supply portion of a customer's bill.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024  
STAMPS:

LEAF: 205  
REVISION: 1  
SUPERSEDING REVISION: 0

#### GENERAL INFORMATION

### 38. RENEWABLE ENERGY MARKETING PROGRAM (Continued)

#### 38.6 BILLING SERVICE, PAYMENT AND REMITTANCE (Continued)

38.6.1.1 The Green ESCo will be required to enter into an Agreement with the Company that contains mutually acceptable terms and conditions governing the rights and obligations of the parties prior to including any renewable energy premiums on the Electricity Supply portion of the Company's bill. This agreement will include, but not be limited to the following: Payments between the Company and the Green ESCo, the purchase of the Green ESCo's Accounts Receivable, any and all charges for providing the billing service, and allocation of partial customer payments.

#### 38.7 RENEWABLE ENERGY OBLIGATION AND DELIVERY REQUIREMENTS

38.7.1 Except for products based on blocks of capacity, each calendar month, the Company will report to each Green ESCo the quantity of renewable energy service in kWh purchased by the Green ESCo's customers for the previous billing month.

38.7.1.1 To determine the loads for those customers without interval meters, the Company will utilize the representative service class Load Shapes (reflecting voltage delivery level) and determine customer loads in a manner similar to the methodology used for NYISO reporting.

38.7.1.2 The total renewable energy obligation for a calendar year shall consist of the renewable energy service in kWh purchased by the Green ESCo's customers for the calendar year ("Billed Obligation").

38.7.2 Annually, the Green ESCo will provide to the Company RECs from renewable generators to satisfy the renewable energy service purchased by the Green ESCo customers. The Green ESCo shall provide the RECs to the Company no later than 30 days prior to the end of the NYGATS trading period for the applicable calendar year.

38.7.2.1 The Company will deposit the RECs delivered by the Green ESCo in the appropriate NYGATS account where they will be retired at the end of the Trading Period. Each Green ESCo shall be responsible for providing sufficient RECs to comply with its agreements with its customers and all applicable regulatory requirements, and, subject to those requirements, shall retain the discretion to provide to the Company greater or fewer quantities of RECs during a given Trading Period than required to meet the Green ESCo's Billed Obligation. The NYGATS will contain the results of the actual REC quantities delivered to the Company by the Green ESCo for review by the DPS (the "Administrator").

38.7.2.2 If the ESCo provides REC quantities that differ from those that were billed in Rule 38.7.1, the Company shall retire the quantity of RECs actually provided by the Green ESCo. Based upon the REC quantities provided to the Company by the Green ESCo in NYGATS, the Administrator will report to the Company its aggregate fuel mix and emission data.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024  
STAMPS:

LEAF: 206  
REVISION: 1  
SUPERSEDING REVISION: 0

## GENERAL INFORMATION

### 38. RENEWABLE ENERGY MARKETING PROGRAM (Continued)

#### 38.8 PREPARATION AND MAILING OF ENVIRONMENTAL DISCLOSURE STATEMENTS

38.8.1 For environmental disclosure purposes, the Company will allocate the converted renewable energy to the participating customers and calculate, or assign the Green ESCo the responsibility to calculate, the environmental disclosure labels based on the actual amount of RECs provided as set forth in Rule 38.7.

38.8.2 If the Green ESCo has not delivered sufficient RECs to cover actual purchases by their customers, the disclosure mix for the affected customers will be calculated based on the actual REC deliveries made by the Green ESCo. Application of any deficiencies by service class will be made as agreed to in advance between the Company and the Green ESCo.

38.2.2.1 The Company will not be responsible to the customer for any shortfall between the quantity of renewable energy service billed and the actual renewable energy service provided.

38.2.2.2 The Green ESCo is responsible for, and shall respond to, all customer inquiries and make any necessary refunds that result from a shortfall in purchases of renewable energy.

38.8.3 Environmental disclosure statements for customers participating in the Renewable Energy Marketing Program will be provided as separate mailing for which the Green ESCo will be responsible for all the associated costs of preparation and mailing.

38.8.3.1 The environmental disclosure statements to customers participating in this program will be based upon the actual REC deliveries to the Company arranged by the Green ESCo.

38.8.3.2 At the option of the Green ESCo, environmental disclosure statements for customer served under P.S.C. No. 220 Service Classifications No. 1, 1C, 2, SC-3, Small SC-4 (<2MW) and all customers taking service under P.S.C. No. 214 will be calculated based on either individual consumption or class average consumption data based upon blocks of energy (kWh) or capacity. Green ESCos selecting class average consumption statements must propose specific classes or groups of customers and block structure to the Company and the Public Service Commission to ensure that a statement on the proposed average will provide customers with a reasonable level of precision.

38.8.3.3 Environmental disclosure statements for SC-3A and SC-4 (>2MW) will be calculated based upon a customer's actual consumption.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024  
STAMPS:

LEAF: 207  
REVISION:1  
SUPERSEDING REVISION: 0

#### GENERAL INFORMATION

#### 38. RENEWABLE ENERGY MARKETING PROGRAM (Continued)

##### 38.9 SWITCHING

38.9.1 Customers participating in the Renewable Energy Marketing Program may choose to change Green ESCos subsequent to their initial Green ESCo selection.

38.9.2 Customers may discontinue participation in the Renewable Energy Marketing Program at any time provided the Company is notified at least fifteen (15) calendar days before the customer's regular meter reading date. The change will occur on the regular scheduled meter reading date.

38.9.3 There are no restrictions on the frequency of switches except as may result from the notice period requirements or as may be specified in agreements between Green ESCos and customers.

##### 38.10 DISCONTINUANCE OF GREEN ESCo PARTICIPATION

38.10.1 The Company may discontinue a Green ESCo's participation in the Renewable Energy Marketing Program if the following conditions exist:

38.10.1.1 The Green ESCo fails to arrange REC deliveries to the Company in an amount of renewable kWh equal to the renewable kWh billed by the Company for the renewable energy service provided by the Green ESCo during the annual calendar year obligation by the end of the Trading Period.

38.10.1.2 The Green ESCo fails to comply with the terms and conditions of the Tariff or with any agreements entered into by the Company with the Green ESCo in connection with the Renewable Energy Marketing Program.

##### 38.11 LIMITATION OF LIABILITY

38.11.1 The Green ESCo agrees to indemnify and hold the Company harmless for all costs, penalties, fines, or other expenses associated with its failure to arrange for REC deliveries equal to its billings to the Company's customers, including without limitation, claims by the Green ESCos customers, or by the Commission associated with the compliance with the Commission's environmental disclosure requirements.

38.11.2 Any discontinuance or termination of a Green ESCo's participation in the Renewable Energy Marketing Program shall be without any liability to the Company.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 208  
REVISION: 0  
SUPERSEDING REVISION:

## GENERAL INFORMATION

### 38. RENEWABLE ENERGY MARKETING PROGRAM (Continued)

#### 38.12 SPECIAL PROVISION

38.12.1 The Company reserves all of its rights and remedies in connection with customers who are delinquent in sums owed to the Company for Company charges or who have otherwise failed to comply with their obligations under the Tariff. The Company agrees to provide the Green ESCo with notice of the Company's disconnection of any customer for non-payment or for other violations of the Tariff on the day after the Company effectuates a disconnection. The Company shall have no liability whatsoever to the Green ESCo for any loss of revenue or any other losses or damages resulting from the Company's disconnection of the customer. The Company will continue to comply with all provisions of the Public Service Commission's rules in 16NYCRR as applicable for any service termination.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JUNE 23, 2012

LEAF: 209  
REVISION: 3  
SUPERSEDING REVISION: 2

## GENERAL INFORMATION

### 39. RETAIL ACCESS PROGRAM

The Retail Access Program is defined as the transmission, distribution and delivery by the Company to the customer of electricity furnished by the customer or by a third party on the customer's behalf pursuant to the provisions of this Rule, this Tariff, and the NYISO Tariff. The Company and ESCo are governed by this Rule, as well as by the requirements set forth in the Public Service Commission's Uniform Business Practices ("UBP"), in Case No. 98-M-1343, incorporated as an Addendum to this tariff, which may be modified from time to time. These requirements include the rights and responsibilities which are governed under the Home Energy Fair Practices Act ("HEFPA"), Public Service Law, Article 2.

#### 39.1 PURPOSE

This Rule governs (1) Delivery Service to customers who purchase electric energy and capacity from an ESCo or on their own behalf as Direct Customers; and (2) participation of ESCos/Direct Customers in the Company's Retail Access Program. Delivery Service is defined as the transmission and distribution of electricity to a customer.

#### 39.2 RETAIL ACCESS CUSTOMER ELIGIBILITY

39.2.1 All customers are eligible to purchase energy and capacity as a Direct Customer or from an ESCo provided the ESCo has met eligibility requirements set forth in Section 2 of the UBP.

39.2.2 To be eligible to be a Direct Customer, a customer must meet the criteria set forth in Section 1 of the UBP.

39.2.3 If a customer has any portion of its electricity requirements provided on unmetered service under this Tariff or receives 25 Hertz service, both services will not be eligible to participate in the Retail Access Program.

#### 39.3 ESCO/DIRECT CUSTOMER ELIGIBILITY REQUIREMENTS

39.3.1 Appendix A, Section 2 of the UBP sets forth the process that an applicant is required to follow for a DPS finding of eligibility to sell electricity as an ESCo, that an ESCo is required to maintain eligibility, and that the Company must follow for discontinuance of an ESCo or Direct Customer participation in this program.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 210  
REVISION: 0  
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## GENERAL INFORMATION

### 39. RETAIL ACCESS PROGRAM (Continued)

#### 39.4 CREDITWORTHINESS

39.4.1 Appendix A, Section 3 of the UBP establishes the creditworthiness standards that apply to ESCo's and Direct Customers. In addition, an ESCo/Direct Customer's participation in the Company's Retail Access Program is contingent upon the ESCo/Direct Customer meeting the credit requirements set forth in the NYISO Tariff and continued qualification as a Load Serving Entity.

39.4.2 ESCos are required to provide evidence of creditworthiness to the Company before they will be allowed to request prepayments or security deposits from residential and small commercial customers participating in the Retail Access Program. Residential customers are defined as those customers taking service under Service Classification Nos. 1, 1-B, and 1-C. Small commercial customers are defined as those customers taking service under Service Classification No. 2 (both unmetered and metered demand service).

39.4.2.1 ESCos will be allowed to accept prepayments from customers if they or a Parent Company, if the Parent agrees to act as guarantor for the ESCo, submit the required evidence of a minimum bond rating of "BBB" from S&P, "Baa 2" from Moody's or "BBB" from Fitch.

39.4.2.2 ESCos will be allowed to accept deposits from customers if they or a Parent Company, if the Parent agrees to act as guarantor for the ESCo, submit the required evidence of a minimum bond rating as set forth in Rule 39.4.2.1, or an escrow account, or a letter of credit from an "A" rated financial institution.

39.4.2.3 ESCos are required to maintain records of customer deposits and prepayments. ESCos should be prepared to make this information available for inspection upon request by the Public Service Commission. The ESCos should be prepared to file a report in the manner and form requested by the Public Service Commission.

39.4.2.4 ESCos are required to provide notice to a new customer before the customer makes a deposit or prepayment with the ESCo. ESCos shall notify existing customers before the customer makes a deposit or prepayment with the ESCo by providing copies of revised disclosure statements and/or contracts that contain the information in the notice. ESCos must file an example of the revised disclosure statements and/or contract with the Public Service Commission prior to providing it to customers.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012

LEAF: 211  
REVISION: 3  
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## GENERAL INFORMATION

### 39. RETAIL ACCESS PROGRAM (Continued)

#### 39.4 CREDITWORTHINESS (Continued)

39.4.2.4.1 The information in the notice and revised disclosure statements and/or contracts would include the following:

- 1) A description of the credit evidence, escrow account, or letter of credit evidence submitted by the ESCo as set forth in Rules 39.4.2.1 and 39.4.2.2;
- 2) Applicable interest rate, if any;
- 3) Conditions of use of customer funds;
- 4) Circumstances that allow the use of funds for payment of customer bills;
- 5) Conditions for return of funds to customers.

39.4.2.5 Any transfers obtained by the Company under Rule 2.3 will be prohibited. The Company will continue to administer its deposit policy in accordance with Rule 2.3 of the Tariff.

#### 39.5 LOAD BALANCING

The ESCo/Direct Customer shall be responsible for compliance with all of the provisions of the NYISO Tariff that are applicable to Load Serving Entity's ("LSE").

#### 39.6 CHANGES IN SERVICE PROVIDERS

39.6.1 Appendix A, Section 5 of the UBP establishes practices for receiving, processing and fulfilling requests for changing a customer's ESCo and for obtaining a customer's authorization for such a change.

#### 39.7 CUSTOMER INQUIRIES

Appendix A, Section 6 of the UBP establishes requirements for responses by an ESCo or the Company to retail access customer inquiries.

#### 39.8 RATES TO BE PAID BY CUSTOMERS PARTICIPATING IN THE RETAIL ACCESS PROGRAM

39.8.1 All customers participating in the Retail Access Program will pay unbundled Transmission and Distribution charges and non-bypassable Legacy Transition Charge ("LTC") to the extent applicable. Each customer is subject to the above mentioned unbundled rates and charges as set forth in the customer's otherwise applicable Service Classification or Agreement.

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## GENERAL INFORMATION

### 39. RETAIL ACCESS PROGRAM (Continued)

#### 39.8 RATES TO BE PAID BY CUSTOMERS PARTICIPATING IN THE RETAIL ACCESS PROGRAM (Continued)

39.8.3 The ESCO/Direct Customer shall be responsible for all charges of the NYISO Tariff which shall include, but not limited to: Transmission Usage Charge ("TUC"), congestion, losses, ancillary services, NTAC, and capacity.

Exceptions to these charges include:

- (1) The Distribution Delivery Charges within each Service Classification Tariff includes the NYISO Tariff Transmission Service Charge for delivery to the RDRP.

#### 39.9 CUSTOMER INFORMATION

39.9.1 Appendix A, Section 4 of the UBP establishes the practices for release of customer information by the Company or MDSP's to ESCOs and Direct Customers and identifies the content of the information sets.

39.9.2 A fee of \$15.00 will be charged for each year of customer data beyond the most recent 24 month period or for detailed interval data per account for any length of time.

#### 39.10 BILLING AND PAYMENT PROCESSING

39.10.1 Appendix A, Section 9 of the UBP establishes the requirements for billing and payment processing options offered by the Company and ESCo.

39.10.2 The terms and conditions of existing Billing Service Agreements with ESCOs for consolidated billing provided by the Company will supersede the UBP Order and will remain in effect until the date of termination or either party exercises the option to terminate or modify the agreement



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#### GENERAL INFORMATION

### 39. RETAIL ACCESS PROGRAM (Continued)

#### 39.11 BILLING BACKOUT CREDIT AND BILLING CHARGES

39.11.1 P.S.C No. 220 and P.S.C No. 214 customers who receive electric service from an ESCo and receive a consolidated bill from either the Company or the ESCo will receive a Billing Back out Credit as described in the chart below. If the consolidated bill is issued by the Company, the ESCo will pay the Billing Charges described in the chart. The following chart sets forth the Customer Billing Backout Credits and ESCo Billing Charges.

Type of Customer	Type of ESCo Service	ESCo Billing Charge	Customer Backout Credit
Electric Only	ESCo Supplies Electric	\$0.82	\$0.82
Dual Gas & Electric	ESCo Supplies Electric	\$0.41	\$0.41

#### 39.12 ACCOUNT SEPARATION FEE

39.12.1 If a combination service customer chooses to receive a consolidated bill from an ESCo but chooses to receive gas and electricity supply service from two different suppliers (Company or ESCo), the combination account will be separated into separate gas and electric accounts with a single bill (delivery and supply) rendered for each account.

39.12.1.1 The party requesting the enrollment or change in billing arrangement that initiates the account separation of a combination account will be charged a fee of \$25.46 to separate the account. This fee shall cover the one-time cost of recombining the separate accounts if required in the future.

#### 39.13 COMPANY INVOICES

39.13.1 Appendix A, Section 7 of the UBP establishes procedures for charges for services provided by the Company directly to an ESCo or Direct Customer.

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#### GENERAL INFORMATION

#### 39. RETAIL ACCESS PROGRAM (Continued)

##### 39.14 METERING REQUIREMENTS

39.14.1 Metering requirements are set forth in Rule 25 and those requirements apply to the Retail Access Program, including the availability of interval recorders. Additional metering information, consistent with PSC Opinion 97-13, is available from the Company upon request.

39.14.2 Customers participating in the Company's Retail Access Program may continue to use the same metering equipment that is in place at the time of their applications for retail access.

39.14.3 For those customers without interval meters, the Company will utilize representative service class Load Shapes (reflecting voltage delivery level) for balancing and settlement purposes. For those customers with interval meters, the Company will utilize actual Load Shapes for balancing and settlement purposes.

##### 39.14.4 Special Meter Reading

39.14.4.1 The Company will provide special meter readings to facilitate Customer switches. The Company will charge a fee of \$20 per meter for each special meter reading requested by an ESCO/ Direct Customer or Customer. The fee to the ESCO/Direct Customer or Customer will be invoiced in accordance with Rule 39.11.

39.14.4.1.1 If the Customer has a meter that the Company can read without sending personnel to the Customer's premises (e.g., via advanced metering infrastructure or if the Customer has provided a telephone line as set forth in Rule 25), the Company shall not impose a meter reading fee for such Customer.

39.14.4.2 Requests for a special meter reading must be made at least 15 calendar days in advance of the requested read date, except in cases where the customer has requested discontinuation of utility service and has requested an actual meter read. In which case, the Company shall provide such a read within 48 hours, provided that if circumstances beyond the control of the Company make an actual reading of the meter extremely difficult, the Company shall not be required to provide an actual meter reading. Furthermore, the Company shall not be required to provide a physical reading during a holiday or non-work day but shall instead provide such meter reading on the next work day.

39.14.4.3 In the event that a request for a special meter reading would compromise the Company's ability to read the meters of customers not participating in the Company's Retail Access Program, the Company will work with the requesting party to determine a mutually acceptable date for the read to be obtained or accept a reading provided by the customer.

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## GENERAL INFORMATION

### 39. RETAIL ACCESS PROGRAM (Continued)

#### 39.15 DISPUTES INVOLVING THE COMPANY, ESCOS OR DIRECT CUSTOMERS

39.15.1 Appendix A, Section 8 of the UBP describes the dispute resolution processes available at the Public Service Commission to resolve disputes relating to competitive energy markets involving the Company, ESCo, or Direct Customers including disputes alleging anti-competitive practices.

#### 39.16 LIMITATION OF LIABILITY

39.16.1 The Company shall not be liable to a customer or an ESCo/Direct Customer for any damages or losses of any nature (including economic losses), or for any costs or expenses (including attorneys' fees), or for any judgments or claims, directly or indirectly caused by, arising out of, or resulting from the Company's acts or omissions under this Rule, or from its supply of data and information, or under any legal or regulatory requirements related to the Retail Access Program, except for any damages or losses caused by the gross negligence or intentional misconduct of the Company.

39.16.2 The Company shall not be liable to a customer for any damages or losses of any nature (including economic losses), or for any costs or expenses (including attorneys' fees), or for any judgments or claims, directly or indirectly caused to the customer by any act or omission of an ESCo/Direct Customer.

39.16.3 The Company shall not be liable to an ESCo/Direct Customer for any damages or losses of any nature (including economic losses), or for any costs or expenses (including attorneys' fees), or for any judgments or claims, directly or indirectly caused to the ESCo/Direct Customer by any act or omission of a customer.

39.16.4 Any suspension or termination of an ESCo/Direct Customer shall be without any liability to the Company.

39.16.5 The Company's total cumulative liability to an ESCo/Direct Customer or a customer whether arising out of Tariff, contract, tort (including negligence and strict liability) or otherwise, shall be limited to direct damages.

39.16.6 In no event shall the Company be liable to a customer or an ESCo/Direct Customer, whether in contract, tort (including negligence and strict liability), or otherwise, for any and all special, indirect, penal, punitive, or consequential damage of any kind, including, but not limited to, loss of use of equipment or facilities, lost profits or revenues, expenses involving cost of capital, cost of repair or cleanup, additional costs involved in construction or operation of facilities, or claims of customers or suppliers.

39.16.7 The provisions of this Rule shall survive the customer's and the ESCo/Direct Customer's participation in the Retail Access Program.

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## GENERAL INFORMATION

### 39. RETAIL ACCESS PROGRAM (Continued)

#### 39.17 INDEMNIFICATION

39.17.1 An ESCo/Direct Customer, to the fullest extent of the law, shall indemnify, defend, and save harmless the Company from and against any loss, damage, liability, cost, suit, charge, expense (including attorneys' fees), claim, investigation, proceeding, or cause of action, which may at any time be imposed on, incurred by, or asserted against the Company and in any way relates to or is claimed to relate to or arise out of any damage or injury to property (including real property, personal property, and environmental damages), persons (including injuries resulting in death), or any economic losses, by or to third parties (including customers), that are directly or indirectly caused by or arise out of or are in any way connected with the ESCo/Direct Customer's acts or omissions (including the ESCo/Direct Customer's performance or non-performance of its agreements with customers).

#### 39.18 SPECIAL PROVISIONS

39.18.1 The ESCo/Direct Customer shall be responsible for all losses determined by the Company based on the actual subzone loads from the NYISO and shall settle directly with the NYISO.

39.18.1.1 Losses reported to the NYISO shall include losses on the Company's underlying delivery systems not included in the NYISO Tariff. The Company losses to be allocated through the NYISO settlement process include the following efficiency factors:

#### LOCAL TRANSMISSION EFFICIENCY FACTORS

Transmission	1.021
Subtransmission	1.047
Primary	1.061
Secondary	1.084

39.18.1.2 In addition to the adjustment under Section 39.18.1.1, the remaining unaccounted for energy will be allocated to all LSEs as follows:

#### AVERAGE UNACCOUNTED FOR ENERGY FACTOR

The Company will calculate an Average Unaccounted for Energy Factor defined as the quantity of unaccounted energy, equal to the sum of remaining unaccounted for energy in all six of the Company's subzones, calculated for the four most recent months reported to the NYISO for NYISO billing and settlement purposes, divided by the sum of all the LSE load requirements for all six of the Company's subzones for the same four month period. An Average Unaccounted for Energy Factor will be updated each month.

The Company will report each ESCo load requirement to the NYISO for NYISO billing and settlement purposes as the ESCo retail load times the Local Transmission Efficiency Factors times one (1) plus the Average Unaccounted for Energy Factor.

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## GENERAL INFORMATION

### 39. RETAIL ACCESS PROGRAM (Continued)

#### 39.18 SPECIAL PROVISIONS (Continued)

39.18.2 ESCos will be prohibited from the aggregation of customer loads participating in the Retail Access Program, inclusive of transmission and distribution and customer charges, based on customers' coincident demands.

39.18.2.1 The above Rule 39.18.2 does not apply to or prohibit the aggregation of electricity for customers eligible for the Retail Access Program.

39.18.3 In the event that any portion of the service provided hereunder is subject to the jurisdiction of the FERC, such portion shall be performed in accordance with the NYISO Tariff as the same may be modified or superseded from time to time.

39.18.4 Subject to the jurisdiction of the PSC or the FERC, an ESCo/Direct Customer's participation in the Retail Access Program shall constitute the ESCo/Direct Customer's consent to the personal jurisdiction of courts in the State of New York in any litigation or proceeding concerning any matters related to that ESCo/Direct Customer's participation in the Retail Access Program.

#### 39.19 Special Rule For Delivery of NYPA Power by Mutual Agreement

The Company may deliver NYPA Power for which no other delivery rate is established in this Tariff directly to a customer under the provisions of Rule 39 where the Company, NYPA, and the customer mutually agree, provided that the conditions set forth in Rules 39.19.1 are met.

##### 39.19.1 Conditions for Service

NYPA and the customer execute a written agreement for the purchase and sale of such power and a copy of the agreement is provided to the Company. In the case where the customer is a tenant, the customer's landlord may execute the purchase and sale agreement for supply to the customer-tenant; and

The customer (or customer's landlord) and NYPA execute a written service agreement with the Company for delivery of such power, agreeing that all of the delivery rates and other charges that the customer would otherwise pay if the customer were taking equivalent service from an ESCO pursuant to Rule 39, including without limitation distribution, transmission, loss allowances, and all applicable surcharges, will be applicable to the delivery.

##### 39.19.2 Terms of the Service Agreement

The service agreement provided for in Rule 39.19.1 may provide for the payment of the Company's rates and charges by either the customer, the customer's landlord, or by NYPA. The service agreement also may establish alternate billing and metering arrangements for such deliveries. Except for those non-rate related provisions of Rule 39 that the service agreement specifies will not apply, service shall be provided in accordance with the terms and conditions specified in Rule 39.

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#### GENERAL INFORMATION

#### 39. RETAIL ACCESS PROGRAM (Continued)

#### 39.20 Community Choice Aggregation ("CCA") Program

39.20.1 A CCA Program allows municipalities (villages, towns, and cities) to aggregate the usage of eligible CCA customers (residential and small non-residential customers) within a defined jurisdiction in order to secure an alternative energy supply contract on a community-wide basis.

39.20.1.1 In accordance with Order issued in Case 14-M-0224, before requesting customer data from the Company for participation in a CCA Program, the municipality or their designee (CCA Administrator or ESCO) must:

- (a) sign a data security agreement acceptable to the Company, and
- (b) have an approved implementation plan and certification of local authorization approved by the NYS PSC.

39.20.1.2 Upon fulfilling the requirements in Rule 39.20.1.1, the Company will provide the following information to the municipality or their designee in accordance with the terms and fee(s) stated herein.

(a) Aggregated customer data, including the number of customers by service class, the meter read cycle, the aggregated peak demand (kW) by month for the past 12 months by service class if applicable, and the aggregated energy (kWh) by month for the past 12 months by service class. This information will be provided to the municipality or CCA Administrator within twenty days of a request. There will be no charge for the above aggregated data.

(b) After each municipality has entered into a CCA contract with an ESCO, the Company shall transfer customer-specific data to the municipality or CCA Administrator within five days of receipt of a request to support the mailing of opt-out notices. The data shall include all customers in the municipality eligible for opt-out treatment based on the CCA and the requirements of the April 21, 2016 and January 19, 2023 Orders issued in Case 14-M-0224. The data should include:

- 1) Customer of record's name
- 2) Mailing Address
- 3) Primary Language (if available from the Company's billing system)
- 4) Any customer-specific alternate billing name and address
- 5) Bill cycle and period code
- 6) Tax-exempt status
- 7) Net metered/VDER/solar account indicator
- 8) Dual-meter indicator

(c) After the opt-out process has been completed, the Company shall transfer account numbers for eligible customers that did not opt-out to the ESCO providing service within five days of receipt of a list of customers that opted out. These account numbers may be transmitted via electronic mail in secured, encrypted spreadsheets, through access to a secure website, or through other secure methods of transfer. There will be no charge for the above data described in (b) and (c).

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## GENERAL INFORMATION

## 39. RETAIL ACCESS PROGRAM (Continued)

## 39.20 Community Choice Aggregation ("CCA") Program

(d) Upon request by the municipality or CCA Administrator the Company will transfer the customer data in (b) to the requestor within five days of the request for CCA eligible customers that became customers of the Company since the last eligible customer list was provided and were not on a previous eligible for opt-out list. After the opt-out process has been completed for those customers, the Company will provide account numbers for customers that did not opt-out as set forth in (c). These eligible customer update lists will be provided without charge. The Company will distinguish between new accounts and Customers that are now opt-out eligible for other reasons.

39.20.1.3 For disputes arising in relation to a CCA, the Company, CCA Administrators, and Energy Service Entities may utilize the dispute resolution process specified in the January 19, 2023, Order issued in Case No. 14-M-0224.

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## GENERAL INFORMATION

## 40. VALUE OF DISTRIBUTION ENERGY RESOURCES (VDER)

The VDER Phase One tariffs are comprised of two components: Phase One net energy metering (NEM) and the Value Stack tariff.

## 40.1 Phase One NEM

40.1.1 Mass market on-site projects (as defined in Rule 36.1.9) with eligible generating equipment under PSL Section 66-j will be compensated under Phase One NEM. Newly Eligible Technologies, as defined in Rule 29, will not be eligible for compensation under Rule 40.1 – Phase One NEM.

40.1.2 Mass market on-site projects (as defined in Rule 36.1.9) with eligible generating equipment under PSL Section 66-l that are not used to offset consumption at any other site and are interconnected after the 0.3% cap (as defined in Rule 37.3) is reached will be compensated under Phase One NEM.

40.1.3 On-site projects serving demand-metered non-residential customers with a rated capacity of 750 kW AC or lower that are: i) at the same location and behind the same meter as the electric customer whose usage they are designed to offset, and ii) have an estimated annual output less than or equal to 110% of the customer's historical annual usage in kWh, will be eligible for compensation under Phase One NEM.

40.1.4 RNM projects (as defined in Rule 36.7), large on-site projects (defined as Customer-Generators served under a non-residential demand or mandatory hourly pricing (MHP) service classification), and CDG projects with eligible generating equipment under PSL Section 66-j for which, by July 17, 2017, 25% of the interconnection costs have been paid or a Standard Interconnection Contract has been executed if no such payment is required, will be compensated based on Phase One NEM subject to the following additional limitation:

40.1.4.1 CDG projects will be subject to market capacity limitations which the Commission has established as 100 MW for the Company.



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## GENERAL INFORMATION

## 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

40.1.5 RNM projects, large on-site projects, and CDG projects with eligible generating equipment under PSL Section 66-j that do not qualify for Phase One NEM will be compensated under the Value Stack tariff.

40.1.6 Phase One NEM is identical to net metering in Rule 36.1 except that projects eligible for Phase One NEM will be subject to a compensation term length of 20 years from the date of interconnection and will have the ability to carryover excess credits to subsequent billing periods and annual periods as follows:

- a. Excluding credits held by CDG project sponsors, unused credits may be carried over to the next monthly billing period, including to the next annual period.
- b. At the end of a project's compensation term, any unused credits will be forfeited.
- c. CDG Host will be given a two-year grace period beyond the end of the annual period to distribute any credits retained by the CDG Host at the end of the annual period. The two-year grace period begins at the end of the annual period when the credits are reallocated to the CDG Host. The CDG Host may furnish to the Company, up to once per CDG Host billing cycle and with no less than 30 days' notice, written instructions for allocating any excess credits banked to the CDG Host's account.
- d. If at any time during the grace period the CDG Host has credits in its account throughout the grace period, then at the end of the grace period the CDG Host will be required to forfeit a number of credits equal to the smallest number of credits that were in its account at any point during the grace period, since that represents the number of credits that were held over from the previous period.
- e. CDG Host will only be permitted to retain credits for distribution during the two-year grace period if those credits remain after the CDG Host has distributed as many credits as practicable to members, such that each CDG Satellite's consumption in the final month of the annual period is fully offset by the credits provided.

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## GENERAL INFORMATION

## 40. VALUE OF DISTRIBUTION ENERGY RESOURCES (VDER) (Continued)

40.1.7 Excluding mass market on-site projects, all other projects compensated under Phase One NEM must be equipped with interval meters in accordance with Rule No. 25 – Meter, capable of recording net hourly consumption and injection. The Customer-Generator will be responsible for the cost of such interval meters. For RNM and CDG projects, interval meters must be installed by the time of interconnection. For large on-site projects, where an insufficient meter may already be present, the required metering should be installed by a date mutually agreed upon by the customer and the Company.

40.1.8 Customer-Generators that qualify for Phase One NEM, interconnected on or after January 1, 2022, shall be:

40.1.8.1 Subject to the Customer Benefit Contribution (CBC) Charge for the duration of when the Customer-Generator is in service, with the exception of i) commercial demand Customer-Generators with a rated capacity of 750 kW AC or lower, as described in Rule 40.1.3, ii) CDG projects, iii) Remote Crediting projects, or iv) large on-site projects compensated under the Value Stack Rule 40.2.

The CBC Charge will recover certain public benefit program costs including costs associated with the Company's Commission-approved Low Income and Energy Efficiency programs, as well as the Company's Clean Energy Fund assessment, and will be calculated in accordance with the Commission's Order in Case 15-E-0751 issued August 13, 2021.

The Customer-Generator's CBC Charge will be determined annually by multiplying the CBC rate in effect at the time of billing by the kW DC nameplate capacity rating of the Customer-Generator's electric generating equipment. The CBC Charge cannot be offset by any monetary credits on the Customer-Generator's account. The CBC Charge will be calculated separately for each CBC-eligible electric generating equipment located on-site.

The applicable CBC Charge for customers with eligible generation paired with energy storage will be established based solely on the nameplate capacity of the applicable generation resource and will not include the nameplate capacity of the energy storage system.

On an annual basis, the CBC Charge will be provided on the Statement of Customer Benefit Contribution as filed with the Commission on not less than fifteen (15) days' notice to become effective January 1 of each year.

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## GENERAL INFORMATION

### 40. VALUE OF DISTRIBUTION ENERGY RESOURCES (VDER) (Continued)

40.1.8.2 Permitted to elect service under SC1 VTOU rate option once per year on the selected anniversary date. Customer-Generators that elect this option will be subject to the following: Net energy provided to the Company will be applied in proportion to the usage in each time period and converted to the equivalent monetary value at the per-kWh rate applicable to the corresponding time period of the Customer-Generator's Service Classification. The monetary credit will be applied towards any outstanding electric charges, excluding the Customer Benefit Contribution Surcharge, in the billing period and any excess monetary credit will carry forward to the next billing period in the appropriate time period.

40.1.8.3 Permitted to elect service under Service Classification No. 7 ("SC-7") as a one-time, irrevocable election, when such opt-in is available to the Customer-Generator's otherwise applicable parent service class under SC-7, but the Customer-Generator will no longer be eligible for Phase One NEM thereafter. At the time of such election, the Customer-Generator will receive compensation under Rule 40.2 – Value Stack.

40.1.8.4 Permitted to opt-into the Value Stack compensation under Rule 40.2. Customer-Generators classified as mass-market, as defined in Rule 36.1.9, that opt-into the Value Stack will continue to be subject to the CBC Charge. The CBC Charge cannot be offset by any monetary Value Stack credits on the Customer-Generator's account.

40.1.9 Mass market on-site projects subject to Phase One NEM compensation will be permitted to pair on-site energy storage with the eligible generating equipment under PSL Sections 66-j and 66-l and remain eligible under Phase One NEM. However, customers that pair energy storage with a RNM, large on-site, or CDG project will be required to receive compensation based on the VDER Value Stack tariff.

40.1.10 The compensation methodology should be determined at the time that a project pays 25% of its interconnection costs or at the time the Standard Interconnection Contract is executed if no such payment is required. However, projects electing compensation under Phase One NEM will be provided a one-time, irrevocable opt in to the VDER Value Stack tariff. Changes in project ownership, as well as subscription changes for CDG projects, are not a basis for seeking a change in a project's compensation methodology.

40.1.11 Once the compensation term under Phase One NEM ends, projects still in operation and injecting energy into the Company's electric system will be compensated under the tariff then in effect.

40.1.12 Projects compensated under Phase One NEM are ineligible to 1) participate in the Company's Term-DLM or Auto-DLM Programs, or 2) sell energy or capacity to the NYISO through one of its wholesale DER Participation Model programs, either directly or through an aggregation.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER)

##### 40.2 VALUE STACK

##### Eligibility:

40.2.1 A customer satisfying the threshold requirements of 40.2.1.1 below and who also meets one of the requirements of 40.2.1.2 through 40.2.1.11 will be required to receive project compensation under the VDER Value Stack tariff which will be based on monetary crediting for net hourly injections:

40.2.1.1 Any customer, residential or non-residential, who owns or operates electric generating equipment ("Facility"), as defined in Public Service Law ("PSL") Section 66-j or Section 66-l, limited in size in conformance with the statute for each Facility type and customer type that generates electric energy in accordance with the criteria as set forth in Rules 36.1.7 and 37.1.5; with the exception that the customer class and capacity limitations are removed under this Rule 40.2, and the 2 MW limit on eligible technologies will be increased to 5 MW for compensation under this Rule 40.2, except for CHP technologies; or

40.2.1.1.1 A customer with Newly Eligible Technologies, regardless of the vintage date requirement qualifying them as a Tier 1 REC eligible resource, including but not limited to: anaerobic food waste digesters, biomass, liquid biofuel, and tidal/ocean; or

40.2.1.1.2 A customer with eligible stand-alone storage, including storage paired with consumption load or charged using regenerative braking technologies, and vehicle-to-grid ("V2G") or vehicle-to-grid integration ("VGI") systems, with the following restrictions:

40.2.1.1.2.1 A customer with eligible stand-alone storage compensated under this Rule 40.2, who is not otherwise charged hourly pricing for energy supply under Rule 46.1.3, will be required to opt in to hourly supply pricing under Service Classification No. 2, Special Provision P, or Service Classification No. 3, Special Provision N, as applicable. Excluded from this requirement are customers with stand-alone storage sized not to exceed 115% of the customer's peak consumption load.

40.2.1.1.2.2 A customer with eligible stand-alone storage where the stand-alone storage is separately metered shall be required to opt in to hourly supply pricing for the stand-alone storage metered usage only.

Projects eligible under Rule 40.2.1.1.1 or 40.2.1.1.2 will receive Value Stack compensation for a term of 25 years from their interconnection date, after which the project may transition to the then-applicable tariff for compensating DERs if desired only if the project meets all compensation eligibility requirements at such time.

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## GENERAL INFORMATION

## 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER)

40.2.1.2 A mass market customer (as defined in Rule 36.1.9) that otherwise opts out of Phase One NEM as set forth in Rule 40.1, is subject to the following:

40.2.1.2.1 Residential customers or non-demand small commercial customers that qualify for Phase One NEM that: (a) opt into the Value Stack or (b) elect to take service under SC-7 on or after January 1, 2022, if eligible, will be subject to the CBC Charge described in Rule 40.1.8.

40.2.1.3 A large on-site customer (non-residential, demand-billed customer) that installs on-site generation that is not used to offset consumption at any other site, for which the Eligibility Date is after July 17, 2017. The Eligibility Date is defined herein as the date at which 25% of the interconnection costs have been paid or a Standard Interconnection Contract has been executed if no such payment is required;

40.2.1.4 A project eligible for RNM, pursuant to Rules 36.7 and 37.10, for which the Eligibility Date is after July 17, 2017, will be compensated under the Remote Crediting methodology, as specified in Rule 66, beginning September 1, 2021. The requirement that satellite accounts must be in the same load zone as the host account Customer-Generator specified in Rule 36.7.2 and 37.10.2 shall not apply to Remote Crediting projects compensated under this Rule 40.2;

40.2.1.5 A project eligible for CDG, pursuant to Rule 29, for which the Eligibility Date is after July 17, 2017. The requirement that CDG Hosts and associated CDG Satellites must be in the same load zone as specified in Rule 29.1.2 shall not apply to CDG projects compensated under this Rule 40.2;

40.2.1.6 A CDG customer, Remote Crediting customer as specified in Rule 66, or large on-site customer as specified in Rule 40.2.1.1 with a Facility paired with energy storage ("Hybrid Facility"), subject to the additional requirements in Rule 40.2.3.2;

40.2.1.7 A CDG customer, Remote Crediting customer as specified in Rule 66, or large on-site customer who has not met the requirements in Rule No. 40.1.3 to qualify for Phase One NEM; or

40.2.1.8 A customer with a Facility compensated pursuant to Rule No. 36 or 40.1 may opt to take service under this Rule. Such election shall be a one-time election and shall be irrevocable.

PSC NO. 220 ELECTRICITY

LEAF: 220.0.2

NIAGARA MOHAWK POWER CORPORATION

REVISION: 3

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STAMPS: Issued in Compliance with Order in Case 19-E-0735, issued July 15, 2021.

## GENERAL INFORMATION

## 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

**Opting In to the Value Stack by Existing Generators Greater than 2 MW and up to 5 MW**

40.2.1.9 In accordance with the order issued February 22, 2018 in Case 15-E-0751, eligibility for participation in the Value Stack tariff for projects that are currently eligible up to 2 MW, was expanded for projects greater than 2 MW up to 5 MW. Eligible projects include on-site projects, RNM projects, and CDG projects, as well as multiple remote generators at host sites and a generator located at the satellite account with a cumulative rated capacity of up to 5 MW. Projects will continue to be subject to fuel source requirements and other technical requirements included in this tariff in accordance with statutes listed in Rule 40.2.1. Projects must be in conformance with the criteria as set forth in Rule 36.1.7;

40.2.1.9.1 The expanded eligibility in Rule 40.2.1.9 above does not apply to residential customers who own, lease, or operate eligible Micro-Combined Heat and Power Generating Equipment as set forth in Rule 36.1.4;

40.2.1.9.2 Existing generators sized greater than 2 MW and up to 5 MW that meet the eligibility criteria in Rule 40.2.1, and not currently compensated under the Value Stack tariff, shall be permitted to opt-in to participation in the VDER tariff and receive Value Stack compensation.

40.2.1.9.3 The projects described in Rule 40.2.1.9 will be subject to the same rules as projects of 5 MW or less that opt into the Value Stack tariff, including the limitation of environmental compensation to projects that meet the CES requirements, regardless of vintage date, and other applicable CES requirements. RNM projects that opt into the Value Stack will be subject to Remote Crediting methodology as specified in Rule 66.

40.2.1.9.4 If the project is eligible for the Market Transition Credit ("MTC") or Community Credit per Rule 40.2.3.1, it will be placed in the Tranche that is open at the time the project opts in and will receive compensation based on that Tranche.

40.2.1.9.5 Existing interconnected generating facilities that move to the Value Stack tariff without any change to the characteristics of the existing generator are not subject to the interconnection procedures specified in the Standard Interconnection Requirements ("SIR"). Projects receiving compensation for renewable attributes through the Renewable Portfolio Standard, including the Maintenance Tier, or through Tier 2 of the CES, are permitted to opt-in to the Value Stack Tariff and receive elements of the Value Stack other than the Environmental Value.

40.2.1.9.6 The Company will accommodate requests to opt-in to the Value Stack tariff by identifying necessary metering changes and installing the appropriate meters within a reasonable period of time after receipt of the request and payment by the Customer-Generator of any charges related to the change in metering.

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## GENERAL INFORMATION

### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

#### **Expansion of Existing Interconnected Projects Greater Than 2 MW up to 5 MW**

40.2.1.10 Existing, interconnected projects sized at 2 MW or less and currently receiving compensation under NEM, Phase One NEM, or the Value Stack may have the capability, based on their design and location, to expand their capacity up to 5 MW.

40.2.1.10.1 Expansion requests for interconnected projects will be managed per the SIR. Value Stack compensation will be available after the applicable interconnection requirements have been met, in accordance with the SIR.

40.2.1.10.2 If the interconnection project currently receives compensation through NEM or Phase One NEM, the expanded project must accept Value Stack compensation for the entire project.

40.2.1.10.3 A CDG project already receiving Value Stack compensation will receive compensation based on the currently available Tranche for the entire expanded project. The Company will reduce the capacity of the project's original Tranche by the project's original capacity and add that capacity to the currently open Tranche. This methodology applies to both the MTC Tranches and the Community Credit Tranches specified in Rule 40.2.4.

#### **Expansion or Consolidation of Projects under Development Resulting in an Increase of the Project Capacity to Greater than 2 MW up to 5 MW**

40.2.1.11 A proposed project currently in the Company's interconnection queue may choose to increase that project's capacity to greater than 2 MW, or to consolidate existing projects on neighboring sites, subject to the new capacity of the project being capped at 5 MW in order to qualify for Value Stack compensation. Proposed projects already in the interconnection queue and designed to receive Value Stack compensation may make application for expansion up to 5 MW as of April 1, 2018.

40.2.1.11.1 If the resulting project is a consolidated CDG project no larger than 5 MW, that has a total capacity equal to or less than the original projects, and if the original projects had received the same Tranche assignment, the consolidated CDG project will retain that Tranche assignment.

40.2.1.11.2 If the resulting project is an expansion of a CDG project, or a consolidation of CDG projects with different Tranche assignments or no Tranche assignments, the resulting CDG project will be placed in the currently available Tranche at the time it meets the appropriate milestone for such assignment, or at the time of expansion or consolidation if the resulting CDG project has already met that milestone. However, where one of the CDG projects was originally in a previously available Tranche, the capacity associated with that CDG project will be moved to the Tranche in which the resulting project is placed. This methodology applies to both the MTC Tranches and the Community Credit Tranches specified in Rule 40.2.4.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

##### 40.2.2 Requirements:

All projects compensated under the VDER Value Stack must be equipped with interval meters, in accordance with Rule No. 25 – Meter, capable of recording net hourly consumption and injection. The customer will be responsible for the cost of such interval meters. Alternatively, customers can arrange for their Facility to be separately metered from their consumption with the additional metering cost to be borne by the customer in accordance with Rule No. 25 – Meter.

40.2.2.1 For Remote Crediting and CDG projects, interval metering must be installed by the time of interconnection.

40.2.2.2 For large on-site projects, where an insufficient meter may be present, interval metering should be installed as soon as practicable.

40.2.2.3 Any mass market customer that opts into the VDER Value Stack tariff must have an interval meter installed before VDER Value Stack compensation can be received.

##### 40.2.3 VDER Value Stack Crediting:

In each billing period, the Company shall pay a credit to the project for net hourly injections from the Facility by summing the credits available from the individual VDER Value Stack components as calculated in Rule 40.2.3.1 for projects that are not paired with energy storage and in Rule 40.2.3.2 for Hybrid Facilities. For projects whose credits are being allocated to satellites that receive NYPA deliveries under S.C. No. 4 or S.C. No. 12, or receive RNY deliveries, the applicable satellite credits may also be used to offset delivery charges associated with these NYPA or RNY deliveries, with the exception that deliveries under S.C. No. 12 must be on a “first through the meter” basis without any accompanying discount to any of the otherwise applicable service class charges billed under the S.C. No. 12 contract.



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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

##### 40.2.3.1 Projects Not Paired with Energy Storage:

##### i. Value Stack Energy Component:

The Value Stack Energy Component is based on the NYISO day-ahead hourly zonal LBMP, inclusive of losses, applied to the project's hourly net injections in the billing period; losses will vary by voltage delivery level as specified in Rule 39.18.1.1.

For CDG projects participating in the CDG Net Crediting Program, the applicable Value Stack Energy Component calculated above will be included in the calculation of the Value Stack Credits that will apply to CDG Satellites as specified in Rule 29.4.

For CDG projects participating in the E-SFA Program, the applicable Value Stack Energy Component calculated above will be included in the calculation of the Value Stack Credits that will apply to the aggregated E-SFA Program compensation, as specified in Rule 29.5.

For CDG projects not participating in either the CDG Net Crediting Program, as specified in Rule 29.4, or the E-SFA Program, as specified in Rule 29.5, the Value Stack Energy Component calculated will be determined for each satellite by multiplying the sum of the hourly components calculated above by the satellite's allocation percentage in effect for the billing period as provided by the CDG project sponsor. The Energy Component associated with any percentage remaining when the sum of the satellite percentages is less than 100% ("Unallocated Satellite Percentage") will be banked for later distribution by the CDG project sponsor as specified in Rule 40.2.5.

Customer-Generators participating under the Wholesale Value Stack, as specified in Rule 40.4, either directly or through an aggregation, will not receive the Value Stack Energy Component.

##### ii. Value Stack Capacity Component:

The Customer-Generator may select Value Stack Capacity Component Alternative 1, Alternative 2, or Alternative 3 for intermittent technologies. All dispatchable technologies and technologies eligible under Rules 40.2.1.1.1 and 40.2.1.1.2 may only select Alternative 3.

Customer-Generators participating under the Wholesale Value Stack, as specified in Rule 40.4, either directly or through an aggregation, will not receive the Value Stack Capacity Component.

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SUPERSEDING REVISION: 1

## GENERAL INFORMATION

### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

#### Value Stack Capacity Alternatives:

- a. The Alternative 1 Value Stack Capacity Component compensation will be calculated by multiplying the sum of the project's net injections (kWh) for the billing period by the Alternative 1 Value Stack Capacity rate (\$/kWh) in effect at the time of billing. The Alternative 1 Value Stack Capacity rate (\$/kWh) will be determined separately for (i) projects eligible for Value Stack on or before July 26, 2018, and (ii) projects eligible for Value Stack after July 26, 2018 as provided below. The Eligibility Date is defined as the date at which 25% of the interconnection costs have been paid or a Standard Interconnection Contract has been executed if no such payment is required.

Alternative 1 will be the default Value Stack Capacity Component compensation methodology for intermittent resources if Alternative 2 or Alternative 3 is not otherwise selected by the Customer-Generator.

#### **Projects Eligible for Value Stack on or before July 26, 2018:**

The Alternative 1 Value Stack Capacity rate (\$/kWh) will be determined as the capacity portion of the kWh supply charge applicable to SC2-ND customers for the applicable billing period and will be shown on a statement filed with the PSC.

#### **Projects Eligible for Value Stack after July 26, 2018:**

The Alternative 1 Value Stack Capacity rate (\$/kWh) will be calculated in accordance with the following:

$$(\text{LBMCP forecast } (\$/\text{kW-mo.}) * \text{Proxy Capacity Factor}) / \text{Monthly Solar Production (kWh/kW)}$$

Where:

LBMCP forecast equals a forecast of the LBMCP as defined in Rule 1.64, further modified by capacity price gross-up factors as described in Rule 46.1; and

Proxy Capacity Factor is representative of the project's location as provided in Appendix E of the PSC's April 18, 2019 Order Regarding Value Stack Compensation which uses photovoltaic load curves for the hours of 2:00 pm to 7:00 pm on non-holiday weekdays from June 24 to August 31 inclusive each year to determine the "proxy capacity factor" for the fleet of VDER resources eligible for Value Stack Capacity Alternative 1 compensation; and

Monthly Solar Production equals the monthly kWh/kW factor as provided in Appendix E of the PSC's April 18, 2019 Order Regarding Value Stack Compensation applicable to the project's location and the applicable billing period.

The Alternative 1 Value Stack Capacity rate will be shown on a statement filed with the PSC, not less than three (3) days before its effective date.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

- b. A Customer-generator must elect Value Stack Capacity Component Alternative 2 by May 1 to be eligible to receive the rate beginning June 1 of that year. A Customer-Generator electing Alternative 2 after May 1 will be compensated under Alternative 1 until April 30 of the following calendar year.

The Alternative 2 rate will be revised by June 1 of each year and will be shown on a statement filed with the PSC, not less than three (3) days before its effective date.

##### **Projects Eligible for Value Stack on or before July 26, 2018:**

The Alternative 2 Value Stack Capacity Component compensation will be calculated by multiplying the sum of the project's net injections (kWh) for each on-peak hour, defined below, in the summer months of June, July, and August by the effective Alternative 2 Value Stack Capacity rate (\$/kWh).

The Alternative 2 Value Stack Capacity rate will be the sum of the historical monthly capacity charges calculated for SC2-ND service class for the previous calendar year divided by the 460 peak summer hours to determine a \$/kWh compensation value to be applied during the following summer season.

The on-peak hours are defined as the hours of 2:00 pm to 7:00 pm each day in the months of June, July, and August.

##### **Projects Eligible for Value Stack after July 26, 2018:**

The Alternative 2 Value Stack Capacity Component will be calculated by multiplying: i) the sum of the project's net injections (kWh) for each on-peak hour, defined below, by ii) the effective Alternative 2 Value Stack Capacity rate (\$/kWh).

The Alternative 2 Value Stack Capacity rate will be calculated by dividing, i) the sum of the most recently available monthly NYISO \$/kW-month auction prices for the 12 prior months as of May 31 of each year, inclusive of applicable capacity price gross-up factors, as described in Rule 46.1; by ii) the total number of available on-peak hours, defined below, in that year.

The on-peak hours are defined as the hours of 2:00 pm to 7:00 pm each non-holiday weekday from June 24 through August 31 inclusive.

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NIAGARA MOHAWK POWER CORPORATION

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## GENERAL INFORMATION

## 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

- c. Alternative 3 – The Value Stack Capacity Component compensation will be the product of: i) the project's net kW injection during the hour of the New York Control Area ("NYCA") peak in the previous year, and ii) the effective Alternative 3 Value Stack Capacity rate. The Alternative 3 Value Stack Capacity rate will be determined as the forecasted LBMCP (\$/kW-mo.) rate times the sum of one plus the Unforced Capacity Requirement of the NYISO.

A Customer-Generator with an intermittent technology is eligible to elect Alternative 3 and must make such election by May 1 to be eligible to receive the rate beginning June 1 of that year. A Customer-Generator with intermittent technology electing Alternative 3 after May 1 will be compensated under Alternative 1 until April 30 of the following calendar year.

A request for a change in Value Stack Capacity Component compensation submitted by a Customer-Generator with intermittent generation is subject to the following limitations:

- i. A project compensated under Alternative 1 may switch to compensation under Alternative 2 or to Alternative 3;
- ii. A project compensated under Alternative 2 may switch to Alternative 3;
- iii. A project compensated under Alternative 2 cannot switch to Alternative 1; and
- iv. A project compensated under Alternative 3 cannot switch to Alternative 1 or Alternative 2.

For CDG projects participating in the CDG Net Crediting Program, the applicable Value Stack Capacity Component calculated above will be included in the calculation of the Value Stack Credits that will apply to CDG Satellites as specified in Rule 29.4.

For CDG projects participating in the E-SFA Program, the applicable Value Stack Capacity Component calculated above will be included in the calculation of the Value Stack Credits that will apply to the aggregated E-SFA Program compensation, as specified in Rule 29.5.

For CDG projects not participating in either the CDG Net Crediting Program, as specified in Rule 29.4, or the E-SFA Program, as specified in Rule 29.5, the Value Stack Capacity Component will be determined for each satellite by multiplying the applicable capacity components calculated in 40.2.3.1 ii. a, b, or c above by the satellite's allocation percentage in effect for the billing period as provided by the CDG project sponsor. The Value Stack Capacity Component associated with any Unallocated Satellite Percentage will be banked for later distribution by the CDG project sponsor as specified in Rule 40.2.5.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

##### iii. Value Stack Environmental Component

The Environmental Component will be calculated by multiplying: i) the sum of the project's total net injections for the billing period (kWh), by ii) the Environmental Component rate established at the time of the project's Eligibility Date. The Environmental Component rate will be shown in a statement filed with the PSC and will be fixed for the entire term of the project's 25-year compensation under the VDER Value Stack where such term begins with the project's interconnection date. Customer-Generators have a one-time, irrevocable election at the time of interconnection to opt out of the Environmental Component to preserve the opportunity to participate in voluntary market environmental and sustainability certification programs by retaining the project's RECs. Customer-Generators who do not exercise this opt-out election will transfer all RECs generated by the project to the Company and the Company will be the Responsible Party within the New York Generation Attribute Tracking System ("NYGATS") for all Tier 1 eligible Value Stack projects receiving compensation under the Environmental Component and will receive all associated RECs. This also applies to Tranche 0 Customer-Generators who opt-in to the VDER Value Stack but do not opt-out of the Environmental Component. Customer-Generators who elect to retain their project's RECs will not receive compensation under the Environmental Component and must designate a Responsible Party within the NYGATS.

For CDG projects participating in the CDG Net Crediting Program, the applicable Environmental Component calculated above will be included in the calculation of the Value Stack Credits that will apply to CDG Satellites as specified in Rule 29.4.

For CDG projects participating in the E-SFA Program, the applicable Environmental Component calculated above will be included in the calculation of the Value Stack Credits that will apply to the aggregated E-SFA Program compensation, as specified in Rule 29.5.

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NIAGARA MOHAWK POWER CORPORATION

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## GENERAL INFORMATION

## 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

For CDG projects not participating in either the CDG Net Crediting Program, as specified in Rule 29.4, or the E-SFA Program, as specified in Rule 29.5, the Environmental Component will be determined for each satellite by multiplying the applicable Environmental Component calculated above by the satellite's allocation percentage in effect for the billing period as provided by the CDG project sponsor. The Environmental Component associated with any Unallocated Satellite Percentage will be banked for later distribution by the CDG project sponsor as specified in Rule 40.2.5.

Projects eligible under Rule 40.2.1.1.2 are not eligible to receive the Environmental Component compensation.

The Environmental Component is available to Customer-Generators with projects that meet the definition of renewable energy systems in PSL §66-p, unless the resource was eligible before August 13, 2019. Customer-Generators with an Eligibility Date prior to August 13, 2019 are eligible for the Environmental Component if the project is eligible to participate in the CES to receive Tier 1 RECs, according to the CES rules.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

##### iv. Value Stack Demand Reduction Value ("DRV") Component:

##### **Projects Eligible for Value Stack on or before July 26, 2018:**

The Demand Reduction Value ("DRV") Component will be calculated by multiplying: i) the average of the project's net kW injections for each of the Company's ten (10) highest peak hours during the preceding calendar year, by ii) the project's applicable DRV Component rate (\$/kW-mo.) in effect during the billing period. If an interval meter was not in service for the project at the time of the Company's ten (10) highest peak hours during the preceding calendar year, then the Company will estimate the project's net injections for those hours.

The DRV Component rate will be fixed for the project for three (3) years from the interconnection date, using the DRV Component rate established at the time of the project's Eligibility Date. The project's DRV rate will be adjusted by the Company after three (3) years from the interconnection date to the DRV in effect at that time.

The DRV Component is not applicable to customers who receive the Value Stack MTC Component, which include CDG satellites that are mass market customers and mass market customers who opt into the Value Stack per Rule 40.2.1.8.

Projects may elect to participate in the Company's Commercial System Relief Program ("CSRP"); however, Customer-Generators making such election must forgo DRV compensation. This is a one-time, irrevocable decision that may be made at any point during a project's Value Stack compensation term, in accordance with Rule 62.1. Customer-Generators that choose this election shall not receive DRV compensation for the remainder of their project term.

Projects may elect to participate in the Company's Term-DLM Program or Auto-DLM Program; however, Customer-Generators making such election must forgo DRV compensation for the duration of their participation in either the Term-DLM Program or Auto-DLM Program under Rule 65.1.

For CDG projects participating in the CDG Net Crediting Program, the DRV Component calculated above will only apply to non-mass market satellites and will be included in the calculation of the Value Stack Credits that will apply to CDG Satellites as specified in Rule 29.4.

For CDG projects participating in the E-SFA Program, the applicable DRV Component calculated above will be included in the calculation of the Value Stack Credits that will apply to the aggregated E-SFA Program compensation, as specified in Rule 29.5.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

For CDG projects not participating in either the CDG Net Crediting Program, as specified in Rule 29.4, or the E-SFA Program, as specified in Rule 29.5, the DRV Component will only apply to non-mass market satellites and will be determined for each non-mass market satellite by multiplying the applicable DRV Component rate calculated above by the satellite's allocation percentage in effect for the billing period as provided by the CDG project sponsor. The DRV Component associated with any Unallocated Satellite Percentage will be banked for later distribution by the CDG project sponsor as specified in Rule 40.2.5.

##### **Projects Eligible for Value Stack after July 26, 2018:**

The DRV Component will be calculated by multiplying: i) the project's net injections (kWh) each bill period during the hours of 2:00 pm to 7:00 pm weekdays, non-holidays, between June 24 and September 15 inclusive, by ii) the project's hourly DRV Component rate (\$/kWh). The project's hourly DRV Component rate will be determined by multiplying the Company's \$/kW-year DRV Component rate in effect at the time of the project's Eligibility Date by ten (10) years and then dividing the result by the total number of eligible hours in the ten-year eligibility period for the project. This hourly DRV component rate will be fixed for the first ten (10) years of the project's operation. At the end of the ten-year period, the hourly DRV Component rate (\$/kWh) will be the DRV rate and hours in effect during the billing period.

Projects may elect to participation in the Company's CSRP; however, Customer-Generators making such election must forgo DRV compensation. This is a one-time, irrevocable decision that may be made at any point during a project's Value Stack compensation term, in accordance with Rule 62.1. Customer-Generators that chose this election, shall not receive DRV compensation for the remainder of the project term.

Projects may elect to participate in the Company's Term-DLM Program or Auto-DLM Program; however, Customer-Generators making such election must forgo DRV compensation for the duration of their participation in the Term-DLM Program or Auto-DLM Program under Rule 65.1.



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## GENERAL INFORMATION

## 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

For CDG projects participating in the CDG Net Crediting Program, the applicable DRV Component calculated above will be included in the calculation of the Value Stack Credits that will apply to all CDG Satellites, as specified in Rule 29.4, except for CDG Satellites of CDG projects that opt into the Company's CSRP, Term-DLM Program, or Auto-DLM Program.

For CDG projects participating in the E-SFA Program, the applicable DRV Component calculated above will be included in the calculation of the Value Stack Credits that will apply to the aggregated E-SFA Program compensation, as specified in Rule 29.5, except for CDG Satellites of CDG projects that opt into the Company's CSRP, Term-DLM Program, or Auto-DLM Program.

For CDG projects not participating in either the CDG Net Crediting Program, as specified in Rule 29.4, or the E-SFA Program, as specified in Rule 29.5, the DRV Component will apply to all CDG Satellites, with the exception of CDG Satellites of projects that opt into the Company's CSRP, Term-DLM Program, or Auto-DLM Program. The DRV Component associated with any Unallocated Satellite Percentage will be banked for later distribution by the CDG project sponsor as specified in Rule 40.2.5.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

##### v. Value Stack Locational System Relief Value ("LSRV") Component:

The LSRV Component will only be available to projects located in LSRV areas at the time of their Eligibility Date. Eligible LSRV areas that have been identified by the Company will be available on the Company's website and displayed on a statement filed with the PSC. If a project previously included in an LSRV area's MW capacity limit is canceled or abandoned, that project's proposed capacity shall be returned to the LSRV area's MW capacity limit and the revised remaining capacity will be displayed on a statement filed with the PSC.

Existing Customer-Generators located in an LSRV area that opt into the Value Stack will not receive the LSRV Component.

Projects may elect to participate in the Company's CSRP; however, Customer-Generators making such election must forgo LSRV compensation. This is a one-time, irrevocable decision that may be made at any point during a project's Value Stack compensation term, in accordance with Rule 62.1. Customer-Generators that chose this election, shall not receive LSRV compensation for the remainder of the project term.

Projects may elect to participate in the Company's Term-DLM Program or Auto-DLM Program; however, Customer-Generators making such election must forgo LSRV compensation for the duration of their participation in the Term-DLM Program or Auto-DLM Program under Rule 65.1.

##### **Projects Eligible for Value Stack on or before July 26, 2018:**

The LSRV Component will be calculated by multiplying: i) the average of the project's net kW injections for each of the Company's ten (10) highest peak hours during the preceding calendar year, by ii) the project's LSRV Component rate (\$/kW-mo.) in effect during the billing period. If an interval meter was not in service for the project at the time of the Company's ten (10) highest peak hours during the preceding calendar year, the Company will estimate the project's net injections for those hours.

The LSRV Component rate will be fixed for the first ten (10) years from the project's interconnection date and the project's applicable LSRV Component rate will be the LSRV rate (\$/kW-mo.) as filed by the Company in a statement with the PSC, in effect at the time of the project's Eligibility Date.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

For CDG projects participating in the CDG Net Crediting Program, the LSRV Component calculated above will be included in the calculation of the Value Stack Credits that will apply to CDG Satellites as specified in Rule 29.4.

For CDG projects participating in the E-SFA Program, the applicable LSRV Component calculated above will be included in the calculation of the Value Stack Credits that will apply to the aggregated E-SFA Program compensation, as specified in Rule 29.5.

For eligible CDG projects not participating in either the CDG Net Crediting Model, as specified in Rule 29.4, or the E-SFA Program, as specified in Rule 29.5, the LSRV Component will be determined for each satellite by multiplying the project's applicable LSRV Component rate (\$/kW-mo.) by the satellite's allocation percentage in effect for the billing period as provided by the CDG project sponsor. The LSRV Component associated with any Unallocated Satellite Percentage will be banked for later distribution by the CDG project sponsor as specified in Rule 40.2.5.

#### **Projects Eligible for Value Stack after July 26, 2018:**

Projects eligible for the LSRV Component will be compensated for responding to Company-called events ("LSRV Call Events"). The project's LSRV Component will be the sum of all LSRV Call Event calculations, as specified below, during the billing period. In the event that an LSRV Call Event spans two billing periods, the project will only be compensated once for the LSRV Call Event.

The compensation for each LSRV Call Event will be determined by: i) the project's lowest hourly net kW injection during the LSRV Call Event; multiplied by ii) the project's applicable LSRV Call Component rate as set out below.

The project's applicable LSRV Call Component rate (\$/kW) will be the project's applicable LSRV Component rate (\$/kW-mo.), as specified below, multiplied by 12 (months) and divided by 10 (annual minimum calls per year).

The project's applicable LSRV Component rate (\$/kW-mo.) will be determined as the LSRV rate (\$/kW-mo.), as filed by the Company in a statement with the PSC in effect at the time of the project's Eligibility Date and will be fixed for the first ten (10) years from the project's interconnection date.

For CDG projects participating in the CDG Net Crediting Program, the LSRV Component calculated above will be included in the calculation of the Value Stack Credits that will apply to CDG Satellites as specified in Rule 29.4.

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NIAGARA MOHAWK POWER CORPORATION  
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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

For CDG projects participating in the E-SFA Program, the applicable LSRV Component calculated above will be included in the calculation of the Value Stack Credits that will apply to the aggregated E-SFA Program compensation, as specified in Rule 29.5.

For eligible CDG projects not participating in the CDG Net Crediting Program as specified in Rule 29.4, the LSRV Component will be determined for each satellite by multiplying the project's applicable LSRV Component rate (\$/kW-mo.) by the satellite's allocation percentage in effect for the billing period as provided by the CDG project sponsor. The LSRV Component associated with any Unallocated Satellite Percentage will be banked for later distribution by the CDG project sponsor as specified in Rule 40.2.5.

##### LSRV Call Events:

- i. The Company will call LSRV Call Events at least 21 hours in advance of the start of the LSRV Call Event.
- ii. Each LSRV Call Event will be between one (1) hour and four (4) hours in duration.
- iii. LSRV Call Events will generally be within the hours of 2:00 pm to 7:00 pm on non-holiday weekdays between June 24 and September 15 inclusive. The Company reserves the right to call LSRV Call Events outside of those hours if system needs warrant.
- iv. The Company reserves the right to combine LSRV areas into up to four (4) LSRV groups with different four (4)-hour call windows, each of which may be called independently based on sub-system load conditions.
- v. The Company will call a minimum of ten (10) LSRV Call Events per year for each LSRV area or group but may issue more depending on system needs. Compensation level for all calls will remain at the same level regardless of frequency.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

##### vi. Value Stack Market Transition Credit (“MTC”) Component:

The MTC Component will only apply to CDG projects with an Eligibility Date on or before July 26, 2018 which also meet the further requirements specified herein.

The MTC Component will apply only to a CDG project’s mass market satellites and those mass market customers who opt into the VDER Value Stack compensation per Rule 40.2.1.8. Projects eligible under Rules 40.2.1.1.1 and 40.2.1.1.2 are not eligible to receive the MTC Component compensation. The MTC Component will be calculated by multiplying: i) the sum of the project’s total net injections for the billing period (kWh), and ii) the MTC Component rate applicable to the project’s assigned Tranche and applicable service class.

For CDG projects participating in the CDG Net Crediting Program, the MTC Component calculated above will be included in the calculation of the Value Stack Credits that will apply to CDG Satellites as specified in Rule 29.4.

For CDG projects participating in the E-SFA Program, the applicable MTC Component calculated above will be included in the calculation of the Value Stack Credits that will apply to the aggregated E-SFA Program compensation, as specified in Rule 29.5.

For CDG projects not participating in either the CDG Net Crediting Program, as specified in Rule 29.4, or the E-SFA Program, as specified in Rule 29.5, the MTC Component will be calculated for each individual mass market satellite customer by multiplying: i) the sum of the project’s total net injections for the billing period (kWh), ii) the MTC Component rate applicable to the project’s assigned Tranche and satellite’s service class, and iii) the satellite’s allocation percentage in effect for the billing period as provided by the CDG project sponsor. The CDG project sponsor will not be allowed to bank any MTC components related to Unallocated Satellite Percentages. CDG projects receiving MTC compensation cannot opt-into receiving the Community Credit component, as described below.

The MTC Component will be fixed for the project’s 25-year compensation term and will be shown in a statement filed with the PSC.

Any high-capacity-factor resource (*i.e.*, fuel cell) CDG project receiving Value Stack compensation with an Eligibility Date on or after August 13, 2019 shall receive an adjusted MTC Component rate determined as the effective MTC Component rate multiplied by an adjustment factor of 0.16. Any high-capacity-factor resource (*i.e.*, fuel cell) CDG project receiving Value Stack compensation with an Eligibility Date before August 13, 2019 shall receive the unadjusted MTC Component.

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NIAGARA MOHAWK POWER CORPORATION

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## GENERAL INFORMATION

## 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

## vii. Value Stack Community Credit Component:

The Community Credit Component will apply to non-mass market satellites (as defined in Rule 40.1) in CDG projects with an Eligibility Date on or before July 26, 2018 and to all satellites in CDG projects with an Eligibility Date after July 26, 2018 which also meet the further requirements specified herein. Projects eligible under Rules 40.2.1.4, 40.2.1.1.1, and 40.2.1.1.2 are not eligible to receive the Community Credit Component compensation.

The Community Credit Component will be calculated by multiplying: i) the sum of the CDG project's total net injections for the billing period (kWh), and ii) the project's Community Credit Component rate applicable to the project's assigned Community Credit Tranche as filed by the Company in a statement with the PSC. The Community Credit Compensation for non-mass market satellites in CDG projects with an Eligibility Date on or before July 26, 2018 shall begin starting with the first billing cycle for that project in which the entire billing period is after July 31, 2020.

For CDG projects participating in the CDG Net Crediting Program, the Community Credit Component calculated above will be included in the calculation of the Value Stack Credits that will apply to CDG Satellites as specified in Rule 29.4.

For CDG projects participating in the E-SFA Program, the applicable Community Credit Component calculated above will be included in the calculation of the Value Stack Credits that will apply to the aggregated E-SFA Program compensation, as specified in Rule 29.5.

For CDG projects not participating in either the CDG Net Crediting Program, as specified in Rule 29.4, or the E-SFA Program, as specified in Rule 29.5, the Community Credit Component will apply to all CDG satellite accounts.

The project's Community Credit rate will be fixed for the first twenty-five (25) years following the project's interconnection date.

The CDG project sponsor (or CDG Host, as described in Rule 29.4) will not be allowed to bank any Community Credit Components related to Unallocated Satellite Percentages.

Any high-capacity-factor resource (*i.e.*, fuel cell) CDG project receiving Value Stack compensation with an Eligibility Date on or after August 13, 2019 shall receive an adjusted Community Credit rate determined as the effective Community Credit rate multiplied by an adjustment factor of 0.16. Any high-capacity-factor resource (*i.e.*, fuel cell) CDG project receiving Value Stack compensation with an Eligibility Date before August 13, 2019 shall receive the unadjusted Community Credit.

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## GENERAL INFORMATION

### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

#### 40.2.3.2 Hybrid Facilities

40.2.3.2.1 For customers taking service under this Rule 40 with Hybrid Facilities, the Company will calculate the Value Stack Capacity Component, the Environmental Component, the MTC Component, and the Community Credit Component pursuant to the rules set forth below. All other Value Stack components, including the Value Stack Energy Component, DRV Component, and LSRV Component, will be calculated as specified in Rule 40.2.3.1. Consistent with Rule 40.2.3.1, the Environmental Component will only be provided where the electric generating equipment is eligible to receive Tier 1 RECs, the MTC Component and Community Credit Component will only be provided for eligible customers and consistent with the MTC or Community Credit rate applicable to the customer, and the Value Stack Capacity Component will be calculated based on Alternative 1, Alternative 2, or Alternative 3 based on customer election.

40.2.3.2.2 Customers operating Hybrid Facilities will have the opportunity to elect one of the four compensation methodologies described below. Customers must make this election at the same time they select a capacity compensation methodology in accordance with Rule 40.2.3.1. The default option, if no other election is made by the customer, is compensation methodology (d) below.

Customers operating Hybrid Facilities will have a one-time option to change their initial election of (a) or (b) to election of (c) below. This one-time election may be made at any time following the initial election but will not become effective until such time that any required metering or telecommunications is installed.

- a. Storage Exclusively Charged from Eligible Generator – For customers operating Hybrid Facilities who are able to demonstrate that the energy storage system charges exclusively from the qualified electric generating equipment, the Value Stack Capacity Component Alternative 1 or Alternative 2 (if elected), the Environmental Component, the MTC Component, and the Community Credit Component will be based on net hourly injections to the Company's electric system as measured at the Company's meter located at the point of common coupling ("PCC") and calculated as described in Rule 40.2.3.1. Value Stack Capacity Component Alternative 3 (if elected) will be calculated as specified in Rule 40.2.3.1.ii.c. Customers will be responsible for any work and costs required to accommodate the appropriate controls and/or multiple meter configuration. The Company may require two (2) Company-owned time-synchronized revenue-grade meters if the energy storage system and electric generating equipment share a common inverter or three (3) Company-owned time-synchronized revenue-grade meters if the energy storage system and electric generating equipment each have a separate inverter.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

- b. Storage Controls Configuration – For customers operating Hybrid Facilities who install appropriate controls to ensure that net hourly injections are only made with the energy storage not in a charging or discharging mode from the electric grid, the Value Stack Capacity Component Alternative 1 or Alternative 2 (if elected), the Environmental Component, the MTC Component, and the Community Credit Component will be based on net hourly injections to the Company's system and calculated as described in Rule 40.2.3.1. Value Stack Capacity Component Alternative 3 (if elected) will be calculated as specified in Rule 40.2.3.1.ii.c. Customers will be responsible for any work and costs required to accommodate the appropriate controls and/or multiple meter configuration. This controls demonstration may require separate Company-owned revenue grade interval meter(s) and appropriate telemetry on the AC side of the applicable inverter(s) and explicit Company acceptance.
- c. Storage Import Netting Configuration - For customers operating Hybrid Facilities with a separate Company-owned revenue grade interval meter and appropriate telemetry on the AC side of the inverter of the Hybrid Facility and whose storage configuration does not meet the requirements of (a) or (b) above, the Value Stack Capacity Component Alternative 1 (if elected), the Environmental Component, the MTC Component, and the Community Credit Component will be determined by reducing the net hourly injections, as measured at the Company's meter located at the Customer's PCC with the Company's system, by the monthly consumption of energy recorded on the Company's separate Hybrid Facility meter. Value Stack Capacity Component Alternative 2 (if elected) will be determined by reducing the net hourly injections during applicable hours, as measured at the Company-owned meter located at the Customer's PCC with the Company's system, by the monthly consumption of energy recorded on the Company's separate Hybrid Facility meter. Value Stack Capacity Component Alternative 3 (if elected) will be calculated as specified in Rule 40.2.3.1.ii.c.
- d. Storage Default Configuration - For all other Customers with Hybrid Facilities, the Value Stack Capacity Component Alternative 1 or Alternative 2 (if elected), the Environmental Component, the MTC Component, and the Community Credit Component will be based on netting of all metered consumption and injections at the PCC over the applicable billing period. Value Stack Capacity Component Alternative 3 (if elected) will be calculated as specified in Rule 40.2.3.1.ii.c. The Customer is responsible for any costs associated with additional metering requirements and telemetry necessary to facilitate options (a) through (d) above in accordance with Rule 40.2.2 and Rule No. 25.



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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

##### 40.2.4 Project's Tranche Determination

CDG project eligibility for placement in a Tranche will be based on the time stamp of the Eligibility Date as specified in 40.2.1.3. If an established Tranche allocation has not yet been exhausted but the next eligible CDG project exceeds the MW allocation remaining in that Tranche, then one of the following will occur as applicable:

- i) if the project's size exceeds the remaining capacity in the currently available Tranche by less than or equal to 1 MW, the CDG project will be eligible to receive the compensation in that Tranche for the full capacity of that CDG project. However, the amount of the CDG project's capacity that exceeds the MW capacity remaining in that Tranche will count towards fulfillment of the subsequent Tranche; or
- ii) if the project's size exceeds the remaining capacity in the currently available Tranche by more than 1 MW then the entire project will be placed in the next available Tranche. At that time the original Tranche should be closed and the total size of the next Tranche should be increased by the unused size in the original Tranche.

If a CDG project eligible for Tranche assignment cancels its application, the Tranche in which it had been assigned will be reduced and not be re-opened, except in the case of the Community Credit Tranche 2 which has been created to allow capacity from projects assigned to the MTC Tranches or the original Community Credit Tranche that were subsequently cancelled to be reassigned to the Community Credit Tranche 2 once the original Community Credit Tranche is full. The creation of an additional Community Credit Tranche (i.e., Community Credit Tranche 2) resulted in the original Community Credit Tranche being renamed Community Credit Tranche 1.

Mass market projects that opt in to the VDER Value Stack compensation per Rule 40.2.1.8 will be placed into the Tranche available at the time the project elects to opt into the VDER Value Stack compensation.

A CDG project's qualification for the Community Credit will be based on the Eligibility Date as specified in Rule 40.2.1.3. If a qualifying CDG project in the MTC Tranches or the Community Credit 1 Tranche is subsequently cancelled, its capacity will be assigned to the pool of Community Credit Tranche 2 available to the Company, which can continue to expand as long as additional cancellations of projects in the closed tranches occur. This practice of reallocating open capacity to the Community Credit Tranche 2 shall only occur until November 1, 2020 or until the Community Credit Tranche 2 is deemed full which will occur when cancellations have slowed such that there are no cancellations for one calendar month.

For any high-capacity-factor resource (i.e., fuel cell) project that receive an adjusted MTC Component or Community Credit Component, the Company shall adjust the capacity of that project for its placement in a tranche by multiplying the project capacity by an adjustment factor of 0.16.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

##### Carryover of VDER Value Stack Credits:

40.2.5 Projects eligible for the VDER Value Stack will receive compensation for a term of 25 years from the project's interconnection date and will have the ability to carryover excess credits to subsequent billing periods and annual periods as follows:

- i. Excluding credits held by CDG Hosts, unused credits may be carried over to the next monthly billing period, including to the next annual period.
- ii. At the end of a project's compensation term, any unused credits will be forfeited.
- iii. CDG Hosts will be given a two-year grace period beyond the end of each annual period to distribute any credits they retain at the end of that annual period. The two-year grace period begins at the end of the annual period when the credits are reallocated to the CDG Host. CDG Hosts are not required to allocate excess or banked credits to all satellites or to allocate these credits in the same proportion as monthly generation is allocated. However, CDG Hosts must ensure that their allocation of banked credits is consistent with the requirements that 60% of a CDG project's credits be allocated to mass market customers. CDG Hosts will notify the Company of which CDG Satellites will receive the retained credits and by what percentages using a form provided by the Company. The CDG Host may furnish to the Company, up to once per CDG Host billing cycle and with no less than 30 days' notice, written instructions for allocating any excess credits banked to the CDG Host's account.
- iv. For Remote Crediting projects, the allocated monetary credit shall be applied to electric charges on the Remote Crediting Host and Satellite Account(s) bills in accordance with Rule 66.
- v. If the CDG Hosts has credits in its account throughout the grace period, then at the end of the grace period the CDG Hosts will be required to forfeit a number of credits equal to the smallest number of credits that were in its account at any point during the grace period, since that represents the number of credits that were held over from the previous period.
- vi. CDG Hosts will only be permitted to retain credits for distribution during the two-year grace period if those credits remain after the CDG Hosts has distributed as many credits as practicable to CDG Satellites, such that each CDG Satellite's consumption in the final month of the annual period is fully offset by the credits provided.

40.2.6 The VDER Value Stack Components will be shown on a statement filed with the PSC apart from this rate schedule not less than three days before its effective date.

40.2.7 The VDER Value Stack compensation shall begin with the eligible project's first full billing cycle after November 1, 2017.

40.2.8 Projects that qualified for VDER Value Stack compensation on or before July 26, 2018, excluding CDG projects and any projects receiving the MTC Component, are allowed a one-time, irrevocable election to receive compensation for the Capacity Component, DRV Component, and LSRV Component (if applicable), that is applicable to projects that qualified after July 26, 2018. This election must be for all Components applicable to the CDG project.

Issued by Rudolph L. Wynter, President, Syracuse, NY

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

##### 40.3 Value of Distributed Energy Resources (VDER) Value Stack Cost Recovery

The VDER Value Stack Cost Recovery provides for recovery of costs incurred by the Company from customers, as approved by the Commission, for compensation provided to eligible projects under the VDER Value Stack Rule 40.2, VDER Value Stack for CDG projects participating in the CDG Net Crediting Program in Rule 29.4, Remote Crediting projects under Rule 66, VDER Value Stack for CDG projects participating in the E-SFA Program in Rule 29.5, Utility Administrative Fee as specified in Rule 29.5.5, and Wholesale Value Stack (WVS) in Rule 40.4, as applicable.

40.3.1 The VDER Value Stack Cost Recovery is applicable to all customers taking service under P.S.C 220 and 214 Electricity, regardless of supplier. The VDER Value Stack Cost Recovery will be applicable to all delivery customers' load, including NYPA load delivered by the Company and economic development-qualifying load in Rule 34, with the exception of the Environmental Market Value Costs which will apply to all supply customers as specified in 40.3.2.3.

40.3.2 The Recovery of the VDER Value Stack Costs will be determined on a VDER Value Stack component basis for applicable service classes using allocation methods as further described below:

##### 40.3.2.1 Capacity Market Value Cost Recovery

40.3.2.1.1 The Capacity Market Value costs will be determined for the recovery month as the product of i) the sum of all VDER Value Stack project's net injections at the hour of the NYISO system peak during the previous calendar year and ii) the average of the NYISO monthly spot auction capacity prices for the previous calendar year.

40.3.2.1.2 The Capacity Market Value costs will be recovered from all delivery customers, allocated by service class based on the most recent transmission demand allocator (*i.e.*, single coincident peak) from the Company's most current embedded cost of service study (ECOS).

40.3.2.1.3 The Capacity Market Value costs will be recovered on a per kWh basis for non-demand customers and a per kW basis for demand customers.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

##### 40.3.2.2 Capacity Out of Market Value Cost Recovery

40.3.2.2.1 The Capacity Out of Market Value costs will be determined monthly as the difference between i) the sum of all VDER Value Stack Capacity Components paid to projects and satellites, where applicable, during the recovery month and ii) the Market Value determined in 40.3.2.1 for the recovery month.

40.3.2.2.2 The Capacity Out of Market Value costs will be recovered from all delivery customers, with respective costs allocated to the service classes of the projects and satellites, where applicable, who receive the VDER Value Stack Capacity Component credits, in proportion to the credits that projects and satellites, where applicable, of each service class receive.

40.3.2.2.3 The Capacity Out of Market Value costs will be recovered on a per kWh basis for non-demand customers and a per kW basis for demand customers.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER)

##### 40.3.2.3 Environmental Market Value Cost Recovery

40.3.2.3.1 Effective through December 31, 2024, the Environmental Market Value costs will be determined as the product of i) the sum of all VDER Value Stack project's net injections during the recovery month, times ii) the market rate of RECs during the recovery month determined from available published market prices for Tier 1 RECs.

40.3.2.3.2 Effective through December 31, 2024, the Environmental Market Value costs will be recovered from the Company's supply customers on a per kWh basis as part of the Clean Energy Standard Supply ("CESS") Charge, which is filed and reconciled annually, as specified in 46.3.5.

40.3.2.3.3 Effective January 1, 2025, the full cost of the Environmental Component will be recovered from the Company's supply customers on a per kWh basis as part of the CESS Charge, which is filed and reconciled annually, as specified in 46.3.5, and the calculation of the Environmental Market Value costs will no longer be required.

##### 40.3.2.4 Environmental Out of Market Value Cost Recovery

40.3.2.4.1 Effective through December 31, 2024, the Environmental Out of Market Value costs will be determined as the difference between i) the sum of all VDER Value Stack Environmental Components paid to projects and satellites, where applicable, during the recovery month and ii) the Environmental Market Value costs determined in 40.3.2.3 for the recovery month.

40.3.2.4.2 Effective through December 31, 2024, the Environmental Out of Market Value costs will be recovered from all delivery customers, with respective costs allocated to the service classes of the projects and satellites, where applicable, who receive the VDER Value Stack Environmental Component credits, in proportion to the credits received by each service class.

40.3.2.4.3 Effective through December 31, 2024, the Environmental Out of Market Value costs will be recovered on a per kWh basis for non-demand customers and a per kW basis for demand customers.

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#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER)

40.3.2.4.4 Effective January 1, 2025, the full cost of the Environmental Component will be recovered from the Company's supply customers on a per kWh basis as part of the CESS charge, which is filed and reconciled annually, as specified in 46.3.5, and the calculation of the Environmental Out of Market Value costs will no longer be required. At such time any portion of the Environmental Value Component costs will no longer be recovered through the VDER Value Stack Cost Recovery surcharge.

#### 40.3.2.5 DRV Cost Recovery

40.3.2.5.1 The DRV Component costs to be recovered will be the sum of all VDER Value Stack DRV Components paid to projects and satellites, where applicable, during the recovery month.

40.3.2.5.2 The DRV Component costs will be recovered from all delivery customers by service class and voltage delivery level, with the DRV Component costs that were provided to sub-transmission and transmission voltage delivery projects and satellites, where applicable, being allocated using the most recent transmission demand allocator (*i.e.*, single coincident peak) from the Company's most current ECOS, and the DRV Component costs that were provided to primary and secondary voltage delivery projects and satellites, where applicable, being allocated using the most recent distribution demand allocator (*i.e.*, non-coincident peak) from the Company's most current ECOS.

40.3.2.5.3 The DRV Component costs will be recovered on a per kWh basis for non-demand customers and a per kW basis for demand customers.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 31, 2022  
STAMPS: Issued in Compliance with Order in Case 19-E-0735, issued January 20, 2022.

LEAF: 220.11  
REVISION: 2  
SUPERSEDING REVISION: 1

#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

##### 40.3.2.6 LSRV Cost Recovery

40.3.2.6.1 The LSRV Component costs to be recovered will be the sum of all Value Stack LSRV Components paid to projects and satellites, where applicable, during the recovery month.

40.3.2.6.2 The LSRV Component costs will be recovered from all delivery customers by service class and voltage delivery level, with the LSRV Component costs that were provided to sub-transmission and transmission voltage delivery projects and satellites, where applicable, being allocated using the most recent transmission demand allocator from the Company's most current ECOS, and the LSRV Component costs that were provided to primary and secondary voltage delivery projects and satellites, where applicable, being allocated using the most recent distribution demand allocator from the Company's most current ECOS.

40.3.2.6.3 The LSRV Component costs will be recovered on a per kWh basis for non-demand customers and a per kW basis for demand customers.

##### 40.3.2.7 MTC and Community Credit Cost Recovery

40.3.2.7.1 The MTC and Community Credit Component costs to be recovered will be the sum of all Value Stack MTC and Community Credit Components paid to projects and satellites, where applicable, during the recovery month.

40.3.2.7.2 The MTC and Community Credit Component costs will be recovered from all delivery customers, with respective costs allocated to the service classes of the projects and satellites, where applicable, who receive the MTC and Community Credit Component credits, in proportion to the credits of the projects and satellites, where applicable, of each service class receive.

40.3.2.7.3 The MTC and Community Credit Component costs will be recovered on a per kWh basis for non-demand customers.

40.3.3 The costs in Rule 40.3.2 will be charged to applicable customers monthly on a two-month lag basis and will be included in the delivery charge line item on customers' bills, with the exception of the Environmental Market Value Cost Recovery which will be recovered as specified in Rule 40.3.2.3.

40.3.4 An annual reconciliation will be performed for each component of the VDER Value Stack Cost Recovery at the end of each calendar year, commencing with calendar year 2018. Any over/under collections as a result of this reconciliation will be reflected in the VDER Value Stack Cost Recovery on a two-month lag basis after the annual reconciliation. Any applicable portion of the E-SFA Utility Administration Fee, as calculated according to Rule 29.5.5, will be included as a credit to all customers and included in the VDER Value Stack Cost Recovery annual reconciliation.

40.3.5 The VDER Value Stack Cost Recovery will be shown on statements filed with the Public Service Commission apart from this rate schedule not less than three (3) days before their respective effective dates.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2023  
STAMPS:

LEAF: 220.12  
REVISION: 0  
SUPERSEDING REVISION:

#### GENERAL INFORMATION

#### 40. VALUE OF DISTRIBUTED ENERGY RESOURCES (VDER) (Continued)

##### 40.4 Wholesale Value Stack (WVS)

Customer-Generators selling energy or capacity to the NYISO through one of its wholesale DER Participation Model programs, either directly or through an aggregation, are eligible to take service under Rule 40.4 – WVS, according to the following:

40.4.1 Participating Customer-Generators will receive payment for energy and capacity directly from the NYISO in lieu of the Company's Value Stack Energy Component and Capacity Component under Rule 40.2.3.1 (i) and 40.2.3.1 (ii), respectively.

40.4.2 Participating Customer-Generators are still eligible to receive applicable compensation, when eligible, under Rule 40.2 – VDER Value Stack for the: Environmental Component, DRV Component, LSRV Component, MTC Component, and the Community Credit Component.

40.4.3 Participating Customer-Generators must adhere to all Value Stack eligibility criteria set forth in Rule 40.2.1 as well as the metering requirements set forth in Rule 40.2.2.

40.4.4 An existing Value Stack Customer electing WVS must notify the Company by August 1st to become effective the following May 1st. Similarly, an existing WVS Customer-Generator electing to switch to the full Value Stack must notify the Company by August 1st to become effective the following May 1st, and must adhere to the following:

40.4.4.1 If Customer-Generator was previously enrolled in the Value Stack, the Customer-Generator must return to their Value Stack Capacity Component compensation election. In addition, such Customer-Generator will retain the same Value Stack Eligibility Date as well as any Value Stack component rates locked in at the time of previous Value Stack eligibility.

40.4.4.1 If Customer-Generator was not previously enrolled in the Value Stack, the Customer-Generator will lock in any Eligibility Date-specific component rate at the time the project notifies the Company of the project's intent to switch from WVS to Value Stack.

40.4.4.2 All Customer-Generators opting into the Value Stack from the WVS will have a term based on the Value Stack compensation methodology as specified in Rule 40.2.5, and the start date of such term will be based on the project's original interconnection to the Company's distribution system.

40.4.5 Customer-Generators who are not yet interconnected to the Company's distribution system that are eligible for Value Stack per Rule 40.2 and that elect to participate in WVS must notify the Company at time of the Customer-Generator's Value Stack Eligibility Date, as specified in Rule 40.2.1.3, to receive compensation under the WVS at time of successful enrollment with NYISO in one of its DER participation programs.

40.4.6 A WVS Customer-Generator must also take service under the Company's WDS, at such time that the WDS is effective.



PSC NO: 220 ELECTRICITY

LEAF: 221

NIAGARA MOHAWK POWER CORPORATION

REVISION: 11

INITIAL EFFECTIVE DATE: SEPTEMBER 17, 2021

SUPERSEDING REVISION: 10

STAMPS: Issued in Compliance with Order in Case 15-E-0751 issued August 13, 2021.

## GENERAL INFORMATION

## 41. SYSTEM BENEFITS CHARGE ("SBC")

41.1 The System Benefits Charge ("SBC") is a mechanism which permits the Company to recover from customers the costs associated with clean energy activities conducted by the New York State Energy Research and Development Authority ("NYSERDA") and the Phase 1 development costs of the IEDR Program that are not otherwise paid for by NYPA and/or LIPA.

41.2 Service bills rendered to customers taking service under P.S.C. Nos. 220 and 214 Electricity are subject to the SBC regardless of supplier, except:

- (i) load served by NYPA except as provided in Rule 31 and 41.2.1, or
- (ii) load served under the Empire Zone Rider as described in Rule 34.3.2.2 and Rule 34.3.3.2, or
- (iii) load served under the Recharge New York Program as provided in Rule 31 and 34.6, or
- (iv) as established by contract under the or SC-12 tariff as described in SC No. 12 – Sections 5.4.3 and 6.2.3.

41.2.1 Certain NYPA allocations are subject to the SBC. Deliveries of High Load Factor Fitzpatrick Power not specifically enumerated on Schedule A to the Agreement Among Niagara Mohawk Power Corporation, the New York Power Authority, and the Department of Public Service Resolving and Settling Certain Disputes dated May 22, 1997 or otherwise authorized by that Settlement Agreement.

41.2.2 Customers who have load served by NYPA are exempt from the SBC on the NYPA portion of their load, except as provided in Rule 41.2.1. Customers will be assessed the SBC on any non-NYPA portion of their load and would thus qualify to participate in the energy efficiency programs mentioned in Rule 41.1.

41.2.3 Effective January 21, 2016, customers will no longer have the option to elect to pay SBC on any exempt load. Customers who previously elected to become subject to the SBC under this option shall be grandfathered under this opt-in provision and continue to pay the SBC.

## 41.3 Clean Energy Fund (CEF) Surcharge Rate:

Beginning on March 1, 2016, the CEF surcharge rate will collect funds associated with NYSERDA administered clean energy activities, including RPS, EEPS, SBC IV, and CEF, as well as over- or under-collections associated with Company-administered EEPS programs for the period prior to 2016. The surcharge rate will be calculated by dividing the necessary collections by the projected annual kWh sales. Necessary collections will include:

41.3.1 Annual authorized collections for NYSERDA-administered programs, plus or minus any under- or over-collections for prior years.

41.3.2 Less the portion of the Phase One NEM and Value Stack CBC Charge revenue associated with the Clean Energy Fund collected during the prior year.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: MARCH 1, 2024  
 STAMPS: Issued in Compliance with Order in Case 20-M-0082, issued January 19, 2024.

LEAF: 221.1  
 REVISION: 10  
 SUPERSEDING REVISION: 9

### GENERAL INFORMATION

#### 41. SYSTEM BENEFITS CHARGE (Continued)

##### 41.4 Phase 1 IEDR Surcharge Rate:

Beginning June 1, 2021, the Phase 1 IEDR surcharge rate will collect funds associated with Phase 1 development costs of the IEDR program that are not otherwise paid for by NYSERDA and/or LIPA, or any other costs associated with the IEDR program that the Commission authorizes for collection through the Phase 1 IEDR surcharge rate. Phase 1 development costs to be included in the IEDR surcharge rate shall be as specified in the Commission's February 11, 2021 Order in Case 20-M-0082. The Phase 1 IEDR surcharge rate will be calculated by dividing the necessary collections by the projected annual kWh sales. The necessary collections will be forecasted costs for the upcoming year, plus or minus any under- or over-collections for prior years, including interest at the Other Customer Capital Rate.

41.5 On an annual basis, the Statement of SBC will be filed on no less than 15 days' notice to become effective January 1st of each year.

41.6 The SBC rates will be stated in cents per kWh.

##### 41.7 Energy Efficiency Program Costs (ETIP):

Commencing April 1, 2018, the Company's electric energy efficiency costs (ETIP) will be recovered in the Company's base rates.

41.7.1 Customers who have load served by NYPA (including RNY load) and SC12 customers in accordance with their individual contracts, are exempt from the ETIP on the NYPA portion of their load, except as provided in Rule 41.2.1 and except as provided in Rule 31.

41.7.2 Exempt customers in Rule 41.7.1 will receive a monthly credit on their bills for ETIP costs included in base rates based on their service class.

41.7.3 The ETIP Exemption will be a separate line item on exempt customer's bills and labeled as the SBC Exemption.

41.7.4 The following credits will be applied to exempt customers per kW of NYPA load:

	<u>Per kW</u>
SC2D	(\$1.13)
SC3 SEC	(\$1.36)
SC3 PRI	(\$1.36)
SC3 SUB/TRA	(\$1.09)
SC3A SEC/PRI	(\$1.24)
SC3A SUB	(\$1.36)
SC3A TRA	(\$1.16)

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 222  
REVISION: 12  
SUPERSEDING REVISION: 10

#### GENERAL INFORMATION

#### 42. MERCHANT FUNCTION CHARGE

42.1 The Merchant Function Charge ("MFC") is a mechanism that permits the Company to recover from customers receiving electric commodity service from the Company ("full service customers") the following costs associated with the providing the service:

- (a) Electricity Supply Procurement
- (b) Electricity Supply Credit and Collection
- (c) Electricity Supply Uncollectible Expenses
- (d) Working Capital on Purchased Power Costs

42.2 Full service customers receiving service under PSC Nos. 220 and 214 Electricity are subject to the MFC, except on load served by NYPA

42.2.1 Customers served under SC-12 will not be subject to Rule 42.3.2 and 42.3.3 below but will be subject to Rule 42.3.1 and Rule 42.3.4 of this Rule.

#### 42.3 Calculation of the Merchant Function Charge per kWh:

##### 42.3.1 Electricity Supply Procurement

42.3.1.1 The Electricity Supply Procurement Rate will be reset each July 1 by dividing the revenue requirement of \$1,409,842 by the forecasted sales of full service customers for that period.

42.3.1.1.1 Any over/under collection, including carrying charges using the pretax weighted average cost of capital, related to Electricity Supply Procurement for the year shall be divided by the forecast sales of full service customers for the following year and added to the Electricity Supply Procurement rate effective July 1 of the following year.

42.3.1.2 The total per kWh Electricity Supply Procurement rate, which equals the over/under collection related to Electricity Supply Procurement for the previous period(s) added to the current year Electricity Supply Procurement rate, shall be filed on the Statement of Merchant Function Charge not less than three (3) days prior to its effective date.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2023  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 222.1  
REVISION: 13  
SUPERSEDING REVISION: 12

#### GENERAL INFORMATION

#### 42. MERCHANT FUNCTION CHARGE (CONTINUED)

##### 42.3.2 Electricity Supply Credit and Collection

42.3.2.1 The Electricity Supply Credit and Collection rates shall be adjusted pursuant to Rules 42.3.2.2 below.

42.3.2.2 The Electricity Supply Credit and Collection rate will be set by dividing the revenue requirement of \$1,370,076 for non-demand customers, \$43,596 for demand customers, and \$272 for lighting customers by the forecasted sales of non-demand, demand and lighting full service customers for the applicable annual period and the forecasted sales of non-demand, demand and lighting ESCo's customers who are participating in the Company's Purchase of Receivables Program.

42.3.2.2.1 Any over/under collections, including carrying charges using the pretax weighted average cost of capital, related to Electricity Supply Credit and Collections for the year shall be divided by the forecast sales of full service customers and the forecasted sales of ESCo customers who are participating in the Company's Purchase of Receivables Program for the following year and added to the Electricity Supply Credit and Collections rates effective for the following year.

42.3.2.3 ESCos who are participating in the Company's Purchase of Receivables Program are subject to the Electricity Supply Credit and Collection rates.

42.3.2.4 The total per kWh Electricity Supply Credit and Collections Rate, which equals the over/under collection related to Electricity Supply Credit and Collections for the previous period (s) added to the current year Electricity Supply Credit and Collections, shall be included in the filed Statement of Merchant Function Charge not less than three (3) days prior to their effective date.

##### 42.3.3 Electricity Supply Uncollectible Expense

42.3.3.1 The Electricity Supply Uncollectible Expense rates will be determined separately for non-demand, demand and street lighting customers. The rates will be calculated by multiplying the uncollectible percentage factor by the Electricity Supply Cost and Electricity Supply Reconciliation Mechanism ("ESRM"), and the Clean Energy Standard Supply ("CESS") charge on customer's bills. The uncollectible percentage factor will be 1.97% for non-demand customers, 0.20% for demand, and 0.07% for street lighting customers and shall be included in the filed Statement of Merchant Function Charge not less than three (3) days prior to the effective date.

42.3.3.2 The Electric Supply Uncollectible Expense rate will be a discount to the ESCO's receivables purchased by the Company.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2018

LEAF: 222.2  
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SUPERSEDING REVISION: 6

STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

#### GENERAL INFORMATION

#### 42. MERCHANT FUNCTION CHARGE (CONTINUED)

##### 42.3.4 Working Capital on Purchased Power Costs

42.3.4.1 The Working Capital on Purchased Power rates will be calculated by multiplying the working capital percentage factor by the Electricity Supply Cost and Electricity Supply Reconciliation Mechanism ("ESRM"), on customers' bills. The percentage factor shall be included in the filed Statement of Merchant Function Charge not less than three (3) days prior to the effective date.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2023  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 223  
REVISION: 14  
SUPERSEDING REVISION: 13

#### GENERAL INFORMATION

#### 43. TRANSMISSION REVENUE ADJUSTMENT

43.1 The Transmission Revenue Adjustment ("TRA") shall be based on a monthly comparison of (1) a forecast based transmission revenue credit that is reflected in delivery rates, and (2) the actual transmission revenue realized, exclusive of revenue taxes imposed thereon.

43.2 Transmission Revenue is defined as (1) wholesale transmission services, excluding congestion rents from Transmission Congestion Contracts (TCCs) and (2) the lease of transmission land in connection with FERC Order 1000 proceedings.

43.3 The forecast based transmission revenue credit reflected in delivery rates is \$220,179,098.

43.4 The calculation of the Transmission Revenue Adjustment shall be determined on a cost month basis and applied on a two-month lag basis.

43.5 As a result of the monthly comparison of the base transmission revenue credit amount to the actual transmission revenue amount, the TRA determined to be in excess of the base transmission revenue credit amount shall be refunded to customers. The TRA determined to be less than the base transmission revenue credit shall be collected from customers.

43.5.1 In the event that the monthly comparison of base transmission revenue to actual transmission revenue exceeds \$6 million, plus or minus, in any given month, the amount over the \$6 million will be deferred to the next cost month, with a return at the Company's cost of capital. If the \$6 million cap is reached for an additional two consecutive months, the cap will be increased to \$8 million. The \$8 million cap shall remain in place as long as the TRA exceeds +/- \$6 million, including recovery of the deferral and corresponding return, and will revert back to the \$6 million monthly cap once the TRA, including recovery of the deferral and return, falls to less than or equal to +/- \$6 million.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 224  
REVISION: 8  
SUPERSEDING REVISION: 7

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

## GENERAL INFORMATION

### 43. TRANSMISSION REVENUE ADJUSTMENT (Continued)

43.6 The TRA amount determined above shall be allocated to applicable service classifications based on the percent allocation of Transmission Revenue in the Company's most current embedded cost of service study (ECOS). The allocation of such revenues in the ECOS is based on single coincident peak method. The percent allocations are as follows:

	<u>PSC No. 220</u>	<u>PSC No. 214</u>
SC1	42.70%	All Service Classifications 0.01%
SC1C	0.84%	
SC2ND	2.60%	
SC2D	13.77%	
SC3-Secondary	12.44%	
SC3-Primary	5.03%	
SC3-Sub Transmission/Transmission	1.79%	
SC3A-Secondary/Primary	2.46%	
SC3A-Sub Transmission	3.83%	
SC3A-Transmission	14.53%	

Customer's taking service under S.C. No. 4 – Supplemental Service and S.C. No. 7 shall be subject to the TRA rates of their parent service classification.

43.7 The TRA amounts for the respective service classifications as determined in Rule 43.6 shall be divided by the respective service classification's monthly forecast sales associated with the corresponding month which the adjustment will be refunded to or collected from customers.

43.8 The TRA rates shall be applied to customers' actual billed consumption and applicable to customers served under PSC No. 220 S.C. Nos. 1, 1-C, 2ND, 2D, 3, 3-A, 4, and 7 and all PSC No. 214 service classifications. The TRA is applicable to kWh consumption associated with NYPA load (including ReCharge New York Load) and may be applicable to PSC No. 220, S.C. No. 12 in accordance with the terms of their individual contracts. The TRA is not applicable to Empire Zone and Excelsior Jobs Program qualifying load.

43.9 The TRA shall be shown on statements filed with the Public Service Commission apart from this rate schedule not less than three (3) business days before its effective date. Such statements' effective dates shall be coincident with the first billing cycle of each month.

43.10 The TRAC will be subject to a monthly true-up, with any over/under collection at the end of each month to be included in the TRAC balance for refund or recovery, subject to the caps.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2011

LEAF: 225  
REVISION: 2  
SUPERSEDING REVISION: 0  
STAMPS: Issued in Compliance with Order of the PSC in Case No. 10-E-0050 Issued January 24, 2011

## GENERAL INFORMATION

### 44. SPECIFICATION OF DELIVERY VOLTAGE

44.1 Delivery voltage for Electric Service to existing customers may be increased as follows:

44.1.1 By the Company when, in its sole judgment, such change in delivery voltage will alleviate system or facility loading, reliability or safety problems. When the change in delivery voltage is solely initiated by the Company, the Company will be responsible for the associated costs.

44.1.2 By the customer upon written request to the Company, provided however: (1) that such increase in delivery voltage shall be allowed only when in the Company's sole judgment, system or facility loading, reliability and safety will not be jeopardized; and (2) that the provisions of Rule 28.1 shall apply to any such increase in delivery voltage requested by the customer.

44.2 In the event of any increase in a customer's delivery voltage pursuant to Rule 44.1.2, the customer shall be required to pay a fee equal to the book value less accumulated depreciation of any Company lines, poles and/or other facilities retired from service at that location as a result of the customers aggregation of delivery service.

44.2.1 The fee established in Rule 44.2 above shall be prepaid on a lump sum basis prior to commencement of service to the customer at the higher voltage level, unless otherwise agreed to by the Company in writing.

44.2.2 In cases where the customer commits to an increase in load and the load increase necessitates a change in delivery voltage, the Company will take the customer's commitment into consideration in the calculation of the fee. The Company may (at its sole option) permit the customer to amortize the payment of the lump sum over a period greater than one year on terms and conditions acceptable to the Company.

44.2.3 All transactions under the Rule 44.2 shall be in the form of a written contract between the Company and the customer.

44.3 As used in this Rule 44, the term "existing customer" shall mean any customer with facilities or equipment connected to the Company's electric system at a Retail Delivery Point on or after September 1, 1998.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 226  
REVISION: 5  
SUPERSEDING REVISION: 3

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

## GENERAL INFORMATION

### 45. NON-WIRES ALTERNATIVES (“NWA”) INCENTIVE MECHANISM SURCHARGE

45.1 Costs to be recovered by the NWA Incentive Mechanism Surcharge include NWA project costs and the Final Incentive under the NWA Incentive Mechanism which are not already recovered in base delivery rates, net of the carrying charges associated with the displaced project, as initially described in the Company’s Joint Proposal in Case 17-E-0238 dated January 19, 2018, and any subsequently approved orders of the P.S.C. (hereinafter referred to as “NWA Costs”).

45.2 The NWA Incentive Mechanism Surcharge collects the NWA Costs from customers by service class based on the following allocators:

45.2.1 The portion of the NWA Costs related to NWA projects which defer the need for transmission infrastructure (if any) will be allocated to service classifications based on the Company’s single coincident peak transmission demand allocator (“1CP”) per Rule 43.6;

45.2.2 The portion of the NWA Costs related to NWA projects which defer the need for sub-transmission infrastructure, if any, will be allocated to service classifications based on the Company’s non-coincident peak sub-transmission demand allocator as follows;

#### Sub-Transmission Allocators:

Residential	51.44%
Residential TOU	1.06%
Small Gen No Dem	2.97%
Small Gen Demand	15.57%
Large Gen-Sec	14.79%
Large Gen-Pri	5.92%
Large Gen-Tran	0.00%
Large Gen TOU-S/P	2.91%
Large Gen TOU-SubT	4.61%
Large Gen TOU-Tran	0.00%
Lighting	0.73%

45.2.3 The NWA Costs related to NWA projects which defer the need for primary-voltage distribution infrastructure, if any, will be allocated to service classifications based on the Company’s non-coincident peak primary demand allocators as follows:

#### Primary Demand Allocators:

Residential	53.93%
Residential TOU	1.11%
Small Gen No Dem	3.11%
Small Gen Demand	16.32%
Large Gen-Sec	15.50%
Large Gen-Pri	6.21%
Large Gen-Tran	0.00%
Large Gen TOU-S/P	3.05%
Large Gen TOU-SubT	0.00%
Large Gen TOU-Tran	0.00%
Lighting	0.77%

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2023  
STAMPS:

LEAF: 226.1  
REVISION: 3  
SUPERSEDING REVISION: 2

#### GENERAL INFORMATION

#### 45. NON-WIRES ALTERNATIVES (“NWA”) INCENTIVE MECHANISM SURCHARGE (Continued)

45.2.4 If an NWA project benefits only certain service classes, the cost allocation will be limited to the service classification benefitting from the NWA project.

45.3 The NWA surcharge will recover the NWA Costs, that are not being recovered in base delivery rates, over a ten-year period for each NWA project. The ten-year period will begin when the NWA projects costs are realized by the Company. Any unamortized costs that have not been collected at the time that base delivery rates are reset will be incorporated into base delivery rates when such rates are reset, inclusive of carrying charges. Carrying charges for the recovery of NWA project costs will be at the Company’s pre-tax weighted average cost of capital (“pre-tax WACC”).

45.4 After the NWA Costs are allocated in accordance with Rule 45.2 above for each NWA project, the NWA Costs will be collectively recovered through the NWA Incentive Mechanism Surcharge which will be provided in a rate statement filed with the New York State Public Service Commission on not less than three days’ notice before the effective date. At such time that an NWA project’s costs are included in the NWA surcharge, the NWA surcharge will also include a reconciliation of any over/under collections of costs associated with any NWA projects that have already been included in the NWA surcharge, inclusive of carrying charges at the Company’s pre-tax WACC.

45.5 The NWA Surcharge will be applicable to all customers in SC1, SC1C, SC2ND, SC2D, SC3, SC3A, SC4, SC7 and SC12 (in accordance with their individual contracts). The NWA Surcharge will be applicable to all NYPA deliveries (including RNY Load) and to all service classifications of PSC No. 214.

45.5.1 The NWA Surcharge is not applicable to Empire Zone and Excelsior Jobs Program qualifying load.

45.5.2 Once implemented, the NWA surcharge will be included in the delivery line item on customer’s bills, either on a per kWh basis for non-demand classes and per kW basis on demand classes.

45.6 The NWA surcharge will be reconciled for any over/under collections, inclusive of carrying charges at the Company’s pre-tax WACC, at such time that NWA project costs are added to the NWA surcharge, but no less than annually, on a two-month lag basis.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 16, 2012

LEAF: 227  
REVISION: 2  
SUPERSEDING REVISION: 1

## GENERAL INFORMATION

### 46. SUPPLY SERVICE CHARGES

Any capitalized terms herein shall use the Definitions within this PSC No. 220 Tariff and definitions within the NYISO Tariff filed April 30, 1999 (as amended from time to time). The supply service charges shall include the following:

46.1 Electricity Supply Cost (ESCost) – Applicable to all customers taking supply service from the Company, ESCost shall be defined by the following rules.

46.1.1 ESCost for Service Classifications No. 1 and No. 2 (Non-Demand)

46.1.1.1 For each month, the forecasted LBMP in \$/kWh will be determined from available monthly forward trading on peak and off peak market prices prior to the forecast month; plus

46.1.1.2 For each month the forecasted LBMCP in \$/kW-mo times the sum of one plus the Unforced Capacity Requirement of the NYISO, times the sum of one plus the Demand Curve Requirement of the NYISO divided by the number of on peak hours of the applicable month divided by the respective Class Load Factor will be added to the on peak price in Rule No. 46.1.1.1; plus

46.1.1.3 For each month, the forecasted cost, in \$/kWh, of NYISO charges under all applicable OATT schedules; plus

46.1.1.4 For each month, the forecasted NYISO NYPA Transmission Adjustment Charge (NTAC) rate, in \$/kWh.

46.1.1.5 The sum of each item shall be adjusted by the Local Transmission Efficiency Factors set forth in Rule 39.18.1.1 for the applicable distribution delivery voltage level and by the Average Unaccounted for Energy Factor set forth in Rule 39.18.1.2 plus any applicable taxes.

46.1.1.6 Any billing adjustment from the NYISO may be flowed through this Rule 46 based on the tariff rules in effect on the date service was rendered.

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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 228  
REVISION: 11  
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STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

#### GENERAL INFORMATION

#### 46. SUPPLY SERVICE CHARGES (Continued)

46.1.2 ESCost for Service Classification No. 1 Special Provision L, Service Classification No. 1C, Service Classification No. 2 Non-Demand Special Provision O, Service Classification No. 2 Demand, and Service Classification No. 3 (excluding customers on Mandatory Hourly Pricing-Special Provision L and Voluntary Hourly Pricing-Special Provision N) and all Service Classifications of PSC No. 214.

46.1.2.1 For each hour, the NYISO Day-Ahead LBMP in \$/kWh; plus

46.1.2.2 For each hour between 12:00 noon and 8:00 PM on weekdays (excluding any Holiday that falls on a weekday) the forecasted LBMCP in \$/kW-month times the sum of one plus the Unforced Capacity Requirement of the NYISO, times the sum of one plus the Demand Curve requirement of the NYISO, divided by hours between 12:00 noon and 8:00 PM on weekdays (excluding any Holiday that falls on a weekday) of the applicable month divided by the respective Class Load Factor; plus

46.1.2.3 For each hour, the forecasted cost, in \$/kWh, of NYISO charges under all applicable OATT schedules; plus

46.1.2.4 For each hour, the forecasted NYISO NYPA Transmission Adjustment Charge (NTAC) rate, in \$/kWh.

46.1.2.5 The sum of each item shall be adjusted by the Local Transmission Efficiency Factors set forth in Rule 39.18.1.1 for the applicable distribution delivery voltage level and by the Average Unaccounted for Energy Factor set forth in Rule 39.18.1.2 plus any applicable taxes.

46.1.2.6 Any billing adjustment from the NYISO may be flowed through Rule 46 based on the tariff rules in effect on the date service was rendered.

46.1.2.7 For SC1 (Special Provision L) during the months of June, July & August, Rule 46.1.2.2 will be zero. However, a Super Peak billing rate will be applied to all kWhs billed during the Super Peak periods. The rate will be based upon a load-weighted calculation of Rule 46.1.2.2, with the modification that the hours of 2:00 pm to 6:00 pm on weekdays (excluding any holiday that falls on a weekday) be used in the calculation (replacing the hours of 12:00pm to 8:00 pm). The Super Peak billing rate will be included on Supply Service Charge Statement in Rule 46.4.

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## GENERAL INFORMATION

## 46. SUPPLY SERVICE CHARGES (Continued)

46.1.3 ESCost for Service Classification No. 2 Demand Special Provision P (Effective June 1, 2013), Service Classification No. 3 Special Provision L - Mandatory Hourly Pricing Customers, SC3 Special Provision N (Effective June 1, 2013), Service Classification No. 3A, and Service Classification No. 7 (with the exception of SC7 customers whose otherwise applicable service classification is SC1 or SC2 Non-demand who shall be billed supply in accordance with Rule 46.1.1).

46.1.3.1 For each hour, the NYISO Day-Ahead LBMP in \$/kWh; plus

46.1.3.2 Effective January 1, 2012 through April 30, 2012, for each hour between 12:00 noon and 8:00 PM on weekdays (excluding any Holiday that falls on a weekday) the forecasted LBMCP in \$/kW-month times the sum of one plus the Unforced Capacity Requirement of the NYISO, times the sum of one plus the Demand Curve requirement of the NYISO divided by hours between 12:00 noon and 8:00 PM on weekdays (excluding any Holiday that falls on a weekday) of the applicable month divided by the respective Class Load Factor; plus

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#### GENERAL INFORMATION

#### 46. SUPPLY SERVICE CHARGES (Continued)

46.1.3.3 For each hour, the forecasted cost, in \$/kWh, of NYISO charges under all applicable OATT schedules; plus

46.1.3.4 For each hour, the forecasted NYISO NYPA Transmission Adjustment Charge (NTAC) rate, in \$/kWh.

46.1.3.5 The sum of each item shall be adjusted by the Local Transmission Efficiency Factors set forth in Rule 39.18.1.1 for the applicable distribution delivery voltage level and by the Average Unaccounted for Energy Factor set forth in Rule 39.18.1.2 plus any applicable taxes.

46.1.3.6 Any billing adjustment from the NYISO may be flowed through this Rule 46 based on the tariff rules in effect on the date service was rendered.

46.1.3.7 Effective May 1, 2012, a customer-specific peak load demand charge shall be calculated based on the customer's unique Capacity Tag assigned for the duration of each NYISO Capability Year and on the forecasted NYISO Capacity Spot Market price and shall be assessed in each monthly billing period.

46.1.3.8 Effective July 1, 2019, the Company will perform a monthly reconciliation (Capacity Reconciliation) of the peak load demand charge to reconcile the forecasted NYISO Capacity Spot Market price in Rule 46.1.3.7 to the actual NYISO Capacity Spot market price. Any under/ over collection will be charged based on the customer's unique Capacity Tag.

46.2 Legacy Transition Charge ("LTC"): Apart from the exceptions listed in Rule 46.2.4, the LTC is applicable to all delivery customers. The LTC shall include: i) the costs and benefits associated with the net market value of purchased power contracts executed prior to June 1, 2001 ("Legacy Contracts"), except for the one contract listed in Rule 46.2.7 and certain benefits of Service Classification No. 6 contracts executed after June 1, 2001, and ii) the net revenues from the NYISO associated with the periodic dispatch and marketing of the output from the Company-owned energy storage project located at the Company's East Pulaski Substation, and shall be calculated as follows:

46.2.1 The net market value of each Legacy Contract is defined as the monthly contract cost less the market value of the generation.

46.2.2 The LTC shall be calculated monthly and shall be based upon the sum of the monthly forecasted contract costs and forecasted market values of the Legacy Contracts, plus amounts associated with early termination of Legacy Contracts, plus any reconciliation balance from prior periods determined pursuant to Rule 46.2.3. The market value of the generation associated with Legacy Contracts will be determined based on the forecasted monthly market prices as set forth in Rule 46.1.1. The LTC shall be calculated as the amount so determined divided by the forecasted kWh sales for the applicable month of all delivery service customers pursuant to Rule 46.2.4 below.

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## GENERAL INFORMATION

## 46. SUPPLY SERVICE CHARGES (Continued)

46.2.3 The LTC shall be subject to reconciliation in which the actual net market value shall be calculated and compared to the actual revenue billed by the LTC for the respective month. The actual net market value shall include actual avoided ancillary cost benefits of the Legacy Contracts, applicable avoided capacity and ancillary cost benefits of Service Classification No. 6 contracts, and net revenues paid to the Company by the NYISO for the periodic dispatch and marketing of the output from Company-owned storage project located at the Company's East Pulaski Substation. Any reconciliation balance, whether positive or negative, shall be included in the LTC in effect in subsequent periods.

46.2.4 The LTC shall not be assessed on qualifying EZR load or qualifying EJP load or any portion of a customer's power that is supplied by NYPA, including Replacement and Expansion, Power For Jobs, Economic Development Power, and High Load Factor Fitzpatrick Power, with the exception that power supplied by NYPA under Rule 31 shall not be exempt from the LTC.

46.2.5 The LTC shall be assessed on a volumetric basis to applicable customers in all service classifications as a line item on delivery bills and will include the NYPA Benefit applicable to Service Classification Nos. 1 and 1-C per Rule 46.2.6.

46.2.6 NYPA Hydropower Benefit Mechanism ("NYPA Benefit") - The benefits associated with the net market value of NYPA Rural & Domestic (R&D) power, and the benefit of the monthly Residential Consumer Discount Program payment ("RCD payment") under New York Public Authorities Law §1005, Subdivision 13-b, are applicable to Service Classification Nos. 1 and 1-C only.

46.2.6.1 "NYPA R&D Contract" is defined as the contract for Niagara Peaking power.

46.2.6.2 The net market value of the NYPA R&D Contract is defined as the monthly contract cost less the market value of the generation.

46.2.6.3 The portion of the NYPA Benefit associated with the NYPA R&D Contract shall be calculated monthly as the sum of (1) the monthly forecasted contract cost minus the forecasted market value of the NYPA R&D Contract, and (2) any reconciliation balance from prior periods determined pursuant to Rule 46.2.6.4. The resulting factor shall be calculated as the amount so determined divided by the forecasted kWh sales for the applicable month of Service Classification Nos. 1 and 1-C customers. The forecasted market value of generation associated with the NYPA R&D Contract will be determined based on the forecasted monthly market prices as set forth in 46.1.1.

46.2.6.4 The portion of the NYPA Benefit associated with the NYPA R&D Contract shall be subject to reconciliation in which the actual net market value shall be calculated and compared to the actual revenue billed by the factor in Rule 46.2.6.3 for the applicable month. Any reconciliation balance, whether positive or negative, shall be included in the Rule 46.2.6.3 factor in effect in subsequent periods.

46.2.6.5 The portion of the NYPA Benefit associated with the RCD payment shall be calculated monthly as the sum of (1) the RCD payment scheduled for the applicable month, and (2) any reconciliation balance from prior periods, determined pursuant to Rule 46.2.6.6. The resulting factor shall be calculated as the amount so determined divided by the forecasted kWh sales for the applicable month of Service Classification Nos. 1 and 1-C customers.

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 SUPERSEDING REVISION: 6

### GENERAL INFORMATION

#### 46. SUPPLY SERVICE CHARGES (Continued)

46.2.6.6 The portion of the NYPA Benefit associated with the RCD payment shall be subject to reconciliation in which the RCD payment value shall be compared to the actual revenue billed by the factor in Rule 46.2.6.5 for the applicable month. Any reconciliation balance, whether positive or negative, shall be included in the Rule 46.2.6.5 factor in effect in subsequent periods.

The monthly RCD payment provided to customers shall not exceed the total monthly electric utility bill for each customer, and shall be shown as a separate factor on the Supply Service Charge Statement.

46.2.6.7 The RAD Program is applicable to agricultural customers who receive their electric service at the Company's residential rates, SC 1 and SC 1-C, of this schedule. The RAD Program is administered on an annual basis from September 1 to August 31 of each year.

46.2.6.7.1 Customers must initially apply for the RAD Program by filling out the Company's Application for Residential Agricultural Discount ("RAD") Program Form and by providing the Company with either:

- 1) A copy of Internal Revenue Service Form ("IRS") - Schedule F (Form 1040) - Profit or Loss From Farming as filed with the customer's most recent federal income tax return; or,
- 2) A Form 1120, 1120S, or 1065 as filed with the customer's most recent federal income tax return. The Business Activity indicated on the form must be one of the Business Activity codes listed below:

#### Agriculture, Forestry, Fishing and Hunting

##### Crop Production

- 111100 - Oilseed & Grain Farming
- 111210 - Vegetable & Melon Farming (including potatoes & yams)
- 111300 - Fruit & Tree Nut Farming
- 111400 - Greenhouse, Nursery, & Floriculture Production
- 111900 - Other Crop Farming (including tobacco, cotton, sugarcane, hay, peanut, sugar beet & all other crop farming)

##### Animal Production

- 112111 - Beef Cattle Ranching & Farming
- 112112 - Cattle Feedlots
- 112120 - Dairy Cattle & Milk Production
- 112210 - Hog & Pig Farming
- 112300 - Poultry & Egg Production
- 112400 - Sheep & Goat Farming
- 112510 - Aquaculture (including shellfish & finfish farms & hatcheries)
- 112900 - Other Animal Production

##### Forestry and Logging

- 113110 - Timber Tract Operations
- 113210 - Forest Nurseries & Gathering of Forest Products
- 113310 - Logging

##### Fishing, Hunting and Trapping

- 114110 - Fishing
- 114210 - Hunting & Trapping



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#### 46. SUPPLY SERVICE CHARGES (Continued)

46.2.6.7.2 The RAD shall be calculated monthly based on the monthly forecast sales of each customer who the Company has received the required documentation in Rule 46.2.6.7.1 above and is scheduled to receive a credit under the RAD Program.

46.2.6.7.3 The RAD will be applied to customers bills no later than three billing cycles from when the Company receives the completed application form and a copy of the customer's filed IRS Schedule F. Once received, the customer will be eligible to receive credits for a 12-month period of September 1 to August 31.

46.2.6.7.3.1 Customers must reapply by July 1 of each year by providing all documentation as stated in Rule 46.2.6.7.1 above.

46.2.6.7.3.2 If the documentation in Rule No. 46.2.6.7.1 is not received by July 1, customers will forego their RAD credit on August 31 until the documentation in Rule 46.2.6.7.1 is provided to the Company

46.2.6.7.4 The RAD shall be subject to a monthly reconciliation for any over/under credits. Any over/under credits as a result of the reconciliation will be added or subtracted from the monthly RCD payment in subsequent periods.

46.2.6.7.5 The monthly RAD provided to customers shall not exceed the net monthly electric delivery utility bill and will be applied after any RCD payments have been credited to customers.

46.2.6.7.6 The RAD Program factor will be shown as a separate factor on the Supply Service Charge Statement and filed with the Public Service Commission apart from this rate schedule not less than three (3) business days before its effective date. Such statements effective dates will coincide with the first billing batch of each month.

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SUPERSEDING REVISION: 0

#### GENERAL INFORMATION

#### 46. SUPPLY SERVICE CHARGES (Continued)

46.2.7 The Nine Mile Unit #2 PPA converted to a Revenue Sharing Agreement (RSA), effective December 1, 2011. The RSA will provide the Company with a quarterly credit of eighty percent of the amount by which actual market prices exceed a specific schedule of floor prices as identified in the RSA. Any applicable payments received under the RSA for a contract quarter will be refunded to customers beginning in the calendar month following the month in which the payment is received. Such payments will be refunded to customers over three consecutive months. An allowance for carrying charges at the currently approved customer deposit rate in effect at the time of the payment will also be included. The monthly credits will be added to the net market value forecast of the other Legacy Contracts in Rule 46.2.2

46.3 All customers receiving commodity service in accordance with Rule 46.1 will also be subject to the Electricity Supply Reconciliation Mechanism ("ESRM"). The ESRM will consist of:

46.3.1 New Hedge Adjustment – The costs and benefits associated with the net market value of New Hedges and applicable to Service Classification Nos. 1, with the exception of Special Provision L, and 2 (Non-Demand).

46.3.1.1 New Hedges are defined as all power purchase contracts executed on or after June 1, 2001, excluding NYPA contracts which are subject to Rule 46.2.6.

46.3.1.2 The net market value of each New Hedge contract is defined as the monthly contract cost less the market value.

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### 46. SUPPLY SERVICE CHARGES (Continued)

46.3.1.3 The New Hedge Adjustment factor shall be calculated monthly and shall be based upon the sum of the monthly forecasted contract costs and monthly forecasted market values of New Hedges, plus any applicable reconciliation balance from prior periods determined pursuant to Rule 46.3.1.4. The market value of the New Hedges will be determined based on the forecasted monthly market prices as set forth in 46.1.1. In addition, the New Hedge Adjustment shall include costs incurred by the Company in performing hedging activities, and such costs may take the form of costs of premiums for options, insurance premiums, letters of credit fees, and margining financial transaction costs. The New Hedge Adjustment shall be calculated as the amount so determined applicable for the zone(s) divided by the forecasted zonal kWh sales of customers on Service Classification Nos. 1 and 2 (Non Demand) receiving Electricity Supply Service from the Company.

46.3.1.4 The New Hedge Adjustment shall be subject to reconciliation in which the actual net market value for the zone(s) shall be calculated and compared to the actual revenue billed for the zone(s) for the applicable month. Any reconciliation balance, whether positive or negative, shall be included in the adjustment of subsequent periods pursuant to Rule 46.3.4.

46.3.2 Mass Market Adjustment – The variance in the forecasted monthly market prices upon which Mass Market customers are billed for a month and the actual monthly market prices for the same month and applicable to SC-1, with the exception of Special Provision L, and SC-2 (Non-Demand) customers taking Electricity Supply Service from the Company.

46.3.2.1 The Mass Market Adjustment shall be calculated monthly as the difference between the forecasted zonal monthly market prices determined pursuant to Rule 46.1.1 and the actual zonal monthly market prices for the same month, multiplied by the kWh sales billed to Mass Market customers during the applicable billing month.

46.3.2.2 The Mass Market Adjustment factor shall be calculated monthly as the amount determined pursuant to Rule 46.3.2.1 divided by the forecasted zonal kWh sales for the applicable month of customers on Service Classification Nos. 1 and 2 (Non Demand) receiving Electricity Supply Service from the Company. Any reconciliation balance, whether positive or negative, shall be included in the adjustment of subsequent periods pursuant to Rule 46.3.4.

### 46.3.3 Supply Service Adjustment –

46.3.3.1 A Supply Service Adjustment will be determined for non-hourly priced customers and hourly priced customers defined respectively as customers served under the following service classes and provisions:

46.3.3.1.1 Service Classifications No. 1, Service Classification No. 1 (Special Provision L), Service Classification No. 1C, Service Classification No. 2 (Non-Demand), Service Classification No. 2 Non-Demand (Special Provision O), Service Classifications No. 2 Demand, and Service Classification No. 3 (excluding customers on Mandatory Hourly Pricing-Special Provision L and Voluntary Hourly Pricing-Special Provision N), Service Classification No. 7 whose otherwise applicable service classification is SC1 or SC2 Non-Demand, and all Service Classifications of PSC No. 214 (“Non-hourly Priced Customers”); and

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SUPERSEDING REVISION: 0

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### 46. SUPPLY SERVICE CHARGES (Continued)

46.3.3.1.2. Service Classification No. 2 Demand Special Provision P (Effective June 1, 2013), Service Classification No. 3 Special Provision L - Mandatory Hourly Pricing Customers, Service Classification No. 3 Special Provision N (Effective June 1, 2013), Service Classification No. 3A, and Service Classification No. 7 whose otherwise applicable service classification is not SC1 or SC2 Non-Demand ("Hourly Priced Customers").

46.3.3.2 Supply Service Adjustment for Non-hourly Priced Customers - The reconciliation amount represented by the difference between actual monthly Electric Supply Costs and actual revenue billed through the ESCost pursuant to Rule 46.1 not otherwise recovered from customers through the LTC, NYPA Benefit, New Hedge Adjustment, Mass Market Adjustment and Supply Service Adjustment for Hourly Priced Customers and is applicable to all Non-hourly Priced Customers taking Electricity Supply Service from the Company.

46.3.3.2.1 Actual monthly Electricity Supply Costs shall be all costs incurred by the Company in providing electric supply to Non-hourly Priced Customers for an applicable service month. Electricity Supply Costs shall include the cost incurred under Legacy Contracts, New Hedges, NYPA R&D Contracts, Value Stack Energy Component credits determined in accordance with Rule 40.2.3, and for electricity purchased from NYISO in the Day Ahead and Real Time market, and shall include the cost of capacity and ancillary services and other supply related costs assessed to the Company

46.3.3.2.2 The actual monthly Electricity Supply Costs as specified in 46.3.3.2.1, shall be adjusted by the following:

46.3.3.2.2.1 Actual amount of the net market value associated with i) Legacy Contracts assessed through the LTC pursuant to Rule 46.2, ii) NYPA R&D Contracts assessed through the NYPA Benefit factor pursuant to Rule 46.2.6, and iii) New Hedges assessed through the New Hedge Adjustment factor pursuant to Rule 46.3.1; and

46.3.3.2.2.2 The Mass Market Adjustment determined pursuant to Rule 46.3.2; and the Supply Service Adjustment for Hourly Priced Customers pursuant to Rule 46.3.3.1; and any reconciliation balance from prior periods determined pursuant to Rule 46.3.3.2.4 below.

46.3.3.2.3 The Supply Service Adjustment factor for Non-hourly Priced Customers shall be calculated monthly as the amount determined in accordance with Rules 46.3.3.2.1 and 46.3.3.2.2, plus any over/under collection determined in Rule 46.3.3.2.4, divided by the forecasted kWh sales for the applicable month to the customers listed above receiving Electricity Supply Service from the Company.

46.3.3.2.4 The Supply Service Adjustment for Non-hourly Priced Customers shall be subject to reconciliation in which the reconciliation amount determined in accordance with Rules 46.3.3.2.1 and 46.3.3.2.2 shall be compared to the actual revenue billed by the Supply Service Adjustment factor for the applicable month. Any reconciliation balance, whether positive or negative, attributed to mass market customers shall be included in the adjustment of subsequent periods pursuant to Rule 46.3.4.

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SUPERSEDING

#### GENERAL INFORMATION

##### 46.3.3.3 Supply Service Adjustment for Hourly Priced Customers

46.3.3.3.1 Supply Service Adjustment for Hourly-Priced Customers shall be calculated monthly as the difference between the forecasted capacity rate as determined in rule 46.1.3.7 and the actual capacity rate for the same month, multiplied by the aggregate Capacity Tag KW billed to Hourly Priced Customers in the same month; plus the difference between the forecasted ancillary market prices (pursuant to Rule 46.1.3.3 and 46.1.3.4) and the actual ancillary market prices for the same month and adjusted for losses, multiplied by the kWh sales billed to Hourly-priced Customers during the applicable billing month; plus the Hourly-priced Customer share of the i) NYISO Day Ahead and Real Time balancing transaction costs and ii) other supply related costs assessed to the Company.

46.3.3.3.2 The Supply Service Adjustment factor shall be calculated monthly as the amount determined in accordance with Rules 46.3.3.3.1 (minus the Capacity Reconciliation as specified in Rule 46.1.3.8) plus any over/under collection as determined in Rule 46.3.3.3.3, divided by the forecasted kWh sales for the applicable month to the customers listed above receiving Electricity Supply Service from the Company.

46.3.3.3.3 The Supply Service Adjustment shall be subject to reconciliation in which the reconciliation amount determined in accordance with Rules 46.3.3.3.1 shall be compared to the actual revenue billed by the Supply Service Adjustment factor determined in Rule 46.3.3.3.2, plus the actual revenue billed by the Capacity Reconciliation determined in Rule 46.1.3.8 for the applicable month.

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#### GENERAL INFORMATION

#### 46. SUPPLY SERVICE CHARGES (Continued)

46.3.3.4 The Supply Service Adjustment shall be subject to reconciliation in which the reconciliation amount determined in accordance with Rules 46.3.3.1 and 46.3.3.2 shall be compared to the actual revenue billed by the Supply Service Adjustment factor for the applicable month. Any reconciliation balance, whether positive or negative, shall be included in the adjustment of subsequent periods pursuant to Rule 46.3.4.

46.3.4 Supply Reconciliation Balance – The charges or credits associated with -supply reconciliations for Mass Market customers that are delayed from the typical two-month lag.

46.3.4.1 Generally, reconciliations will be performed on a two-month lag basis. Any delay in these reconciliations will be implemented through the Supply Reconciliation Balance. Any subsequent reconciliations of the Supply Reconciliation Balance caused by sales variances will occur within the reconciliation of the New Hedge Adjustment.

46.3.5 Clean Energy Standard Supply (“CESS”) Charge - All customers receiving supply service in accordance with Rule 46.1 will be subject to the Clean Energy Standard Supply (“CESS”) charge. The CESS will consist of:

46.3.5.1 Renewable Energy Standard (“RES”) charge – The costs associated with the CES RES program, where the Company procures qualifying RECs and /or remits ACPs as mandated by the Commission in Cases 15-E-0302 and 15-E-0751. The RES charge also includes the costs associated with the purchase of ORECs as mandated by the OSW Standard in Case 18-E-0071. The RES charge will be calculated by dividing the annual RES costs by the forecast annual kWh sales of all customers receiving Electricity Supply Service from the Company for the applicable period.

46.3.5.2 Any costs associated with purchases of RECs or ACPs that have occurred or are forecasted to occur for the period of January 1, 2017 through March 31, 2018 will be included in the first year RES calculations beginning April 1, 2017. Commencing April 1 2018, the RES charge calculation will be performed on an annual basis for the upcoming April through March period.

46.3.5.3 Zero-Emissions Credit (“ZEC”) Charge – The costs associated with the CES ZEC requirements, where the Company is contractually obligated to purchase ZECs from NYSERDA during the ZEC Compliance Year. The annual ZEC cost, as determined by NYSERDA for the ZEC Compliance Year, will be divided by the forecast annual kWh sales of all customers receiving Electricity Supply Service from the Company for the applicable period.

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#### GENERAL INFORMATION

#### 46. SUPPLY SERVICE CHARGES (Continued)

##### 46.3.5 Clean Energy Standard Supply ("CESS") Charge (Continued)

46.3.5.4 An annual reconciliation will be performed for the prior CESS revenue and CESS costs associated with the RES and ZEC procurements, plus any incremental costs or adjustments. Such reconciliation will include the Environmental Market Value Cost Recovery as specified in Rule 40.3.2.3 for the annual reconciliation period until December 31, 2024, after which time the full cost of the Environmental Component, and any unreconciled over/under collection amounts associated with the Out of Market Environmental Component, will be recovered from the Company's supply customers on a per kWh basis as part of the CESS Charge.

46.3.5.5 The CESS Charge will be comprised of the RES and ZEC charges, plus the CESS reconciliation. The CESS charge will be filed as needed with the Public Service Commission and included as a monthly charge on the supply portion of the customer's bill.

46.3.5.6. If the Commission approves additional RES and ZEC costs that the Company was not able to forecast at the time of the annual filing, the Company may file updated CESS charges prior to the end of the annual period. In such instance, the RES and ZEC charge calculations above will be calculated using the costs to be collected for remainder of the annual period divided by the forecasted kWh for the remainder of the annual period.

46.4 A monthly Supply Service Charge Statement shall set forth the following rates each month: the forecast Rule 46.1.1 ESCost rates; the forecasted NYISO Capacity Spot Market price utilized in Rule 46.1.3.7; the LTC in Rule 46.2, the ESRM in Rule 46.3, and Rule 46.3.4 Supply Reconciliation Balance. A separate statement will set forth the CESS Charge in Rule 46.3.5. The Supply Service Charge Statement and the CESS Charge Statement will be filed with the Public Service Commission apart from this rate schedule on not less than three (3) business days' notice before the effective date.

46.5 The Clean Energy Standard Delivery ("CESD") charge will be applicable to all delivery customers including customers who have load served by NYPA. The CESD will be a per kWh charge on all energy delivered to the customer and will be set annually using forecasted costs.

##### 46.5.1 Costs to be recovered by the CESD consists of:

46.5.1.1 Tier 2 Renewables – The costs associated with the Clean Energy Standard Tier 2 Maintenance Renewables program, as invoiced by NYSERDA to the Company. The CESD annual rate will be based on a forecast of these costs as determined by NYSERDA and subject to reconciliation annually as provided herein.

46.5.1.2 Backstop Costs – The costs associated with any NYSERDA Backstop charges from the CES and OSW Standard programs. Backstop costs invoiced by NYSERDA to the Company will be collected as part of the CESD charge in either the next annual CESD rate reconciliation, or in an interim adjustment to the CESD rate. Backstop Costs collected as part of an interim adjustment to the CESD rate may be collected over a period from one month to twelve months, at the Company's discretion, and will be subject to reconciliation as provided herein.

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NIAGARA MOHAWK POWER CORPORATION  
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STAMPS: Issued in Compliance with Order in Case 20-M-0082 Issued January 19, 2024.

46.5.1.3 Phase 2 IEDR Surcharge Rate – Effective March 1, 2024, the Phase 2 IEDR surcharge rate will collect the costs incurred by NYSERDA for Phase 2 of the IEDR Program, as specified in the Commission’s January 19, 2024 Order in Case 20-M-0082. Phase 2 IEDR costs invoiced by NYSERDA to the Company may be collected as part of the CESD charge in either the CESD annual rate reconciliation, or in an interim adjustment to the CESD rate. The Phase 2 IEDR surcharge rate will be calculated by dividing the necessary collections by the forecasted delivery kWh sales (including NYPA Load). The necessary collections will be forecasted costs for the upcoming year, plus or minus any under- or over-collections for prior years. The forecasted costs will be based on a forecast provided to the Company by NYSERDA in the latest Bill-As-You-Go (“BAYG”) Invoice at the time of filing.

46.5.1.4 An annual reconciliation will be performed of the prior year’s CESD revenue and costs including any incremental costs or adjustments. This includes the Phase 2 IEDR Surcharge Rate reconciliation described in Rule 46.5.1.3.

46.5.1.5 The CESD annual charge will be calculated as the sum of the forecast Tier 2 Maintenance Renewables costs, plus any uncollected Backstop costs invoiced by NYSERDA to the Company, plus the Phase 2 IEDR Surcharge Rate, plus the annual reconciliation of prior CESD revenue and costs divided by the forecast delivery kWhs (including NYPA load).

46.5.1.6 The CESD charge will be filed annually, or on an interim basis per Rule 46.5.1.2, with the Public Service Commission and a monthly charge will be included in the delivery portion of a customer’s bill.



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#### GENERAL INFORMATION

#### 47. AGGREGATION OF ELECTRIC DELIVERY SERVICE

Neither Energy Service Companies (ESCOs) nor Residential or Non-Residential Customers may aggregate Electric Delivery Service through two or more separate Retail Delivery Points to one Retail Delivery Point on the Company's system by construction of new facilities connecting these previously separate Retail Delivery Points, except as provided in Rule 47.1 or Rule 47.9. The only exemption to this Rule 47 is described in Rule 8.5 of this Tariff Schedule specifically for new senior living facilities as of April 27, 2000.

47.1 A Non-Residential Customer may only aggregate Electric Delivery Service for two or more separate Retail Delivery Points into a single Retail Delivery Point if the following conditions are met:

47.1.1 The aggregation must be physical in nature; and

47.1.2 Each Retail Delivery Point must be on the same Premise, as defined in Rule 1.3.2; and

47.1.3 Electric Delivery Service for each of the Retail Delivery Points to be aggregated must be in the name of the same customer; and

47.1.4 Except as described in Rule 47.9, the customer pays the charge as described in Rule 47.3, below.

47.2 The customer must inform the Company in writing of its intentions to aggregate Electric Delivery Service for two or more Retail Delivery Points. This written request must describe the proposed aggregation in sufficient detail for the Company to review the proposal. The Company shall determine if the aggregation of Electric Delivery Service contemplated by the customer is allowed under Rule 47.1. The Company shall inform the customer in writing within ninety (90) calendar days of its determination as to whether the aggregation is permitted, and if permitted, shall provide the customer with the amount of the payment as described in Rule 47.3, below.

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#### GENERAL INFORMATION

#### 47. AGGREGATION OF ELECTRIC DELIVERY SERVICE (Continued)

47.3 In the event the aggregation of Electric Delivery Services is allowed under the provisions of this Rule, the customer shall be required to pay an amount to the Company equal to the book value less accumulated depreciation of any Company lines, poles and/or other facilities retired from service at that location as a result of the customer aggregating Electric Delivery Services.

47.3.1 The fee calculated in Rule 47.3 above shall be paid to the Company prior to the aggregation of Electric Delivery Services by the customer. The Company shall entertain levelized annual payments or other options that may be negotiated between the Company and the customer, subject to adequate security.

47.4 In the event that the customer's facilities have been physically altered in such a manner that requires electrical service changes according to the National Electric Code or the Company's Engineering standards, changes to the Company's service equipment or facilities may be required. The need for such changes shall be at the sole discretion of the Company in accordance with Good Utility Practice. The customer shall bear the cost of such changes and payment therefore will be in addition to the fee calculated in Rule 47.3 above.

47.5 Where existing Company equipment or facilities must be removed in order to implement aggregation, the customer shall bear the cost of removing such equipment or facilities, plus the costs to install any and all new equipment or facilities in addition to the fee calculated in Rule 47.3 above.

47.6 In order for the customer to be allowed to aggregate Electric Delivery Service under this Rule 47, the customer must not be delinquent for any receipts of undisputed bills owed to the Company.

47.7 An ESCo, as defined under Rule No. 1.26 of this Tariff Schedule, is not eligible to aggregate Electric Delivery Service under this Rule 47.

47.8 A customer is not eligible to aggregate Electric Delivery Service under this Rule No. 47 for any portion of its load served under a special contract pursuant Service Classification No. 12 except where such contract expressly permits the customer to aggregate services.

47.9 When the Company, in its sole judgment, specifically requests a physical aggregation of separate Retail Delivery Points to alleviate system or facility loading, reliability or safety problems, the customer subject to such aggregation is not responsible for charges as established in Rule Nos. 47.3 and 47.5.

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#### GENERAL INFORMATION

#### 48. COMMERCIAL ELECTRIC VEHICLE CHARGING PROGRAMS

##### 48.1 Commercial Electric Vehicle Demand Charge Rebate

48.1.1 Commercial customers in SC2D, SC3, SC3A, and SC4 with electric vehicle charging stations will be eligible for the Commercial Electric Vehicle (“EV”) Demand Charge Rebate (“DCR”).

48.1.2 To be eligible for the DCR, a customer is required to have a Charging Ratio of 50 percent or greater. The Company will calculate a Charging Ratio to determine eligibility as follows:

48.1.2.1 For customers that separately meter the EV charging load, the Charging Ratio will be equal to 100 percent.

48.1.2.2 For customers that do not separately meter the EV charging load from other non-EV charging load on the premise, the Charging Ratio will be calculated as the ratio of i) the sum of the EV charger(s) capacity (in kW) to ii) the sum of the maximum demands (in kW) that could occur simultaneously as metered on the customer’s account. The sum of maximum demands as described herein will be established as provided by the customer’s load letter (i.e., load sheet) submitted at the time of customer’s application for service, or as further updated as specified in 48.1.2.3 or 48.1.2.4.

48.1.2.2.1 The EV charger(s) capacity (in kW) used in the Charging Ratio calculation will be the lesser of the sum of the nameplate charging capacity of each charger and the maximum simultaneous charging capacity, to the extent that there is a difference between the two.

48.1.2.3 The Charging Ratio shall be determined at the time of application and shall remain the Charging Ratio until such time that the customer provides a new load letter (i.e., load sheet) with additional electrification requirements, including if a customer adds EV chargers to an existing commercial account. If the Company does not have a load letter (i.e., load sheet) for the customer’s premise at the time of application for this program, the customer shall provide a load letter (i.e., load sheet) upon request.

48.1.2.4 The Company reserves the right to re-evaluate the Charging Ratio and program eligibility and request a new load letter (i.e., load sheet) subsequent to application for service.

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#### GENERAL INFORMATION

#### 48. COMMERCIAL ELECTRIC VEHICLE CHARGING PROGRAMS (CONTINUED)

##### 48.1 Commercial Electric Vehicle Demand Charge Rebate (Continued)

48.1.3 For eligible customers, the DCR will begin on the first full bill period following the customer enrolling in the program and will be determined for each billing period thereafter as the product of i) the distribution delivery rate specific to the customer's service classification and voltage delivery level, as billed to the customer in the billing period, ii) the customer's billed kW, iii) the Charging Ratio, and iv) 50 percent. The distribution delivery rate included in the calculation does not include delivery surcharges, supply charges, supply surcharges, or any other demand-measured charges included in the customer bill.

48.1.4 SC7 and SC12 customers, as well as customers participating in the Empire Zone Rider and Excelsior Jobs Program shall be ineligible for the DCR.

48.1.5 Customers participating in the Company's Direct Current Fast Charging Per-Plug Incentive ("PPI") Program will have a one-time option to either continue participating in the PPI Program for the remainder of the customer's eligibility period or to begin receiving the DCR. Remaining PPI payments may require proration prior to receiving the DCR.

48.1.6 The DCR will remain available to eligible customers until such time as the Commercial Electric Vehicle Phase-In Time of Use Rate Solution as described in the Commission's Orders in Case 22-E-0236 is made available to customers.

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GENERAL INFORMATION

RESERVED FOR FUTURE USE

48. Canceled

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LEAF: 235

NIAGARA MOHAWK POWER CORPORATION

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## GENERAL INFORMATION

## 49. EARNINGS ADJUSTMENT MECHANISM

49.1 The Earnings Adjustment Mechanism ("EAM") allows the Company to recover earned EAM positive revenue adjustments through an annual EAM surcharge.

49.2 The Company will allocate the earned incentive to the following service classes: SC1, SC1C, SC2ND, SC2D, SC3, SC3A, SC4, SC7, SC 12, in accordance with each SC-12 customer's specific contract, and all service classes of PSC No. 214. The Company will allocate:

(i) the Electric Peak Reduction EAM based on the transmission coincident peak demand allocator from the Company's most current ECOS per Rule 43.6;

(ii) the LSRV Load Factor EAM using the non-coincident peak at primary voltage allocator per Rule 45.2.3 from the Company's most current ECOS;

(iii) the Electric Energy Efficiency Share the Savings and Low & Moderate Income Energy Efficiency Customer Savings EAMs using the transmission coincident peak demand allocator per Rule 43.6, non-coincident peak at primary voltage allocator per Rule 45.2.3, Energy Allocator listed below, and Total Distribution Revenue Allocator listed below, all from the Company's most current ECOS and each with equal weight.

## Energy Allocator (MWh-Meter):

Residential	34.74%
Residential TOU	0.88%
Small Gen No Dem	1.92%
Small Gen Demand	12.03%
Large Gen-Sec	12.35%
Large Gen-Pri	5.75%
Large Gen-Tran	2.20%
Large Gen TOU-S/P	3.00%
Large Gen TOU-SubT	4.92%
Large Gen TOU-Tran	21.75%
Lighting	0.46%

## Total Distribution Revenue Allocator:

Residential	62.70%
Residential TOU	0.74%
Small Gen No Dem	4.54%
Small Gen Demand	12.13%
Large Gen-Sec	8.52%
Large Gen-Pri	2.91%
Large Gen-Tran	0.45%
Large Gen TOU-S/P	1.57%
Large Gen TOU-SubT	0.95%
Large Gen TOU-Tran	3.10%
Lighting	2.39%

(iv) the Distributed Energy Resource Utilization EAM using the transmission coincident peak demand allocator per Rule 43.6, non-coincident peak at primary voltage allocator per Rule 45.2.3, and energy allocator per Rule 49.2 (iii) above, all from the Company's most current ECOS and each with equal weight.

(v) the Building Electrification, Transportation Electrification, and Make Ready Share the Savings EAMs using the Total Distribution Revenue allocator per Rule 49.2 (iii) above from the Company's most current ECOS.

49.2.1 Empire Zone Rider qualifying load and Excelsior Jobs Program qualifying load will not be subject to the EAM. The EAM surcharge will also be applicable to NYPA load.

49.3 The EAM will be collected from customers on a kW basis for demand billed customers and a per kWh basis for non-demand billed customers.

49.3.1 The EAM surcharge shall be calculated by dividing the earned incentive for each service classification as determined in Rule 49.2 above by the forecast sales or demand for that service classification.

49.3.2 The EAM surcharge collected from customers will be subject to an annual reconciliation for any over or under collections from the previous year. The EAM reconciliation's over or under collections will be credited or surcharged to customers, which will include interest at the Company's pre-tax WACC.

49.3.3 The EAM surcharge will appear on the Statement of Earning Adjustment Mechanism to be filed with the PSC not less than fifteen (15) days prior to the effective date.

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## GENERAL INFORMATION

### 50. RELIABILITY SUPPORT SERVICES (RSS) SURCHARGE

50.1 The RSS surcharge provides for recovery from customers of costs incurred by the Company, and approved by the Commission, for third-party services to ensure that local reliability needs are met. RSS costs may include both fixed and variable third-party charges. Estimated variable charges will be included in the RSS surcharge and subsequently reconciled.

50.1.1 The RSS surcharge is applicable to all customers taking service under P.S.C. No. 220 and 214 Electricity, regardless of supplier, including Replacement and Expansion Power, Recharge New York Power, High Load Factor Power, Preservation Power, and customers taking service under S.C. No.12 in accordance with the terms of their individual contracts.

50.1.1.1 Empire Zone qualifying load and Excelsior Jobs Program qualifying load are not subject to this surcharge.

50.2 The recovery of RSS costs shall be allocated to service classifications based on the most recent transmission plant allocator.

50.2.1 RSS costs incurred on or after April 1, 2013 (including any reconciled amounts from prior periods) will be assessed on a forecast basis and recovered from customers on a current basis.

50.2.2 The RSS surcharge will be applied to customers on a sales forecast basis.

50.2.2.1 The RSS surcharge will be collected from customers on a volumetric basis, per kWh for non-demand service classifications and per kW for demand service classifications.

50.2.2.2 The RSS surcharge shall be determined by dividing the amount of RSS costs incurred by the Company for each service classification as determined in Rule 50.2 above by the forecast sales or demand for that service classification

50.2.2.3 The RSS surcharge collected from customers will be subject to an annual reconciliation for any over or under collections from the previous year and at the end of the contract term if less than an annual period. The RSS reconciliation over or under collections will be credited or surcharged to customers, which will include interest at the applicable other customer deposit rate.

50.3 The RSS surcharge shall be shown on statements filed with the Public Service Commission apart from this rate schedule not less than fifteen (15) business days before its effective date.

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#### GENERAL INFORMATION (CONTINUED)

##### 51. NYSERDA LOAN INSTALLMENT PROGRAM

51.1 On August 4, 2011, the Power NY Act of 2011 was enacted which amends the Public Service Law to address the establishment of the Green Jobs-Green New York Program administered by the New York State Energy Research and Development Authority ("NYSERDA") or its designated agent. This program provides for an on-bill recovery mechanism for certain qualified residential and non-residential customers to pay back loans for energy efficiency improvements approved and obtained through NYSERDA ("NYSERDA Loan Installment Program"). As set forth in this law, the Company will bill and collect NYSERDA Loan Installment amounts on a customer's utility bill when notified by NYSERDA that these NYSERDA Loan Installments apply to the customer's utility account. Unless otherwise precluded by law, participation in the NYSERDA Loan Installment Program shall not affect a customer's eligibility for any rebate or incentive offered by the Company. In order to comply with the requirements set forth in the Power NY Act of 2011, the Company will provide NYSERDA, or its agents, certain customer information and take other actions for purposes of the NYSERDA Loan Installment Program. The Company will implement the NYSERDA Loan Installment Program no later than May 30, 2012.

51.1.1 All customer information released to NYSERDA by the Company will be considered confidential. Customers making application to NYSERDA under the NYSERDA Loan Installment Program will be required to provide consent for NYSERDA's use of the customer's utility account information. For premises with an outstanding NYSERDA Installment Loan, the Company will release to NYSERDA each successor customer's information pursuant to the requirements of the Power NY Act of 2011.

51.1.2 The number of customers that may participate in the NYSERDA Loan Installment Program under this Rule will initially be limited to no more than one-half of one percent of the Company's total 2011 customer population as reported to the Commission in the Company's PSC Annual Report, as of December 31, 2011, on a first-come, first-served basis.

51.2 NYSERDA will have direct responsibility for advising the Company of the NYSERDA Loan Installment amount and loan term in months to be billed for each customer NYSERDA has advanced monies under the NYSERDA Loan Installment Program. The responsibility of the Company is limited to providing billing and collection services for NYSERDA. Such billing and collection services will be available regardless of whether the electricity or gas delivered by the Company is the customer's primary energy source. The Company will commence charging the NYSERDA Loan Installment on the customer's next cycle bill for utility service after notification by NYSERDA, if practical, but not later than the second billing cycle after receipt of the notification. For each monthly period billed, the Company will include the monthly NYSERDA Loan Installment amount until the NYSERDA Loan Installment obligation is satisfied or the account is closed. A monthly billing period will be defined as any billing period of not less than twenty-five calendar days



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## GENERAL INFORMATION

### 51. NYSERDA LOAN INSTALLMENT PROGRAM

51.2.1 Only one NYSERDA Loan Installment obligation can exist on a customer's utility account. Should the customer enter into an additional NYSERDA Loan Installment agreement, NYSERDA will replace the current NYSERDA Loan Installment on the account with a new consolidated NYSERDA Loan Installment and notify the Company of the new NYSERDA Loan Installment amount and corresponding NYSERDA Loan Installment term in months.

51.3 NYSERDA Loan Installment payments will be paid to the Company with the customer's regular cycle utility service bill.

51.3.1 Bills are due and payable when rendered. Full payment of the utility charges must be received by the Company on or before the date shown on the bill to avoid a late payment charge.

51.3.2 If less than the total monthly bill amount inclusive of the NYSERDA Loan Installment amount is remitted by the customer, the partial payment will first be applied to the customer's utility charges and any remaining amount will be applied to the NYSERDA Loan Installment amount.

51.3.3 If more than the total monthly bill amount inclusive of the NYSERDA Loan Installment amount is remitted by the customer to the Company, the Company will apply the overpayment first to subsequently billed electric and/or gas charges and then to NYSERDA Loan Installment amounts as they are billed.

For a customer participating in Budget Billing, payment shall be applied to the monthly budget amount for electric and/or gas charges and any remaining amount is then applied to the billed NYSERDA Loan Installments.

51.3.3.1 The Company will not apply payments that are more than the total amount due for utility charges and the NYSERDA Loan Installment amount as a prepayment of future NYSERDA Loan Installment amounts or as full payment of the NYSERDA Loan Installment obligation. Customers must arrange with NYSERDA or its designated agent for any NYSERDA Loan Installment prepayments or to satisfy the NYSERDA Loan amount in full.

51.3.3.2 The Company will not provide interest on overpayments of NYSERDA Loan Installment amounts.

51.3.4 The rights and responsibilities of residential customers participating in the NYSERDA Loan Installment Program are governed by the provisions of Article 2 of the Public Service Law. NYSERDA Loan Installment amounts will be subject to all other provisions and charges in this Rate Schedule including: 1) collection, reconnection and dishonored checks; 2) deferred payment agreement; and 3) termination/disconnection and reconnection of services except for the late payment charge provision. NYSERDA Loan Installment amounts will not be subject to the Increase in Rates and Charges pursuant to General Information section, Rule No. 32.1.

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#### GENERAL INFORMATION (CONTINUED)

#### 51. NYSERDA LOAN INSTALLMENT PROGRAM

51.3.4.1 Occupants of multiple dwellings and two-family dwellings that assume responsibility for making utility payments in accordance with Public Service Law §§ 33 and 34 and 16 NYCRR 11.7 and 11.8 shall not be required to assume the NYSERDA Loan Installment amounts and such arrears and/or prospective amounts shall remain the responsibility of the incurring customer.

51.4 In the event that the NYSERDA Loan Installment is in arrears and not satisfied when a customer's utility account is closed, billed NYSERDA Loan Installment amounts may be transferred to the customer's new utility account in accordance with the requirements of Public Service Law § 31 and all other applicable provisions set forth in this Rate Schedule.

51.4.1 If the customer does not establish a new account with the Company within 45 calendar days after the customer's utility account is closed, NYSERDA will assume the responsibility for the collection of arrears for the NYSERDA Loan Installment.

51.5 The NYSERDA Loan Installment obligation shall survive changes in ownership, tenancy, and meter account responsibility at the premises where the energy efficiency measures were installed unless such obligation has been fully satisfied. In the event that the NYSERDA Loan Installment obligation has not been satisfied and a successor utility account is opened for the same premises' meter, the Company will provide to NYSERDA, or its agents, successor customer information. Prior to the Company establishing NYSERDA Loan Installment payments on a successor utility account, NYSERDA must provide supporting information to the Company for establishing such payments. All relevant sections of this Rule 51 will apply to the successor utility account holder.

51.6 At least annually, the Company will provide customers participating in the NYSERDA Loan Installment Program the following information:

51.6.1 The amount and duration of remaining installments under the NYSERDA Loan Installment Program.

51.6.2 NYSERDA's contact information and procedures for resolving customer complaints regarding the NYSERDA Loan Installment Program.

51.7 Customers must direct any questions or billing disputes regarding the NYSERDA Loan Installment Program directly to NYSERDA or its designated agent.

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## GENERAL INFORMATION

### 52. ELECTRIC VEHICLE MAKE-READY SURCHARGE

The Electric Vehicle Make-Ready (“EVMR”) Surcharge recovers investments made by the Company and incentive costs paid to customers to support the infrastructure and equipment necessary to accommodate increased electricity demands associated with the deployment of electric vehicles, until such time these costs are reflected in base rates.

52.1 The costs to be recovered, collectively referred to as “EV Make-Ready Costs” are as follows:

52.1.1 Company-Owned Make-Ready Costs: The depreciation expense related to Company-owned make-ready costs, including work related to future-proofing Company infrastructure, and the return on the average unrecovered portion of such investment, net of deferred income taxes, will be collected and amortized over the subsequent one-year period, including carrying charges at the Company’s pre-tax weighted average cost of capital.

52.1.2 Customer-Owned Make-Ready Work: Incentives paid for customer-owned make-ready work will be collected and amortized over a period of fifteen (15) years, with the net-of-tax balances accruing carrying charges based on the Company’s pre-tax weighted average cost of capital.

52.1.3 Other Program Costs: Other Program Costs include costs associated with the Environmental Justice Community Clean Vehicles Transformation Prize, Clean Personal Mobility Prize, Clean Medium- and Heavy- Duty Innovation Prize, Fleet Assessment Service, Medium- and Heavy- Duty Make-Ready Pilot Program, Transit Authority Make-Ready Program, and Micromobility Make-Ready Program. Other Program Costs will be collected and amortized over a period of fifteen (15) years, with the net-of-tax balances accruing carrying charges at the Company’s pre-tax weighted average cost of capital.

52.1.4 Make-Ready Implementation Costs: Implementation costs, including work related to Fleet Assessment Service, will be collected and amortized over a period of five (5) years, with the net-of-tax balances accruing carrying charges at the Company’s pre-tax weighted average cost of capital.

52.1.5 Commercial Electric Vehicle Demand Charge Rebate Program: Costs related to the implementation of the Commercial Electric Vehicle Demand Charge Rebate described in Rule 48, including the rebates paid to participants as well as incremental administrative costs, on a one-year lag.

52.1.6 Residential EV Charge Smart Plan Costs: Program enrollment, including customer enrollment incentives, and implementation costs associated with the Residential EV Charge Smart Plan, as specified in SC1 Special Provision N, and any costs associated with the customer’s turnkey installation incurred by the Company, if applicable, that are incurred annually and which exceed amounts included in base delivery rates, will be recovered in the EVMR Surcharge in the subsequent program year. The costs to be recovered will be net of the annual administrative fees collected from customers as a component of the program’s EV Monthly Charge. The net costs to be recovered will be inclusive of carrying charges at the Company’s pre-tax weighted average cost of capital. Any cost recovery balances not recovered through the EVMR Surcharge will be recovered through base delivery rates in the Company’s next rate case.

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#### GENERAL INFORMATION

### 52. ELECTRIC VEHICLE MAKE-READY SURCHARGE

#### 52.2 Recovery of Costs

52.2.1 EV Make-Ready Costs will be recovered from customers annually on a two-month lag basis following the annual period when the program costs are incurred by the Company. The annual EV Make Ready Costs in 52.1.1 through 52.1.5 will be allocated by service classification in proportion to each service classification's transmission and distribution revenue. The EV Make-Ready Costs in 52.1.6 will be recovered solely from SC1 service classification customers.

52.2.2 The EVMR Surcharge will be applicable to all delivery customers in SC1, SC1C, SC2ND, SC2D, SC3, SC3A, SC4, SC7 and SC12 (in accordance with their individual contracts), all NYPA deliveries (including ReCharge NY Load), and to all service classifications of P.S.C. No. 214 – Electricity. The EVMR Surcharge is not applicable to Empire Zone and Excelsior Jobs Program qualifying load.

52.2.3 An annual reconciliation will be performed for the EVMR Surcharge at the end of each program year. Any over/under collections as a result of this reconciliation will be reflected in the following EVMR Surcharge on a two-month lag basis after the annual reconciliation.

52.2.4 The EVMR Surcharge will be determined by dividing the applicable EV Make-Ready Costs by the forecasted billed kWh or kW demand, as applicable, over the collection period. The EVMR Surcharge will be included in the delivery line item on customers' bills on a per kWh basis for non-demand billed customers, on a per kW basis for demand billed customers, and on a Contract Demand per kW basis for SC7 customers, where applicable.

52.2.5 The EVMR Surcharge will be filed with the Commission in a rate statement not less than fifteen (15) days prior to the effective date.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012

LEAF: 238  
REVISION: 4  
SUPERSEDING REVISION: 3

GENERAL INFORMATION

52. RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY

LEAF: 239

NIAGARA MOHAWK POWER CORPORATION

REVISION: 2

INITIAL EFFECTIVE DATE: FEBRUARY 1, 2011

SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order of the PSC in Case No. 10-E-0050 Issued January 24, 2011

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 29, 2016

LEAF: 240  
REVISION: 6  
SUPERSEDING REVISION: 5

STAMPS: Issued in Compliance with Order of the PSC in Case 15-E-0557 issued March 18, 2016

#### GENERAL INFORMATION

### 53. STANDARDIZED INTERCONNECTION REQUIREMENTS AND APPLICATION PROCESS FOR NEW DISTRIBUTED GENERATORS 5 MW OR LESS CONNECTED IN PARALLEL TO UTILITY DISTRIBUTION SYSTEMS

53.1 Applicable to customers who wish to interconnect new OSG's with a nameplate rating of 5 MW or less, connected to Radial Distribution Lines (aggregated on the customer side of the point of common coupling ("PCC")) connected in parallel to radial distribution feeders.

53.2 Customers and applicants as described in Rule 36, 37 and 53.1 agree to comply with the requirements presented in the **New York State Standardized Interconnection Requirements and Application Process for New Distributed Generators 5 MW or Less Connected in Parallel with Utility Distribution Systems**, as may be amended, revised, modified, clarified, supplemented or superseded and set forth as Addenda - SIR of this tariff.

53.2.1 The application process steps, design and operating requirements and all type testing and verification testing protocols relating to the Company's interface equipment as documented in the above Order are included in Addenda - SIR of this tariff.

53.3 Customers and applicants eligible in Rules 53.1 and 53.2 above, are required to execute the following form:

53.3.1 Standardized Contract for Interconnection of New Distributed Generation Units With Capacity of 5 MW or Less Connected in Parallel with Utility Distribution Systems which is subject to future amendments as may be set forth in PSC authorized revisions to Addenda - SIR of this tariff.

53.3.2 The Company and the customer must be in compliance with the Application Process for the interconnection of DG units of 5 MW or less connected to radial distribution feeders as defined in the Company's Electric System Bulletin No. 756, Appendix B. This Application Process may also be obtained from the New York Public Service Commission's website: [www.dps.ny.gov](http://www.dps.ny.gov)

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMP: Issued in accordance with Order issued March 15, 2013 in Case 12-E-0396

LEAF: 241  
REVISION: 6  
SUPERSEDING REVISION: 5

GENERAL INFORMATION

RESERVED FOR FUTURE USE



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GENERAL INFORMATION

RESERVED FOR FUTURE USE

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REVISION: 6  
SUPERSEDING REVISION: 5

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013

LEAF: 244  
REVISION: 6  
SUPERSEDING REVISION: 5

STAMPS: Issued in Compliance with Order issued March 15, 2013 in Case 12-E-0396

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
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GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
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LEAF: 247  
REVISION: 6  
SUPERSEDING REVISION: 5

GENERAL INFORMATION

RESERVED FOR FUTURE USE

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REVISION: 6  
SUPERSEDING REVISION: 5

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013

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GENERAL INFORMATION

RESERVED FOR FUTURE USE



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 250

REVISION: 6

INITIAL EFFECTIVE DATE: APRIL 1, 2013

SUPERSEDING REVISION: 5

STAMPS: Issued in Compliance with Order issued March 15, 2013 in Case 12-E-0396

#### GENERAL INFORMATION

RESERVED FOR FUTURE USE

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NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 251  
REVISION: 6  
SUPERSEDING REVISION: 5

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 252

REVISION: 6

INITIAL EFFECTIVE DATE: APRIL 1, 2013

SUPERSEDING REVISION: 5

STAMPS: Issued in Compliance with Order issued March 15, 2013 in Case 12-E-0396

#### GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 253  
REVISION: 7  
SUPERSEDING REVISION: 6

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMPS: Issued in Compliance with Order issued March 15, 2013 in Case 12-E-0396

LEAF: 254  
REVISION: 6  
SUPERSEDING REVISION: 5

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 255

REVISION: 6

INITIAL EFFECTIVE DATE: APRIL 1, 2013

SUPERSEDING REVISION: 5

STAMPS: Issued in Compliance with Order issued March 15, 2013 in Case 12-E-0396

#### GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
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LEAF: 256  
REVISION: 6  
SUPERSEDING REVISION: 5

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 257

REVISION: 6

INITIAL EFFECTIVE DATE: APRIL 1, 2013

SUPERSEDING REVISION: 5

STAMPS: Issued in Compliance with Order issued March 15, 2013 in Case 12-E-0396

#### GENERAL INFORMATION

RESERVED FOR FUTURE USE



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 258  
REVISION: 6  
SUPERSEDING REVISION: 5

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
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LEAF: 259  
REVISION: 6  
SUPERSEDING REVISION: 5

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
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LEAF: 260  
REVISION: 6  
SUPERSEDING REVISION: 5

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 261  
REVISION: 0  
SUPERSEDING REVISION:

## GENERAL INFORMATION

### 54. EMERGENCY DEMAND RESPONSE CURTAILMENT PROGRAM OFFERINGS

Purpose: In response to Commission Order 00-E-2054, the Company offers the following jointly sponsored curtailment Programs. These programs are established to provide customers with the proper economic incentive to respond to Emergency Operating Conditions as identified by the New York Independent System Operator ("NYISO").

**54.1 Emergency Demand Response Program Via Voluntary Load Curtailment**-provides the New York Independent System Operator ("NYISO") through the Company with the right to call upon the Customer to curtail load in the event the NYISO experiences Emergency Operating Conditions. Participation in the program and participation in an Emergency Curtailment Event are voluntary.

Customers must be able to provide a minimum of 100 kW of load reduction.

Customers must be served under Service Classification Nos. 2D, 3, 3A, 4 or in S.C. Nos. 11 or 12 as amended by their Customer Service Agreements.

Eligibility is limited to those customers who have interval based meters. All customers wishing to participate must execute Form L9 of the Tariff.

**54.2 Emergency Demand Response Program Via On-Site Generation**-provides the New York Independent System Operator ("NYISO") through the Company, with the right to call upon the Customer to remove electric load from the distribution system by replacing it with electricity generated by a Customer's On-Site Generation System in the event the NYISO experiences Emergency Operating Conditions. Participation in the program and participation in an Emergency Curtailment Event are voluntary and there are no penalties for non-compliance.

Generators must be capable of providing a minimum of 100 kW of load reduction, inclusive of losses.

Generators must not be synchronized to Niagara Mohawk's local distribution system, or if synchronized to the local distribution system, must support a load that is equal to or in excess of the generator's capacity. On-site generators that are base loaded do not qualify for the Emergency Demand Response Program.

Customers must have an executed Form G or Form G<sub>f</sub> with the Company.

**54.3** Eligibility is limited to those customers who have interval based meters on load. All customers wishing to participate must execute Form L10 of the Tariff.

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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 262  
REVISION: 0  
SUPERSEDING REVISION:

#### GENERAL INFORMATION

##### 54. EMERGENCY DEMAND RESPONSE CURTAILMENT PROGRAM OFFERINGS (Continued)

54.4 Customers may participate in one or more Demand Response programs, subject to the requirements of each of those programs, provided however, incentives paid to participating customers will only be made under one program per curtailment event. Customers participating in more than one program will be paid the highest incentive available under any of the programs the customer is enrolled in which would apply to the curtailment event.

54.5 The Company shall process customer applications on Company prescribed forms within seven (7) calendar days or less, provided however, the Company will only call upon customer to curtail after the customer has been registered with the NYISO pursuant to the NYISO requirements. The Company shall notify the customer when they may first be called upon to respond to an Emergency Curtailment Event.

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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 263  
REVISION: 0  
SUPERSEDING REVISION:

## GENERAL INFORMATION

### 55. DAY AHEAD DEMAND RESPONSE PROGRAM OFFERINGS

Purpose: In response to Commission Order 00-E-2054, the Company offers the following jointly sponsored curtailment program. This program is established to provide customers with the proper economic incentives to respond to a call for curtailable load as identified by the New York Independent System Operator ("NYISO").

**55.1 Day Ahead Demand Response Program Via Load Curtailment** - provides the New York Independent System Operator ("NYISO"), through the Company, with the right to call upon one or more customer(s) to curtail electric load. Company shall submit on behalf of the customer(s), a decremental load bid pursuant to the customer's agreement with the Company. In the event the NYISO selects that decremental bid, in order to reduce costs for all customers, customer will be requested to respond to a curtailment event.

Participation in the program is voluntary while bids submitted to the NYISO are at the Company's discretion. Payments are made to customers for responding to a call for curtailment. Customers who do not respond to a curtailment event may be subject to a non-compliance penalty.

Eligibility is limited to those customers who have interval based meters and can reduce a minimum of 100 kW of electric load per curtailment event.

All customers wishing to participate must execute Form L11 of the Tariff.

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INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 263.1  
REVISION: 14  
SUPERSEDING REVISION: 12

#### GENERAL INFORMATION

#### 56. ENERGY STORAGE SURCHARGE

56.1 The Energy Storage Surcharge (“ES Surcharge”) collects the costs, not otherwise collected in base delivery rates, and the Utility Incentive further defined below, associated with the Company’s procurement of energy storage in accordance with PSC order dated December 13, 2018 in Case 18-E-0130.

56.2 The ES Surcharge will be calculated in accordance with the following:

56.2.1 Energy Storage Costs (“ES Costs”) include but are not limited to the following costs if paid by the Company: i) contract costs to procure the dispatch rights of the energy storage project for the term of the contract less any amounts received from NYSERDA for the same energy storage project, ii) distribution charging costs, iii) energy charging costs, iv) NYISO participation fees, v) third-party bid fees, and vi) any incremental costs related to procuring or implementing any energy storage contracts or bidding energy storage resources into the NYISO markets.

56.2.2 Energy Storage Revenue (“ES Revenue”) includes but is not limited to the following revenue, if received by the Company, related to the procured energy storage dispatch rights during the term of the contract: annual NYISO wholesale market revenue such as i) energy; ii) installed capacity and ancillary services; iii) and any other revenue-generating activity of the energy storage asset.

56.2.3 Energy Storage Benefits (“ES Benefits”) include but are not limited to the following benefits from the procurement of the energy storage dispatch rights during the term of the contract: i) distribution system benefits such as avoided capital costs or improved reliability metrics, ii) avoided energy, avoided capacity, or other avoided market costs, and iii) environmental benefits.

56.2.4 Annually, the ES Benefits will be compared to the ES Costs less the ES Revenue, with the exception that the ES Costs for purposes of the ES Benefit calculation will also include any costs that have been included in base delivery rates (“ES Adjusted Costs”). Any ES Adjusted Costs or ES Benefits that cover more than one year of the contract will be amortized over the term of the contract. If the ES Benefits are greater than the ES Costs less the ES Revenue, thirty percent (30%) of the difference (the “Utility Incentive”) will be included in the ES Surcharge for the Company’s recovery as an earnings incentive.

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LEAF: 263.1.1  
REVISION: 1  
SUPERSEDING REVISION:

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

#### GENERAL INFORMATION

##### 56. ENERGY STORAGE SURCHARGE (Continued)

56.3 The ES Surcharge will recover the ES Costs less the ES Revenue, plus the Utility Incentive specified in Rule 56.2.4 (collectively, the “ES Recovery”) over the term of the energy storage procurement contract. Annual ES Recovery will be recovered from customers in the subsequent annual period, on a two-month lag basis following the annual period when the project costs are incurred by the Company, inclusive of interest at the applicable pre-tax weighted cost of capital rate in effect at the time, per the Company’s most recent electric rate proceeding. The ES Surcharge will be reconciled for any over/under collections annually, inclusive of interest at the applicable pre-tax weighted cost of capital rate in effect at the time, per the Company’s most recent electric rate proceeding.

56.4 The ES Recovery will be allocated to service classifications based on the Company’s single coincident peak transmission demand allocator (“1CP”) per Rule 43.6.

56.5 After the ES Recovery is allocated in accordance with Rule 56.4 above for each project, the ES Recovery will be collectively recovered through the ES Surcharge, which will be provided in a rate statement filed with the PSC on not less than three days’ notice before the effective date.

56.6 The ES Surcharge will be applicable to all delivery customers in SC1, SC1C, SC2ND, SC2D, SC3, SC3A, SC4, SC7 and SC12 (in accordance with their individual contracts), all NYPA deliveries (including ReCharge NY Load), and to all service classifications of P.S.C. No. 214 – Electricity.

56.6.1 The ES Surcharge is not applicable to Empire Zone and Excelsior Jobs Program qualifying load.

56.6.2 Once implemented, the ES Surcharge will be included in the delivery line item on customers’ bills, either on a per kWh basis for non-demand classes or on a per kW basis for demand classes.



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NIAGARA MOHAWK POWER CORPORATION  
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STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

LEAF: 263.2  
REVISION: 19  
SUPERSEDING REVISION: 18

## GENERAL INFORMATION

### 57. REVENUE DECOUPLING MECHANISM (“RDM”)

57.1 The Revenue Decoupling Mechanism reconciles actual billed delivery service revenues for the RDM reconciliation period to annual target revenues (“ATR”) for delivery service as approved in the Company’s most recent rate case for each Reconciliation Group subject to the RDM defined in Rule 57.1.1 and as adjusted by the delivery service revenue associated with exempt customers identified in Rule 57.1.2. RDM targets will be adjusted, as applicable, to exclude credits applied to customer accounts pursuant to Rule 26.14. The RDM reconciliation shall determine the difference between actual billed delivery service revenues and the ATR for any Reconciliation Group listed in Rule 57.1.1 in each annual RDM reconciliation period and forms the basis of the RDM adjustment for that Reconciliation Group.

57.1.1 Delivery service revenue shall be defined as charges associated with distribution and transmission rates (customer, demand, reactive, and energy charges) applicable to retail delivery service customers subject to this RDM, subject to the following:

57.1.1.1 For the Street Lighting Reconciliation Group, delivery service revenues will also include facility charges. In the event that the Company transfers street lighting assets to one or more municipalities, the targets will be reduced to reflect changes in facilities charge revenues resulting from such sales.

57.1.1.2 The portion of the Phase One NEM and Value Stack CBC Charge revenue associated with the Home Energy Assistance Program (HEAP) grant and System Energy Efficiency Plan (SEEP) shall be included as delivery service revenue.

For the first month after a delivery service rate change, the “billed delivery service revenues” will be defined as the product of actual sales and rate year rates.

The RDM reconciliation shall be performed for the following Reconciliation Groups:

1. SC-1, SC1-C
2. SC-2 Non-Demand
3. SC-2 Demand
4. SC-3
5. SC-3A
6. Street Lighting (PSC 214)

\* Customers served under SC-4, SC-6, SC-7, and SC-12 customers whose contracts provide exclusively for an alternative billing methodology, will be included in the RDM of their parent or otherwise applicable service classification.

57.1.2 Exempt/excluded from the RDM are the following:

57.1.2.1 SC-12 customers whose contracts do not provide exclusively for an alternative billing methodology for a NYPA allocation; therefore the ATR and billed delivery service revenue shall be excluded from the RDM, subject to the provisions of this rule below;

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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
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LEAF: 263.3  
REVISION: 8  
SUPERSEDING REVISION: 7

#### GENERAL INFORMATION

#### 57. REVENUE DECOUPLING MECHANISM (“RDM”) (Continued)

##### 57.1.2 Exempt/Excluded from the RDM are the following: (Continued)

57.1.2.2 NYPA customers, including Recharge New York (“RNY”) customers, will not be subject to the RDM on the NYPA/RNY portion of their load, however, ATR and billed delivery service revenue associated with the NYPA load of customers who receive NYPA/RNY power will be included in the RDM. RNY customers that receive credits under the provisions of Rule Nos. 29, 36, 37 and 40 are excluded from this exemption and will be subject to the RDM surcharge; and

57.1.2.3 Empire Zone Rider (“EZR”) and Excelsior Jobs Program (“EJP”) customers shall not be subject to an RDM charge or credit on the EZR/EJP portion of their loads.

Customers identified in Rule 57.1.2.1 who also receive NYPA Expansion and Replacement power under Rule 57.1.2.2 have the option to participate in the RDM for delivery service revenue associated with their non-NYPA load to the extent they are also subject to the System Benefits Charge (“SBC”) under Rule 41 or opt to become subject to the SBC.

57.1.3 The RDM reconciliation period reflects a twelve month period for which actual billed delivery service revenues will be reconciled to the ATR for each Reconciliation Group in Rule 57.2. Annually, the Company shall calculate a credit or surcharge to be assessed to customers included in the RDM as follows:

57.1.3.1 If the RDM reconciliation has a positive balance, then the RDM adjustment will be a credit to customer’s bills. If the RDM reconciliation has a negative balance, then the RDM adjustment will be a surcharge on customer’s bills.

57.1.3.2 The RDM adjustment will be calculated by dividing the resulting difference for each Reconciliation Group by each Reconciliation Group’s forecasted sales and applied on a volumetric basis, per kWh for Reconciliation Groups 1, 2, and 6, and per kW for Reconciliation Groups 3, 4, and 5.

57.1.3.3 The RDM adjustment will be effective over a twelve month period, July 1 through June 30, (“RDM adjustment period”) commencing with the July billing month in the year following the RDM reconciliation period.

57.1.3.4 Interest shall accrue on each Reconciliation Group’s balance at the applicable other customer deposit rate commencing at the end of the RDM reconciliation period and ending at the end of the RDM adjustment period. Interest shall be estimated for the purpose of calculating the RDM adjustment.

57.1.3.5 The amount to be credited or surcharged to customers, plus interest through the refund/recovery period, shall be subject to reconciliation against actual amounts credited or surcharged and interest. The Company will combine any over/under recovery for the period April 1, 2021 through June 30, 2021 with over/under recoveries for the period July 1, 2021 to June 30, 2022.

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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

LEAF: 263.4  
REVISION: 5  
SUPERSEDING REVISION: 4

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

#### GENERAL INFORMATION

#### 57. REVENUE DECOUPLING MECHANISM ("RDM") (Continued)

57.2 If, in any month, the total of the cumulative monthly reconciliation balance, based on monthly actual billed delivery service revenue and an allocation of the ATR for the applicable RDM reconciliation period to the months in that period, for any of the Reconciliation Groups in Rule 57.1.2 above, is greater than 1.5% of the Company's ATR for that Reconciliation Group for that year, the Company may file an interim RDM adjustment for each affected Reconciliation Group for the remainder of the rate year.

57.2.1 The interim RDM adjustment shall be calculated as follows:

57.2.1.1 Based upon forecasted sales and applied on a volumetric basis, per kWh for Reconciliation Groups 1, 2, and 6 and per kW for Reconciliation Groups 3, 4, and 5.

57.2.1.2 For balances to be addressed by an interim RDM adjustment to be in effect when there are five or more months remaining in the RDM reconciliation period, then the forecast upon which the interim RDM adjustment is to be based shall be for the period beginning with the effective date of the interim RDM adjustment and ending with the end of the RDM reconciliation period.

57.2.1.3 For balances to be addressed by an interim RDM adjustment to be in effect when there are four or fewer months remaining in the RDM reconciliation period, then the forecast upon which the interim RDM adjustment is to be based shall be for the period beginning with the effective date of the interim RDM adjustment and ending with the effective date of the annual RDM adjustment pursuant to Rule 57.1.3.3.

57.2.2 The interim RDM adjustment shall be assessed to eligible customers only through the end of the RDM reconciliation period. Any remaining balance shall be reflected in the annual RDM adjustment under Rule 57.1.3.

57.2.3 The interim RDM adjustment will be effective on ten days' notice and set forth on a statement filed with the Public Service Commission.

57.3 The RDM adjustment will be effective on three days' notice and set forth on a statement filed with the Public Service Commission. The RDM reconciliation for the prior RDM reconciliation period shall accompany the statement

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NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.5  
REVISION: 16  
SUPERSEDING REVISION: 15

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

### GENERAL INFORMATION

#### 58. SERVICE CLASS DEFERRAL CREDIT

58.1 Pursuant to the Order of the Public Service Commission ("Commission") dated March 15, 2018 in Case No.17-E-0238, the Company was directed to establish a credit/surcharge for its deferral accounts. The credits below, by service classification, establish factors for PSC No. 220 and are included in each service classifications stated per kWh and per kW charge as applicable.

<u>PSC No. 220</u>	<u>Per kWh</u>
SC1	(\$0.00472)
SC1VTOU	
On Peak	(\$0.00606)
Off Peak	(\$0.00102)
SC1C	(\$0.00273)
SC2	(\$0.00650)

	<u>Per kW</u>
SC2D	(\$0.84)
SC3-Secondary	(\$0.69)
SC3-Primary	(\$0.56)
SC3-Sub Transmission	(\$0.19)
SC3-Transmission	(\$0.19)
SC3A-Secondary	(\$0.55)
SC3A-Primary	(\$0.55)
SC3A-Sub Transmission	(\$0.20)
SC3A-Transmission	(\$0.08)

	<u>As Used Daily Distribution Delivery Energy Charges, per kWh – Prior to April 1, 2024</u>
SC7-SC1	(\$0.00472)
SC7-SC2	(\$0.00650)

	<u>Contract Demand Distribution Delivery Charge, per kW – Beginning April 1, 2024</u>
SC7-SC1	(\$0.55)
SC7-SC2	(\$0.85)

	<u>Contract Demand Distribution Delivery Charge, per kW</u>	
	<u>SC7 Customers</u>	<u>SC7 Phase-In Customers</u>
SC7-SC2D	(\$0.64)	(\$0.64)
SC7-SC3 Secondary	(\$0.56)	(\$0.56)
SC7-SC3 Primary	(\$0.45)	(\$0.45)
SC7-SC3 Sub Transmission	(\$0.15)	(\$0.15)
SC7-SC3 Transmission	(\$0.15)	(\$0.15)
SC7-SC3A Secondary	(\$0.46)	(\$0.46)
SC7-SC3A Primary	(\$0.46)	(\$0.46)
SC7-SC3A Sub Transmission	(\$0.17)	(\$0.17)
SC7-SC3A Transmission	(\$0.07)	(\$0.07)

Customers served under SC4 and SC12, if applicable, are subject to the credits of their parent service classification. The credits will apply to the portion of a customer's load supplied by NYPA.

SC-7 Phase-In Customers are customers billed in accordance with Special Provision M of SC-7.

58.2 The Service Class Deferral Credits will not be applied to load served at Empire Zone Rider ("EZR") or Excelsior Jobs Program ("EJP") rates, or to the Street Lighting Service Classifications.

PSC NO: 220 ELECTRICITY

LEAF: 263.5.1

NIAGARA MOHAWK POWER CORPORATION

REVISION: 4

INITIAL EFFECTIVE DATE: FEBRUARY 1, 2023

SUPERSEDING REVISION: 3

STAMPS: Issued in Compliance with Order in Cases 14-M-0565 &amp; 20-M-0266, issued January 19, 2023.

## GENERAL INFORMATION

## 59. ARREARS MANAGEMENT PROGRAM (“AMP”) RECOVERY SURCHARGE

59.1 Phase 1 of the Electric and Gas Bill Relief Program. Subject to the conditions in the Commission’s order issued June 16, 2022, in Cases 14-M-0565 et. al., customers with active accounts who are currently enrolled in the Energy Affordability Program (“EAP”) or who enroll in the EAP on or before December 31, 2022, or who received benefits from New York State Emergency Rental Assistance Program or the Home Energy Assistance Program – Regular Arrears Supplement program, will receive a one-time bill credit under the Electric and Gas Bill Relief Program for any arrears balance on their bill as of and prior to a bill date of May 1, 2022.

Phase 2 of the Electric and Gas Bill Relief Program. Subject to the conditions in the Commission’s order issued January 19, 2023, in Cases 14-M-0565 and 20-M-0266, (“Phase 2 Order”) residential non-EAP and small-commercial customers (as defined in the Phase 2 Order) who have eligible arrears that did not receive relief under the Phase 1 program, will receive a one-time bill credit to reduce or eliminate accrued arrears as of and prior to a bill date of May 1, 2022.

59.1.1 The AMP Recovery Surcharge will recover costs to provide bill credits under the Phase 1 Electric and Gas Bill Relief program, including the impact of incremental program costs for bill credits associated with customers newly enrolled in the EAP through December 31, 2022. In addition, the AMP Recovery Surcharge will recover costs to provide bill credits under the Phase 2 Electric and Gas Bill Relief program.

59.1.2 The amount to be recovered shall be allocated to applicable service classifications based on the Company’s Write-Off allocator in the Company’s most recent rate case as follows:

Residential	93.64%
Residential TOU	0.17%
Small Gen No Dem	1.76%
Small Gen Demand	2.78%
Large Gen-Sec	0.85%
Large Gen-Pri	0.29%
Large Gen-Tran	0.03%
Large Gen TOU-S/P	0.17%
Large Gen TOU-SubT	0.09%
Large Gen TOU-Tran	0.22%
Lighting	0.00%

59.1.3 The AMP Recovery Surcharge will be subject to an annual true-up, with any over/under collection at the end of the collection period, inclusive of carrying charges at the Company’s pre-tax WACC, to be included in the balance for future refund or recovery or in future base delivery rates, as applicable. The first AMP Phase 2 annual true-up will be calculated concurrently with AMP Phase 1 annual true-up and annually thereafter.

PSC NO: 220 ELECTRICITY

LEAF: 263.6

NIAGARA MOHAWK POWER CORPORATION

REVISION: 3

INITIAL EFFECTIVE DATE: FEBRUARY 1, 2023

SUPERSEDING REVISION: 2

STAMPS: Issued in Compliance with Order in Cases 14-M-0565 & 20-M-0266, issued January 19, 2023.

#### GENERAL INFORMATION

#### 59. ARREARS MANAGEMENT PROGRAM ("AMP") RECOVERY SURCHARGE (continued)

59.1.4 The AMP Recovery Surcharge shall be billed to all delivery customers served under P.S.C. 214 and P.S.C 220 including NYPA and RNY deliveries, but excluding deliveries of EZR and EJP qualifying load, on a per kWh basis for non-demand service classes, on a per kW basis for demand service classes, and on Standby Contract Demand basis for SC-7. The AMP Recovery Surcharge will be included in the Delivery line item on customer bills.

59.1.5 The AMP Recovery Surcharge will appear on the Statement of Arrears Management Program Recovery Surcharge to be filed with the Public Service Commission not less than five (5) days prior to the effective date. The Company will begin charging customers the AMP Phase 1 Recovery Surcharge on August 1, 2022 and begin charging customers the AMP Phase 2 Recovery Surcharge on February 1, 2023.

PSC NO: 220 ELECTRICITY

LEAF: 263.7

NIAGARA MOHAWK POWER CORPORATION

REVISION: 13

INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

SUPERSEDING REVISION: 11

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMPS: Issued in Compliance with Order of PSC in Case 12-E-0201 issued March 15, 2013

LEAF: 263.8  
REVISION: 0  
SUPERSEDING REVISION:

#### GENERAL INFORMATION

#### **60. SERVICE GUARANTEE**

60.1 The Company will provide a service guarantee for missed appointments made at the customer's request. If the Company does not keep an appointment within the scheduled timeframe, \$30 will be credited to the customer's next bill. Service guarantees will not apply to appointments made for the same day the customer requests service or if events beyond the Company's control (i.e. severe weather) prevent the Company from keeping the scheduled appointment.



PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.9  
REVISION: 4  
SUPERSEDING REVISION: 3

## GENERAL INFORMATION

### 61. DISTRIBUTION LOAD RELIEF PROGRAM

Purpose: The Distribution Load Relief Program is being offered by the Company in response to the Commission's order in Case 14-E-0423. This Program will enable participating eligible customers to be compensated for reducing their load under certain conditions when called upon by the Company to do so.

#### 61.1 Contracting for Distribution Load Relief Program Service

Eligible customers must be served under Service Classification Nos. 1, 1C, 2, 3, 3A, 4, 7 or 12, served at secondary and primary voltage levels only. Customers must be physically located in a Company Designated Area and be served from the Company-identified stressed electrical equipment to be eligible for participation in this Program. Company Designated Areas will be published on the Company's website. Customers must install interval metering in accordance with Rule 61.4 or have existing interval metering that conforms to Rule 61.4 to participate in this Program.

There are two options under this Program through which a Direct Participant or Aggregator may contract to provide Load Relief during Load Relief Periods designated by the Company: 1) the Reservation Payment Option, and 2) the Voluntary Participation Option. This Program is applicable to Direct Participants and Aggregators who apply and are accepted by the Company to provide Load Relief in a Company Designated Area, either on a Voluntary Participation or Reservation Payment Option, whenever the Company designates a Contingency Event or Immediate Event during a Capability Period. A Direct Participant must contract to provide at least 50 kW of Load Relief. An Aggregator must contract to provide at least 50 kW of Load Relief.

If other requirements for service under this Program are met, Electric Generating Equipment may be used to participate under this Program subject to the provisions set forth in section 61.5.4 below. The participating Direct Participant or Aggregator is responsible for determining that the operation of Electric Generating Equipment under this Program will be in conformance with any governmental limitations on such operation.

Customers who take service under Rule 36, Rule 37, and Rule 40 are not eligible to participate in this Program.

#### 61.2 Definitions - the following terms are defined for purposes of this Program only:

"Aggregator" refers to a party other than the Company that represents and aggregates the load of customers who collectively have a Load Relief potential of 50 kW or greater in a Company Designated Area and is responsible for the actions of the customers it represents, including performance and, as applicable, performance adjustments, penalties, and repayments to the Company.

"Capability Period" under this Program refers to the period during which the Company can request Load Relief. The Capability Period shall be from May 1 through September 30.

"CBL" means the customer baseline load as calculated under the Company's Customer Baseline Load methodology. The Customer Baseline Load methodology is described in the Company's baseline operating procedure, which is published on the Company's website. Customers or Aggregators may propose alternate CBL methodologies to the Company by December 1 each year, with specific details and documentation as to how the proposed calculation will be performed. The Company will review the process and methodology by January 1 of the subsequent year and notify the Customer or Aggregator if the proposed methodology is acceptable. Following acceptance, the proposed alternate CBL will be used for the Customers' or Aggregators' demand response calculations beginning May 1.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.10  
REVISION: 3  
SUPERSEDING REVISION: 2

#### GENERAL INFORMATION

##### 61. DISTRIBUTION LOAD RELIEF PROGRAM (Continued)

“CBL Verification Methodology” means the methodology used by the Company to verify the actual Load Relief provided (kW and kWh) during each hour of each designated Load Relief Period and Test Event. Actual load levels are compared to the customer baseline loads to verify whether the Direct Participant or Aggregator provided the kW of contracted Load Relief; provided, however, that the Company may estimate the data pursuant to the Company's operating procedure if data is not available for all intervals. When the weather-adjusted CBL methodology is used and the calculated weather adjustment falls outside of Company defined ranges (i.e., the Company deems the weather to be atypical on the day of a Load Relief Period or Test Event when compared to the baseline period), the Company may review and revise a participant's baseline based on the customer's historical load data. When the weather-adjusted CBL methodology is used, the Company, at its own discretion, may select alternate hours for the adjustment period to calculate the weather adjustment factor in order to accurately reflect the customer's typical usage.

“Company Designated Area” is an area, designated by the Company, which is an electrically distressed part of the electric distribution system. Company Designated Areas are published on the Company's website.

“Contingency Event” is a Load Relief Period lasting four or more hours for which the Company provides two or more hours' advance notice.

“Direct Participant” refers to a customer who enrolls under this Program directly with the Company for a single account and agrees to provide at least 50 kW of Load Relief. If the customer wishes to enroll multiple customer accounts within the Company's service territory that collectively have a Load Relief potential of 50 kW or greater, each account must meet the terms of service under this Program. Performance of multiple customer accounts will be measured on a portfolio basis.

“Electric Generating Equipment” ” refers to: (a) electric generating equipment at the Premises of an eligible customer used to provide Load Relief under this Program; or (b) emergency electric generating equipment that is interconnected and operated in compliance with the Company's Standard Interconnection Requirements and used to provide Load Relief under this Program.

“Immediate Event” is a Load Relief Period lasting six or more hours for which the Company provides less than two hours' advance notice.

“Load Relief” refers to demand (kW) and energy (kWh): (a) ordinarily supplied by the Company that is displaced by use of Electric Generating Equipment and/or reduced by the Direct Participant or Aggregator at the customers' premises; or (b) produced by use of Electric Generating Equipment at the premise of an eligible customer and delivered by that customer to the Company's electrical system during a Load Relief Period.

“Load Relief Period” refers to the hours for which the Company requests Load Relief during a Contingency Event or an Immediate Event. Load Relief will not be required of a Direct Participant or Aggregator after 12:00 AM or before 6:00 AM.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.11  
REVISION: 7  
SUPERSEDING REVISION: 5

## GENERAL INFORMATION

### 61. DISTRIBUTION LOAD RELIEF PROGRAM (Continued)

“Lost Reservation Payment” is the payment the Company will make to the Direct Participant or Aggregator when the Company misses the installation timeframe for the Reservation Payment Option, unless the meter delay was caused by a reason outside the Company’s control.

“Reservation Payment Option” customers who enroll under this option agree to provide a specified amount of load reduction during demand response events and will receive a set dollar per kilowatt (kW) payment per month for the summer capability period, regardless of whether or not the Company calls its demand response program.

“Test Event” refers to the Company’s request under the Reservation Payment Option, pursuant to Rule 61.8.6.6, that Direct Participants and Aggregators provide one hour of Load Relief on not less than two hours’ advance notice.

“Voluntary Participation Option” is the payment option the customer will be enrolled in if they do not elect to participate under the “Reservation Payment Option.” Customers will only receive payment for actual load reductions during demand response events under this option.

#### 61.3 Load Relief Period Criteria and Notice

61.3.1 Criteria for Designating a Load Relief Period includes, but may not be limited to, those times when the Company declares a need for emergency or non-emergency relief, as described by 40 CFR 63.6640 subparts 2 and 4, or when a voltage reduction of five percent or greater has been ordered, upon which the Company may designate such period as a Load Relief Period. The Company may designate specific circuits, feeders or geographical areas in which Load Relief will be requested.

61.3.2 Notice of a Load Relief Period or Test Event: The Company will notify Direct Participants and Aggregators by phone, email or machine-readable electronic signal, or a combination thereof, in advance of the commencement of a Load Relief Period or Test Event. The Direct Participant or Aggregator shall designate in writing an authorized representative and an alternate representative, and include an electronic address, if applicable, to receive the notice. If an Aggregator is served under this Program, only the Aggregator will be notified of the Load Relief Period or Test Event. The Aggregator is responsible for notifying all of the customers within its respective aggregation group.

#### 61.4 Metering

61.4.1 All electricity load measurement for this Program shall utilize the Company's interval based meter(s) at the customer’s premise. The customer is responsible for paying the interval metering and installation costs. The interval metering and installation costs are available from Company representatives.

61.4.2 Metering communications are necessary for program administration. Where meter reading communications must be installed, the Company shall provide the necessary communications equipment to the customer's meter which records the electric requirements delivered to the customer's premise. The customer agrees to pay the Company an Incremental Customer Charge in the amount of \$11.77 per month to cover the incremental cost of metering communications, until such time that the Company installs AMI meters at the customer premise.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.12  
REVISION: 6  
SUPERSEDING REVISION: 5

#### GENERAL INFORMATION

##### 61. DISTRIBUTION LOAD RELIEF PROGRAM (Continued)

61.4.3 The Company will install interval metering within 21 business days of the later of the Company's receipt of an applicant's payment for an upgrade to interval metering and: (i) evidence that a request has been made to the telephone carrier (e.g., receipt of a job number) to secure a dedicated phone line for a meter with landline telecommunications capability or (ii) the active Internet Protocol ("IP") address that the wireless carrier has assigned to the modem's ESN for a meter with wireless capability. If the Company misses the installation timeframe for the Reservation Payment Option, it will make a "Lost Reservation Payment" to the Direct Participant or Aggregator, unless the meter delay was caused by a reason outside the Company's control, such as the telephone company's failure to install a landline or, if, at the Company's request, the Commission grants the Company an exception due to a condition such as a major outage or storm. A Lost Reservation Payment will be calculated by determining the number of months between the earliest month in which the customer could have begun participation had the meter been installed within the required timeframe (assuming the Company's acceptance of a completed application and receipt of payment for the meter upgrade) and the first month following the completed installation, and multiplying that number by the pledged kW and associated per-kW Reservation Payment Rate.

61.4.4 The customer shall be responsible for all metering and communication devices and associated costs as prescribed above and in accordance with Rule 25 of the Tariff.

##### 61.5 Applications and Terms of Service

61.5.1 Customers must enroll by completing Form DLRP or its equivalent to participate in this Program. Direct Participants and Aggregators may participate after the Company's receipt of a completed application and written or electronic notification from the Company of application acceptance. The Company will accept applications by April 1 for a May 1 commencement date, and by May 1 for a June 1 commencement date. If the Company does not bill the participant monthly using interval metering at the time of application, participation in the Reservation Payment Option will not commence unless both interval metering and communications are operational. If the Company receives a completed application by April 1, service can commence on May 1 if the interval metering is installed by April 1 and meter communications are operational by April 30. If the Company receives a completed application by May 1, service can commence on June 1 if the interval metering is installed by May 1 and meter communications are operational by May 31. If the application is received by May 1, but the above deadlines for installation of interval metering and meter communications are not met, service will commence on July 1 provided the interval metering is installed by June 1 and meter communications are operational by June 30. If communications are not yet installed and operational, customers may still participate subject to the customer not receiving Performance Payments until such communications equipment is installed and operational. The customer is responsible for establishing communication service. If communication service is not established and interval meter data is not available during an event, zero kWh of Load Relief will be assumed. If communications are not established during the entire Capability Period, the performance will be set to zero, and the customer will not receive any credit for performance.

61.5.1.1 The desired commencement month must be specified in the application.

61.5.1.2 Applications will not be accepted after the specified date for participation during the current Capability Period. Where the first of the month falls on a weekend or holiday applications will be accepted until the first business day thereafter.

PSC NO. 220 ELECTRICITY

LEAF: 263.13

NIAGARA MOHAWK POWER CORPORATION

REVISION: 7

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STAMPS: Issued in Compliance with Order issued March 16, 2022 in Case 14-E-0423.

## GENERAL INFORMATION

## 61. DISTRIBUTION LOAD RELIEF PROGRAM (Continued)

61.5.1.3 The Company will accept applications for participation in the Voluntary Participation Option at any time provided the metering and communications requirements specified in 61.4 are met.

61.5.2 A Direct Participant or Aggregator may apply in writing to change the CBL Verification Methodology, to change the kW of pledged Load Relief, or to terminate service under this Program for the upcoming Capability Period provided the request is received prior to commencing participation for that Capability Period.

61.5.2.1 As specified above, an Aggregator may increase its kW of pledged Load Relief during a Capability Period only if it enrolls customers whose Aggregator either exits the Program or is suspended from enrollment in the Program for noncompliance with Aggregator eligibility requirements or the Company's operating procedures. In such case, the Aggregator may increase its pledged Load Relief up to the amount of the transferred customers' existing kW of pledged Load Relief.

61.5.3 Each application must state the kW of Load Relief that the Direct Participant or Aggregator contracts to provide for the Load Relief Period. The weather-adjusted CBL will be used as the CBL Verification Methodology for each account number enrolled, unless the application specifies that the average-day CBL is to be used or an approved alternate CBL, for verification of performance. A single CBL Verification Methodology will be used for each customer to assess both demand (kW) and energy (kWh) Load Relief.

61.5.4 If a Direct Participant or Aggregator requests to operate Electric Generating Equipment for Load Relief purposes under this Program, the application must state generator information, including the unit serial number(s), nameplate rating(s), manufacturer(s), and date(s) of manufacture, and meet the Company's requirements for interconnection of such equipment. Furthermore, participants enrolled in a NYISO market-based program, such as the Day-ahead Demand Response Program or the Demand-Side Ancillary Service Program, must provide the Company with their NYISO generator identification number(s), under a confidentiality agreement, and give the Company the ability to view their market participation activity. This information will be used to verify the times of participation in these other programs to prevent double payment during concurrent events.

61.5.5 Direct Participants and Aggregators must meet the metering requirements specified in Rule 61.4.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.13.1  
REVISION: 0  
SUPERSEDING REVISION:

#### GENERAL INFORMATION

#### 61. DISTRIBUTION LOAD RELIEF PROGRAM (Continued)

##### 61.6 Administrative Review

61.6.1 The Company reserves the right to review records and/or operations of any Direct Participant, Aggregator, or customer of an Aggregator to verify enrollment information and performance associated with any designated Load Relief Period or event called by the Company. Once the Company initiates a data review, all payments will be suspended pending the outcome of the review. The Company shall make reasonable efforts to complete its review within 30 days of receipt of all requested data, but no later than December 31 of the calendar year of the Capability Period under review. Any suspended payments will be reinstated if the Company's review of the data results in a finding that the enrollment and performance information are correct.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.14  
REVISION: 5  
SUPERSEDING REVISION: 4

#### GENERAL INFORMATION

#### 61. DISTRIBUTION LOAD RELIEF PROGRAM (Continued)

61.6.2 If the Company determines that a Direct Participant, Aggregator or customer of an Aggregator failed to cooperate fully and promptly with the review and/or did not fully comply with the provisions of this Program and/or provided inaccurate data, the Direct Participant, Aggregator or the customer of the Aggregator will be deemed ineligible to participate in the Program until the issue is rectified. In addition, the Direct Participant or Aggregator will be required to make prompt repayment to the Company of any payments that were made to such Direct Participant or Aggregator, on behalf of its customers, for the Capability Period that was reviewed as well as the current Capability Period, if different.

#### 61.7 Aggregation

61.7.1 All customers of an Aggregator must meet the metering and telecommunications requirements of this Program and the requirements of Rule 25 and Rule 61.4.

61.7.2 An Aggregator is responsible for the compliance of all customers it enrolls and will be liable for performance, including, as applicable, repayments to the Company.

#### 61.8 Reservation Payment Option

61.8.1 Applicability: A Direct Participant or Aggregator will receive Reservation Payments if such Direct Participant or Aggregator agrees in writing to provide Load Relief for no less than four consecutive hours during each designated Load Relief Period, for up to six designated Load Relief Periods, during the effective Capability Period. For the seventh designated Load Relief Period and any subsequent designated Load Relief Period(s), the Direct Participant or Aggregator shall receive Performance Payments for voluntary participation.

61.8.2 Reservation Payments: Reservation Payments per month are equal to the applicable Reservation Payment rate per kW per month multiplied by the kW of contracted Load Relief multiplied by the Performance Factor for the month. Reservation Payments will be made under this Program independent of whether payments are made for capacity under any other program.

61.8.4 Performance Payments: A Direct Participant or Aggregator will receive a Performance Payment for each hour of Load Relief provided during the Load Relief Period. The Performance Payment amount paid per event is equal to the Performance Payment rate in dollars per kWh multiplied by the average hourly kWh of Load Relief provided during the event multiplied by the number of event hours.

#### 61.8.5 Performance Factor

61.8.5.1 The Performance Factor, when a Contingency Event is called, is the ratio of i) the average hourly kW of Load Relief provided by the Direct Participant or Aggregator during the first four hours of the Load Relief Period up to the kW of contracted Load Relief, and ii) the kW of contracted Load Relief. The Performance Factor shall be rounded to two decimal places, and in no event shall be greater than 1.00 between 1.00 and 0.00. If the calculated Performance Factor is less than 0.25, then it will be set to 0.00.

61.8.5.2 The Performance Factor, when an Immediate Event is called, is the ratio of i) the average hourly kW of Load Relief provided by the Direct Participant or Aggregator during the highest consecutive four hours during the first six hours of the Load Relief Period up to the kW of contracted Load Relief, and ii) the kW of contracted Load Relief. The Performance Factor shall be rounded to two decimal places, and in no event shall be greater than 1.00 between 1.00 and 0.00. If the calculated Performance Factor is less than 0.25, then it will be set to 0.00.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.15  
REVISION: 7  
SUPERSEDING REVISION: 6

#### GENERAL INFORMATION

#### 61. DISTRIBUTION LOAD RELIEF PROGRAM (Continued)

61.8.5.3 The Performance Factor, when a Test Event is called, is the ratio of i) the kW of Load Relief provided by the Direct Participant or Aggregator during the test hour and ii) the kW of contracted Load Relief.

61.8.5.4 When more than one Planned Event and/or Test Event is called during the month, the average of the Performance Factors of all events for a Direct Participant or Aggregator is the Performance Factor for that month.

61.8.5.5 Direct Participants and Aggregators may increase the kW of contracted Load Relief in subsequent Capability Periods above their previously contracted kW of Load Relief, provided their most recent Performance Factor was 1.00. The Performance Factor is rounded to two decimal places.

61.8.5.6 If, during the prior Capability Period, an Aggregator did not participate in this Program or if a Direct Participant either did not participate in this Program or participated in this Program through an Aggregator, the Performance Factor will be set to 0.5 in the current Capability Period and will remain at that level until the first month in which a Load Relief Period or Test Event is called. The Performance Factor determined for that month will be applied retroactively, starting with the enrollment month, to true-up the Reservation Payments for the prior month(s).

61.8.6 Application of Payments - Reservation Payments, Performance Payments and Penalties under this Rule 61.8 will be calculated on a monthly basis. Payments will be made by bill credit, check, or wire transfer. Payments will be made within seventy-five (75) days following the end of the applicable Load Relief month.

#### 61.8.7 Testing:

61.8.8.7.1 Once during each Capability Period, the Company may require a Direct Participant or Aggregator to participate in a Test Event, for a period not to exceed one hour, commencing at a time determined solely at the Company's discretion. The Company will give at least two hours advance notice of the Test Event.

61.8.8.7.2 The Company will make a payment for one hour of energy for the Load Relief achieved up to the contracted amount, as specified in section 61.8.4.

#### 61.9 Voluntary Participation Option

##### 61.9.1 Payments

61.9.1.1 Except as specified in Rule 61.9.2, the Company will make Performance Payments to a Direct Participant or Aggregator participating in the Voluntary Participation Option for Load Relief provided during a designated Load Relief Period.

61.9.1.2 The Performance Payment amount paid per event is equal to the applicable Payment Rate for the Voluntary Participation Option multiplied by the average hourly kWh of Load Relief provided during the event multiplied by the number of event hours.



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## GENERAL INFORMATION

### 61. DISTRIBUTION LOAD RELIEF PROGRAM (Continued)

61.9.1.3 Payment for Direct Participants and Aggregators Participating in Other Programs – Performance Payments will not be made under this Program if the Direct Participant or Aggregator (on behalf of its customers) receives payment for energy under Rule 54, 55, or 62, or from any other Company, third party, or NYISO demand response program (e.g., NYISO Special Case Resource (“SCR”) Program, or any successor Company program to the NYISO’s SCR Program).

#### 61.9.2 Application of Payments

61.9.2.1 The Company will make payment to a Direct Participant or Aggregator, after the end of the Program year, for the sum of the payments due for all Load Relief Periods in the Capability Period. Payments will be made by bill credit, check, or wire transfer.

#### 61.10 Rate Statements

61.10.1 The Distribution Load Relief Program rates shall be shown on the Demand Response Incentive Statement filed with the Public Service Commission not less than 60 days before their effective date.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JUNE 1, 2019  
STAMPS: Issued in Compliance with Order in Case 15-E-0751 issued April 18, 2019.

LEAF: 263.16  
REVISION: 6  
SUPERSEDING REVISION: 5

## GENERAL INFORMATION

### 62. COMMERCIAL SYSTEM RELIEF PROGRAM

Purpose: The Commercial System Relief Program is being offered by the Company in response to the Commission's order in Case 14-E-0423. This Program will enable participating eligible customers to be compensated for reducing their load under certain conditions when called upon by the Company to do so.

#### 62.1 Contracting for Commercial System Relief Program Service

Eligible customers must be served under Service Classification Nos. 1, 1C, 2, 3, 3A, 4, 7, and 12. Customers must install interval metering in accordance with Rule 62.5 or have existing interval metering that conforms to the requirements of Rule 62.5 to participate in this Program.

There are two options under this Program through which a Direct Participant or Aggregator may participate to provide Load Relief during Load Relief Periods designated by the Company: 1) the Voluntary Participation Option and, 2) the Reservation Payment Option. This Program is applicable to Direct Participants and Aggregators who apply and are accepted by the Company under either the Voluntary Participation or Reservation Payment Option, during all Contracted Hours required whenever the Company designates Planned Events during the Capability Period. Direct Participants and Aggregators may also agree to voluntarily provide Load Relief if an Unplanned Event is called.

A Direct Participant must contract to provide at least 50 kW of Load Relief. An Aggregator must contract to provide at least 50 kW of Load Relief.

If other requirements for service under this Program are met, Electric Generating Equipment may be used to participate under this Program subject to the provisions set forth in Rule 62.3 below. The participating Direct Participant or Aggregator is responsible for determining that the operation of the Electric Generating Equipment under this Program will be in conformance with any governmental limitations on such operation.

Customers who take service under Rule 36 and Rule 37 are not eligible to participate in this Program.. However, Customer-Generators that qualify for DRV and/or LSRV of the Value Stack compensation under Rule 40.2 are permitted to participate in this Program in lieu of receiving the DRV and/or LSRV compensation. Value Stack Customer-Generators that opt-into this Program will be compensated for their injections using the same load reduction calculation methodology and at the same rate as compensation for load reductions as described in Rules 62.8, 62.9, and 62.10. This voluntary election is a one-time, irreversible decision that may be made at any point during the project's Value Stack compensation term. The Customer-Generator must notify the utility of its intention opt in to this Program consistent with Rule 62.3.1.

#### 62.2 Definitions - the following terms are defined for purposes of this Program only:

"Aggregator" refers to a party other than the Company that represents and aggregates the load of eligible customers who collectively have a Load Relief potential of 50 kW or greater and is responsible for the actions of the customers it represents, including performance and, as applicable, performance adjustments, penalties, and repayments to the Company.

"Capability Period" under this Program refers to the period during which the Company can request Load Relief. The Capability Period shall be from May 1 through September 30.

"CBL" means the customer baseline load as calculated under the Company's Customer Baseline Load methodology. The Customer Baseline Load methodology is described in the Company's baseline operating procedure, which is published on the Company's website. Customers or Aggregators may propose alternate CBL methodologies to the Company by December 1 each year, with specific details and documentation as to how the proposed calculation will be performed. The Company will review the process and methodology by January 1 of the subsequent year and notify the Customer or Aggregator if the proposed methodology is acceptable. Following acceptance, the proposed alternate CBL will be used for the Customers or Aggregators demand response calculations beginning May 1.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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REVISION: 8  
SUPERSEDING REVISION: 7

#### GENERAL INFORMATION

##### 62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

“CBL Verification Methodology” means the methodology used by the Company to verify the actual Load Relief provided (kW and kWh) during each hour of each designated Load Relief Period and Test Event. Actual load levels are compared to the customer baseline loads to verify whether the Direct Participant or Aggregator provided the kW of contracted Load Relief; provided, however, that the Company may estimate the data pursuant to the Company's operating procedure if data is not available for all intervals. When the weather-adjusted CBL methodology is used and the calculated weather adjustment falls outside of Company defined ranges (i.e., the Company deems the weather to be atypical on the day of a Load Relief Period or Test Event when compared to the baseline period), the Company may review and revise a participant's baseline based on the customer's historical load data. When the weather-adjusted CBL methodology is used, or an approved alternate CBL methodology, the Company, at its own discretion, may select alternate hours for the adjustment period to calculate the weather adjustment factor in order to accurately reflect the customer's typical usage

“Contracted Hours” refers to the four-hour period within a weekday, Monday through Friday, during the Capability Period, excluding Holidays, during which the Direct Participant or Aggregator contracts to provide Load Relief whenever the Company designates a Planned Event.

“Direct Participant” is a customer who enrolls under this Program directly with the Company for a single account and agrees to provide at least 50 kW of Load Relief. If the customer wishes to enroll multiple customer accounts within the Company's service territory that collectively have a Load Relief potential of 50 kW or greater, each account must meet the terms of service under this Program. Performance of multiple customer accounts will be measured on a portfolio basis.

“Electric Generating Equipment” is the: (a) electric generating equipment, including technologies that can be exported, at the premises of an eligible customer used to provide Load Relief under this Program; or (b) emergency electric generating equipment that is interconnected and operated in compliance with the Company's Standard Interconnection Requirements and used to provide Load Relief under this Program.

“Load Relief” is the demand (kW) and energy (kWh): (a) ordinarily supplied by the Company that is displaced by use of Electric Generating Equipment and/or reduced by the Direct Participant or Aggregator at the customers' premises; or (b) produced by use of Electric Generating Equipment at the premise of an eligible customer and delivered by that customer to the Company's delivery system during a Load Relief Period.

“Load Relief Period” refers to the hours for which the Company requests Load Relief when it designates a Planned Event or an Unplanned Event.

“Lost Reservation Payment” is the payment the Company will make to the Direct Participant or Aggregator when the Company misses the installation timeframe for the Reservation Payment Option, unless the meter delay was caused by a reason outside the Company's control.

“Performance Factor” is the ratio of: (i) the average hourly kW of Load Relief provided by the Direct Participant or Aggregator during the requested hours, up to the kW of contracted Load Relief to (ii) the kW of contracted Load Relief when a Planned Event or Test Event is called. The calculated Performance Factor will be established for the month of the Planned Event or Test Event and will remain in effect for successive months until the next Test Event or Load Relief Period is called during the current or subsequent year's Capability Period. The Performance Factor will be rounded to two decimal places, and in no event will be greater than 1.00. If the Performance Factor as calculated is below or equal to 0.25, then it will be set to 0.00. If, during the prior Capability Period, an Aggregator did not participate in this Program or if a Direct Participant either did not participate in this Program or participated in this Program through an Aggregator, the Performance Factor will be set to 0.50 in the current Capability Period and will remain at that level until the first month in which a Load Relief Period or Test Event is called. The Performance Factor determined for that month will be applied retroactively, starting with the enrollment month, to true-up the Reservation Payments for the prior month(s).

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MAY 1, 2021  
STAMPS: Issued in Compliance with Order issued April 16, 2021 in Cases 14-E-0423 and 15-E-0189.

LEAF: 263.18  
REVISION: 8  
SUPERSEDING REVISION: 7

## GENERAL INFORMATION

### 62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

“Planned Event” is the Company’s request, on not less than 21 hours’ advance notice, for Load Relief during the Contracted Hours. Planned Events may be called when the Company’s day-ahead forecasted load level is at least 92 percent of the Company’s forecasted summer system-wide peak.

“Test Event” refers to the Company’s request under the Reservation Payment Option specified in Rule 62.9 for Direct Participants and Aggregators to provide one hour of Load Relief, within the four-hour span of Contracted Hours, on not less than 21 hours’ advance notice.

“Reservation Payment Option” customers who enroll under this option agree to provide a specified amount of load reduction during demand response events, and will receive a set dollar per kilowatt (kW) payment per month for the summer capability period, regardless of whether or not the utility calls its demand response program.

“Unplanned Event” is the Company’s request for Load Relief: (a) on less than 21 hours’ advance notice; or (b) for hours outside of the Contracted Hours.

“Voluntary Participation Option” is the payment option the customer will be enrolled in if they do not elect to participate under the “Reservation Payment Option.” Customers will only receive payment for actual load reductions during demand response events under this option.

#### 62.3 Applications and Term of Service

62.3.1 Customers must enroll by completing Form CSRP to participate in this Program. Direct Participants and Aggregators may participate after the Company’s receipt of a completed application and written notification from the Company of application acceptance. The Company will accept applications by April 1 for a May 1 commencement date, and by May 1 for a June 1 commencement date. If the Company does not bill the participant monthly using interval metering at the time of application, participation in the Reservation Payment Option will not commence unless both interval metering and communications are operational. If the Company receives a completed application by April 1, service can commence on May 1 if the interval metering is installed by April 1 and meter communications are operational by April 30. If the Company receives a completed application by May 1, service can commence on June 1 if the interval metering is installed by May 1 and meter communications are operational by May 31. If the application is received by May 1, but the above deadlines for installation of interval metering and meter communications are not met, service will commence on July 1 provided the interval metering is installed by June 1 and meter communications are operational by June 30. If communications are not yet installed and operational, customers may still participate subject to the customer not receiving Performance Payments until such communications equipment is installed and operational. The customer is responsible for establishing communication service. If communication service is not established and interval meter data is not available during an event then zero kWh of Load Relief will be assumed. If communications are not established during the Capability Period, the performance will be set to zero, and the customer will not receive any credit for performance.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.18.1  
REVISION: 0  
SUPERSEDING REVISION:

#### GENERAL INFORMATION

#### 62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.3.1.1 The desired commencement month must be specified in the application.

62.3.1.2 Applications will not be accepted after the specified date for participation during the current Capability Period. Where the first of the month falls on a weekend or holiday applications will be accepted until the first business day thereafter.

62.3.1.3 The Company will accept applications for participation in the Voluntary Participation Option at any time provided the metering and communications requirements specified in 62.5 are met.

PSC NO. 220 ELECTRICITY

LEAF: 263.19

NIAGARA MOHAWK POWER CORPORATION

REVISION: 7

INITIAL EFFECTIVE DATE: APRIL 1, 2022

SUPERSEDING REVISION: 6

STAMPS: Issued in Compliance with Order issued March 16, 2022 in Case 14-E-0423.

## GENERAL INFORMATION

## 62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.3.2 A Direct Participant or Aggregator may apply in writing to change the CBL Verification Methodology, to change the kW of pledged Load Relief, or to terminate service under this Program for the upcoming Capability Period provided the request is received prior to commencing participation for that Capability Period.

62.3.2.1 As specified above, an Aggregator may increase its kW of pledged Load Relief during a Capability Period only if it enrolls customers whose Aggregator either exists the Program or is suspended from enrollment in the Program for noncompliance with Aggregator eligibility requirement or the Company's operating procedures. In such case, the Aggregator may increase its pledged Load Relief up to the amount of the transferred Customers' existing kW of pledged Load Relief.

62.3.3 Each application must state the kW of Load Relief that the Direct Participant or Aggregator contracts to provide for the Contracted Hours. The weather-adjusted CBL will be used as the CBL Verification Methodology for each account enrolled, unless the application specifies that the average-day CBL, or an alternate proposed CBL, is to be used for verification of performance. A single CBL Verification Methodology will be used for each customer to assess both energy (kWh) and demand (kW) Load Relief.

62.3.4 If a Direct Participant or Aggregator requests to operate Electric Generating Equipment for Load Relief purposes under this Program, the application must state generator information, including the unit's nameplate rating, manufacturer, date of manufacture, fuel type or energy source, the kW enrolled using this equipment, and identification as to whether the unit incorporates three-way catalyst emission controls (natural gas-fired rich-burn engine), a natural gas lean-burn engine of model year vintage 2000 or newer, or a diesel-fired engine of model year vintage 2000 or newer, or whether it has a NOx emission level of no more than 2.96 lb/MWh.

62.3.4.1 If the generating equipment has a NOx emission level of no more than 2.96 lb/MWh, but is not natural gas-fired rich-burn generating equipment that incorporates three-way catalyst emission controls, a natural gas lean-burn engine of model year vintage 2000 or newer, or a diesel-fired engine of model year vintage 2000 or newer, written certification by a professional engineer registered in the State of New York must be attached to the application attesting to the accuracy of all generation-related information contained in the application, including the NOx emission level.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.19.1  
REVISION: 0  
SUPERSEDING REVISION:

#### GENERAL INFORMATION

#### 62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.3.4.2 A copy of the required New York State Department of Environmental Conservation ("DEC") permit or registration must be included with the application or provided to the Company within seven days of applying for participation in this Program. If the permit or registration has not yet been issued, a copy of the application to the DEC for the required permit or registration may instead be submitted; provided, however, that a copy of the actual DEC permit or registration must be submitted before commencing service under this Program Rider.

62.3.4.3 By applying for service under this Program, Direct Participants and Aggregators (on behalf of their customers) agree to permit the Company to provide information regarding the Electric Generating Equipment to the DEC for its review, subject to the DEC's agreement to keep this information confidential.

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NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.20  
REVISION: 3  
SUPERSEDING REVISION: 2

## GENERAL INFORMATION

### 62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.3.4.4 Participants enrolled in a NYISO market-based program offered by the Company, NYPA, or other entity, must provide the Company with their NYISO generator identification number, subject to entering into a confidentiality agreement with the Company, and give the Company the ability to view their market participation activity. This information will be used to verify the times of participation in these other programs to prevent double-payment during concurrent events.

62.3.4.5 Participation by diesel-fired Electric Generating Equipment will be permitted only if the engine for the equipment is model year 2000 or newer. Participation by diesel-fired Electric Generating Equipment will be limited to 20 percent of the total enrolled under this Program for the Capability Period. Enrollment by such generators will be accepted on a first-come, first-served basis. No limit or cap will be placed on the following: natural gas-fired rich burn Electric Generating Equipment that incorporates three-way catalyst emission controls; natural gas lean-burn Electric Generating Equipment with an engine of model year vintage 2000 or newer; or Electric Generating Equipment that has a NOx emissions level of no more than 2.96 lb./MWh.



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LEAF: 263.21  
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SUPERSEDING REVISION: 5

#### GENERAL INFORMATION

#### 62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.3.5 Participation under this Program is permitted to participants in other programs that provide payment for capacity, such as the NYISO's Special Case Resources ("SCR") Program, (or any successor Company program to the NYISO's SCR Program), NYPA's Peak Load Management Program, or the Company's demand response program offerings in Rule 55 and 56 of this Tariff.

62.3.6 Direct Participants and Aggregators must meet the metering requirements specified in Rule 62.5 of this Program.

#### 62.4 Notification by the Company and Required Response

62.4.1 The Company will notify Direct Participants and Aggregators by phone, e-mail, or machine-readable electronic signal, or a combination thereof, in advance of the commencement of a Load Relief Period or Test Event. The Direct Participant or Aggregator shall designate in writing an authorized representative and an alternate representative, and include an electronic address, if applicable, to receive the notice. If an Aggregator is served under this Program, only the Aggregator will be notified of the Load Relief Period or Test Event. The Aggregator is responsible for notifying all of the customers within its respective aggregation group.

62.4.2 If the Company designates a Planned Event or a Test Event, the Company will provide advance notice at least 21 hours in advance of the event. The Company will again provide, on the day of the event, advance notice of confirmation or cancellation of the event, no less than two hours before the start of the event.

62.4.3 If the Company designates an Unplanned Event, notice will be given as soon as practicable. Participants are requested to provide Load Relief as soon as they are able.

62.4.4 Participants in the Reservation Payment Option are required to participate during:

62.4.4.1 All Contracted Hours for all Planned Events called by the Company during the Capability Period, and

62.4.4.2 Test Events called by the Company. The Test Event period will not exceed one hour. Participants in the Voluntary Participation Option will not be tested.

#### 62.5 Metering

62.5.1 All electricity load measurement for this program shall utilize the Company's interval based meter at the customers' premises. The customer is responsible for paying the metering and installation costs. The metering and installation costs are available from Company representatives.

62.5.2 Metering communications are necessary for program administration. Where meter reading communications must be installed, the Company shall provide the necessary communications equipment to the customer's meter which records the electric requirements delivered to the customer's premise. The customer agrees to pay the Company an Incremental Customer Charge in the amount of \$11.77 per month to cover the incremental cost of metering communications, until such time that the Company installs AMI meters at the customer premise.

62.5.3 The customer shall be responsible for all metering and communication devices and associated costs as prescribed above and in accordance with Rule 25 of the Tariff.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MAY 1, 2019  
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LEAF: 263.22  
REVISION: 4  
SUPERSEDING REVISION: 3

#### GENERAL INFORMATION

#### 62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.5.4 The Company will install interval metering within 21 business days of the later of the Company's receipt of an applicant's payment for an upgrade to interval metering and: (i) evidence that a request has been made to the telephone carrier (e.g., receipt of a job number) to secure a dedicated phone line for a meter with landline telecommunications capability or (ii) the active Internet Protocol ("IP") address that the wireless carrier has assigned to the modem's ESN for a meter with wireless capability. If the Company misses the installation time frame for the Reservation Payment Option, it will make a "Lost Reservation Payment" to the Direct Participant or Aggregator, unless the meter delay was caused by a reason outside the Company's control, such as the telephone company's failure to install a landline or, if, at the Company's request, the Commission grants the Company an exception due to a condition such as a major outage or storm. A Lost Reservation Payment will be calculated by determining the number of months between the earliest month in which the customer could have begun participation had the meter been installed within the required timeframe (assuming the Company's acceptance of a completed application and receipt of payment for the meter upgrade) and the first month following the completed installation, and multiplying that number by the pledged kW and associated per-kW Reservation Payment Rate.

#### 62.6 Administrative Review

62.6.1 The Company reserves the right to review records and/or operations of any Direct Participant, Aggregator, or customer of an Aggregator to verify enrollment information and performance associated with any designated Load Relief Period or Test Event called by the Company. Once the Company initiates a data review, all payments will be suspended pending the outcome of the review. The Company will make reasonable efforts to complete its review within 30 days of receipt of all requested data, but no later than December 31 of the calendar year of the Capability Period under review. Any suspended payments will be reinstated if the Company's review of the data results in a finding that the enrollment and performance information are correct.

62.6.2 If the Company determines that a Direct Participant, Aggregator, or customer of an Aggregator failed to cooperate fully and promptly with the review and/or did not fully comply with the provisions of this Program and/or provided inaccurate data, the Direct Participant or the customer of the Aggregator will be deemed ineligible to participate in the Program until the issue is rectified. In addition, the Direct Participant or Aggregator will be required to make prompt repayment to the Company of any overpayments that were made to such Direct Participant or Aggregator, on behalf of its customer, for the Capability Period that was reviewed as well as the current Capability Period, if different.

#### 62.7 Aggregation

62.7.1 All customers of an Aggregator must meet the metering and telecommunications requirements of this Program and the requirements of Rule 25 and Rule 62.5.

62.7.2 An Aggregator is responsible for the compliance of all customers it enrolls and will be liable for performance, including, if applicable, repayments to the Company.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.23  
REVISION: 4  
SUPERSEDING REVISION: 3

#### GENERAL INFORMATION

#### 62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

##### 62.8 Payments Made Under Both Options

62.8.1 Payments will be made pursuant to Rules 62.9 and 62.10 of this Program, except as specified below:

62.8.1.1 Performance Payments will not be made under this Program if the Direct Participant or Aggregator (on behalf of its customers) receives payment for energy during concurrent Load Relief hours under Rule 61, Distribution Load Relief Program, or any other Company, third party, or NYISO demand response program (e.g., NYISO's Emergency Demand Response Program, NYISO's Day-ahead Demand Reduction Program or NYISO's SCR Program, or any successor Company program to the NYISO's SCR Program).

##### 62.9 Reservation Payment Option

##### 62.9.1 Reservation Payments

62.9.1.1 Direct Participants and Aggregators will receive a Reservation Payment for each Capability Period month in which they are enrolled. The Reservation Payment rate per kW is based on the number of cumulative Planned Events for which the Direct Participant or Aggregator was asked to provide Load Relief during the Capability Period, as follows:

62.9.1.1.1 The payment rate is calculated in dollars per kW per month in months in which, as of the last day of such month, the Company asked the Direct Participant or Aggregator to provide Load Relief for four or fewer cumulative Planned Events since the current Capability Period commenced.

62.9.1.1.2 The payment rate is calculated in dollars per kW per month commencing in the month in which, as of the last day of such month, the Company asked the Direct Participant or Aggregator to provide Load Relief for five or more cumulative Planned Events since the Capability Period commenced.

62.9.1.1.3 The Reservation Payment per month is equal to the applicable Reservation Payment rate per kW per month multiplied by the kW of contracted Load Relief multiplied by the Performance Factor.

##### 62.9.1.2 Performance Payments for Participation during Planned Events and Test Events

62.9.1.2.1 Except as specified in Rule 62.8, the Company will make a payment to a Direct Participant or Aggregator who provides Load Relief during the Contracted Hours of a Planned Event or Test Event.

62.9.1.2.2 The Performance Payment amount paid per event is equal to the Performance Payment rate in dollars per kWh multiplied by the average hourly kWh of Load Relief provided during the event multiplied by the number of event hours in the Planned or Test Event.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MAY 1, 2021  
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LEAF: 263.24  
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SUPERSEDING REVISION: 6

#### GENERAL INFORMATION

#### 62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

##### 62.9.1.3 Performance Payment for Participation during Unplanned Events

62.9.1.3.1 Except as provided in Rule 62.8, a Direct Participant or Aggregator will receive payment for performance during each Unplanned Event, provided the Company can verify that the Direct Participant or Aggregator provided Load Relief.

62.9.1.3.2 The performance payment amount paid is equal to the performance payment rate in dollars per kWh multiplied by the sum of the actual load relief provided for the hours of the Unplanned Event.

##### 62.9.1.3.3 Performance Factor

62.9.1.3.3.1 When more than one Planned Event and/or Test Event is called during the month, the average of the Performance Factors of all events for a Direct Participant or Aggregator is the Performance Factor for that month.

##### 62.9.1.3.4 Application of Payments

62.9.1.3.4.1 Reservation Payments, Performance Payments, and Penalties under this Rule 62.9 will be calculated on a monthly basis. Payments will be made by bill credit, check, or wire transfer. Payments will be made within seventy-five (75) days following the end of the applicable Load Relief month.

##### 62.9.1.3.5 Testing

62.9.1.3.5.1 The Company may require a Direct Participant or Aggregator to participate in one or more Test Events, each for a period not to exceed one hour, commencing at a time determined solely at the Company's discretion, but within the Contracted Hours.

62.9.1.3.5.2 The Company will make a payment for one hour of energy for the Load Relief achieved up to the contracted amount, as specified above in Rule 62.9.1.2.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.25  
REVISION: 4  
SUPERSEDING REVISION: 3

#### GENERAL INFORMATION

#### 62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

##### 62.10 Voluntary Participation Option

##### 62.10.1 Performance Payments

62.10.1.1 Except as specified in Rule 62.8, the Company will make Performance Payments to a Direct Participant or Aggregator participating in the Voluntary Participation Option for Load Relief provided during a Load Relief Period.

62.10.1.2 The payment rate for Load Relief is as follows:

62.10.1.2.1 Dollars per kWh for Load Relief provided during a Planned Event;  
or

62.10.1.2.2 Dollars per kWh for Load Relief provided during an Unplanned Event.

62.10.1.2.3 The Performance Payment amount paid per event is equal to the applicable Payment Rate multiplied by the average hourly kWh of Load Relief provided during the event multiplied by the number of event hours.

##### 62.10.2 Application of Payments

62.10.2.1 The Company will make payment to a Direct Participant or Aggregator, for payments under this Rule 62.10, after the end of the Program year, for the sum of the payments due for all Load Relief Periods in the Capability Period. Payments will be made by bill credit, check, or wire transfer.

##### 62.11 Rate Statements

62.11.1 The Commercial System Relief Program rates shall be shown on the Demand Response Incentive Statement filed with the Public Service Commission not less than 60 days before their effective date.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MAY 1, 2019  
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LEAF: 263.26  
REVISION: 5  
SUPERSEDING REVISION: 4

## GENERAL INFORMATION

### 63. DIRECT LOAD CONTROL PROGRAM

Purpose: The Direct Load Control Program is being offered by the Company in response to the Commission's order in Case 14-E-0423. This Program will allow the Company to remotely control the customer's Control Device to reduce the customer's load during an Event. Customers participating in this Program must have load controllable equipment and install a Control Device.

63.1 Eligible Customers must be served under Service Classification Nos. 1, 1C, 2, 3, 3A, 4, 7, or 12, served at secondary and primary voltage level only.

63.2 Definitions - the following terms are defined for purposes of this Program only:

"Capability Period" is the period from May 1 through September 30 of any Program year, during which the Company can remotely control the participating customer's equipment.

"Company Designated Area" is an area, designated by the Company, which is an electrically distressed part of the electric delivery system. Company Designated Areas will be published on the Company's website.

"Control Device" is a device installed on the customer's load controllable equipment via a smart plug or embedded control that allows the Company to remotely control the equipment when an Event is called. For purposes of this Program, Control Device means one or more devices as may be required to control the equipment. Each Control Device contains a feature that allows the customer to override the Company's control of the customer's equipment. If the Customer is located in a Designated Area, the Customer may, at the company's discretion, have the option to have the Control Device provided, installed, and connected to the Internet by the Company or its designated contractor. Otherwise, the Control Device must be provided, installed and connected to the Internet by the Customer or its Service Provider and the Control Device must be able to communicate with National Grid's control system. A list of Company approved devices will be published on the Company's website.

An "Event" may be declared by the Company when:

- 1) The NYISO declares an emergency in conjunction with an in-day peak hour forecast response to an operating reserve peak forecast shortage or in response to a major state of emergency as defined in Rule 3.2 of the NYISO Emergency Operations Manual, or at the NYISO's discretion to relieve system or zonal emergencies;
- 2) The NYISO activates its Special Case Resources Program in response to a forecast peak operating reserve shortfall; or
- 3) The Company declares a need for emergency or non-emergency relief, as described by 40 CFR 63.6640 subparts 2 and 4, or when a voltage reduction of five percent or greater has been ordered, or when the Company determines that system peak conditions are likely to occur on specific substations, feeders, or geographical areas.
- 4) The Company declares a 4 hour test event each Capability period.

"Service Provider" means a provider registered with, and approved by, the Company to develop, maintain, and operate a communications portal that enables Internet-connected Control Devices to participate under this Program. A list of current Service Providers is available on the Company's website.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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REVISION: 3  
SUPERSEDING REVISION: 2

## GENERAL INFORMATION

### 63. DIRECT LOAD CONTROL PROGRAM

63.3 Applications - Customers must enroll under this Program by completing the National Grid Direct Load Control Application Form available from the Company's designated contractor or from the Company's website.

63.4 Customers Receiving a Control Device from the Company – Customers located in a Company Designated Area may, at the company's discretion, be eligible to receive and have installed a control device from the Company or its designated contractor. Customers who receive a Control Device from the Company or its designated contractor will receive a one-time sign up payment after the Control Device is installed and connected. The Control Device will become the customer's property upon installation. The one-time sign up payment will be made by check, bill credit or gift card at the Company's discretion.

63.5 Customers Enrolling a Control Device through a Service Provider - Customers who enroll in the Program through a Service Provider, with their own Control Device or a Control Device provided by the Service Provider, will receive a one-time sign up payment after the Control Device is installed and after the Company and/or Service Provider has confirmed the Company's ability to communicate with the Control Device. The one-time sign up payment will be made by check, bill credit, or gift card at the Company's discretion.

63.6 Starting with the second Capability Period in which the customer participates, the customer will be eligible for an annual incentive payment, payable by check, bill credit or gift card at the Company's discretion, after each Capability Period in which the Company can verify that the customer allowed the Company to control the Control Device for no less than 80 percent of the aggregate number of Events or Event hours declared by the Company during the Capability Period.

63.7 Restrictions - This Program is not available to customers who participate, either directly or indirectly, through a Company, third party or NYISO, demand response program. This includes but is not limited to, the NYISO Special Case Resources ("SCR") Program (or any applicable Company program that is intended to take the place of the NYISO SCR Program), in the Company's Distribution Load Relief Program, Commercial System Relief Program, or Emergency Demand Response Program.

63.8 Rate Statements - The Direct Load Control Program rates shall be shown on the Demand Response Incentive Statement filed with the Public Service Commission not less than 60 days before their effective date.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 263.28  
REVISION: 4  
SUPERSEDING REVISION: 3

## GENERAL INFORMATION

### 64. Dynamic Load Management (DLM) Surcharge

The Dynamic Load Management Surcharge provides for recovery from customers of costs incurred by the Company, and approved by the Commission, for demand response programs to ensure reliability needs are met. This surcharge applies to costs incurred in accordance with Rule No. 61-Distribution Load Relief Program, Rule No. 62-Commercial System Relief Program, Rule No. 63-Direct Load Control Program, Rule No. 65-Term-Dynamic Load Management Program and Auto-Dynamic Load Management Program.

64.1 The DLM surcharge is applicable to all customers taking service under P.S.C. No. 220 and 214 Electricity, regardless of supplier.

64.2 The recovery of costs incurred for the Programs in Rule 61 and Rule 63 will be allocated to all P.S.C. No. 214 service classifications, and to all customers served at the secondary or primary voltage delivery levels of P.S.C. No. 220 Service Classifications 1, 1C, 2, 2D, 3, 3A, 4, 7 and 12, (applicability of SC12 customers will be in accordance with the terms of their individual contracts), except for EZR and EJP customers. The above allocations will be based on the non-coincident peak allocator from the Company's most current rate plan. The recovery of Rule 62 Program and Rule 65 Program costs will be allocated to all P.S.C. No. 214 service classifications and to all customers in P.S.C. No. 220 Service Classifications 1, 1C, 2, 2D, 3, 3A, 4, 7 and 12, (applicability of SC12 customers will be in accordance with the terms of their individual contracts), except for EZR and EJP customers. The above allocations will be based on the transmission plant allocator from the Company's most current rate case.

64.3 The DLM surcharge will be set on an annual basis for the next twelve-month billing period and applied to customers on a forecasted sales volume basis.

64.3.1 The DLM will be collected from customers on a volumetric basis, per kWh for non-demand service classifications and per kW-mo for demand service classifications.

64.3.2 The DLM surcharge shall be determined by dividing the amount of total costs incurred by the Company for the prior year under these DLM demand response programs by the annual forecasted sales or demand for each service classification. The per kW rate for demand customers will be further divided by twelve to establish a per kW-mo rate.

64.3.3 The DLM surcharge collected from customers will be subject to annual reconciliation for any over or under collection from the previous year. The DLM surcharge reconciliation over or under collections will be included in the amount of cost recovery in Rule 64.3.2 above used to determine the DLM surcharge for the next year, inclusive of interest at the applicable customer deposit rate.

64.4 The DLM surcharge will be shown on statements filed with the Public Service Commission apart from this rate schedule not less than 3 days before its effective date.



PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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REVISION: 0  
SUPERSEDING REVISION:

## GENERAL INFORMATION

### 65. Term- and Auto-Dynamic Load Management Programs

Purpose: The Term-Dynamic Load Management Program ("Term-DLM Program") and Auto-Dynamic Load Management Program ("Auto-DLM Program") are being offered by the Company in response to the Commission's order in Case 18-E-0130. These Programs will enable participating eligible customers to be compensated for reducing their load under certain conditions when called upon by the Company to do so, for a term of a specified number of years in accordance with an agreement to be entered into by the Company and a Direct Participant or Aggregator selected by the Company through a Request for Proposal ("RFP") process ("Program Agreement").

#### 65.1 Contracting for Term-DLM and Auto-DLM Programs

Eligible customers must be served under Service Classification Nos. 1, 1C, 2, 3, 3A, 4, 7, and 12. Customers must install interval metering that conforms to the requirements of Rule 65.4 to participate in these Programs.

A Direct Participant must contract to provide at least 50 kW of Load Relief. An Aggregator must contract to provide at least 50 kW of Load Relief.

If other requirements for service under these Programs are met, Electric Generating Equipment may be used to participate under these Programs subject to the provisions set forth in Rule 65.3.5 below. The participating Direct Participant or Aggregator is responsible for determining that the operation of the Electric Generating Equipment under these Programs will be in conformance with any governmental limitations on such operation.

Customers who take service under Rule 36, Rule 37, or Rule 40.1 are not eligible to participate in these Programs. However, Customer-Generators that qualify for Value Stack compensation under Rule 40.2 are permitted to participate in these Programs but will not receive DRV and/or LSRV compensation during the term of their participation in these Programs. Value Stack Customer-Generators that opt-into these Programs will be compensated for their injections using the same load reduction calculation methodology for load reductions as described in Rule 65.6. The Customer-Generator must notify the utility of its intention to opt in to these Programs.

#### 65.2 Definitions - the following terms are defined for purposes of these Programs only:

##### Programs

Term-Dynamic Load Management ("DLM") Program ("Term-DLM Program") is generally activated for peak shaving when the day-ahead system electric load forecast reaches a Company-specified percent of its forecasted system peak, as specified in the Program Agreement. An event called under this condition shall be defined as a Term-DLM Event.

Auto-Dynamic Load Management Program ("Auto-DLM Program") is a program activated by the Company for the following conditions: (1) to prevent or mitigate overload situations on the utility's electric grid; or (2) for peak shaving purposes using the same activation criteria as for Term-DLM. An event called under condition (1) shall be defined as an Auto-DLM Event.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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65. Term- and Auto-Dynamic Load Management Programs (continued)

Definitions applicable to both Term- and Auto-DLM

"Aggregator" refers to a party other than the Company that represents and aggregates the load of eligible customers who collectively have a Load Relief potential of 50 kW or greater and is responsible for the actions of the customers it represents, including performance and, as applicable, performance adjustments, penalties, and repayments to the Company.

"Application" is defined as the set of materials required to enroll eligible resources in the program(s) as detailed in the Program Agreement.

"Capability Period" under this Program refers to the period during which the Company can request Load Relief. The Capability Period shall be from May 1 through September 30.

"CBL" means the customer baseline load as calculated under the Company's Customer Baseline Load methodology. The Customer Baseline Load methodology is described in the Company's baseline operating procedure, which is published on the Company's website. Direct Participants or Aggregators may propose alternate CBL methodologies to the Company by December 1 each year, with specific details and documentation as to how the proposed calculation will be performed. The Company will review the process and methodology by January 1 of the subsequent year and notify the Direct Participant or Aggregator if the proposed methodology is acceptable. Following acceptance, the proposed alternate CBL will be used for the Direct Participant or Aggregator's demand response calculations beginning May 1.

"CBL Verification Methodology" means the methodology used by the Company to verify the actual Load Relief provided (kW and kWh) during each hour of each designated Load Relief Period and Test Event. Actual load levels are compared to the customer baseline loads to verify whether the Direct Participant or Aggregator provided the kW of contracted Load Relief; provided, however, that the Company may estimate the data pursuant to the Company's operating procedure if data is not available for all intervals. When the weather-adjusted CBL methodology is used and the calculated weather adjustment falls outside of Company-defined ranges (i.e., the Company deems the weather to be atypical on the day of a Load Relief Period or Test Event when compared to the baseline period), the Company may review and revise a participant's baseline based on the customer's historical load data. When the weather-adjusted CBL methodology is used, or an approved alternate CBL methodology, the Company, at its own discretion, may select alternate hours for the adjustment period to calculate the weather adjustment factor in order to accurately reflect the customer's typical usage.

"Direct Participant" is a customer who enrolls under these Programs directly with the Company for a single account and agrees to provide at least 50 kW of Load Relief. If the customer wishes to enroll multiple customer accounts within the Company's service territory that collectively have a Load Relief potential of 50 kW or greater, each account must meet the terms of service under these Programs. Performance of multiple customer accounts will be measured on a portfolio basis.

"Electric Generating Equipment" is the: (a) electric generating equipment, including technologies that can be exported, at the premises of an eligible customer used to provide Load Relief under these Programs; or (b) emergency electric generating equipment that is interconnected and operated in compliance with the Company's Standard Interconnection Requirements and used to provide Load Relief under these Programs.

"Load Relief" is the demand (kW) and energy (kWh): (a) ordinarily supplied by the Company that is displaced by use of Electric Generating Equipment and/or reduced by the Direct Participant or Aggregator at the customers' premises; or (b) produced by use of Electric Generating Equipment at the premise of an eligible customer and delivered by that customer to the Company's delivery system during a Load Relief Period.

PSC NO. 220 ELECTRICITY  
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STAMPS: Issued in Compliance with Order issued September 17, 2020 in Case 18-E-0130.

65. Term- and Auto-Dynamic Load Management Programs (continued)

“Load Relief Period” refers to the hours for which the Company requests Load Relief during: (a) a Term-DLM Event, which can also include Auto-DLM participants; or (b) an Auto-DLM Event, provided, however, that Load Relief will not be required under Auto-DLM Event between the hours of 12:00 AM and 6:00 AM. A Load Relief Period may be designated under Auto-DLM in accordance with the terms of the Program Agreement.

“Performance Factor” is the ratio of Load Relief specified in the Program Agreement to the actual Load Relief provided.

“Performance Payments” will be paid by the Company, as applicable, to a Direct Participant or Aggregator for Load Relief during the Load Relief Period as described in the Program Agreement.

“Portfolio Quantity” is the amount of Load Relief a Direct Participant or Aggregator agrees to supply based on the Program Agreement.

“Program Agreement” refers to the specific terms and conditions that apply to Aggregators and Direct Participants based on signed contracts associated with their Vintage Year.

“Test Event” refers to the Company’s request under the Reservation Payment Option of either Term- or Auto-DLM for Direct Participants and Aggregators to provide Load Relief to test participants’ response to a request for Load Relief. The duration of a Test Event is one hour for both the Term- and Auto-DLM Programs. If a Test Event is called under the Term-DLM Program, Load Relief will be requested within the four-hour span of Contracted Hours. If called under the Auto-DLM Program, Load Relief will be requested at a time determined solely at the Company’s discretion but not between the hours of 12:00 AM and 6:00 AM.

“Vintage Year” refers to the first Capability Period an Aggregator or Direct Participant is contractually obligated to participate in.

Definitions applicable to Term-DLM Program only

“Contracted Hours” refers to the four-hour period within a weekday (i.e., Monday through Friday) during the Capability Period, excluding holidays, during which the Direct Participant or Aggregator contracts to provide Load Relief whenever the Company designates a Term-DLM Event. The Contracted Hours are established by the Company location and will be provided in the Program Agreement.

65.3 Application and Terms of Service

65.3.1 Customers taking service under this Rule shall enter into a Program Agreement with the Company. The ability to complete these Program Agreements is awarded based on a Request for Proposal (“RFP”) process which considers the price per Load Relief offered, the quantity of proposed Load Relief, location and the program the applicant is applying for. All bids will be for single Aggregations (including sub-Aggregations) and will be considered at the Aggregation level.

65.3.2 Load Relief of an Aggregator will be measured on a portfolio basis by Aggregation.

65.3.3 A single CBL Verification Methodology will be used for each customer account to assess both energy (kWh) and demand (kW) Load Relief.

65.3.4 A Direct Participant or Aggregator may change the CBL Verification Methodology or kW of pledged Load Relief for the upcoming Capability Period provided the request is received prior to commencing participation for that Capability Period.

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NIAGARA MOHAWK POWER CORPORATION

REVISION: 1

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STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

## 65. Term- and Auto-Dynamic Load Management Programs (continued)

65.3.5 If a Direct Participant or Aggregator requests to operate Electric Generating Equipment for Load Relief purposes under these Programs, the offer for Load Relief must state generator information, including the unit's nameplate rating, manufacturer, date of manufacture, fuel type or energy source, the kW enrolled using this equipment, and identification as to whether the unit incorporates three-way catalyst emission controls (natural gas-fired rich-burn engine), a natural gas lean-burn engine of model year vintage 2000 or newer. Diesel-fired generators are excluded from participating in these Programs.

65.3.5.1 If the Electric Generating Equipment has a NOx emission level of no more than 2.96 lb/MWh, but is not natural gas-fired rich-burn generating equipment that incorporates three-way catalyst emission controls, a natural gas lean-burn engine of model year vintage 2000 or newer written certification by a professional engineer registered in the State of New York must be attached to the application attesting to the accuracy of all generation-related information contained in the application, including the NOx emission level.

65.3.5.2 A copy of the required New York State Department of Environmental Conservation ("DEC") permit or registration must be included with the application or provided to the Company within seven days of applying for participation in these Programs. If the permit or registration has not yet been issued, a copy of the application to the DEC for the required permit or registration may instead be submitted; provided, however, that a copy of the actual DEC permit or registration must be submitted before commencing service under this Program.

65.3.5.3 By proposing service under these Programs, Direct Participants and Aggregators (on behalf of their customers) agree to permit the Company to provide information regarding the Electric Generating Equipment to the DEC for its review, subject to the DEC's agreement to keep this information confidential.

65.3.5.4 Participants enrolled in a NYISO market-based program offered by the Company, NYPA, or other entity, must provide the Company with their NYISO generator identification number, subject to entering into a confidentiality agreement with the Company and give the Company the ability to view their market participation activity. This information will be used to verify the times of participation in these other programs to prevent double-payment during concurrent events.

65.3.6 Direct Participants and Aggregators must meet the metering requirements specified in Rule 65.4 of these Programs.

## 65.4 Metering

65.4.1 All electricity load measurement for these Programs shall utilize the Company's interval-based meter at the customers' premises. The customer is responsible for paying the metering and installation costs. The metering and installation costs are available from Company representatives.

65.4.2 Metering communications are necessary for program administration. Where meter reading communications must be installed, the Company shall provide the necessary communications equipment to the customer's meter which records the electric requirements delivered to the customer's premise. The customer agrees to pay the Company an Incremental Customer Charge in the amount of \$11.77 per month to cover the incremental cost of metering communications, until such time that the Company installs AMI meters at the customer premise.

65.4.3 The customer shall be responsible for all metering and communication devices and associated costs as prescribed above and in accordance with Rule 25 of the Tariff.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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STAMPS: Issued in Compliance with Order issued September 17, 2020 in Case 18-E-0130.

65. Term- and Auto-Dynamic Load Management Programs (continued)

65.5 Notification by the Company

65.5.1 The Company will call a Term-DLM Event or Test Event on not less than 21 hours' notice in advance of the event. The Company will again provide, on the day of the event, advance notice of confirmation or cancellation of the event, no less than two hours before the start of the event.

65.5.2 The Company will call an Auto-DLM Event or Test Event on not less than ten minutes' advance notice.

65.6 Payment

65.6.1 The Company will make Reservation Payments to a Direct Participant or Aggregator at the conclusion of each Capability Period in which the Direct Participant or Aggregator is enrolled under Term- or Auto-DLM. The Reservation Payment is equal to the applicable Reservation Payment Rate per kW multiplied by the Direct Participant or Aggregator's kW of Portfolio Quantity multiplied by the Performance Factor (as described in the Program Agreement). Reservation Payments to Aggregators or Direct Participants are determined per Aggregation based on the Aggregator's kW of Portfolio Quantity in that Aggregation. Details regarding the calculation of Reservation Payments are specified in the Program Agreement.

65.6.2 The Company will make Performance Payments, as applicable, to a Direct Participant or Aggregator. The payment calculation method is described in the Program Agreement.

65.7 Early Exit Provision

65.7.1 Aggregators and Direct Participants shall have the right to terminate their obligations under their respective Program Agreements prior to the first Capability Period, before a Company-specified deadline, by paying an Early Exit Fee equal to ten percent of the product of the remaining length of the contractual obligation in years, the Aggregator or Direct Participant's applicable reservation rate, and the kW of Portfolio Quantity. At its discretion, the Company can offer additional opportunities to exercise such early exit rights or require payment of the Early Exit Fee based on a failure to meet minimum performance standards. These requirements will be specified in Program Agreements.

65.8 Restrictions

65.8.1 Term-DLM Program participants may participate in the DLM in Rule 61 of this Tariff, but Auto-DLM Program participants may not. However, participation in Rule 62, CSRP, is prohibited for participants in the Term-DLM and Auto-DLM Programs. Additionally, concurrent participation in both the Term- and Auto-DLM Program is prohibited. Performance Payments will not be made under these Programs if the Direct Participant or Aggregator (on behalf of its customers) receives payment for energy during concurrent Load Relief hours under Rule 61, DLRP, or any other Company, third party, or NYISO demand response program.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

#### GENERAL INFORMATION

#### 66. REMOTE CREDITING

RNM projects that qualify for Value Stack compensation under Rule 40.2.1 will transition to Remote Crediting, effective September 1, 2021, and continue to be compensated under the Value Stack.

##### 66.1 Remote Crediting Eligibility:

Remote Crediting is available to:

- 1) previously-eligible RNM projects compensated under the Value Stack Rule 40.2,
- 2) new Remote Crediting projects interconnected after September 1, 2021 compensated under the Value Stack Rule 40.2,
- 3) volumetric CDG or RNM projects eligible under Rules 36.7, 37.10, or 40.1 that opt into the Value Stack, according to Rule 66.2 provisions, and
- 4) Value Stack CDG projects eligible under Rule 40.2 that opt into Remote Crediting, according to Rule 66.2 provisions.

Remaining monetary credits on the Host account for those CDG or RNM projects transitioning to Remote Crediting will be the starting balance of the new Remote Crediting Host bank. CDG or RNM projects transitioning to Remote Crediting retain any Value Stack Eligibility Date lock-in rates, as described in Rule 40.2.3.1.

Only non-residential customers and farm-residential customers will be permitted to participate as Remote Crediting Hosts. Customers taking service under Service Classification No. 7 to Customers are not permitted to participate in Remote Crediting as a satellite or as a host. A Remote Crediting Satellite cannot participate as a Remote Crediting Host nor can a Remote Crediting Host be a Remote Crediting Satellite.

Remote Crediting projects are eligible to serve a maximum of ten (10) autonomous customers, with each autonomous customer permitted to enroll unlimited accounts provided the accounts are all in the same name. The Remote Crediting Host customer counts towards the maximum of ten (10) autonomous customers. The requirement that all satellite accounts be in the same customer name and same load zone as the Host account, as specified in Rule 36.7.2 and 37.10.2, do not apply to Remote Crediting projects. However, Remote Crediting projects and their satellite accounts must be located in the Company's service territory.

PSC NO: 220 ELECTRICITY

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NIAGARA MOHAWK POWER CORPORATION

REVISION: 1

INITIAL EFFECTIVE DATE: SEPTEMBER 1, 2022

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STAMPS: Issued in Compliance with Order in Case 15-E-0751 issued July 14, 2022.

## GENERAL INFORMATION

## 66. REMOTE CREDITING (Continued)

## 66.2 Remote Crediting Opt-in:

Projects taking service under Rules 29, 36.7, 37.10, and 40.1 are eligible to make a one-time, irrevocable election to take service under Rule 66. Projects making such an election shall provide the Company with notice of intent to take service under Rule 66 and submit completed switching certifications and Remote Crediting allocation forms within 60 days of the new project's first account billing date or within 45 days of the existing project's last host account billing date.

Non-Value Stack CDG or RNM projects that opt into the Value Stack will forfeit any banked volumetric credits on existing projects before commencing with Remote Crediting. Value Stack CDG projects that opt into Remote Crediting will retain any banked monetary credits on the existing projects that will become the starting balance of the new Remote Crediting project's host bank.

Each non-Value Stack opt in project's Value Stack Eligibility Date shall be the date in which the project notifies the Company of the project's intent to opt into Remote Crediting and will lock in any Eligibility Date-specific component rate at the time of such notification. Projects currently compensated under the Value Stack that opt into Remote Crediting will retain the same Value Stack Eligibility Date as well as any Value Stack component rates locked in at the time of eligibility.

Phase One NEM projects, as described in Rule 40.1, that opt into Remote Crediting will continue to be subject to the CBC Charge, as described in Rule 40.1.8.4. The CBC Charge cannot be offset by any monetary Value Stack credits on the Customer-Generator's account.

All projects opting into Remote Crediting will have a term based on the Value Stack compensation methodology as specified in Rule 40.2.5, and the start date of such term will be based on the project's original interconnection date.

Non-Value Stack CDG or RNM projects that opt into Remote Crediting and are eligible to receive the Value Stack Environmental component, have the option to retain their RECs or may permit the Company to be the Responsible Party in the NYGATS. If transferring the RECs to the Company, the project must contact the NYGATS administrator to initiate a transfer of the generator in NYGATS to the Company. Projects not already registered in NYGATS must authorize the Company to register and report generation data through NYGATS.

CDG Net Crediting projects, as described in Rule 29.4, that opt into Remote Crediting will forfeit the crediting methodology in CDG Net Crediting that eliminates a separate participation payment from the satellite to the host. Once enrolled in Remote Crediting, the Company will apply the full value of the Value Stack credit to the satellite as dictated on the Remote Crediting allocation form, without any separate payment to the host or deduction of the utility administration fee.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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REVISION: 0  
SUPERSEDING REVISION:

#### GENERAL INFORMATION

#### 66. REMOTE CREDITING (Continued)

##### 66.3 Satellites Participating in Multiple Projects:

Remote Crediting Satellite accounts are permitted to participate in multiple Remote Crediting projects but are not permitted to participate in Rule 36.7 RNM projects, Rule 37.10 RNM projects, or Rule 29 CDG projects, as a host or as a satellite. Remote Crediting Hosts must notify the Company if a Remote Crediting Satellite has multiple Remote Crediting Hosts on any allocation form submitted to the Company.

Remote Crediting Satellites that participate in multiple Remote Crediting projects or are Customer-Generators are limited to a cumulative total of 5 MW of installed capacity allocated to the Remote Crediting Satellite account as determined by adding the total installed on-site capacity to the allocated capacity from all Remote Crediting projects of which the Remote Crediting Satellite is a participant.

If it is determined that the Remote Crediting Satellite account is receiving more than the aggregated capacity of 5 MW, the Company will suspend any application of credits to the Remote Crediting Satellite and those credits will remain with the appropriate Remote Crediting Host banks. Allocation of credits to the Remote Crediting Satellite will resume once the sum of the Remote Crediting Host allocations does not exceed 5 MW.

The Remote Crediting Host must certify in writing to the Company, both prior to commencing Remote Crediting and with each allocation form submitted, that it has met all program criteria set forth in Commission's orders and detailed in the Company's tariff, including, but not limited to, certifying that the cumulative total installed capacity of each Remote Crediting Satellites does not exceed 5 MW.

In the event a Remote Crediting Satellite participates in multiple Remote Crediting projects, the Value Stack credit applied to the satellite account's current electric charges will be determined on a pro rata basis based on each Remote Crediting Host's total allocation to the satellite in that billing period. If the Remote Crediting Satellite is also a Customer-Generator, any on-site generation credits will be applied prior to any application of Remote Crediting Value Stack credits.



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SUPERSEDING REVISION:

#### GENERAL INFORMATION

#### 66. REMOTE CREDITING (Continued)

##### 66.4 Remote Crediting Allocations:

Remote Crediting Hosts are required to allocate, on a percentage basis, the monthly Value Stack credits to each of the project's satellite accounts, as well as to the Remote Crediting Host account, such that the allocation totals 100 percent. If the Remote Crediting allocation list totals less than 100 percent, the unallocated portion will be applied to the Remote Crediting Host account bank. Allocations that total more than 100% shall be rejected by the Company and the Remote Crediting Host will be required to revise and resubmit the Remote Crediting allocation form. By including a customer account number on the allocation form, the Remote Crediting Host certifies they have received written authorization from the customer to allocate credits to the customer's account.

The Remote Crediting Host is permitted to receive no allocation of credits by indicating such on the allocation form. This exclusion is permitted only on the Remote Crediting Host account on which the generating asset is located. In the event a Remote Crediting Host chooses not to receive monthly allocations, yet credits are held in the host bank, the Remote Crediting Host's electric charges will be offset by those credits in the host bank.

If no allocation form is provided by the Remote Crediting Host to the Company within thirty (30) days of interconnection to the Company's distribution system, all Value Stack compensation will, after satisfying all electric charges of the Remote Crediting Host, be allocated to the Remote Crediting Host bank. Until such time as a completed allocation form is received and accepted by the Company, any excess credit remaining in the Remote Crediting Host bank after satisfying all electric charges of the Remote Crediting Host will continue to be banked and available for future Remote Crediting Host bank allocation.

##### 66.4.1 Remote Crediting Monthly Allocations:

The Remote Crediting Host may modify its associated satellite accounts and/or the percentage allocated to such satellites by submitting a revised allocation form to the Company with the new percentages and new satellite accounts with no less than thirty (30) days' notice before the Remote Crediting Host account's billing date to which the modifications are intended to apply.

##### 66.4.2 Remote Crediting Host Bank Allocations:

The Remote Crediting Host may allocate any portion of credits banked on its account to any active, participating satellites as well as to its host account. Remote Crediting Hosts are required to furnish to the Company, with no less than thirty (30) days' notice before the Remote Crediting Host's account's billing date to which the modifications apply, an allocation form for disbursement of credits banked on the Remote Crediting Host. If instructions are not timely received by the Company for banked disbursements, no disbursement will be made from the Remote Crediting Host bank, and banked credits will remain on the Remote Crediting Host account for future host bank allocations.

PSC NO. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 1, 2021  
STAMPS: Issued in Compliance with Order in Case 19-E-0735 issued July 15, 2021.

LEAF: 263.37  
REVISION: 0  
SUPERSEDING REVISION:

#### GENERAL INFORMATION

#### 66. REMOTE CREDITING (Continued)

##### 66.5 Remote Crediting Billing and Carry Over:

The Company will calculate Value Stack compensation for the project on the Remote Crediting Host bill date according to Rule 40.2.3.1 and allocate credits in accordance with the percent allocations provided by the Remote Crediting Host. Any credit allocated to the Remote Crediting Host account or to Remote Crediting Satellite accounts will be applied up to the customer account's electric charges on that bill. Any remaining unused credits for that account will be carried over on the Remote Crediting Host or Remote Crediting Satellite's respective accounts for possible allocation in the next billing period.

Credits remaining on the Remote Crediting Host account at the end of the billing period will be available to offset the Remote Crediting Host's electric charges on its next bill, or for future host bank disbursement to participating Remote Crediting Satellite accounts according to instructions provided to the Company by the Remote Crediting Host per Rule 66.4.2.

In the event a Remote Crediting Satellite account is canceled or dropped from the relationship, any remaining credits on the Satellite account, after satisfying the accounts' final electric charges, will be returned to the Remote Crediting Host account and become available to offset the host electric charges or for allocation to the remaining Remote Crediting Satellite accounts in future host bank disbursements. If the canceled or dropped Remote Crediting Satellite account is a participant in multiple Remote Crediting projects, the credits will be returned to each Remote Crediting host proportional to the percent of installed capacity allocated to that Remote Crediting Satellite account from each such project.

The Company will rely exclusively on the monthly allocation request form to verify a Remote Crediting Satellite account's participation in a Remote Crediting project.

In the event a Remote Crediting Host account is canceled, or at the end of the term of service, the Remote Crediting Host will forfeit any Value Stack credits that remain in the host bank after these credits have been applied to the Remote Crediting Host account's final bill and each Remote Crediting Satellite's current bill.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 263.38  
REVISION: 0  
SUPERSEDING REVISION:

#### GENERAL INFORMATION

##### 67. Hydrogen Energy Transfer System Surcharge (“Hydrogen ETS Surcharge”)

- 67.1 The Hydrogen ETS Surcharge will recover the non-labor operations and maintenance costs related to operating the Company’s Multi-use Hydrogen Production and Utilization Facility Energy Transfer System (“ETS”) facility. Annually, the Company will determine the net balance of (i) non-labor O&M expense related to operating the Hydrogen ETS including, but not limited to, demand charges for electric vehicle charging and costs associated with purchase of bulk power to operate the facility’s electrolyzer, and (ii) the customer-retained portion of ETS-related revenues. Any net balance not otherwise recovered in base delivery rates, will be passed back or recovered from customers through the Hydrogen ETS Surcharge in the next annual period, on a two-month lag basis.
- 67.2 The amount to be recovered shall be allocated to applicable service classifications based on the Company’s single coincident peak transmission allocator (“1CP”) in the Company’s most recent rate case, as provided in Rule 43.6. Customers taking service under SC-4, SC-7, and if applicable SC-12, shall be subject to the Hydrogen ETS Surcharge rates of their parent service classification.
- 67.3 The amount to be recovered from each parent service classification, as determined in Rule 67.2, above shall be divided by the respective parent service classification’s forecast sales usage associated with the corresponding period from which the surcharge will be collected from customers.
- 67.4 The Hydrogen ETS Surcharge rates will be applied to a customer’s actual billed consumption and are applicable to customers serviced under PSC No. 220 service classifications No. 1, 1-C, 2 non-demand, 2 demand, 3, 3-A, 4 and 7 and all PSC No. 214 service classifications. The Hydrogen ETS Surcharge is also applicable to NYPA and RNY deliveries and are applicable to SC-12 in accordance with the terms of their individual contracts.
- 67.4.1. The Hydrogen ETS Surcharge shall not be applied to a customer’s deliveries of EZR or EJP qualifying load.
- 67.4.2 The Hydrogen ETS Surcharge shall be recovered from customers on a per kWh basis for non-demand service classes, on a per kW basis for demand service classes, and on a Standby Contract Demand basis for SC-7.
- 67.5 The Hydrogen ETS Surcharge will be subject to an annual true-up, with any over/under collection at the end of the annual collection period, inclusive of carrying charges at the Company’s pre-tax WACC, to be included in the balance for refund or recovery in the next annual period, or in future base delivery rates as applicable.
- 67.6 The Hydrogen Surcharge shall be shown on statements filed with the Public Service Commission apart from this rate schedule not less than fifteen (15) days prior to its effective date.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
 STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 263.39  
 REVISION: 0  
 SUPERSEDING REVISION:

## GENERAL INFORMATION

## 68. Net Utility Plant and Depreciation Expense Reconciliation Mechanism Surcharge ("NUP Surcharge")

68.1 If the Company does not file for new rates to be effective on or before July 1, 2024, the NUP Surcharge will recover costs related to the Net Utility Plant and Depreciation Expense Reconciliation Mechanism as described in the Joint Proposal approved in Case 20-E-0380. The surcharge will recover the pre-tax revenue requirement associated with net utility plant and depreciation levels to the extent they exceed the level of net utility plant and book depreciation expense reflected in base delivery rates.

68.2 The amount to be recovered shall be allocated to applicable service classifications based on the Net Plant Allocator in the Company's most recent rate case, as provided below. Customers taking service under SC-4, SC-7 and SC-12 shall be subject to the NUP Surcharge rates of their parent service classification.

## Net Plant Allocator:

Residential	56.47%
Residential TOU	0.57%
Small Gen No Dem	4.12%
Small Gen Demand	13.33%
Large Gen-Sec	10.18%
Large Gen-Pri	3.53%
Large Gen-SubT/Tran	0.74%
Large Gen TOU-S/P	1.75%
Large Gen TOU-SubT	1.50%
Large Gen TOU-Tran	5.65%
Lighting (PSC No. 214)	2.16%

68.3 The amount to be recovered from each parent service classification as determined in Rule 68.2 above shall be divided by the respective parent service classification's forecast sales usage associated with the corresponding period from which the surcharge will be collected from customers.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 263.40  
REVISION: 0  
SUPERSEDING REVISION:

## GENERAL INFORMATION

## 68. Net Utility Plant and Depreciation Expense Reconciliation Mechanism Surcharge (Continued)

68.4 The NUP Surcharge rates will be applied to a customer's actual billed consumption and are applicable to customers serviced under PSC No. 220 service classifications No. 1, 1-C, 2 non-demand, 2 demand, 3, 3-A, 4 and 7 and all PSC No. 214 service classifications. The NUP Surcharge will also be applied to a customer's deliveries associated with NYPA load, including RNY load, and are applicable to PSC No. 220 service classification No. 12 in accordance with the terms of their individual contracts.

68.4.1. The NUP Surcharge is not applicable to EZR and EJP qualifying load.

68.4.2 The NUP Surcharge shall be recovered from customers on a per kWh basis for non-demand service classes, on a per kW basis for demand service classes, and on a Standby Contract Demand basis for SC-7.

68.5 The NUP Surcharge will be subject to a true-up, with any over/under collection at the end of the annual collection period, inclusive of carrying charges at the Company's pre-tax WACC, to be included in the balance for refund or recovery in the next annual period, or in future base delivery rates as applicable.

68.6 The NUP Surcharge shall be shown on statements filed with the Public Service Commission apart from this rate schedule not less than fifteen (15) days prior to its effective date.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
 STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 263.41  
 REVISION: 0  
 SUPERSEDING REVISION:

### GENERAL INFORMATION

#### 69. Incremental New Efficiency: New York Costs Surcharge (“Incremental NE:NY Surcharge”)

69.1 The Incremental NE:NY Surcharge allows the Company to implement a surcharge during the Stayout Period. If the Company does not file for new rates to be effective on or before July 1, 2024, the Incremental NE:NY Surcharge will recover the difference of any Commission-approved New Efficiency: New York (“NE:NY”) Budget (or other approved energy efficiency programs) less the forecast of Commission-approved NE:NY energy efficiency budgets in the nine months ending March 31, 2025 (“Stayout Period”) as described in the Joint Proposal as approved in Case 20-E-0381.

69.2 The amount to be recovered shall be allocated to applicable service classifications based on the Energy Efficiency Program Costs (“ETIP”) Allocator in the Company’s most recent rate case as provided below. Customers taking service under SC-4, SC-7 and SC-12 shall be subject to the Incremental NE:NY Surcharge rates of their parent service classification.

#### ETIP Allocator:

Residential	40.10%
Residential TOU	0.99%
Small Gen No Demand	2.25%
Small Gen Demand	13.76%
Large Gen-Sec	13.59%
Large Gen-Pri	5.74%
Large Gen-SubT/Tran	1.91%
Large Gen TOU-S/P	2.55%
Large Gen TOU-SubT	4.57%
Large Gen TOU-Tran	14.03%
Lighting (PSC No. 214)	0.51%

69.3 The amount to be recovered from each parent service classification as determined in Rule 69.2 above shall be divided by the respective parent service classification’s forecast sales usage associated with the corresponding period from which the surcharge will be collected from customers.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 263.42  
REVISION: 0  
SUPERSEDING REVISION:

#### GENERAL INFORMATION

69. Incremental New Efficiency: New York Costs Surcharge ("Incremental NE:NY Surcharge")(Continued)

69.4 The Incremental NE:NY Surcharge rates will be applied to a customer's actual billed consumption and are applicable to customers serviced under PSC No. 220 service classifications No. 1, 1-C, 2 non-demand, 2 demand, 3, 3-A, 4 and 7 and all PSC No. 214 service classifications. The surcharge is also applicable to PSC No. 220 service classification No. 12 in accordance with the terms of their individual contracts. The Incremental NE:NY Surcharge is applicable to EJP qualifying load.

69.4.1. The Incremental NE:NY Surcharge shall not be applied to a customer's deliveries associated with NYPA deliveries, RNY deliveries, or EZR qualifying load.

69.4.2 The Incremental NE:NY Surcharge shall be recovered from customers on a per kWh basis for non-demand service classes, on a per kW basis for demand service classes, and on a Standby Contract Demand basis for SC-7.

69.5 The Incremental NE:NY Surcharge will be subject to a true-up, with any over/under collection at the end of the collection period, inclusive of carrying charges at the Company's pre-tax WACC, to be included in the balance for refund or recovery in the next annual period, or in future base delivery rates as applicable.

69.6 The Incremental NE:NY Surcharge shall be shown on statements filed with the Public Service Commission apart from this rate schedule not less than fifteen (15) days prior to its effective date.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: JULY 1, 2022

LEAF: 263.43  
 REVISION: 0  
 SUPERSEDING REVISION:

STAMPS: Issued in Compliance with Order in Cases 17-E-0238, et al. issued June 17, 2022.

### GENERAL INFORMATION

#### 70. Late Payment Charge and Other Waived Fees Surcharge ("LPCO")

70.1 The LPCO Surcharge will recover the late payment charges and other waived fees in accordance with the Commission Order issued in Cases 17-E-0238, et al.

70.2 The amount to be recovered shall be allocated to applicable service classifications based on the Company's Write-Off allocator in Case 17-E-0238. Customers taking service under SC-4 and, if applicable, SC-12, shall be subject to the LPCO Surcharge rates of their parent service classification. The amounts to be recovered shall be assessed carrying charges at the Company's pre-tax WACC.

Residential	94.13%
Residential TOU	0.08%
Small Gen No Dem	1.86%
Small Gen Demand	2.51%
Large Gen-Sec	0.77%
Large Gen-Pri	0.24%
Large Gen-Tran	0.02%
Large Gen TOU-S/P	0.03%
Large Gen TOU-SubT	0.01%
Large Gen TOU-Tran	0.03%
Lighting	0.32%

70.3 The amount to be recovered from each service classification, as determined in Rule 70.2 above shall be divided by the respective service classification's forecast sales usage associated with the corresponding period from which the surcharge will be collected from customers.

70.4 The LPCO Surcharge rates will be applied to a customer's actual billed consumption and are applicable to customers serviced under P.S.C. No. 220 service classifications No. 1, 1-C, 2 non-demand, 2 demand, 3, 3-A, 4 and 7 and all P.S.C. No. 214 service classifications. The LPCO Surcharge is also applicable to NYPA and RNY deliveries and are applicable to SC-12 in accordance with the terms of their individual contracts.

70.4.1. The LPCO Surcharge shall not be applied to a customer's deliveries of EZR or EJP qualifying load.

70.4.2 The LPCO Surcharge shall be recovered from customers on a per kWh basis for non-demand service classes, on a per kW basis for demand service classes, and on Standby Contract Demand basis for SC-7. The LPCO surcharge will be included in the delivery line item on customer's bills.

70.5 The LPCO Surcharge will be subject to an annual true-up, with any over/under collection at the end of the annual collection period, inclusive of carrying charges at the Company's pre-tax WACC, to be included in the balance for refund or recovery in the next annual period, or in future base delivery rates as applicable.

70.6 The LPCO Surcharge shall be shown on statements filed with the Public Service Commission apart from this rate schedule not less than three (3) days prior to its effective date.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 264  
REVISION: 0  
SUPERSEDING REVISION:

## GENERAL INFORMATION

## APPLICATION FOR ELECTRIC SERVICE

## FORM "A"

Date \_\_\_\_\_ 19 \_\_\_\_

THE UNDERSIGNED, (hereinafter called "Customer") hereby applies to NIAGARA MOHAWK POWER CORPORATION (hereinafter called "Company") to supply electric service for use upon the premises located

\_\_\_\_\_

period of \_\_\_\_\_ from \_\_\_\_\_ 19 \_\_\_\_\_ and thereafter until canceled. Customer agrees to observe and perform all rules and regulations of Company and to pay the rates provided by Service Classification No. \_\_\_\_\_ of P.S.C. No. \_\_\_\_\_ filed with the Public Service Commission of the State of New York as the same may be from time to time changed, amended and/or supplemented. Customer further agrees that if the premises are to be served from a line Extension constructed, or to be constructed, in pursuance of the Line Extension rules of General Information leaves of Company's Rate Schedule, Customer will pay the surcharges or minimum charges required under said rule.

\_\_\_\_\_  
Customer

By \_\_\_\_\_

ACCEPTED:

NIAGARA MOHAWK POWER CORPORATION

By \_\_\_\_\_

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 265  
 REVISION: 0  
 SUPERSEDING REVISION:

**NIAGARA MOHAWK POWER CORPORATION  
 APPLICATION FOR ELECTRIC EXTENSIONS  
 FORM "B"**

Applicant's Name \_\_\_\_\_ Date \_\_\_\_\_

The Applicant hereby requests an electric line extension located at \_\_\_\_\_ in the  
 \_\_\_\_\_ of \_\_\_\_\_, County of \_\_\_\_\_.

As a condition for receipt of service in response to this Application, the Applicant agrees as follows:

1. To grant to the Company free of cost, satisfactory permits, right-of-way agreements and easements for tree-trimming, construction, maintenance and operation of the electric line and the facilities through, upon, under and along the applicant's property.
2. To sign and accept the rights and responsibilities contained in Company's Application for Electric Service, Form "A".
3. a. To pay a lump sum payment for the cost of any right-of-way agreements, easements, permits or distribution costs (in excess of any allowances).
- b. If the applicant is a residing applicant, applicant may elect to pay a ten-year surcharge in lieu of a lump sum payment. Such charge will be collected by the utility from any subsequent owner(s) of the property.

**APPLICANT AGREES TO PROVIDE WRITTEN NOTICE TO ANY PROSPECTIVE PURCHASERS OF THIS PROPERTY THAT A UTILITY SURCHARGE IS IN EFFECT, PRIOR TO CLOSING ON THE SALE OF SUCH PROPERTY. APPLICANT'S FAILURE TO PROVIDE WRITTEN NOTICE DESCRIBED HEREIN, SHALL NOT RELIEVE APPLICANT OF CONTINUING RESPONSIBILITY FOR SUCH SURCHARGES.**

**Cost of Facilities  
 Distribution Line**

_____	-	=	_____	x	=	_____
Total Footage			Allowance Footage	Excess Footage	Excess Footage	Cost/Foot
						Excess Cost

**Service Line (Not Applicable for Underground)**

_____	-	=	_____	x	=	_____
Total Footage			Allowance Footage	Excess Footage	Excess Footage	Cost/Foot
						Excess Cost

+ \_\_\_\_\_  
**Excess Facilities Cost**

**Lump Sum Calculation**

_____	x	=	_____
Excess Facilities Cost	Sales Tax Rate		Sales Tax Amount

_____	+	=	_____
Excess Facilities Cost	Sales Tax Amount		<b>Lump Sum Payment Amount</b>

**Surcharge Calculation**

\$ _____	x	= \$ _____
Excess Facilities Cost	Monthly Interest Factor	<b>Monthly Ten-Year Surcharge Amount*</b>

**\*If applicable, the monthly surcharge amount will be adjusted for sales tax when billed.**

The Applicant elects to pay; Lump Sum [ ], or Surcharge [ ].

*The Terms and Conditions used on the surcharge calculation are explained on the back.*

The Applicant understands and agrees that the necessary facilities will not be installed until all necessary applicants have applied for service pursuant to this Tariff, all easements and/or right-of-way agreements have been granted, permits obtained, and the applicant's premises have been properly wired, inspected, approved and proper certification submitted to the Company by an appropriate certified agency.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Accepted By NMPC \_\_\_\_\_

Date \_\_\_\_\_

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 266  
REVISION: 0  
SUPERSEDING REVISION:

**APPLICATIONS FOR ELECTRIC OVERHEAD EXTENSIONS  
FORM "B" (Continued)**

**INFORMATION ABOUT YOUR SURCHARGE CALCULATION:**

The surcharge is:

- an additional payment to the utility's normal charges for residential service.
- repayment of the applicant's share of the cost for labor and materials for the installation of the extension and, if elected, costs for service line installation and for obtaining right-of-way easements.
- convertible to a lump sum payment at any point during the ten year period. The applicant shall pay the remaining principal amount, including applicable sales tax. The remaining interest will not be included in the pay-off amount.
- retractable, will cease, if in any two consecutive calendar years during the ten year period of the initial applicant's taking service from the extension, the total revenue from all customers served from the extension exceeds 1.5 times the reasonable actual capital costs of the total distribution line.
- adjustable as a new applicant(s) takes service from the extension during the ten year period of its first being available to render service. The existing customer's surcharge will be reviewed, recalculated and reduced for the remaining payment period, using the initial interest factor, and any overpayment of principal will be refunded. If residence has been sold prior to a refund coming due, the current owner (owner at time of refund) will receive the refund.
- calculated using an interest factor as stated on the face of this application. The interest factor is calculated as follows:

$$(C/12)/(1-(1+(C/12))^{-120})$$

where C is the Company's weighted pre-tax cost of capital  
awarded to the utility in the most recent rate proceeding.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 267  
 REVISION: 0  
 SUPERSEDING REVISION:

GENERAL INFORMATION  
 APPLICATION FOR ELECTRIC UNDERGROUND LINE EXTENSION  
 FORM "D"

Date \_\_\_\_\_ 19 \_\_\_\_

THE UNDERSIGNED (hereinafter called "Applicant") hereby applies to NIAGARA MOHAWK POWER CORPORATION (hereinafter called "Company") for an underground extension of its electric distribution system to and within the plot of land designated on the attached survey map and located within the (Town, Village, City) of \_\_\_\_\_, County of \_\_\_\_\_. This application is limited to the installation of underground facilities necessary to serve the areas designated on the attached map and the connecting supply line, if any, to supply service initially to \_\_\_\_\_ dwelling units designated thereon. Such installation shall be made pursuant to the rules applicable to extension of underground residential distribution lines set forth in the Company's Schedule for Electric Service P.S.C. No. 220, which is hereby referred to and made a part hereof, and to the rates, rules, regulations, terms and conditions therein set forth, applicable to the particular service to be supplied hereunder, as now in effect and as the same may be from time to time changed, amended, and/or supplemented.

Applicant agrees to comply with all provisions of said schedules including the requirement for obtaining and delivery to Company of satisfactory permanent easements or rights-of-way. Company shall not be obligated to commence construction until applicant has complied with all the requirements set forth in said schedule.

Applicant shall make an advance contribution as required under Rule 16.4.3 and Rule 16.5.1 in the amount of \$ \_\_\_\_\_.

Applicant shall also provide a Letter of Credit or make a deposit in the amount of \$ \_\_\_\_\_ to guarantee completion and attachment of service of all the above mentioned dwelling units.

Company will make appropriate refunds thereafter as provided in its said rate schedule. The refund period for this contract is five years.

Subsequent to Company's installation of underground facilities and throughout the duration of property ownership, Company shall be reimbursed for all costs incurred, due to damage sustained or relocation work performed as a consequence of changes in property grading or revision of property lines, by the applicant (s) or owner (s) of record responsible.

Applicant: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Accepted: NIAGARA MOHAWK POWER CORPORATION

By \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 268  
 REVISION: 0  
 SUPERSEDING REVISION:

GENERAL INFORMATION  
 APPLICATION FOR ELECTRIC SERVICE  
 FORM "C"

Date \_\_\_\_\_ 20\_\_

THE UNDERSIGNED (hereinafter called "Customer") hereby applies to NIAGARA MOHAWK POWER CORPORATION (hereinafter called "Company") to supply electric energy at approximately \_\_\_\_\_ volts \_\_\_\_\_ cycle \_\_\_\_\_ phase and \_\_\_\_\_ wire for use upon premises located \_\_\_\_\_ for and during the period of \_\_\_\_\_ from \_\_\_\_\_ 20 \_\_ and thereafter until terminated by prior notice to Company as provided in Service Classification No. \_\_\_\_ of P.S.C. No. 220 or until superseded by an executed agreement for service with a successor customer.

The point of delivery shall be \_\_\_\_\_.  
 Transformers are to be supplied by \_\_\_\_\_.

Service under this agreement is supplied subject to the following Special Provisions:

\_\_\_\_\_  
 Company agrees to deliver \_\_\_\_\_ kilowatts of demand and associated energy determined in accordance with the Electric Service P.S.C. Tariff No. 220. Customer agrees to pay all charges for such delivery as determined in accordance with the Electric Service P.S.C. Tariff No. 220.

This application and the furnishing of electric service hereunder are subject in all respects to the provisions of the Company's Schedule for Electric Service P.S.C. No. 220, which is hereby referred to and made a part hereof, and to the rates, rules, regulations, terms and conditions therein set forth, applicable to the particular service to be supplied hereunder, as now in effect and as the same may be from time to time changed, amended, and/or supplemented.

The complete rate schedule may be examined by the applicant at any office of the Company where applications for service are received, on the New York State Department of Public Service web site at [www.dps.state.ny.us](http://www.dps.state.ny.us), or through the Niagara Mohawk Power Corporation web site at [www.niagaramohawk.com](http://www.niagaramohawk.com). Terms and conditions of service as set forth herein shall not be modified except by a superseding written contract between the parties.

Upon acceptance by Company this agreement shall constitute a contract between the parties for the delivery of \_\_\_\_\_ kW of demand and associated energy, determined in accordance with the Electric Service P.S.C. Tariff No. 220.

\_\_\_\_\_  
 Customer  
 By \_\_\_\_\_  
 \_\_\_\_\_  
 Title  
 \_\_\_\_\_  
 Federal Tax ID Number

ACCEPTED:  
 NIAGARA MOHAWK POWER CORPORATION  
 By \_\_\_\_\_  
 \_\_\_\_\_  
 Title

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 23, 2013

LEAF: 269  
REVISION: 1  
SUPERSEDING REVISION: 0

GENERAL INFORMATION

OPTIONAL RIDER

(To be attached to Form \_\_\_\_\_)

Date \_\_\_\_\_ 19 \_\_\_\_

THE UNDERSIGNED, taking service from the Company in pursuance of Service Classification No. \_\_\_\_\_ of P.S.C. No. \_\_\_\_\_ under a contract upon Form \_\_\_\_\_, hereby applies to Company to take and pay for service subject to the terms and conditions stated in Special Provision \_\_\_\_\_ of said Service Classification or in Rule \_\_\_\_\_ of Schedule P.S.C. No. \_\_\_\_\_ for a period commencing \_\_\_\_\_.

\_\_\_\_\_  
Customer

By \_\_\_\_\_

\_\_\_\_\_  
Title

ACCEPTED:

NIAGARA MOHAWK POWER CORPORATION

By \_\_\_\_\_

\_\_\_\_\_  
Title

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 270  
REVISION: 0  
SUPERSEDING REVISION:

GENERAL INFORMATION

RIDER FOR SEPARATE METER

Applicable to Service under any Service Classification

Date \_\_\_\_\_ 19 \_\_\_\_

The UNDERSIGNED hereby requests that the service taken pursuant to this agreement shall be measured separately from any other service taken at the location provided for herein under the same Service Classification and understands (a) that the circuit or circuits connected on the load side of each meter are kept separate from all other circuits, and (b) that a separate bill shall be rendered for the service taken hereunder.

\_\_\_\_\_  
Customer

By \_\_\_\_\_

\_\_\_\_\_  
Title

ACCEPTED:  
NIAGARA MOHAWK POWER CORPORATION

By \_\_\_\_\_

\_\_\_\_\_  
Title

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 271  
REVISION: 0  
SUPERSEDING REVISION:

GENERAL INFORMATION

RIDER FOR COMBINED METERING AND BILLING

Applicable to Service under Service Classification Nos. 3 and 4

Date \_\_\_\_\_ 19 \_\_\_\_

Company has determined that Customer's load requirements are such that pursuant to Rule 25.1.4.4 of the General Information Leaves of P.S.C. No. 220, Company will provide total service at Customer's single location through more than one feeder, and Company has so designated.

Customer and Company agree that service under Service Classification No. \_\_\_\_\_ of P.S.C. No. 220, or superseding issues thereof, may upon execution of Form "C" with this rider attached be taken and paid for by Customer as follows:

The kilowatt Demand shall be the maximum sum of the coincident demand on all feeders, measured at delivery voltage on each feeder by a single meter and totaled by an approved method. The RkVA demands shall be similarly determined and totaled and the billing determinants shall be the sum of the billing determinants recorded by the separate meters.

NIAGARA MOHAWK POWER CORPORATION

By \_\_\_\_\_

\_\_\_\_\_  
Title

ACCEPTED:

\_\_\_\_\_  
Customer

By \_\_\_\_\_

\_\_\_\_\_  
Title



PSC No. 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: NOVEMBER 20, 2017

LEAF: 272  
 REVISION: 5  
 SUPESEDING REVISION: 4

# nationalgrid

## APPLICATION FOR NON-RESIDENTIAL CUSTOMERS

This application is for non-residential electric and/or gas service with Niagara Mohawk Power Corporation d/b/a National Grid ("Niagara Mohawk" or "Company").

As a Niagara Mohawk non-residential customer, you agree to pay for service according to the rates, charges and terms of your service classification and in accordance with the provisions of the applicable (electric and/or gas) Niagara Mohawk rate schedule. Copies of Niagara Mohawk's rate schedule are available upon request or the Company's website at [www.nationalgrid.com](http://www.nationalgrid.com).

Special Note to Applicant: A Security Deposit may be required based on a credit analysis.

Please review and/or complete all fields and sign Part C at the end of this application and return the executed form to the Company to finalize the application process.

This is an important notice. Please have it translated.

Este é um aviso importante. Quiera mandá-lo traduzir.  
 Este es un aviso importante. Sirvase mandarlo traducir.  
 Avis important. Veuillez traduire immédiatement

ĐÂY LÀ MỘT BẢN THÔNG CÁO QUAN TRỌNG  
 XIN VUI LÒNG CHO DỊCH LẠI THÔNG CÁO ẤY  
 Questa è un'informazione importante,  
 Si prega di tradurla.

Это очень важное сообщение.  
 Пожалуйста, попросите чтобы  
 вам его перевели.

### ACCOUNT INFORMATION *(Please print)*

#### Applicant Information

Applicant Name and Title (Person completing application) _____ / _____	
Service Address _____	City/Town _____
State _____ Zip _____	
Mailing Address _____	City/Town _____
State _____ Zip _____	
Telephone: (business) _____ (home) _____ (mobile) _____	
Business Name: (Legal Entity name) _____	
D/B/A: _____	
Date of Incorporation: _____ State of Incorporation: _____	
Tax ID/SSN Number _____ Sales Tax Status*: <input type="radio"/> taxable <input type="radio"/> tax-exempt <input type="radio"/> partially-exempt	
Entity is established as:	
<input type="radio"/> Individual <input type="radio"/> Sole Proprietorship <input type="radio"/> Corporation <input type="radio"/> Limited Liability Corp (LLC) <input type="radio"/> Limited/General Partnership <input type="radio"/> Other	

**\*NOTE: If you claim non-taxable or partially exempt status, the appropriate exemption certification MUST BE PROVIDED TO THE PROVIDED to the Company to receive an exemption.**

PSC No. 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: NOVEMBER 20, 2017

LEAF: 273  
REVISION: 3  
SUPERSEDING REVISION: 2

### Principal Officers (if applicable), Partners or Owners of Business

Name_____	Title_____	Telephone_____
Mailing Address_____	City/Town_____	State ____ Zip _____
Name_____	Title_____	Telephone_____
Mailing Address_____	City/Town_____	State ____ Zip _____

### Meter Access Information (Complete if different from applicant)

Owner/Landlord/Access Controller Name_____
Telephone: <i>(business)</i> _____ <i>(home)</i> _____ <i>(mobile)</i> _____
Mailing Address_____ City/Town_____ State ____ Zip _____

### Service and Rate Classification Information

The questions in this section are designed to assist the Company in placing the customer on the proper and the most beneficial service classification. The Company may rely on this information in classifying the service. A customer may be eligible for service under more than one classification, and one classification may be more beneficial than another. The cost of service may vary under different service classifications. The Company's gas and electric tariffs (PSC No. 219 – GAS and PSC No. 220 – ELECTRICITY) describe each service classification in detail, are available upon request at the Company's business offices, and may be found on the Company's website at [www.nationalgrid.com](http://www.nationalgrid.com). Questions about service classifications may be discussed with Company representatives by calling 1-800-664-6729. You may also want to consult your contractor for help in completing this form.

If the customer's use of service or equipment changes in the future, the customer must notify the Company of these changes in order to ensure that the customer is being properly billed. If the information provided by the customer relevant to service classification is inaccurate or incomplete, the customer may be subject to backbilling on the correct service classification, or may be precluded from receiving a refund for over charges based on an incorrect service classification.

PSC No. 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: NOVEMBER 20, 2017

LEAF: 274  
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 SUPERSEDING REVISION: 2

It is important for you to answer the following questions accurately and completely to determine the proper service classification for your account.

1. Service being requested: ☐ Electric ☐ Gas ☐ Electric & Gas
2. Date you are responsible for the account/property (ownership or lease date): \_\_\_\_\_
3. Are you operating the same type of business as the previous occupant of this premise?\* ☐ Yes ☐ No
  - a. If no, why?  
\_\_\_\_\_
  - b. If this is a new service, please describe your usage pattern.  
 Electric service usage pattern: (KWH) \_\_\_\_\_ Kilowatts (KW) \_\_\_\_\_  
 Gas service usage pattern: Therms per month \_\_\_\_\_

*\*Note: if you select yes, we will use the existing rate profile to determine the service classification for this location*

#### A. Use of Service for Residential Purposes:

1. Is any part of the structure served by this meter(s) used for RESIDENTIAL purposes, such as rooms for rent, apartments, or your personal residence? (If no, skip to Part B – Electric Information below)  
☐ Yes ☐ No
2. Are your residence and your business in the same structure and are both areas served by the same meter?  
☐ Yes ☐ No  
 How many individual rooms are devoted to your business? \_\_\_\_\_  
 Of the total area of the structure, what percentage of space is devoted to your business? \_\_\_\_\_  
 How many employees (if any) work at this location? \_\_\_\_\_
3. How many individual residential units are provided for the following electric services?  
 Lighting \_\_\_\_ Heating \_\_\_\_ Water Heating \_\_\_\_ Cooking \_\_\_\_ Common area lighting/heating (hallways, etc.) \_\_\_\_
4. How many individual residential units are provided for the following gas services?  
 Lighting \_\_\_\_ Heating \_\_\_\_ Water Heating \_\_\_\_ Cooking \_\_\_\_ Common area lighting/heating (hallways, etc.) \_\_\_\_

PSC No. 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: NOVEMBER 20, 2017

LEAF: 275  
 REVISION: 3  
 SUPERSEDING REVISION: 2

## B. Electric Information

1. The amount and nature/type of your electric usage will generally determine the rate at which you will be billed. Which of the following best describes your business or premises? (*Check only one*)

- ☐ Store, restaurant, commercial office ☐ Medical or professional office building or suite
- ☐ Apartment or premises in a residential building, where business is also conducted (Example: doctor's office, beauty parlor, real estate, etc.)
- ☐ Hotel, motel, hospital, nursing home
- ☐ Religious use, as a house of worship, living quarters for the clergy, rectory or parochial school
- ☐ Other (Describe) \_\_\_\_\_

2. Which of the following best describes your use of electricity? (*Check only one*)

- ☐ Exclusively for hall lighting, elevators, and other common areas of apartment or commercial building
- ☐ Entire premise for your own use (Example: retail store)
- ☐ Entire premise, including redistributing electricity to: ☐ Residential Tenants ☐ Commercial Tenants

3. Do you have the following? (*Check all that apply*)

- ☐ An emergency generator ☐ Electric space heating ☐ Electric hot water heating

4. Do you know what high consumption equipment you will be using? If so, enter below. If not, leave blank.

Electric Equipment Type (i.e. air condition)	# of units	Kilowatts (kws)	Horsepower (HP)

5. You have a right to request that we perform an inspection to assure the accuracy of the meter(s) on which you will be billed. To request such an inspection please place an 'X' here: \_\_\_\_\_

6. Have you or do you plan to add or remove any equipment, make any renovations, or implement any changes to your business operations that would significantly increase or decrease the amount of electricity compared to the previous occupant?

- ☐ Yes ☐ No If yes, please provide details:

\_\_\_\_\_

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: NOVEMBER 20, 2017

LEAF: 276  
 REVISION: 3  
 SUPERSEDING REVISION: 2

## C. Gas Information

1. The amount and nature/type of your gas usage will generally determine the rate at which you will be billed. Which of the following best describes your business or premises? (*Check only one*)

### Non-Human Needs

- ☐ Store, restaurant, commercial office  
☐ Religious use, as a house of worship, living quarters for the clergy, rectory or parochial school  
☐ Veteran's Organization  
☐ Warehouse

### Human Needs

- ☐ Apartment House  
☐ Mobile Home Park  
☐ Correctional Facility  
☐ General Medical or Psychiatric Hospital  
☐ Condominium  
☐ Medical or Dental Office or Clinic  
☐ Rooming or Boarding House  
☐ Nursing Home or Adult Home  
☐ Multi-Family Dwelling

2. Which of the following best describes your use of gas? (*Check all that apply*)

- ☐ Hot Water Heating  
☐ Commercial Cooking  
☐ Gas air-conditioning  
☐ Laundry Dryers  
☐ Gas redistribution to tenants for cooking  
☐ Electricity Generator  
☐ Dual-fuel burner  
☐ Space Heating

3. Is your business located at a Building of Public Assembly as described below?

- ☐ School, Hospital, Nursing Home or Institution licensed by NYS for the Care of Children  
☐ Factory which normally employs 75 or more people  
☐ Other building with nominal capacity of 75 or more persons to which public is regularly admitted (excluding those used solely as office buildings or residential apartments and normally have no other utilization in excess of the 75-person limit).

4. Do you know what high consumption equipment you will be using? If so, enter below. If not, leave blank.

Gas Equipment Type (ex. furnace)	British Thermal Units (BTUs)	No. of Units

5. Have you or do you plan to add or remove any equipment, make any renovations, or implement any changes to your business operations that would significantly increase or decrease the amount of gas compared to the previous occupant?

☐ Yes ☐ No If yes, please provide details:

\_\_\_\_\_

6. You have a right to request that we perform an inspection to assure the accuracy of the meter(s) on which you will be billed. To request such an inspection please place an 'X' here: \_\_\_\_\_

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: MARCH 1, 2024

LEAF: 276.1  
 REVISION: 3  
 SUPERSEDING REVISION: 2

**Based on your responses, we have determined the following information:**

Type of Service	Rate	Revenue Class	SIC Code	Assigned by	Date
Gas					
Electric					

To be completed by ALL applicants: Public Service Law § 76 permits certain corporation or associations organized and conducted in good faith for religious purposes, including the operation by such corporation or association of a school, notwithstanding that secular subjects are taught at such school, certain community residents as defined in the Mental Hygiene Law, and posts or halls, owned or leased by a not-for-profit corporation that is a veteran' organization, to receive services at rates no greater than the rates charged to residential customers (please see the Additional Information section of this form for details). Residential rates are lower than commercial rates for most customers, but not all, customers. If Niagara Mohawk denies the customer application of residential rates, the Company shall, upon written request, inspect the applicant's premises and review the Company's decision in light of the information obtained from such an inspection. The applicant may appeal Niagara Mohawk's denial of residential rates to the Public Service Commission.

**Applicant Commitment/Signature/Customer Certification of Application**

With my signature below, I certify that, to the best of my knowledge, the information provided in this application is accurate and does not contain any misrepresentations. My signature below also serves as acknowledgement that I have been provided with the "Your Rights and Responsibilities as a Non-Residential Customer" brochure, which describes common non-residential service classifications and other aspects of non-residential service.

Print Name of Person Signing Application: \_\_\_\_\_

Date: \_\_\_\_\_

Full Signature: \_\_\_\_\_

The signatory represents and warrants to National Grid that the applicant has the full authority to execute this Application on behalf of the business identified on Page 1 of this application.

**For Company Use Only**

Account Number \_\_\_\_\_ Date Service Requested For \_\_\_\_\_

Security Deposit ☐ Yes ☐ No | Amount (if applicable) \_\_\_\_\_

Application Status	Approved by	Date	Service provided on
	Denied by	Date Denial Issued	Denial Reason

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: NOVEMBER 20, 2017

LEAF: 276.2  
REVISION: 2  
SUPERSEDING REVISION: 1

### **ADDITIONAL INFORMATION**

This section provides additional information for those applying for residential rates as a religious organization, community residence, or a veterans' organization.

Certain religious organizations, community residences, as defined in the Mental Hygiene Law, and posts or halls, owned or leased by a not-for-profit corporation that is a veterans' organization, may have the choice of being billed under either residential rates or commercial rates.

For most customers, if you qualify, residential rates are more economical. To receive service under residential rates, you must document your eligibility by attaching the requested information to the Application For Service For Non-Residential Customers. If you submit sufficient documentation to Niagara Mohawk at a later date, the account will be transferred to residential rates as of the date we receive the documents.

If this is a religious organization, you are eligible for residential rates if the premises are used primarily and principally for religious purposes (e.g. for divine worship or other religious observances) or is a school operated by a religious organization with required religious instruction, notwithstanding that secular subjects are taught at such school. To qualify for residential rates, you must provide documentation of your eligibility. Examples of acceptable proof include, but are not limited to: Certificate of Incorporation under the NYS Religious Corporations Law or Education Law; religious charter; letter from a recognized "parent" religious organization; religious designation from the IRS or other governmental agency; or other reasonable documentation that shows your group is organized, in good faith, for religious purposes and that the premises are used primarily and principally for religious purposes. Niagara Mohawk reserves the right to request additional documentation in support of a residential rate. If you apply for and are denied residential rates, you may request, in writing, that we inspect the premises and review the rate determination in light of the information obtained from the inspection. You may also appeal the rate classification to the Public Service Commission.

If this is a community residence, you are eligible for residential rates if, as defined in the Mental Hygiene Law, the residence is operated by a not-for-profit corporation and is either (1) a "supervised living facility" (as defined in the Mental Hygiene Law) providing 24-hour per day on-site supervision and living accommodations for 14 or fewer residents; or (2) a "supportive living facility" (as defined in the Mental Hygiene Law) providing supervised independent living without 24-hour per day on-site supervision. To qualify for residential rates, you must document your eligibility by providing a copy of your Certificate of Incorporation under the Not-For-Profit Corporation Law and license from the NYS Office of Mental Hygiene or the NYS Office of Mental Retardation and Developmental Disabilities. NOTE: Usage must be primarily and principally in connection with a community residence.

If this is a veterans' organization, you are eligible for residential rates under Public Service Law § 76, if the premises is a post or hall owned or leased by a not-for-profit veterans' organization. To qualify for residential rates, eligible customers must submit certification of their status as an organization exempt under IRC Section 501(c)(19)

#### **If you are applying for residential rates as a religious organization, community residence, or a veterans' organization:**

**You May Be Required To Pay A Deposit:** You may be required to pay a deposit when applying for service. The Company has the sole right to determine whether a deposit will be applied and the amount of the deposit. For heating customers, the deposit is based on the cost of two months' service during the heating season. You may call the Company in advance to find out approximately what the deposit amount will be.

**Security Deposit Information:** New non-residential customers are required to pay a deposit when applying for service. Interest is applied only for cash deposits to your account annually at a rate set by the Public Service Commission.

If you have questions about any of the above items, please check with your accountant or contact the NYS Dept. of taxation and the Finance at 1-800-225-5829

#### **HOW TO REACH US BY PHONE**

Call our Commercial Team service Number at 1-800-664-6729 Monday-Friday from 8 am to 4 pm.

Have your account number ready.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 277  
 REVISION: 0  
 SUPERSEDING REVISION:

### NON-RESIDENTIAL DEFERRED PAYMENT AGREEMENT

Niagara Mohawk Customer Name			Bill Account No.		
Address			Service Address		
City	State	Zip Code	City	State	Zip Code

Niagara Mohawk and the Customer named above have entered into the Deferred Payment Agreement which follows. It is understood that the Company agrees not to disconnect service as long as the Customer honors the terms of the Payment Agreement.

Terms of the Payment Agreement are:

1. Timely payment of all current charges while this Agreement is in effect.
2. A down payment of \$\_\_\_\_\_ is due by \_\_/\_\_/\_\_.
3. The balance of \$\_\_\_\_\_ is to be paid in installments of \$\_\_\_\_\_ due on or before the due date of each monthly bill.
4. This Agreement is subject to late payment charges at the rate of one and one half percent (1 1/2%) monthly, eighteen percent (18%) annually.

For this Agreement to become binding upon both the Customer and Niagara Mohawk, the Customer must:

1. Sign and date the Agreement.
2. Make any required downpayment.
3. Return the signed Agreement to the Company no later than \_\_/\_\_/\_\_.

Should the Customer enter into this Agreement and later fails to comply with the terms stated, Niagara Mohawk may issue a Disconnect Notice.

Rules pertaining to Payment Agreements for Non-Residential utility Customers are contained in Title 16 of the New York Code of Rules and Regulations. The Customer may contact the New York State Public Service Commission to determine if this Agreement conforms to those rules.

X\_\_\_\_\_,      \_\_/\_\_/\_\_  
 Customer's Signature (required to indicate acceptance of Agreement)      Date

X\_\_\_\_\_,      \_\_/\_\_/\_\_  
 Niagara Mohawk Signature (representative accepting Agreement)      Date



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024

LEAF: 278  
REVISION: 1  
SUPERSEDING REVISION: 0

## Surety Bond

Bond No. \_\_\_\_\_

WITNESSETH: This Surety Bond given by \_\_\_\_\_

as Principal, and \_\_\_\_\_, as Surety, are jointly and severally bound unto Niagara Mohawk Power Corporation, as Oblige, in the amount of \_\_\_\_\_ Dollars for the payment of which the Principal and Surety bind themselves, their heirs, executors, administrators, successors, assigns or other legal representatives.

WHEREAS, the said Principal has requested the Oblige to furnish electric and gas service to the Principal at their present location:

(Indicate Customer Name and Address)

WHEREAS, the said Principal and/or Surety has promised to pay for such electric and gas service provided by the Oblige as bills are rendered, and is in default unless payment is made within twenty (20) days thereafter, without the usually required deposit being made by said Principal.

WHEREAS, the said Oblige has agreed to the foregoing on condition that it be indemnified against any loss or account thereof.

NOW, THEREFORE, the condition of the obligation is such that if the Principal and/or Surety shall pay or cause to be paid unto the Oblige, within twenty (20) days or rendering bills, all amounts that may at any time hereafter be due and owing to the Oblige by the Principal for electric and gas service furnished by the Oblige to the Principal at their present location, then this obligation shall be null and void, otherwise to remain in full force and effect.

This Bond is subject to the following terms, limitations and conditions:

1. The term of this bond shall be indefinite commencing\_\_\_\_\_.
2. The Surety shall have the right to terminate its liability hereunder at any time by giving notice in writing to the Oblige and stating therein the effective date of such termination which date shall not be less than thirty (30) days after receipt of said notice by the Oblige. Such notice shall not limit or terminate this agreement in respect to any indebtedness which arises prior to the effective date of such termination by the Surety. Written notice must be via certified letter, return receipt requested, and mailed to Niagara Mohawk Power Corporation (Local District Office Address); attention - Credit Department.
3. It is understood and agreed between the Principal and the Oblige that upon receipt of Surety's thirty-day written notice of cancellation as provided above, the Oblige may demand a deposit from the Principal in the amount of \_\_\_\_\_ by written notice to Principal at least ten days prior to the termination or expiration of Surety's bond.
4. That no proceeding in law or in equity may be brought under this bond unless the same shall be commenced and process served prior to the expiration of one (1) year from the date of cancellation of this bond.

IN WITNESS WHEREOF, the Principal and Surety have executed and delivered this bond this \_\_\_\_ day of

\_\_\_\_\_, 20\_\_.

(Seal)

By \_\_\_\_\_

Surety

By \_\_\_\_\_

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 279  
REVISION: 0  
SUPERSEDING REVISION:

Non-Residential Customer Promise to Pay Bills Upon Request

NIAGARA MOHAWK ACCOUNT NUMBER:

NAME OF ACCOUNT:

SERVICE ADDRESS:

SERVICE TELEPHONE:

NAME OF CUSTOMER:

I, \_\_\_\_\_, BEING RESPONSIBLE FOR PAYMENT OF NIAGARA MOHAWK SERVICE BILLS AT THE ACCOUNT DESCRIBED ABOVE, ACKNOWLEDGE THE DUE DATE FOR PAYMENT OF MY SERVICE BILLS AS THE DATE THE BILL IS RECEIVED, AND THEREFORE, PROMISE TO PAY ALL SERVICE BILLS IMMEDIATELY UPON RECEIPT.

IN LIEU OF PROVIDING NIAGARA MOHAWK WITH A LAWFULLY REQUIRED SECURITY DEPOSIT, I HAVE VOLUNTARILY ENTERED INTO THIS PROMISE. I UNDERSTAND THAT SHOULD I FAIL TO PAY ANY SERVICE BILL UPON RECEIPT, NIAGARA MOHAWK MAY SEND ME A FINAL TERMINATION NOTICE AT ONCE.

THE UNDERSIGNED COMPANY REPRESENTATIVE HAS FULLY EXPLAINED NIAGARA MOHAWKS RIGHTS AND OPTIONS SHOULD I FAIL TO PAY FOR BILLED SERVICE CHARGES IN ACCORDANCE WITH THE TERMS OF THIS DOCUMENT.

SIGNED: \_\_\_\_\_(CUSTOMER)

DATE \_\_/\_\_/\_\_

SIGNED: \_\_\_\_\_(NIAGARA MOHAWK)

TITLE: \_\_\_\_\_

DATE \_\_/\_\_/\_\_

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 280  
 REVISION: 0  
 SUPERSEDING REVISION:

NIAGARA MOHAWK POWER CORP. 300 ERIE BLVD. W. SYRACUSE, N.Y. 13202  
 CUSTOMER INQUIRIES TELEPHONE NUMBER: XXX-XXX-XXXX

**RESIDENTIAL DEFERRED PAYMENT AGREEMENT**  
 (IF FULL PAYMENT HAS ALREADY BEEN MADE, PLEASE DISREGARD THIS OFFER)

CUSTOMER NAME	BT	DIST	PREMISE NO.
NAME OF INDIVIDUAL MAKING AGREEMENT		CONTACT TELEPHONE NO.	
SERVICE ADDRESS		DATE AGREEMENT OFFERED	

PAYMENT AGREEMENT RULES AND INFORMATION.  
 PLEASE READ THE FOLLOWING CAREFULLY BEFORE YOU SIGN THIS AGREEMENT.

1. NIAGARA MOHAWK IS REQUIRED TO OFFER YOU A PAYMENT AGREEMENT THAT YOU ARE ABLE TO PAY.
2. NORMALLY, PAYMENT AGREEMENTS REQUIRE THAT YOU MAKE A DOWNPAYMENT, PAY YOUR CURRENT BILLS ON TIME AND MAKE AN INSTALLMENT PAYMENT EACH MONTH TOWARD YOUR ARREARS BALANCE. IF YOU CAN SHOW THAT YOUR PRESENT FINANCIAL CIRCUMSTANCES WILL NOT ALLOW YOU TO MAKE SUCH PAYMENT, WE ARE PREPARED (WHERE APPROPRIATE) TO OFFER AGREEMENTS THAT DO NOT REQUIRE A DOWNPAYMENT AND WITH MONTHLY INSTALLMENTS AS LOW AS \$10 ABOVE THE AMOUNT OF YOUR CURRENT BILL.
3. IF A PERSONAL OR TELEPHONE INTERVIEW TAKES PLACE, WE MAY ASK QUESTIONS REGARDING YOUR INCOME, EXPENSES AND AVAILABLE ASSETS. YOU WOULD BE REQUIRED TO PROVIDE SUCH INFORMATION AND, IF REQUIRED, REASONABLE SUBSTANTIATION THAT THE INFORMATION YOU PROVIDE IS ACCURATE.
4. RECIPIENTS OF PUBLIC ASSISTANCE OR SUPPLEMENTAL SECURITY INCOME (SSI) MAY WISH TO CONSIDER CONTACTING THEIR LOCAL SOCIAL SERVICES OFFICE, AS THEY MAY BE ELIGIBLE FOR UTILITY BILL PAYMENT ASSISTANCE.
5. AFTER REVIEWING THE SPECIFIC TERMS OF THIS AGREEMENT (STATED BELOW) IF YOU FEEL YOU ARE NOT ABLE TO MAKE THE REQUIRED PAYMENTS - DO NOT SIGN THIS AGREEMENT. IF YOU HAVE QUESTIONS OR WISH TO DISCUSS THE TERMS WITH A NIAGARA MOHAWK REPRESENTATIVE, CALL \_\_\_\_\_.

HOW PAYMENTS WILL BE MADE IF YOU ACCEPT THIS AGREEMENT

AS OF \_\_/\_\_/\_\_, YOU OWE A PREVIOUS BALANCE OF \$\_\_\_\_. AND CURRENT SERVICE CHARGES OF \$\_\_\_\_ FOR A TOTAL AMOUNT OWING OF \$\_\_\_\_. A DOWNPAYMENT OF \$\_\_\_\_ MUST BE MADE, LEAVING A BALANCE OF \$\_\_\_\_. THIS BALANCE IS TO BE PAID IN \_\_\_\_ MONTHLY INSTALLMENTS OF \$\_\_\_\_ DUE BY THE \_\_\_\_ DAY OF EACH MONTH. IN ADDITION, ALL BILLS YOU WILL BE RECEIVING FOR CURRENT SERVICE CHARGES DURING THE TIME THIS AGREEMENT IS IN EFFECT, MUST BE PAID BY THE DUE DATES SHOWN ON THE BILLS.

THIS AGREEMENT WILL NOT GO INTO EFFECT UNLESS YOU SIGN AND DATE ONE COPY OF THE AGREEMENT AND RETURN IT TO NIAGARA MOHAWK. THE SIGNED AGREEMENT AND DOWNPAYMENT SPECIFIED (IF ANY) MUST BE RECEIVED BY \_\_/\_\_/\_\_ IN ORDER TO PREVENT TERMINATION OF SERVICE.

**(PLEASE READ OTHER SIDE)**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 281  
REVISION: 0  
SUPERSEDING REVISION:

WHAT HAPPENS IF YOU DO NOT MAKE THE PAYMENTS

IF YOU DO NOT MAKE ANY PAYMENT REQUIRED BY THE TERMS OF THE AGREEMENT, WE MAY INSIST UPON FULL PAYMENT OF ALL MONIES OWED TO US AND TAKE STEPS TO SHUT-OFF SERVICE, UNLESS, THE REASON FOR NOT MAKING PAYMENT IS THAT YOUR FINANCIAL CIRCUMSTANCES (INCOME AND EXPENSES) HAVE CHANGED SIGNIFICANTLY DUE TO CONDITIONS YOU COULD NOT CONTROL.

WE WILL GIVE YOU A NEW AGREEMENT IF YOU TELL US EXACTLY WHAT HAS TAKEN PLACE AND CAN SHOW THAT THE REASONS FOR NOT MAKING PAYMENT WERE TRULY DUE TO CONDITIONS BEYOND YOUR CONTROL.

ASSISTANCE

IF YOU WISH TO SPEAK WITH A NIAGARA MOHAWK REPRESENTATIVE, PLEASE CALL US AT THE TELEPHONE NUMBER SHOWN ON THE OTHER SIDE OF THIS AGREEMENT. IF FURTHER HELP IS NEEDED, YOU MAY CALL THE NEW YORK STATE PUBLIC SERVICE COMMISSION AT 1-800-342-3377, 8:30 A.M. TO 4:30 P.M., MONDAY THROUGH FRIDAY.

BUDGET BILLING OPTION

IF YOU ARE NOT ALREADY ENROLLED IN OUR BUDGET BILLING (HELP PLAN) AND WISH TO ENROLL, PLACE A CHECK MARK IN THE BOX BELOW AND WE WILL START YOU ON THE PLAN. THE BUDGET BILLING PLAN ALLOWS YOU TO PAY THE TOTAL AMOUNT OF YOUR ANNUAL SERVICE CHARGES IN TWELVE (12) NEARLY EQUAL MONTHLY PAYMENTS. THIS PLAN PERTAINS ONLY TO NEW BILLS YOU WILL BE RECEIVING AND DOES NOT CHANGE THE SPECIFIC TERMS OF THE PAYMENT AGREEMENT.

☐ YES, I WOULD LIKE TO BE PUT ON THE BUDGET BILLING PROGRAM.

ACCEPTANCE OF AGREEMENT

COMPANY ACCEPTANCE: BY THIS STATEMENT, NIAGARA MOHAWK VERIFIES THAT SPECIFIC TERMS OFFERED ON THIS DOCUMENT ARE AN ACCEPTABLE AGREEMENT FOR PAYMENT OF MONIES OWING.

CUSTOMER ACCEPTANCE: TO INDICATE ACCEPTANCE; SIGN, DATE AND PRINT NAME.

I HAVE READ, UNDERSTAND AND ACCEPT THE TERMS OF THIS AGREEMENT.

SIGNATURE: \_\_\_\_\_ DATE: \_\_/\_\_/\_\_

PRINT NAME: \_\_\_\_\_

BY SIGNING AND RETURNING ONE COPY, YOU WILL BE AGREEING TO MAKE PAYMENTS ACCORDING TO THE TERMS OF THIS AGREEMENT, IN RETURN, NIAGARA MOHAWK WILL AGREE NOT TO SHUT-OFF YOUR SERVICE FOR NON-PAYMENT, FOR AS LONG AS YOU CONTINUE TO HONOR THE TERMS OF THE AGREEMENT.

IF YOU DO NOT SIGN AND RETURN THE AGREEMENT OR CONTACT US TO DISCUSS ALTERNATIVE TERMS AND A FINAL TERMINATION NOTICE IS IN EFFECT, WE WILL TAKE NECESSARY STEPS TO TERMINATE YOUR SERVICE.

COMPANY REP: TO BE COMPLETED WHEN AGREEMENT IS MADE DURING PERSONAL CONTACT (OFFICE, FIELD OR TELEPHONE) WITH THE CUSTOMER.

COMPANY REPS NAME: \_\_\_\_\_ DATE: \_\_/\_\_/\_\_

AGREEMENT TAKEN IN: ☐ OFFICE ☐ FIELD ☐ TELEPHONE CONTACT

TERMS: ☐ STANDARD ☐ LONGER ☐ SHORTER

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 282  
REVISION: 0  
SUPERSEDING REVISION:

**GENERAL INFORMATION FOR CONNECTION OF ON-SITE GENERATORS  
APPLICATION FOR ELECTRIC STANDBY SERVICE  
FORM "G"**

Date \_\_\_\_\_.

THE UNDERSIGNED (hereinafter called "Customer") hereby applies to NIAGARA MOHAWK POWER CORPORATION (hereinafter called "Company") to provide Electric Service at the Service Entrance, including Standby Service pursuant to S.C. No. 7 of the Company's Tariff P.S.C. No. 220 - Electricity ("the Tariff") for 60 Hz On-Site Generator(s) (OSG), at approximately \_\_\_\_\_ volts, \_\_ (Single) \_\_ (Three) phase for use upon Customer Location (premises) located at:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Zip: \_\_\_\_\_ - \_\_\_\_\_

State: New York

Premise Number: \_\_\_\_\_

for and during the period of from \_\_\_\_\_, \_\_\_\_\_ as specified as the term of service required for Customers served pursuant to Service Classification No. \_\_\_\_\_ of P.S.C No. 220, and thereafter renewed or extended as provided in such Service Classification, or until superseded by an executed Application for Standby Service with a successor customer occupying the above identified premise.

This Service Application supplements but does not supersede any pre-existing Service Application or Form, executed by the Customer, evidencing the Customer's acceptance of Electric Service under the Tariff. If the Customer has not executed a Form or Service Application required by the Tariff under the Customer's Applicable Service Classification, the Customer must first execute such Form or Service Agreement before the Company will accept this Form "G".

The Service Entrance or Point of Delivery shall be (insert Pole #, structure # or other Service Entrance or interconnection point identifier) \_\_\_\_\_

With Credit, Billing and On-site Meter(s) located or installed at (insert location of metering facilities identifier)

Credit Meter: \_\_\_\_\_

Billing Meter: \_\_\_\_\_

OSG Meter: \_\_\_\_\_

Such metering shall be loss compensated to the Service Entrance or Point of Delivery identifier by loss compensation factors as follows:

Credit: \_\_\_\_\_ %, Billing: \_\_\_\_\_ %, OSG: \_\_\_\_\_ %

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
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**GENERAL INFORMATION FOR CONNECTION OF ON-SITE GENERATORS  
 APPLICATION FOR ELECTRIC STANDBY SERVICE  
 FORM "G" (Continued)**

The Customer hereby agrees to provide the Company with sufficient space to install its meters and metering facilities in locations acceptable to the Company, and agrees that the Customer's OSG will not be operated until such meters and metering facilities are installed and operational.

Transformers are to be supplied, owned and maintained by \_\_\_\_ Customer, \_\_\_\_ Company (select one).

**Election of Billing Method of Commodity Service for S.C. No. 7 Parent Class S.C. Nos. 2D and 3 (Otherwise Subject to SC-3, Special Provision L) Customers:**

☐ The Customer hereby agrees to be billed for commodity service based on actual hourly usage and hourly day-ahead market prices.

**On-Site Generation Specifics (information to be supplied for each On-Site Generator Unit:**

	<u>OSG Unit 1</u>	<u>OSG Unit 2</u>	<u>OSG Unit 3</u>
Date of Installation:	_____	_____	_____
Manufacturer of Generator(s):	_____	_____	_____
Model(s) Designation:	_____	_____	_____
Serial Number(s)	_____	_____	_____
Nameplate Output Rating(s):	_____ kW	_____ kW	_____ kW
Nameplate Output Rating(s):	_____ kVA	_____ kVA	_____ kVA
OSG Type Designators:			
Synchronous	_____	_____	_____
Induction	_____	_____	_____
Inverter	_____	_____	_____

Complete or attach as required for Synchronous Generators to be operated in parallel with the system:

Rated Speed (RPM)	_____	_____	_____
Rated Voltage	_____	_____	_____
Efficiency	_____	_____	_____
Rated Power Factor	_____	_____	_____
Locked Rotor Current	_____	_____	_____
Winding Connection	_____	_____	_____
(Wye or Delta)	_____	_____	_____
Saturation Curve (dwg #)	_____	_____	_____
Vee Curve (dwg #)	_____	_____	_____
Torque at rated speed	_____	_____	_____
Field Amperes	_____	_____	_____
Field Resistance Ohms	_____	_____	_____
Type of Exciter	_____	_____	_____
Voltage Response Curve	_____	_____	_____
(dwg #)	_____	_____	_____
Output Power of Exciter	_____	_____	_____
Type of Voltage Regulator	_____	_____	_____
Xd (direct axis sync.	_____	_____	_____
reactance)	_____	_____	_____
Xd (transient reactance)	_____	_____	_____
Xd (subtrans reactance)	_____	_____	_____

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 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: APRIL 27, 2009

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**GENERAL INFORMATION FOR CONNECTION OF ON-SITE GENERATORS  
 APPLICATION FOR ELECTRIC STANDBY SERVICE  
 FORM "G" (Continued)**

Complete or attach as required for Induction Generators to be operated in parallel with the System:

	<u>OSG Unit 1</u>	<u>OSG Unit 2</u>	<u>OSG Unit 3</u>
Rated Speed (RPM)	_____	_____	_____
Rated Voltage	_____	_____	_____
Efficiency	_____	_____	_____
Rated Power Factor	_____	_____	_____
Locked Rotor Current	_____	_____	_____
Winding Connection (Wye or Delta)	_____	_____	_____
Rr (Rotor Resistance)	_____	_____	_____
Xr (Rotor Reactance)	_____	_____	_____
Xm (Magnetizing Reactance)	_____	_____	_____
Rs (Stator Reactance)	_____	_____	_____
Xs (Stator Reactance)	_____	_____	_____
Xd (Short Circuit Reactance)	_____	_____	_____
Exciting Current	_____	_____	_____
Reactive Load @ No Load (kvar)	_____	_____	_____
Reactive Load @ Full Load (kvar)	_____	_____	_____
Frame Size	_____	_____	_____
Design Letter	_____	_____	_____
Temperature Rise (deg C)	_____	_____	_____

Complete or attach as required for Inverters to be operated in parallel with the System:

Load Ramp speed Watts/min	_____	_____	_____
Input Voltage	_____	_____	_____
AC Or DC	_____	_____	_____
Tolerance %	_____	_____	_____
Output Voltage	_____	_____	_____
AC Or DC	_____	_____	_____
Tolerance %	_____	_____	_____
Control Features	_____	_____	_____
Isolation Transformer	_____	_____	_____
Rating (VA)	_____	_____	_____
Primary Voltage	_____	_____	_____
Secondary Voltage	_____	_____	_____
% Impedance	_____	_____	_____
Filtering Equipment attach Mfg spec.	_____	_____	_____

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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 285  
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**GENERAL INFORMATION FOR CONNECTION OF ON-SITE GENERATORS  
APPLICATION FOR ELECTRIC STANDBY SERVICE  
FORM "G" (Continued)**

A one-line diagram of the Customer's electric system showing all loads, generators, meter points and the Point of Delivery is attached hereto as Exhibit 1. This one-line diagram must be drafted in conformance with ANSI Y32.2, IEEE 141 and IEEE 446 symbol and drafting standards in effect at the time of creation of the diagram.

Service under this agreement is supplied and conditioned on the Customer's ongoing compliance with the terms, conditions and procedures set forth in the Specifications for Electrical Installations of Niagara Mohawk Power Corporation as amended from time to time, inclusive of all applicable supplements to such specifications, including without limitation, modification or amendment Electric System Bulletin (ESB) 750, ESB 756 and ESB 752 and all operating instructions of the Company (including OSG specific operating instructions and Power Control Orders) communicated from the Company's operating employees.

The Customer agrees to operate the OSG in accordance with the following Special Provisions:

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The OSG, if also a Qualifying Facility under the Public Utility Regulatory Policy Act (PURPA), agrees to participate in the New York Public Service Commission's qualifying facility monitoring program pursuant to the Commission Orders and Decisions in Case Nos. 96-E-0775 and 95-E-0264.

This application and the furnishing of Electric Service hereunder are subject in all respects to the provisions of the Tariff, which is hereby referred to and made a part hereof, and to the rates, rules, regulations, terms and conditions therein set forth, applicable to the particular service to be supplied hereunder, as now in effect and as the same may be from time to time changed, amended, and/or supplemented.

Terms and conditions of service as set forth herein shall not be modified except as required: (i) by changes to the Tariff; (ii) by the orders of the New York State Public Service Commission; or (iii) by a superseding written service agreement between the parties.



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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 286  
REVISION: 0  
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**GENERAL INFORMATION FOR CONNECTION OF ON-SITE GENERATORS  
APPLICATION FOR ELECTRIC STANDBY SERVICE  
FORM "G" (Continued)**

Upon acceptance by Company this Form "G" constitutes an agreement between the Company and the customer for the supply and/or delivery of electricity by the Company to the customer under the terms of the Tariff, including S.C.No. 7 thereof.

Wholesale Generators receiving Station Power from the NYISO and qualify for Reduced Distribution Delivery Charges per Special Provision J of S.C. No. 7 are required to certify that they are Customers of the NYISO by providing their PTID number assigned by the NYISO on the line below.

PTID # \_\_\_\_\_

As of the Effective Date, this Service Agreement shall not supersede a Service Agreement between Company and the Customer (if any) dated \_\_\_\_\_.

\_\_\_\_\_  
Customer

By \_\_\_\_\_

\_\_\_\_\_  
Title

Date: \_\_\_\_\_

ACCEPTED:  
NIAGARA MOHAWK POWER CORPORATION

By \_\_\_\_\_

\_\_\_\_\_  
Title

Date: \_\_\_\_\_

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMPS: Issued in Compliance with Order of PSC in Case 12-E-0201 issued March 15, 2013

LEAF: 287  
REVISION: 2  
SUPERSEDING REVISION: 0

**FORM H**  
**Service Classification No. 11 Agreement Extension-Canceled**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMPS: Issued in Compliance with Order of PSC in Case 12-E-0201 issued March 15, 2013

LEAF: 288  
REVISION: 2  
SUPERSEDING REVISION: 0

**FORM H**  
**Service Classification No. 11 Agreement Extension-Canceled**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 24, 2017

LEAF: 289  
REVISION: 5  
SUPERSEDING REVISION: 4

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12**

**FOR CUSTOMERS RECEIVING A STANDARDIZED DISCOUNT PURSUANT TO SECTION 5 OF  
SERVICE CLASSIFICATION NO. 12**

**THIS CUSTOMER SERVICE AGREEMENT FOR SERVICE CLASSIFICATION NO. 12** (this "Agreement"), is made and entered into effective the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the "Effective Date"), by and between \_\_\_\_\_ (the "Customer"), a [corporation, limited liability corporation, public benefit authority] organized and existing under the laws of the State of \_\_\_\_\_ with its principal place of business at \_\_\_\_\_, and **NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID** ("National Grid"), a New York corporation having offices at 300 Erie Boulevard West, Syracuse, New York 13202 (each individually, a "Party" and, collectively, the "Parties").

**WHEREAS**, the Customer, Account Number \_\_\_\_\_, operates a facility located at \_\_\_\_\_ (the "Premises"); and

**WHEREAS**, National Grid operates a transmission and distribution system for electric power and is authorized to provide retail electric service to the Premises; and

**WHEREAS**, National Grid provides electric service to the Customer at the Premises pursuant to the provisions of its Tariff P.S.C. No. 220 – Electricity (the "Tariff"), on file with the New York State Public Service Commission (the "Commission"), as the Tariff may be modified and in effect from time to time; and

**WHEREAS**, the Customer desires to purchase electric service for use at the Premises from National Grid under Service Classification ("S.C.") No. 12 of the Tariff, and National Grid has determined that the Customer is eligible to receive such service; and

**NOW, THEREFORE**, in consideration of the commitments made herein and intending to be legally bound thereby, National Grid and the Customer agree as follows:

**1. OBLIGATIONS TO PURCHASE AND PROVIDE DELIVERY SERVICE**

The term of this Agreement shall be from the **EFFECTIVE DATE THROUGH AND UNTIL THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_** (the "Term"). During the Term, the Customer agrees to purchase and National Grid agrees to supply and deliver up to the Customer's full requirements for electricity supply and delivery services at the Premises.

**2. INCORPORATION OF CERTAIN TARIFF PROVISIONS**

Except as expressly provided herein, the rights and obligations of National Grid and the Customer under this Agreement shall be governed by the applicable provisions of the Tariff, including S.C. No. 12 (Parent S.C. No. \_\_\_\_). Nothing in this Agreement shall be interpreted as restricting National Grid's right to propose any change to the Tariff, or the Customer's right to oppose such changes.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 24, 2017

LEAF: 290  
REVISION: 2  
SUPERSEDING REVISION: 1

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**3. RETAIL ACCESS**

The Customer shall be eligible for National Grid's retail access program by meeting the eligibility requirements of Rule 39 of the Tariff.

**4. CONFIDENTIALITY**

The prices and discounts extended to Customer by National Grid are confidential and commercially sensitive, and the Customer agrees to maintain the confidentiality of that information in accordance with the obligations and conditions established in the Non-Disclosure Agreement between the Parties effective the \_\_ day of \_\_, 20\_\_ (the "NDA"). NATIONAL GRID RESERVES THE RIGHT TO TERMINATE SERVICE UNDER THIS AGREEMENT AND TO BE REIMBURSED THE FULL AMOUNT OF ANY SAVINGS REALIZED BY THE CUSTOMER AS A RESULT OF THIS AGREEMENT IN THE EVENT THAT THE CUSTOMER OR ANY OF ITS DIRECTORS, OFFICERS, EMPLOYEES, OR AGENTS DISCLOSES ANY OF THE PROVISIONS OF THIS AGREEMENT OR DISCLOSES ANY INFORMATION THAT IS COVERED UNDER THE NDA, provided, however that such remedies shall not apply to any disclosure of this Agreement, or any part thereof, by the Customer to the Commission using reasonable efforts to seek confidential treatment of such information.

The confidentiality obligation established in this Agreement and in the NDA shall survive the expiration or termination of this Agreement and shall continue in effect until the third anniversary of such expiration or termination, provided, however, that notwithstanding anything contained in any agreement between the Customer and National Grid, the Customer hereby acknowledges and agrees National Grid shall file a copy of this Agreement and any amendments thereto with the Commission in accordance with the Commission's order Approving Guidelines For Flexible Rate Service Contracts issued and effective April 14, 2005 in Case 03-E-1761.

**5. PRICING**

The Customer elects to receive service under the price and quantity provisions specified in Attachment A to this Agreement, which is incorporated into this Agreement as if fully set out herein, and to pay the amounts specified therein. All rates, charges, and fees, including any applicable adjustments within this Agreement will be increased by a tax factor in accordance with Rule 32 of the Tariff.

**6. PAYMENT OF OUTSTANDING BILLS REQUIRED**

The Customer shall not be eligible to receive service under this Agreement until the Customer pays all outstanding bills for any service rendered to the Customer by National Grid that remain outstanding on the Effective Date, including any and all late penalties and/or interest charges applicable thereto. Until the Customer pays all such outstanding bills, the Customer shall be required to receive electric service from National Grid under the provisions of S.C. No. \_\_ (Parent S.C. No. \_\_) of the Tariff and to pay the rates and charges applicable thereto.

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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 24, 2017

LEAF: 291  
REVISION: 5  
SUPERSEDING REVISION: 4

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**7. TERMINATION**

Except as otherwise expressly provided in this Section, the Customer may terminate this Agreement at any time by providing National Grid with thirty (30) days written notice.

Customer agrees that in the event it fails to make payment for electric service when due, and thereafter fails to make payment by the due date specified in a written notice of arrears issued by National Grid, which due date shall be at least ten (10) days after the date of the written notice, National Grid has the right, at its sole option, upon written notice to Customer:

- (i) To terminate this Agreement effective retroactive to the first date of the Billing Period (as defined in Section 8 below) covered by the unpaid National Grid invoice. Upon National Grid's termination of this Agreement, the Customer shall pay for electric service at the applicable Parent S.C. rates; or
- (ii) To suspend the pricing provisions of this Agreement, effective retroactive to the first date of the Billing Period (as defined in Section 8 below) covered by the unpaid National Grid invoice, until the Customer's account is made current. Upon National Grid's suspension of the pricing provisions of this Agreement, the Customer shall continue to receive and accept electric service in accordance with this Section 7, but shall pay for electric service at the applicable Parent S.C. rates and not at the rates specified in Attachment A. Once the Customer's account is made current, the pricing provisions of this Agreement will again be made applicable to the Customer's purchase of electric service, as of the first date of the Billing Period in which the Customer's account is made current. During the period of National Grid's suspension of the pricing provisions of this Agreement, the Customer shall not have the right to terminate this Agreement, notwithstanding any other provisions to the contrary set forth in this Agreement.

National Grid shall not have the right to terminate this Agreement, or to suspend the pricing provisions of this Agreement, so long as the Customer on or before the late-charge date indicated on the bill: (1) pays any undisputed portion of the bill; (2) advises National Grid in writing of the specific grounds for withholding payment; and (3) places in escrow the disputed portion of the bill. If (1), (2) and (3) are accomplished on or before the late-charge date specified on the bill, and the disputed portion of the bill is thereafter determined by National Grid, or the Commission as appropriate, to be owed to National Grid, the escrowed sums shall be immediately released to National Grid and the Customer shall promptly pay any late payment charges thereon. In the event the escrowed sums are not immediately released to National Grid, or in the event the Customer fails to pay any late payment charges when due, National Grid has the right, at its sole option, to terminate this Agreement or suspend the pricing provisions, as provided above.

Nothing contained herein affects National Grid's right to terminate all electric service to the Customer in accordance with 16 N.Y.C.R.R. §13.3, other applicable New York laws or regulations, and the Tariff.

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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 24, 2017

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SUPERSEDING REVISION: 4

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**8. BILLING PERIOD**

The “*Billing Period*” will be set at the discretion of National Grid.

**9. TRANSFERABILITY**

Neither Party may assign its rights or obligations under this Agreement without the prior written consent of the non-assigning Party, which consent shall not unreasonably be withheld. Neither the customer nor its assignee is entitled to receive service under this Agreement at any location other than the Premises.

**10. ENTIRE AGREEMENT**

This Agreement, including Attachment A, “Pricing Parameters”, constitutes the entire understanding between National Grid and the Customer with respect to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings, inducements or conditions, whether express or implied, oral or written. This Agreement or any provision hereof, may only be amended by a written instrument signed by authorized representatives of National Grid and the Customer.

**11. WAIVER**

No waiver shall be deemed to be made by either Party to this Agreement or any of its rights under this Agreement unless such waiver shall be in writing signed by the Party to be bound thereby. Each waiver, if any, shall be a waiver only with respect to the specific instance or instances involved and shall in no way impair the rights of the Party bound thereby in any other respect at any other time.

**12. NOTICES**

Any notice or other communication in connection with this Agreement shall be in writing and shall be deemed to have been duly given or mailed when personally delivered, or mailed by registered or certified mail, return receipt requested, postage prepaid, in conformity with the following, or to such other address as the Party to whom the same is intended shall have specified:

If to National Grid:

Manager  
Utility Services, Analysis, and Support  
Niagara Mohawk Power Corporation d/b/a National Grid  
300 Erie Blvd. West  
Syracuse, New York 13202

If to the Customer:

\_\_\_\_\_  
Title, Company Name

\_\_\_\_\_  
Address: City, State, Zip

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 293  
REVISION: 4  
SUPERSEDING REVISION: 3

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**13. RESALES PROHIBITED**

All services furnished under this Agreement are furnished for the sole use of the Customer at the Premises and not for resale or for furnishing to others. This requirement applies to all resales and furnishing of electric service to others, regardless of whether such resales or furnishing would be authorized under Rule 8 of the Tariff or any other provision in the absence of this requirement.

**14. MISCELLANEOUS**

This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without consideration of the conflict of laws and principles thereof. The Parties hereto expressly consent to the jurisdiction of the courts of the State of New York as to any issues related to this Agreement, including the validity, enforceability or interpretation hereof. The headings in this Agreement are for the convenience of reference only and shall not alter or otherwise effect the meaning hereof.

**15. SEVERABILITY**

Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision hereof shall be prohibited by, or determined to be invalid under, applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement. All obligations and rights of the Parties expressed herein shall be in addition to, and not in limitation of, those provided by applicable law.

**16. COUNTERPARTS**

This Agreement may be executed in one or more counterparts, each of which will be deemed to be an original copy of this Agreement and all of which, when taken together, will be deemed to constitute one and the same agreement. The exchange of copies of this Agreement and of signature pages by facsimile or other electronic transmission (including, without limitation, exchange of PDFs by electronic mail) shall constitute effective execution and delivery of this Agreement as to the Parties and may be used in lieu of the original Agreement for all purposes. Signatures of the Parties transmitted by facsimile or other electronic means shall be deemed to be their original signatures for all purposes. In proving this Agreement, it shall not be necessary to produce or account for more than one such counterpart signed by the Party against whom enforcement is sought.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 24, 2017

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REVISION: 2  
SUPERSEDING REVISION: 1

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**IN WITNESS WHEREOF**, authorized representatives of the Parties have executed this Agreement as of the Effective Date.

\_\_\_\_\_  
The "Customer"

Authorized By: \_\_\_\_\_ / \_\_\_\_\_  
(Signature) (Print Name)

Title: \_\_\_\_\_

As a representative of: \_\_\_\_\_

Date: \_\_\_\_\_

**NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID**  
"National Grid"

Authorized By: \_\_\_\_\_ / \_\_\_\_\_  
(Signature) (Print Name)

Title: \_\_\_\_\_

As a representative of: **Niagara Mohawk Power Corporation d/b/a National Grid**

Date: \_\_\_\_\_

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 24, 2017

LEAF: 295  
REVISION: 3  
SUPERSEDING REVISION: 2

**FORM I  
CUSTOMER SERVICE AGREEMENT  
FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**Attachment A  
Pricing Parameters**

For the term of this Agreement, with the exception of the distribution delivery demand charge as detailed below, the rates and charges for each Billing Period shall be set according to the then effective Parent S.C. specific to the Customer's voltage delivery level applicable to the Customer in effect at the time and as may be amended from time to time.

**1      THE DISTRIBUTION DELIVERY DEMAND CHARGE**

For each Billing Period during the term of this Agreement, the distribution delivery demand charge shall be determined by reducing the standard tariff distribution delivery demand charge per kW rate as provided below by the appropriate discount percentage specified in S.C. No. 12 for the applicable program. The discount percentage shall not apply to adjustments and surcharges as provided in Section 5.4.3 of S.C. No. 12. The resulting billed distribution delivery demand charge per kW rate will then be multiplied by the billed kW demand to determine the distribution delivery demand charge.

For the Term, the billed distribution delivery demand charge per kW rate for each Billing Period shall be set according to the then effective applicable standard tariff distribution delivery demand charge per kW rate established in the Tariff specific to the Customer's voltage delivery level as specified in S.C. No. \_\_\_\_.

As of the Effective Date, the standard tariff distribution delivery demand charge per kW rate applicable to service furnished to the Customer is \$\_\_\_\_\_ per kW.

In the event that the Billing Period is less than twenty-five days or greater than thirty-five days, the distribution delivery demand charge will be pro-rated to the actual number of days in the Billing Period.

**2.      MINIMUM BILL PROVISIONS**

The minimum bill to be rendered under this Agreement shall be priced no lower than the National Grid's Empire Zone Rider rate applicable to the then effective Parent S.C. specific to the Customer's voltage delivery level applicable to the Customer in effect at the time and as may be amended from time to time.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012  
STAMPS: Issued in Compliance with Order Issued December 16, 2011 in Case No. 10-E-0050

LEAF: 296  
REVISION: 3  
SUPERSEDING REVISION: 2

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012  
STAMPS: Issued in Compliance with Order Issued December 16, 2011 in Case No. 10-E-0050

LEAF: 297  
REVISION: 3  
SUPERSEDING REVISION: 2

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 298  
REVISION: 1  
SUPERSEDING REVISION: 0

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 299  
REVISION: 1  
SUPERSEDING REVISION: 0

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012  
STAMPS: Issued in Compliance with Order Issued December 16, 2011 in Case No. 10-E-0050

LEAF: 300  
REVISION: 3  
SUPERSEDING REVISION: 2

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012  
STAMPS: Issued in Compliance with Order Issued December 16, 2011 in Case No. 10-E-0050

LEAF: 301  
REVISION: 3  
SUPERSEDING REVISION: 2

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 302  
REVISION: 1  
SUPERSEDING REVISION: 0

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 303  
REVISION: 1  
SUPERSEDING REVISION: 0

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012  
STAMPS: Issued in Compliance with Order Issued December 16, 2011 in Case No. 10-E-0050

LEAF: 304  
REVISION: 3  
SUPERSEDING REVISION: 2

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 305  
REVISION: 1  
SUPERSEDING REVISION: 0

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 306  
REVISION: 1  
SUPERSEDING REVISION: 0

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 307  
REVISION: 1  
SUPERSEDING REVISION: 0

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 308  
REVISION: 1  
SUPERSEDING REVISION: 0

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012  
STAMPS: Issued in Compliance with Order Issued December 16, 2011 in Case No. 10-E-0050

LEAF: 309  
REVISION: 3  
SUPERSEDING REVISION: 2

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 310  
REVISION: 1  
SUPERSEDING REVISION: 0

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 311  
REVISION: 1  
SUPERSEDING REVISION: 0

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 312  
REVISION: 1  
SUPERSEDING REVISION: 0

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 313  
REVISION: 1  
SUPERSEDING REVISION: 0

**FORM I**  
**CUSTOMER SERVICE AGREEMENT**  
**FOR SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMP: Issued in accordance with Order issued March 15, 2013 in Case 12-E-0396.

LEAF: 314  
REVISION: 5  
SUPERSEDING REVISION: 4

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMP: Issued in accordance with Order issued March 15, 2013 in Case 12-E-0396.

LEAF: 315  
REVISION: 5  
SUPERSEDING REVISION: 4

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMP: Issued in accordance with Order issued March 15, 2013 in Case 12-E-0396.

LEAF: 316  
REVISION: 5  
SUPERSEDING REVISION: 4

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMP: Issued in accordance with Order issued March 15, 2013 in Case 12-E-0396.

LEAF: 317  
REVISION: 5  
SUPERSEDING REVISION: 4

GENERAL INFORMATION

RESERVED FOR FUTURE USE



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMP: Issued in accordance with Order issued March 15, 2013 in Case 12-E-0396.

LEAF: 318  
REVISION: 5  
SUPERSEDING REVISION: 4

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMP: Issued in accordance with Order issued March 15, 2013 in Case 12-E-0396.

LEAF: 319  
REVISION: 5  
SUPERSEDING REVISION: 4

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMP: Issued in accordance with Order issued March 15, 2013 in Case 12-E-0396.

LEAF: 320  
REVISION: 5  
SUPERSEDING REVISION: 4

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMP: Issued in accordance with Order issued March 15, 2013 in Case 12-E-0396.

LEAF: 321  
REVISION: 5  
SUPERSEDING REVISION: 4

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMP: Issued in accordance with Order issued March 15, 2013 in Case 12-E-0396.

LEAF: 322  
REVISION: 5  
SUPERSEDING REVISION: 4

GENERAL INFORMATION

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 323  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation Voluntary Emergency Demand Response Program  
Via Voluntary Load Curtailment (EDRP - VLC)  
Form L9**

This Agreement executed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ ("the Agreement") witnesseth that:

**WHEREAS**, Niagara Mohawk Power Corporation (hereinafter called "the Company") presently operates a vertically integrated system for the generation, transmission, and distribution of electric power and is authorized to provide retail Electric Service, Electricity Supply Service and associated transmission, distribution and delivery services to the Premises; and

**WHEREAS**, the \_\_\_\_\_ (hereinafter called "the Customer") operates a facility located on the Premises at \_\_\_\_\_, New York, \_\_\_\_\_ ("the Premises"); and

**WHEREAS**, the Customer receives Electric Service for use at the Premises from the Company under the Company's Tariff P.S.C. 220 - Electricity ("the Tariff") Service Classification No. \_\_\_\_\_ under the account number \_\_\_\_\_; and

**WHEREAS**, the New York Independent System Operator (hereinafter referred to as "NYISO") operates the bulk power transmission system in New York State; and

**WHEREAS**, in recognition of a potential capacity shortage in New York State, the NYISO has instituted a Voluntary Emergency Demand Response Program (hereinafter referred to as "EDRP"); and

**WHEREAS**, the New York Public Service Commission (hereinafter referred to as "the Commission") has requested the Company's active participation in the EDRP; and

**WHEREAS**, the Company is willing to participate in the EDRP subject to the terms and conditions as provided herein; and

**WHEREAS**, the Customer hereby agrees to participate in the EDRP under the terms and conditions provided herein;

**NOW, THEREFORE**, in consideration of the commitments made herein and intending to be legally bound thereby, the Company and Customer agrees to the terms and conditions provided herein as follows:

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 324  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation Voluntary Emergency Demand Response Program  
Via Voluntary Load Curtailment (EDRP - VLC)  
Form L9**

**1. Emergency Demand Response Program Via-Load Curtailmen**

The Emergency Demand Response Program (EDRP - VLC) provides the NYISO through the Company, with the right to call upon the Customer and the Customer's option to curtail load in the event the New York Independent System Operator (hereinafter the "NYISO") requests voluntary load curtailment. Upon each EDRP Event, as specified in Section 4 of this Agreement, the Customer shall have the option to curtail electric usage at their Premises and be compensated by the Company as provided herein.

**2. Eligibility**

Subject to interval based meter requirements, Customers served under Service Classification No. 2D, 3, 3A, 4, and in 11 and 12 as amended by their Customer Service Agreements, shall be eligible to participate under this Agreement. Customers must be able to provide a minimum of 100 kW of load reduction.

**3. Incentive Payment**

An Incentive Payment to the Customer for participation in this program shall be calculated as follows:

$$IP = \text{MAXIMUM OF 0 or 90\%} * (CBL_h - AQ_h) * IPLSE$$

Where:

**IP** is the Incentive Payment made to the Customer by the Company for participating in the Curtailment Event.

**IPLSE** is the Incentive Payment paid by the NYISO to the Company as a Load Serving Entity for participating in the Curtailment Event, which the Company shall convert to a \$ per kWh payment by dividing it by the total number of kWh curtailed during the Curtailment Event from all participating customers.

**AQ<sub>h</sub>** is the Customer's actual energy usage in the hour(s) during which the EDRP occurs.

**CBL<sub>h</sub>** is the Customer's Baseline Load and represents the point from which the Incentive Payment and the Customer's response to the EDRP shall be measured. CBL<sub>h</sub> shall be determined in accordance with the NYISO tariffs and procedures.

**h** is the hour(s) of the EDRP Event.

Incentive payments shall only be greater than zero ("0") as there are no penalties for non-compliance with the Emergency Demand Response Program.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 325  
REVISION: 6  
SUPERSEDING REVISION: 4

Niagara Mohawk Power Corporation Voluntary Emergency Demand Response Program  
Via Voluntary Load Curtailment (EDRP - VLC)  
Form L9

4. EDRP Event

The Company and the Customer agree that the EDRP Event shall only be called during the NYISO Dispatch Day (specifically during a dispatch-day after the NYISO Day-Ahead bids are submitted, namely 0500 the prior dispatch-day). Customer and Company shall each provide written notice to the other, within five (5) days of execution of this Agreement, their respective designated persons authorized to arrange electric curtailment by the Customer. All EDRP Events shall be determined solely by the NYISO and communicated to the Customer through the Company.

5. Metering

All electricity load measurement for this Agreement shall utilize the Company's interval based meter at the Customer Premise. Where an interval meter must be installed, Customer shall be responsible for all metering and installation costs not otherwise covered by New York State Research and Development Authority (NYSERDA). The metering and installation costs are a function of the individual Customer's electric service. Metering and installation costs are available from Company representatives.

Metering communications are necessary for program administration. Where meter reading communications must be installed, Company shall provide the necessary communications equipment to the Customer's meter which records the electric requirements delivered to the Customer's Premises. Customer agrees to pay the Company an Incremental Customer Charge in the amount of \$11.77 per month to cover the incremental cost of metering communications unless the Customer is: (1) already subscribed to an Economic Development Program as provided for in Rule 34.4 or 34.5 of the Tariff, or (2) subject to S.C. No. 3, Special Provision L; or until such time that the Company installs AMI meters at the customer premise.

6. Term

The term of this Agreement will begin on the date of execution and shall terminate upon 5 days prior written notice by either the Company or the Customer.

7. Notices

All notices shall be provided in writing to the Company and the Customer except as expressly otherwise noted in this Agreement.

A. EDRP Event Notices

Within five (5) business days of executing this Agreement, the Company and the Customer shall identify an individual responsible for administering the EDRP Event(s). The Company and the Customer shall provide the following information to each other.



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NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

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REVISION: 0  
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**Niagara Mohawk Power Corporation Voluntary Emergency Demand Response Program  
Via Voluntary Load Curtailment (EDRP - VLC)  
Form L9**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Pager Number: \_\_\_\_\_

e-mail address: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**B. Termination and All Other Notices**

Termination and all other notices shall be provided as follows:

If to the Company,

Director – Program and Policy Administration, Niagara Mohawk Power Corporation, 300 Erie Blvd. West,  
Syracuse, New York 13202.

If to the Customer,

Title \_\_\_\_\_

Company \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

**8. Payments**

The Customer will continue to be billed for electric service under its existing terms and conditions of their service classification. The Company shall credit the Customer's retail invoice as a line item adjustment to the invoices for the Billing Period that is immediately following the month in which the Company receives payment from the NYISO based upon metered information. All payments shall be subject to updates based on final true-ups performed by the NYISO.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 327  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation Voluntary Emergency Demand Response Program  
Via Voluntary Load Curtailment (EDRP - VLC)  
Form L9**

**9. EDRP Event Duration**

The duration of the EDRP Event shall be not less than 4 hours.

**10. Frequency of EDRP Events**

The Company shall only call upon the Customer to curtail usage when requested to do so by the NYISO.

**11. Advance Notice of EDRP Event**

The Company shall provide the Customer with at least one hour of advance notice of the EDRP Event.

**12. Taxes**

All rates, charges, and fees, including any applicable adjustments within this Agreement, will be increased by a tax factor in accordance with Rule 32 of the Tariff. Sales taxes shall be applied, where applicable.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 328  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation Voluntary Emergency Demand Response Program  
Via Voluntary Load Curtailment (EDRP - VLC)  
Form L9**

**In Witness Whereof**, the Company and the Customer hereto have caused this Agreement to be executed as of the day and year first above written.

\_\_\_\_\_  
(the Customer)

Authorized By: \_\_\_\_\_

Title: \_\_\_\_\_

As a Representative of: \_\_\_\_\_

Date: \_\_\_\_\_

**Niagara Mohawk Power Corporation**  
(the Company)

Authorized By: \_\_\_\_\_

Title: \_\_\_\_\_

As a Representative of: Niagara Mohawk Power Corporation

Date: \_\_\_\_\_

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 329  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation Voluntary Emergency Demand Response Program  
Via On-Site Generation (EDRP - OSG)  
Form L10**

This Agreement executed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ ("the Agreement") witnesseth that:

**WHEREAS**, Niagara Mohawk Power Corporation (hereinafter called "the Company") presently operates a vertically integrated system for the generation, transmission, and distribution of electric power and is authorized to provide retail Electric Service, Electricity Supply Service and associated transmission, distribution and delivery services to the Premises; and

**WHEREAS**, the \_\_\_\_\_ (hereinafter called "the Customer") operates an on-site generator(s) at their facility located on the Premises at \_\_\_\_\_, New York, \_\_\_\_\_ ("the Premises"); and

**WHEREAS**, the Customer receives Electric Service for use at the Premises from the Company under the Company's Tariff P.S.C. 220 - Electricity ("the Tariff") Service Classification No. \_\_\_\_\_ under the account number \_\_\_\_\_; and

**WHEREAS**, the New York Independent System Operator (hereinafter referred to as "NYISO") operates the bulk power transmission system in New York State; and

**WHEREAS**, in recognition of a potential capacity shortage in New York State, the NYISO has instituted a Voluntary Emergency Demand Response Program (hereinafter referred to as "EDRP"); and

**WHEREAS**, the New York Public Service Commission (hereinafter referred to as "the Commission") has requested the Company's active participation in the EDRP; and

**WHEREAS**, the Company is willing to participate in the EDRP subject to the terms and conditions as provided herein; and

**WHEREAS**, the Customer hereby agrees to participate in the EDRP under the terms and conditions provided herein;

**NOW, THEREFORE**, in consideration of the commitments made herein and intending to be legally bound thereby, the Company and Customer agrees to the terms and conditions provided herein as follows:

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 330  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation Voluntary Emergency Demand Response Program  
Via On-Site Generation (EDRP - OSG)  
Form L10**

**1. Emergency Demand Response Program Using On-Site Generation**

The Emergency Demand Response Program Using On-Site Generation (EDRP - OSG) provides the NYISO through the Company, with the right to call upon the Customer to operate their on-site generator(s) in the event the New York Independent System Operator (hereinafter the "NYISO") requests voluntary load curtailment. Upon each EDRP Event, as specified in Section 4 of this Agreement, the Customer shall have the option to operate their on-site generator(s) at their Premises and be compensated by the Company as provided herein.

**2. Eligibility**

Customers who own and operate on-site generator(s) located on the Customer Premise and meet all of the following criteria shall be eligible to participate under this Agreement:

have load metering installed in accordance with Section 5 of this Agreement; and

Generators must be capable of providing a minimum of 100 kW of load reduction, inclusive of losses; and

Generators must not be synchronized to Niagara Mohawk's local distribution system or, if synchronized to the local distribution system, support a load that is equal to or in excess of the generator's capacity. On-site generators that are base loaded do not qualify for the EDRP; and,

have an executed Form G or Form Gf with the Company.

Participation under this Agreement shall in no way impact or revise the Customer's obligations or revise the Customer's obligations or exemptions under S.C. No. 7 charges during each EDRP Event.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 331  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation Voluntary Emergency Demand Response Program  
Via On-Site Generation (EDRP - OSG)  
Form L10**

**3. Incentive Payment**

An Incentive Payment to the Customer for participation in this program shall be calculated as follows:

$$IP = \text{MAXIMUM OF 0 or 90\%} * (CBL_h - AQ_h) * IPLSE$$

Where:

**IP** is the Incentive Payment made to the Customer by the Company for participating in the Curtailment Event.

**IPLSE** is the Incentive Payment paid by the NYISO to the Company as a Load Serving Entity for participating in the Curtailment Event, which the Company shall convert to a \$ per kWh payment by dividing it by the total number of kWh curtailed during the Curtailment Event from all participating customers.

**AQ<sub>h</sub>** is the Customer's actual energy usage in the hour(s) during which the EDRP occurs.

**CBL<sub>h</sub>** is the Customer's Baseline Load and represents the point from which the Incentive Payment and the Customer's response to the EDRP shall be measured. CBL<sub>h</sub> shall be determined in accordance with the NYISO tariffs and procedures.

**h** is the hour(s) of the EDRP Event.

Incentive payments shall only be greater than zero ("0") as there are no penalties for non-compliance with the Emergency Demand Response Program.

**4. EDRP Event**

The Company and the Customer agree that the EDRP Event shall only be called during the NYISO Dispatch Day (specifically during a dispatch-day after the NYISO Day-Ahead bids are submitted, namely 0500 the prior dispatch-day). Customer and Company shall each provide written notice to the other, within five (5) days of execution of this agreement, their respective designated persons authorized to arrange the voluntary operation of their on-site generation by the Customer. All EDRP Events shall be determined solely by the NYISO and communicated to the Customer through the Company.

**5. Metering**

All electricity load measurement for this Agreement shall utilize the Company's interval based meter at the Customer Premise. Where an interval meter must be installed, Customer shall be responsible for all metering and installation costs not otherwise covered by New York State Research and Development Authority (NYSERDA). The metering and installation costs are a function of the individual Customer's electric service. Metering and installation costs are available from Company representatives.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

LEAF: 332  
REVISION: 6  
SUPERSEDING REVISION: 4

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

Niagara Mohawk Power Corporation Voluntary Emergency Demand Response Program  
Via On-Site Generation (EDRP - OSG)  
Form L10

Metering communications are necessary for program administration. Where meter reading communications must be installed, Company shall provide the necessary communications equipment to the Customer's meter which records the electric requirements delivered to the Customer's Premises. Customer agrees to pay the Company an Incremental Customer Charge in the amount of \$11.77 per month to cover the incremental cost of metering communications unless the Customer (1) is already subscribed to an Economic Development Program as provided for in Rule 34.4 or 34.5 of the Tariff, or (2) subject to S.C. No. 3, Special Provision L; or until such time that the Company installs AMI meters at the customer premise.

6. Term

The term of this Agreement will begin on the date of execution and shall terminate upon 5 days prior written notice by either the Company or the Customer.

7. Notices

All notices shall be provided in writing to the Company and the Customer except as expressly otherwise noted in this Agreement.

A. EDRP Event Notices

Within five (5) business days of executing this Agreement, the Company and the Customer shall identify an individual responsible for administering the EDRP Event(s). The Company and the Customer shall provide the following information to each other.

Name:	_____
Position:	_____
Phone Number:	_____
Pager Number:	_____
e-mail address:	_____
Fax Number:	_____

B. Termination and All Other Notices

Termination and all other notices shall be provided as follows:  
If to the Company,

Director – Program and Policy Administration, Niagara Mohawk Power Corporation, 300 Erie Blvd. West,  
Syracuse, New York 13202.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 333  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation Voluntary Emergency Demand Response Program  
Via On-Site Generation (EDRP - OSG)  
Form L10**

If to the Customer,

Title: \_\_\_\_\_  
Company \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_  
Zip \_\_\_\_\_

**8. Payments**

The Customer will continue to be billed for electric service under its existing terms and conditions of their service classification. The Company shall credit the Customer's retail invoice as a line item adjustment to the invoices for the Billing Period that is immediately following the month in which the Company receives payment from the NYISO based upon metered information. All payments shall be subject to updates based on final true-ups performed by the NYISO.

**9. EDRP Event Duration**

The duration of the EDRP Event shall be not less than 4 hours.

**10. Frequency of EDRP Events**

The Company shall only call upon the Customer to generate usage when requested to do so by the NYISO.

**11. Advance Notice of EDRP Event**

The Company shall provide the Customer with at least one hour of advance notice of the EDRP Event.

**12. Taxes**

All rates, charges, and fees, including any applicable adjustments within this Agreement, will be increased by a tax factor in accordance with Rule 32 of the Tariff. Sales taxes shall be applied, where applicable.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 334  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation Voluntary Emergency Demand Response Program  
Via On-Site Generation (EDRP - OSG)  
Form L10**

**In Witness Whereof**, the Company and the Customer hereto have caused this Agreement to be executed as of the day and year first above written.

\_\_\_\_\_  
(the Customer)

Authorized By: \_\_\_\_\_

Title: \_\_\_\_\_

As a Representative of: \_\_\_\_\_

Date: \_\_\_\_\_

**Niagara Mohawk Power Corporation d/b/a National Grid**  
(the Company)

Authorized By: \_\_\_\_\_

Title: \_\_\_\_\_

As a Representative of: Niagara Mohawk Power Corporation d/b/a National Grid

Date: \_\_\_\_\_

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 335  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation  
Day Ahead Demand Response Program Via Load Curtailment  
Form L11**

This Agreement executed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (the Agreement) witnesseth that:

WHEREAS, Niagara Mohawk Power Corporation (hereinafter called "the Company") presently operates a vertically integrated system for the generation, transmission, and distribution of electric power and is authorized to provide retail Electric Service, Electricity Supply Service and associated transmission, distribution and delivery services to the Premises; and

WHEREAS, \_\_\_\_\_ (hereinafter called "the Customer") operates a facility located on the Premises at \_\_\_\_\_, New York, \_\_\_\_\_ ("the Premises"); and

WHEREAS, the Customer receives Electric Service for use at the Premises from the Company under the Company's Tariff P.S.C. 220 Electricity ("the Tariff") Service Classification No. \_\_\_\_\_ under the account number \_\_\_\_\_; and

WHEREAS, the Customer hereby requests to participate in the New York Independent System Operator (hereinafter "NYISO") Day-Ahead Demand Response Program under the terms and conditions provided herein;

NOW, THEREFORE, in consideration of the commitments made herein and intending to be legally bound thereby, the Company and Customer agree to the terms and conditions provided herein as follows:

**1. Day-Ahead Demand Response Program**

The Day-Ahead Demand Response Program provides the Company with the right to call upon one or more Customers and the Customer or Customers with the obligation to curtail load in the event the NYISO accepts a decremental bid submitted by the Company on behalf of one or more Customers ("Accepted Bid"). Upon each Accepted Bid, the Customer shall have the obligation to curtail load at its Premises and be compensated by the Company as provided in Section 5 of this Agreement. Failure of a Customer to comply with an Accepted Bid, shall result in a non-compliance penalty as specified in Section 6 of this Agreement.

**2. Eligibility**

This program shall be limited to those Customers who are served under the pricing provisions of Service Classification No. 2D, 3, 3A, 4, 11, and 12, have an interval based meter and who can reduce demand by a minimum of 100 kW. Participation in this program shall in no way modify the price and quantity terms of service under Service Classification No. 2D, 3, 3A, 4, 11, or 12.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 336  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation  
Day Ahead Demand Response Program Via Load Curtailment  
Form L11 (continued)**

**3. Decremental Load Bidding**

**A. Customer Bidding Via Company Forms**

The Company shall submit at its discretion, on behalf of the Customer (or a group of Customers), a decremental bid representing the minimum incentive requested by the Customer(s) to reduce their electric consumption by a pre-determined amount in kW per hour.

Customer shall submit to the Company a decremental bid which the Company will in turn submit to the NYISO for consideration in their day-ahead supply bidding procedures. Bid forms are available from Company representatives as specified below and request relevant information required by the NYISO in order to perform their evaluation in accepting or rejecting the Customer's bid. The Company will not submit bids on behalf of Customers which do not contain all requested information.

Decremental bids in increments of 100 kW may be submitted by the Customer in a form which the Company will use to aggregate load bids with other Customers ("Aggregated Bid Form"). The NYISO will only accept bids in 1,000 kW increments, therefore, Customers who submit bids in less than 1,000 kW increments authorize the Company to aggregate their bids with other Customer's bids to the extent possible to develop a bid in 1,000 kW increments to be provided to the NYISO. Company reserves the right to reduce bids when aggregating bids from more than one Customer to comply with NYISO bidding requirements.

Alternatively, and subject to the requirements of the NYISO, Customers may submit bids on the Company prescribed form, which the Company will bid to the NYISO on behalf of the Customer only ("Individual Bid Form"). Customers who wish to have their load bids submitted on their behalf only, are required to bid a minimum of 1,000 kW in each hour and meet the requirements of the NYISO. Customers who submit bids with the intention of being submitted solely for their behalf may also submit additional load bids in 100 kW increments on Company prescribed forms which the Company will attempt to aggregate with other Customers as described above.

Customers submitting bids using the Individual Bid Form must submit revised bid forms to the Company by 5:00 p.m. Tuesday, for use in bids submitted to the NYISO Monday through Sunday of the following week. The Company reserves the right to modify the advance notice for bid revisions, provided however, the advance notice for bid revisions shall only be modified in a manner which provides the Customer with the ability to revise their load bids more frequently. Company shall notify the Customer of any increased flexibility in revising their bids. The advance notice for bid revisions do not apply to Customers participating in the Direct Bidding Option as specified in Section 3B. Direct Bidding Option customers will submit bids and bid revisions in accordance Section 3B and NYISO tariffs and procedures.

Customers submitting bids using the Aggregated Bid Form must submit revised bid forms to the Company by 11:00 am of the day two (2) days prior to the bid load reduction day, with the exception that bid revisions for load reductions on Sunday, Monday or Tuesday be received by 11 am of the prior Thursday.

The Company will continue to use the last bid received from the Customer until such time that a bid revision is submitted as specified above.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 337  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation**  
**Day Ahead Demand Response Program Via Load Curtailment**  
**Form L11 (continued)**

**3. Decremental Load Bidding**

**B. Direct Bidding Option**

**B1. Participation**

The Customer shall, if eligible and approved by the Company and the NYISO, submit its own bid directly to the NYISO under the terms provided herein ("Direct Bidding Option") in lieu of providing bids in accordance with Section 3A above.

To participate in the Direct Bidding Option, the Customer must meet the following requirements:

1. Have an executed Form L11 in effect with the Company;
2. Be registered with the NYISO as a Demand Side Resource for the Day Ahead Demand Response Program;
3. Have obtained from the NYISO the assignment of an Individual Demand Response Bid Slot for their decremental bids;
4. Request a Digital Certificate from the NYISO in accordance with NYISO procedures, specifically as found in the NYISO Technical Bulletin 1: Applying for a Digital Certificate.
5. Request the right to participate in the Direct Bidding Option by providing written notice of such request to the Company, which request shall include confirmation by the Customer that items 1 through 4 above have been met and shall also include the following information regarding the Customer's authorized individual that will be placing bids on behalf of the Customer:

Company Name \_\_\_\_\_

Authorized Bidder Name \_\_\_\_\_

Login ID \_\_\_\_\_

Password \_\_\_\_\_

E-mail Address \_\_\_\_\_

Phone \_\_\_\_\_

Following receipt of the Customer's written request in accordance with item 5 above, the Company shall notify the NYISO of the Customer's request to directly bid their decremental Bids using the NYISO's Market Information System ("MIS System"). The Company shall request the NYISO to grant the Digital Certificate to the Customer. Following notification by the NYISO to the Company that the NYISO is ready to accept direct bids from the Customer under the MIS System, the Company shall activate the Customer's access to the MIS System for the Authorized Bidder as identified in item 5 above. The Customer may revise the information in item 5 above with written notice to the Company in accordance with Section 10 of this Agreement.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 338  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation  
Day Ahead Demand Response Program Via Load Curtailment  
Form L11 (continued)**

**B2. Responsibilities**

Once the Company has activated the Authorized Bidder, the Customer shall be responsible for the following requirements:

1. Submittal of all of the Customer's decremental bids and any subsequent revised decremental bids to the NYISO in accordance with the NYISO tariffs and procedures;
2. Understanding how to correctly use the MIS System to make their bids accurately;
3. Loading the NYISO provided Digital Certificate onto the Customer's computer as required by the NYISO procedures;
4. Maintaining security for access under the Login ID and Password for the MIS System;
5. Monitoring the MIS System to determine if their decremental bid has been accepted by the NYISO;
6. Providing the load reduction in accordance with their accepted bids and in accordance with the remaining terms of this Agreement.

Under the Direct Bidding Option, the Company shall be relieved of its responsibility to provide bids on behalf of the Customer as set out in Section 3A above as well as its responsibility to provide notification of Accepted Bids to the Customer under Sections 7 and 10 of this Agreement.

**B3. Termination of Direct Bidding Option**

Customer's participation and responsibilities under the Direct Bidding Option shall continue until one of the following events occur:

1. the NYISO revokes the Customer's Individual Demand Response Bid Slot;
2. either the Customer or the Company terminates this Agreement in accordance with Section 9;
3. either the Company or the NYISO revokes the Customer's authorization to bid directly into the MIS System;
4. the Customer, with seven (7) days written notice as provided in accordance with Section 10 of this Agreement, requests the Company to assume bidding responsibility for the Customer in accordance with Section 3A herein.

Subject to the provisions of this Section 3B, all bids submitted by the Customer under the Direct Bidding Option shall be subject to the remaining terms of this Agreement, including the provisions of the Incentive Payment in Section 5 and the Non-Compliance Penalty provisions in Section 6 of this Agreement.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 339  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation  
Day Ahead Demand Response Program Via Load Curtailment  
Form L11 (continued)**

**4. Accepted Bid Compliance**

Accepted Bid compliance shall be determined on a Customer by Customer basis at the Premises. A Customer who responds to an Accepted Bid shall be paid incentives according to the provisions of Section 5, of this Agreement. A Customer who does not comply with an Accepted Bid shall be subject to a Non-Compliance Penalty according to the provisions of Section 6, of this Agreement.

The Customer's compliance of an Accepted Bid, in response to Company's notification as specified under Section 10, or as determined by the Customer in accordance with Section 3B, if applicable, shall be determined based upon the Customer's actual energy usage for each hour of the Accepted Bid duration relative to the Customer's Customer Baseline Load ("CBL"). The CBL shall be determined in accordance with the NYISO's Day-Ahead Demand Response Program procedures, as may be revised from time to time, which are available from Company representatives.

**5. Incentive Payment**

5.1 An Incentive Payment to one or more Customers for complying with an Accepted Bid shall be calculated as follows:

$$\text{DADRP}_{d,h} = 90\% * [\text{Maximum of } \text{BP}_{d,h} \text{ or } \text{DALBMP}_{d,h}] * \text{SB}_{d,h}$$

Where:

$\text{DADRP}_{d,h}$  is the Day-Ahead Demand Response Payment paid to the Customer for providing the accepted decremental load bid to the NYISO through the Company on day d, in hour h.

$\text{BP}_{d,h}$  is the bid price submitted by the Customer to the Company on day d in hour h. The bid price represents the price at which the Customer is willing to accept a curtailment and receive payment for that curtailment in lieu of using the electric energy on day d, in hour h. Bids submitted on behalf of an individual customer may include a separate Curtailment Initiation Cost as specified in the NYISO Day-Ahead Demand Response Program Manual. In the event the NYISO makes a supplemental payment to the Company to compensate for the Curtailment Initiation Cost, the Company will include 90% of this supplemental payment to the Customer as part of the Incentive Payment. Customer's who submit their bids to the Company to be aggregated with other Customer bids must include their curtailment initiation cost within their Bid price.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 340  
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SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation  
Day Ahead Demand Response Program Via Load Curtailment  
Form L11 (continued)**

DALBMP<sub>d,h</sub> is the Day Ahead Location Based Marginal Price of electricity as determined by the NYISO specific to the bus where the NYISO evaluates the decremental load bid provided by the Customer and submitted by the Company to the NYISO for evaluating curtailable load relative to generated load.

SB<sub>d,h</sub> is the scheduled bid of curtailable energy submitted by the Company on behalf of the Customer(s), (as may be reduced by the Company for aggregated bids as specified in Section 3) which is accepted by the NYISO on day d, in hour h. The scheduled bid represents the quantity of demand (in kW) and associated energy which corresponds to the bid price at which the Customer is willing to accept a curtailment and receive payment for that curtailment in lieu of using the electric energy during day d, in hour h.

d is the day of curtailment for the Accepted Bid.

h is the hour of the day of curtailment for the Accepted Bid.

5.2 Incentive Payments for decremental bids submitted on behalf of more than one Customer shall be prorated to individual Customers according to the ratio of the individual Customer's decremental bid to the total bid accepted by the NYISO for that group of Customers. Customer acknowledges that their load bid may be accepted in whole or in part and as such acknowledge and accept that Day Ahead Demand Response Payments may represent compensation from partial load bids submitted on behalf of more than one Customer.

5.3 There are no Day-Ahead Demand Response Payments for demand and energy reductions resulting from the use of Customer owned and operated on-site generation facilities. Customers participating in the Day-Ahead Demand Response Program and operating on-site generation facilities shall have their Day-Ahead Demand Response Payments adjusted to reflect the use of the on-site generation system. The Company shall make the adjustment by subtracting the Customer's kW reduction provided from On-Site Generation ("OSG Reduction") from the Scheduled Bid as defined above. The OSG Reduction shall be determined as the on-site generation's actual output minus the Customer Baseline Load of the Generator. The OSG Reduction shall not be less than zero (0). The Customer Baseline Load for the generating facility shall be calculated in conformance with the NYISO Day-Ahead Demand Response Program Manual as may be revised from time to time.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 341  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation  
Day Ahead Demand Response Program Via Load Curtailment  
Form L11 (continued)**

**6. Non-Compliance Penalty**

A non-compliance penalty shall be assessed to the Customer in the event a Day Ahead decremental bid is accepted and the Customer does not curtail load by an amount at least equal to that which they have bid to the NYISO through the Company.

$$NCP_h = (\text{Maximum of } 0 \text{ or } (SB_{d,h} - CLR_{d,h})) * \text{Maximum of } (PDAM_{d,h} \text{ or } PRT_{d,h})$$

Where:

$NCP_h$  is the non-compliance penalty in each hour which the Company shall assess to the Customer for failure to reduce load by the amount bid by the Company to the NYISO.

$SB_{d,h}$  is the scheduled bid of curtailable energy accepted by the NYISO on day d, in hour h as defined in Section 5.1 above.

$CLR_{d,h}$  is the Customer's actual load reduction during the Accepted Bid duration which occurred on day d, in hour h.  $CLR_{d,h}$  shall be determined as the difference between the Customer's CBL and the Customer's actual load on day d of hour h of the Accepted Bid. CBL is the Customer's Baseline Load and shall be determined in accordance with the NYISO Tariffs and procedures.

$PDAM_{d,h}$  is the Day-ahead market energy price of the NYISO posted for the Load Zone in which the Customer takes electric service from the Company inclusive of any post corrections by the NYISO for the hour in question; and

$PRT_{d,h}$  is the Real-time market energy price of the NYISO posted for the Load Zone in which the Customer takes electric service from the Company inclusive of any post corrections by the NYISO for the hour in question; and

d is the day of the curtailment for the Accepted Bid.

h is the hour of the day of the curtailment for the Accepted Bid.

**7. Day-Ahead Demand Response Accepted Bids**

All Day-Ahead Demand Response Accepted Bids shall be determined solely by the NYISO and communicated to Customer by the Company, unless the Customer is participating in the Direct Bidding Option as specified in Section 3B in which case the Customer shall be responsible for monitoring whether their bid was accepted by the NYISO. Customer and Company shall each provide written notice to the other, within five (5) days of execution of this Agreement, of their respective designated persons authorized to arrange a Day-Ahead Demand Response for the Accepted Bid.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

LEAF: 342  
REVISION: 6  
SUPERSEDING REVISION: 4

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

Niagara Mohawk Power Corporation  
Day Ahead Demand Response Program Via Load Curtailment  
Form L11 (continued)

8. Metering

All electricity load measurement for this Agreement shall utilize the Company's interval based meter at the Customer Premise. Where an interval meter must be installed, Customer shall be responsible for all metering and installation costs not otherwise covered by New York State Research and Development Authority (NYSERDA). The metering and installation costs are a function of the individual Customer's electric service. Metering and installation costs are available from Company representatives.

Metering communications are necessary for program administration. Where meter reading communications must be installed, Company shall provide the necessary communications equipment to the Customer's meter which records the electric requirements delivered to the Customer's Premises. Customer agrees to pay the Company an Incremental Customer Charge in the amount of \$11.77 per month to cover the incremental cost of metering communications unless the Customer (1) is already subscribed to an Economic Development Program as provided for in Rule 34.4 or 34.5 of the Tariff, or (2) subject to S.C. No. 3, Special Provisions L; or until such time that the Company installs AMI meters at the customer premise.

Customers operating on-site generation facilities and requesting participation in the Day Ahead Demand Response Program shall be required to have, and where necessary install, interval based metering and necessary communication equipment on their incoming delivery service from the Company and the output of the on-site generation facility. Customer shall be responsible for all metering and communication devices and associated costs as prescribed above.

9. Term

The term of this Agreement will begin on the date of execution and shall terminate upon 30-days prior written notice by either the Company or the Customer.

10. Notices

All notices shall be provided in writing to the Company and the Customer except as otherwise expressly provided in this Agreement.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 343  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation**  
**Day Ahead Demand Response Program Via Load Curtailment**  
**Form L11 (continued)**

**A. Curtailment Notices**

Within five (5) business days of executing this Agreement, the Company and the Customer shall identify an individual responsible for administering the Day-Ahead Demand Response Program. The Company and the Customer shall provide the following information to each other.

Name: \_\_\_\_\_  
Position: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Pager Number: \_\_\_\_\_  
e-mail address: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

The Company reserves the right to notify the Customer of the Accepted Bid using any one of the communications mediums identified above. The Company shall be deemed to have fulfilled its obligations of notifications by providing proof of contact.

**B. Bid Revisions**

Unless otherwise explicitly provided in this Agreement or an amendment to this agreement, bid revisions shall be submitted as follows:

B1. Power Transactions and Scheduling, Niagara Mohawk Power Corporation, Henry Clay Blvd., Liverpool, New York 13088, and to

B2. Company Representative,

Title: \_\_\_\_\_  
Company Niagara Mohawk Power Corporation  
Street \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_  
Zip \_\_\_\_\_

**C. Termination and All Other Notices**

Termination and all other notices shall be provided as follows:

If to the Company,

Director – Program and Policy Administration, Niagara Mohawk Power Corporation, 300 Erie Blvd. West, Syracuse, New York 13202.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 344  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation**  
**Day Ahead Demand Response Program Via Load Curtailment**  
**Form L11 (Continued)**

If to the Customer,

Title: \_\_\_\_\_  
Company \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_  
Zip \_\_\_\_\_

**11. Payments**

The Customer will continue to be billed for electric service under its existing terms and conditions of their service classification. The Company shall debit or credit the Customer's retail invoice as a line item adjustment to the invoices for the Billing Period that is immediately following the month in which the Company receives payment or penalty from the NYISO based upon actual metered information. All payments and penalties shall be subject to updates based on final true-ups performed by the NYISO.

**12. Accepted Bid Duration**

The duration of the Accepted Bid shall be determined by the NYISO.

**13. Frequency of Accepted Bids**

There is no limit on the number of times a Customer may be called upon to participate under this program, however, the Customer may modify their decremental bid by submitting a revised decremental bid form pursuant to Section 10B. Customers participating in the Direct Bidding Option as specified in Section 3B shall submit revised bids in accordance with the NYISO tariffs and procedures.

**14. Advance Notice of Accepted Bids**

With the exception of Customers participating in the Direct Bidding Option in accordance with Section 3B, the Company shall provide the Customer with notice of an Accepted Bid by 5:00 p.m. of the day immediately preceding the required curtailment for the Accepted Bid.

**15. Taxes**

All rates, charges, and fees, including any applicable adjustments within this Agreement, will be increased by a tax factor in accordance with Rule 32 of the Tariff. Sales taxes shall be applied, where applicable.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 345  
REVISION: 0  
SUPERSEDING REVISION:

**Niagara Mohawk Power Corporation**  
**Day Ahead Demand Response Program Via Load Curtailment**  
**Form L11 (Continued)**

**16. Release**

Customer agrees that, except for the payment of Incentive payments due and payable hereunder, as described in Paragraphs 1 and 5, the Company shall have no liability whatsoever to Customer, whether in contract, tort, tariff, or otherwise, in connection with this Agreement or the Company's performance hereunder, including, but not limited to, any action or inaction relating to the ISO, such as bidding or the submittal of Customer usage data and account number. Customer hereby releases the Company from any and all such liability.

In Witness Whereof, the Company and the Customer hereto have caused this Agreement to be executed as of the day and year first above written.

\_\_\_\_\_  
(the Customer)

Authorized By: \_\_\_\_\_

Title: \_\_\_\_\_

As a Representative of: \_\_\_\_\_

Date: \_\_\_\_\_

Niagara Mohawk Power Corporation  
(the Company)

Authorized By: \_\_\_\_\_

Title: \_\_\_\_\_

As a Representative of: \_\_\_\_\_

Niagara Mohawk Power Corporation

Date: \_\_\_\_\_

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 23, 2013

LEAF: 346  
REVISION: 1  
SUPERSEDING REVISION: 0

**GENERAL INFORMATION  
RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 23, 2013

LEAF: 347  
REVISION: 1  
SUPERSEDING REVISION: 0

**GENERAL INFORMATION  
RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 23, 2013

LEAF: 348  
REVISION: 1  
SUPERSEDING REVISION: 0

**GENERAL INFORMATION  
RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY

LEAF: 349

NIAGARA MOHAWK POWER CORPORATION

REVISION: 23

INITIAL EFFECTIVE DATE: JULY 1, 2023

SUPERSEDING REVISION: 22

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

SERVICE CLASSIFICATION NO. 1  
RESIDENTIAL AND FARM SERVICE

## APPLICABLE TO USE OF SERVICE FOR:

Single phase residential purposes, in an individual residence; and in an individual flat or individual apartment in a multiple family dwelling; residential purposes in a multiple occupancy building where not more than two individual flats, apartments or divided living spaces are available; residential purposes in a rooming house where not more than four rooms are available for rent; single or three phase service to any premise owned or leased by any not-for-profit corporation association or body organized and conducted in good faith for religious purposes and used primarily or principally in connection with such religious purposes as required by Public Service Law, Section 76 and Special Provision I of this Service Classification; single phase farm service when supplied through the farm residence meter; for single or three phase service primarily and principally in connection with a community residence as defined in the Mental Hygiene Law that are operated by a not-for-profit corporation and are either (1) a "supervised living facility" (as defined in the Mental Hygiene Law) providing 24-hour per day on-site supervision and living accommodations for 14 or fewer residents; or (2) a "supportive living facility" (as defined in the Mental Hygiene Law) providing supervised independent living without 24-hour per day on-site supervision; for posts and halls, owned or leased by a not-for-profit corporation that is a veterans' organization. Available throughout the Company's service area from existing circuits of adequate capacity and appropriate character. Written application may be required upon Company's prescribed forms.

## CHARACTER OF SERVICE:

Continuous. Single or three phase alternating current as specified in the "Applicable To Use of Service For" provision, above, approximately 60 Hz, at one standard secondary voltage approximately 120 volts 2 wire, 120/240 volts 3 wire, or 120/208 volts 3 wire single phase and approximately 120 volts 3 wire, 240 volts 3 wire, 120/208 volts 4 wire or 277/480 volts 4 wire three phase.

Religious: Continuous. Single or three phase alternating current as specified in the "Applicable To Use of Service For" provision, above, approximately 60 Hz.

## STANDARD TARIFF CHARGES:

Distribution Delivery Charges for all Load Zones:

Basic Service Charge	\$17.33
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Per kWh	\$0.07104
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(the per kWh charge above is inclusive of the SERVICE CLASS DEFERRAL CREDIT contained in Rule 58)

Company Supplied Electricity Supply Service Charges, per kWh

Company supplied Electricity Supply Service charges shall be set according to the market price of electricity determined in accordance with Rule 46.1, Electricity Supply Cost.

MONTHLY MINIMUM CHARGE:	\$17.33
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In accordance with Special Provision M of this service classification, customers participating in the Company's Energy Affordability Program will be eligible for a credit as stated in the Statement of Energy Affordability Credit ("EAC").



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2022

LEAF: 350  
REVISION: 20  
SUPERSEDING REVISION: 19

STAMPS: Issued in Compliance with Order in Case 17-E-0238 et al. issued June 17, 2022.

SERVICE CLASSIFICATION NO. 1 (Continued)

ADJUSTMENTS TO STANDARD TARIFF RATES AND CHARGES:

Customers served under this service classification may be subject to adjustments and applied in the manner described in each respective Rule.

Rule 32.2 - Municipal Undergrounding Surcharge  
Rule 40.1.8 - Value of Distributed Energy Resources' Customer Benefit Contribution Charge  
Rule 41 - System Benefits Charge  
Rule 42 - Merchant Function Charge  
Rule 43 - Transmission Revenue Adjustment  
Rule 45 - Non-Wires Alternative Surcharge  
Rule 46 - Supply Service Charges  
Rule 49 - Earnings Adjustment Mechanism  
Rule 50 - Reliability Support Services Surcharge  
Rule 52 - Electric Vehicle Make-Ready Surcharge  
Rule 57 - Revenue Decoupling Mechanism  
Rule 58 - Service Class Deferral Credit/Surcharge  
Rule 59 - Arrears Management Program (AMP)  
Rule 64 - Dynamic Load Management (DLM) Surcharge  
Rule 67 - Hydrogen Energy Transfer System Surcharge  
Rule 68 - Net Utility Plant and Depreciation Expense Reconciliation Mechanism Surcharge  
Rule 69 - Incremental New Efficiency: New York Costs Surcharge  
Rule 70 - Late Payment and Other Waived Fees (LPCO) Surcharge

INCREASE IN RATE AND CHARGES:

The charges under this Service Classification, including minimum charge, will be increased by a tax factor pursuant to Rule 32.

TERMS OF PAYMENT:

Bills are due and payable when rendered. Full payment must be received on or before the date shown on the bill to avoid a late payment charge pursuant to Rule 26.4.

TERM:

One month and continuously from month to month thereafter until permanently terminated on three days' notice to Company, or one year, and thereafter until terminated as provided in the written application for service.

SPECIAL PROVISIONS:

A. Service under this Service Classification is primarily intended for residential customers residing in individual dwelling units.

1. When minor professional or commercial operations are conducted within the individual dwelling unit, service under this Service Classification will be permitted providing all of the following three qualifications are met:

- a. The minor professional or commercial operations must be exclusively by the residential customer residing at the individual dwelling unit served. Use of the professional or commercial area by another professional person or persons in addition to the resident disqualifies the customer to receive Electric Service or Electricity Supply Service under this Service Classification.
- b. The area used by the minor professional or commercial operations does not exceed 50 percent of the total cubical content of the individual dwelling unit.
- c. Not more than two (2) rooms of any size are contained within the 50 percent cubical content of the area used for professional or commercial operations.

Residential customers having professional or commercial operations within an individual dwelling unit that do not meet all of the three qualifications must take service under the General Service Classification. Such customers, however, can elect to separate the electrical use between the residential area and the area used for professional or commercial operations and to have the Company set an additional meter. The meter used to measure the electrical use in the professional or commercial operations area will be billed under the General Service Classification.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024

LEAF: 351  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 1 (Continued)**

**SPECIAL PROVISIONS (CONT.)**

- B. Customers, in good standing, have the option with the consent of the Company of paying for service under the Company's Monthly Budget Plan. The plan covers up to twelve months billing and can be started at the customer's option either with the next bill or as of the last bill. If the customer starts budget billing as of the last bill, the last bill is canceled and rebilled under budget billing. The initial budget amount is based on an average of the preceding twelve months of actual and estimated energy related charges.

Monthly budget amounts are reviewed on a ongoing basis and may be changed, as needed, to produce level budget billings through the end of the budget period. The difference between the actual and billed charges will be maintained as a deferred balance. If the Customer decides to end involvement with the program or end service with the Company, the deferred balance will be settled or rolled over for all customers in the twelfth month.

Budget bills are due and payable. Full payment must be received on or before the date shown on the bill to avoid a late payment charge of one and one-half percent (1 1/2%) pursuant to Rule 26.4. If the customer fails to pay the monthly Budget Amount or upon discontinuance of service, the Monthly Budget Payment Plan will be canceled and any deficiency shall be due and payable at once, including any late payment charges assessed. Any overpayment shall be credited to the customer's account. The customer can cancel the plan at any time effective with the customer's next regularly scheduled billing.

The Company will make available a budget brochure explaining how the Monthly Budget Payment Plan works.

- C. Customers converting to electric space heating without complying with the Company's minimum insulation requirements, Rule 3.1.3.3, or found in non-compliance with the appropriate minimum insulation requirements for new dwellings contained in Rule 3.1.3.2 will be required to pay a surcharge of 25 percent of their total bill for electric service. Refer to Rule 3.1.3.2.5 or 3.1.3.3.4, Penalties for Non-Compliance, for the application of the surcharge.
- D. Quarterly Payment Plan - Effective November 29, 1985, as required by Public Service Law S38, the Company shall offer any residential customer, 62 years of age or older, a plan for payment on a quarterly basis of charges for service rendered provided that such customer's average annual billing is not more than \$150.
- E. Residential status will not begin earlier than the October, 1991, meter reading for customers eligible for service under this service classification based on the following applicability clause:

"residential purposes in a multiple occupancy building where not more than two individual flats, apartments or divided living spaces are available".

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 352  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 1 (Continued)**

**SPECIAL PROVISIONS (CONT.)**

- F. Net Energy Billing for Customers Operating Solar Electric Generating Equipment – In accordance with Public Service Law, Section 66-j, customers receiving their electric power requirements from the Company may deliver electricity to the Company generated by Solar Electric Generating Equipment and the Company shall offset such electricity received from the Customer against electricity supplied by the Company to the Customer at other times pursuant to Rule No. 36 of this tariff.
- G. The Income Eligible Basic Service Credit under this service Classification is available to customers who have been approved for a federal Home Energy Assistance Program (HEAP) grant. Enrollment will be limited to the funds available and may include limitations on availability such as a first-come, first-served policy. Once eligible it is the customer's responsibility to remain certified for HEAP in order to continue receiving the Income Eligible Basic Service Credit. The Income Eligible Basic Service Credit is transferable with the customer to other premises as long as the customer remains eligible for the Credit. The availability of the Low Income Basic Service Credit is dependent upon the terms and conditions, and implementation plans associated with Low Income Services as defined in the Public Service Commission approved Joint Proposal in PSC Case No. 01-M-0075 or any successor amendments.
- H. On-Site Generation Special Provision - Customers are obligated to certify, subject to the Company's approval, on-site generation (OSG) installations on the Company's Form G, Application For Electric Standby Service, and will be subject to the provisions of Service Classification No. 7 unless the customer has electrically isolated a portion of their load as defined in Rule 1.48 or has installed the OSG to be used exclusively as an Emergency Power System as defined in Rule 1.50.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 353  
REVISION: 0  
SUPERSEDING REVISION:

### **SERVICE CLASSIFICATION NO. 1 (Continued)**

#### **SPECIAL PROVISIONS (Cont.)**

- I. The residential rate is applicable to use of service for use predominantly or primarily in connection with religious purposes by corporations or associations organized and conducted in good faith for religious purposes, in accordance with Company policies and procedures.

**(1) RELIGIOUS PURPOSE**

The organization shall have a fundamental religious purpose and the property shall be used primarily in support of its purpose.

**(2) EVIDENCE OF ELIGIBILITY**

Qualifying religious organizations are eligible for the residential rate. In order to be a qualified religious organization, the organization shall submit evidence of eligibility, which may include any of the following: copies of articles of incorporation as religious corporations, charters, letters from recognized religious organizations, eligibility designations from the Internal Revenue Service and other documentation of the religious nature of the organization.

The Company shall not require proof of tax-exempt status as a condition for a religious organization or body to receive the rates under this service classification, although a tax-exempt certificate can be supplied and accepted as supplement to the customer's proof of eligibility. A Company representative(s) interview with the religious organization representative(s) or observations of the organization's activities may also supplement proof of eligibility.

**(3) RELIGIOUS AND NON-RELIGIOUS USE**

Electricity will not be supplied under this Service Classification unless the predominant use of the premises is to carry out religious purposes and or/is reasonably incidental to the religious purpose.

Where religious activities and/or activities which are reasonably incidental to the religious purpose take place in the same metered facility with, and share the same space with activities that are neither religious nor reasonably incidental to religious purposes, a predominant use calculation may be employed to determine whether the predominant use of this space is for religious (or reasonably incidental) purposes, as opposed to other purposes, and to determine the applicability of this rate.

- i. Where non-religious uses (meaning use which is neither for religious nor for reasonably incidental purposes) are found to predominate, and such uses can be physically segregated and separately metered and billed from the religious use, the portion of the premises involving religious uses will, provided the customer elects to make the necessary wiring changes that are the customer's responsibility, receive service under this Service Classification and the portion of the premises involving non-religious uses will receive service under the appropriate non-residential Service Classification.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 354  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 1 (Continued)**

**SPECIAL PROVISIONS (Cont.)**

- ii. Where non-religious uses predominate and such uses cannot be physically segregated and separately metered and billed, the entire premise will receive service under the appropriate non-residential Service Classification.

**(4) NON-QUALIFYING USES**

**Certain uses by religious organizations are typically not eligible for the residential rate, including but not limited to:**

- 1. Colleges or Universities
- 2. Nursing Schools or Medical Schools
- 3. Hospitals
- 4. Nursing and Adult Homes
- 5. Recreational Facilities, Health Clubs or Physical Fitness Facilities
- 6. Publication of Religious Literature and Supplies
- 7. Bookstores
- 8. Stores for Sale of Religious Articles or Sacramental Wines
- 9. Lodging Homes or Quarters, unless otherwise applicable under SC-1
- 10. Radio or Television Stations
- 11. Clothing Stores, Thrift Stores or Donation Centers
- 12. Separately Metered Child Care Facilities

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024

LEAF: 355  
REVISION: 19  
SUPERSEDING REVISION: 18

SERVICE CLASSIFICATION NO. 1 (Continued)

SPECIAL PROVISIONS (CONT.)

- J. Net Energy Billing for Certain Customers Operating Farm Waste Electric Generating Equipment - Customers who own or operate farm waste electric generating equipment located and used at the customer's "Farm Operation", as defined in Subdivision 11 of Section 301 of the Agriculture and Markets Law, may deliver electricity to the Company generated by the farm waste electric generating system and the Company shall offset such electricity received from the customer against electricity supplied by the Company to the customer at other times pursuant to Rule 36 of this Tariff.
- K. Net Energy Billing for Certain Customers Operating Wind Electric Generating Equipment – Residential and/or Farm Service Customers, who own or operate one or more wind electric generators located and used at the customer's residence or for a farm service customer on land used in agricultural production, as defined in subdivision four of Section 301 of the Agriculture and Markets Law and is also the location of the customer's primary residence, may deliver electricity to the Company generated by the wind electric generating system and the Company shall offset such electricity received from the customer against electricity supplied by the Company to the customer at other times pursuant to Rule 37 of this Tariff.
- L. Residential Optional Time of Use Delivery and Commodity Rate

(1) Customers served under the SC1 may elect to receive their delivery and commodity service based on the following time of use rate periods:

Super Peak: Summer (Jun-Jul-Aug) 2:00 p.m. to 6:00 p.m., weekdays only (excluding weekends and holidays)

On Peak: 7:00 a.m. to 11:00 p.m. all year round

Off Peak: 11:00 p.m. to 7:00 a.m. all year round

Distribution Delivery Rates per kWh:

Super Peak/On Peak \$0.08998

Off Peak \$0.01508

(the per kWh charge above is inclusive of the SERVICE CLASS DEFERRAL CREDIT contained in Rule 58)

All SC1 customers who voluntarily elect to receive service pursuant to this Special Provision L will be required to install the metering necessary to obtain this service at their Premise. Service under this Special Provision will be subject to the availability of adequate metering equipment.

Customers taking delivery and commodity service under this Special Provision L will also be subject to an incremental customer charge of \$3.11 per month. The incremental customer charge will be waived for customers who provide verification of a plug-in electric vehicle ("PEV") at the Premise, or for customers participating in the Company's Clifton Park Demand Reduction REV Demonstration Project.

Customers taking service under this Special Provision will be subject to the Standard Tariff Charges in accordance with this Service Classification.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

LEAF: 356  
REVISION: 5  
SUPERSEDING REVISION: 4

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

**SERVICE CLASSIFICATION NO. 1  
RESIDENTIAL AND FARM SERVICE**

**L. Residential Optional Time of Use Delivery and Commodity Rate (Continued)**

**TERM**

One year from commencement of service under this Special Provision and continuously from month to month thereafter until canceled upon written notice to the Company.

**(2) One Time Option for OWNERS OF PEV**

After the initial one year term, customers who received Supply Service from the Company and provided verification of a PEV at the Premise, will have a one-time option of receiving a comparison of 12 months of charges under this Special Provision L with what they would have paid under the SC1 standard tariff (excluding the new hedge adjustment component of the ESRM). If this comparison indicates the customer would have paid less on the SC1 standard tariff rate, the Company will provide the customer with a refund for the difference. At that time, the customer may choose to stay on this Special Provision L or move to the SC1 standard tariff.

- M. Energy Affordability Program:** Applicants for Energy Affordability Program (EAP) must be the customer of record and provide proof of current enrollment at the time of application in one of the following programs: Temporary Assistance for Needy Families (Family Assistance), Safety Net Assistance – Public Assistance, Supplemental Security Income (SSI), Medicaid, SNAP (Food Stamps), Low Income Home Energy Assistance Program (LIHEAP), Veteran’s Disability Pension, Veteran’s Surviving Spouse Pension, or Child Health Plus. In addition, a customer may also participate in EAP if they can provide documentation of proof of enrollment in the Federal Lifeline Program or any public assistance program that would qualify under the Federal Lifeline Program.

The tiers are described below:

Regular Emergency HEAP Payment, and/or Non-Utility HEAP Benefit	
Self-Identified and File Match	Tier 1
Regular HEAP Payment plus 1 add-on	Tier 2
Regular HEAP Payment plus 2 add-ons	Tier 3
DSS Direct Voucher/Guarantee	Tier 4

Customers will be enrolled into the program when the Company receives a HEAP benefit; when the customer is identified through the Office of Temporary and Disability Assistance (“OTDA”) non-utility file matching mechanism; when OTDA (DSS) notifies the Company that the customer is a recipient of Direct Voucher/Guarantee; or when a customer self identifies and provides documentation of a HEAP benefit paid to another vendor or utility and not matched through OTDA’s file matching.

Once enrolled, customers with no arrears will be automatically enrolled in the Company’s Monthly Budget Plan as set forth in Special Provision B of this service classification. Customers will be allowed to “opt out” of the Monthly Budget Plan.

The amount of each tier’s credit can be found on the Statement of Energy Affordability Credit (“EAC”). With the exception of the September 1, 2021 update, the Company will file on an annual basis, the Statement of Energy Affordability Credit on November 1<sup>st</sup> to become effective December 1<sup>st</sup>. In addition, any time the Company makes the first tariff compliance filing for a new rate plan, the Company will include an updated Statement of Energy Affordability Credit.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: MARCH 1, 2023  
 STAMPS: Issued in Compliance with Order in Case 18-E-0138, issued July 14, 2022.

LEAF: 356.1  
 REVISION: 2  
 SUPERSEDING REVISION: 1

SERVICE CLASSIFICATION NO. 1 (Continued)

SPECIAL PROVISIONS (CONT.)

N. Residential Electric Vehicle Charge Smart Plan ("EV Charge Smart Plan")

Residential customers under this service classification, with the exception of customers served under Special Provision L, Residential Optional Time of Use Delivery and Commodity Rate, may enroll in the EV Charge Smart Plan, which allows for a predetermined amount of off-peak charging of a customer's electric vehicle ("EV") at their residence for a fixed monthly charge. Enrolled customers must choose one of two tiers of maximum EV Off-peak charging per billing period, for EV charging performed at the customer's premise ("Customer's EV Off-peak Charging Tier"). The kWh levels available in the Customer's EV Off-peak Charging Tier, for each Tier level, will be specified in a statement filed by the Company with the PSC. The Off-peak period is 11:00 pm to 7:00 am daily year-round. The On-peak period is 7:00 am to 11:00 pm daily year-round.

1. The EV Charge Smart Plan customer will receive the charges and rebates specified in a) through c) below each billing period. The charges or rebates in a) and b) may be billed on the customer's next bill following the period upon which the charges or rebates are calculated.
  - a. EV Monthly Charge – the customer will pay a fixed EV Monthly Charge each billing period based on their selection of Tier 1 or Tier 2. The EV Monthly Charge will be determined by the Company on an annual basis, or whenever the Company's delivery rates change. The EV Monthly Charge for Tier 1 and Tier 2 is based on the sum of the following forecasted charge components:
    - 1) Incremental customer charge – a monthly fixed fee, determined by the Company, to recover costs associated with the Company's administration of the program.
    - 2) EV Off-peak Delivery Charge – the product of i) the forecasted SC1VTOU Off-peak delivery rate, as specified in Special Provision L of SC1 and as applicable to the annual period of the EV Monthly Charge, and ii) the kWh design limit specific to the Customer's EV Off-peak Charging Tier. The kWh design limits for Tier 1 and Tier 2 ("Tier Design Limit") may be different than the kWh levels available in the Customer's EV Off-peak Charging Tier and will be specified in a statement filed by the Company with the PSC.
    - 3) Systems Benefits Charge – the product of i) the forecasted SBC, as specified in Rule 42 and as applicable to the annual period of the EV Monthly Charge, and ii) the Tier Design Limit for the Customer's EV Off-peak Charging Tier.
    - 4) SC1 Supply Off-peak Charge – the product of i) the Company's forecasted average SC1 off-peak supply rate, as applicable to the annual period of the EV Monthly Charge and excluding the New Hedge Adjustment, as specified in Rule 46.3.1, and ii) the Tier Design Limit for the Customer's EV Off-peak Charging Tier.
    - 5) Clean Energy Standard Supply ("CESS") Charge – the product of i) the Company's forecasted CESS rate, as specified in Rule 46.3.5, and as applicable to the annual period of the EV Monthly Charge, and ii) the Tier Design Limit for the Customer's EV Off-peak Charging Tier.
    - 6) Merchant Function Charge ("MFC") – the product of i) the Company's forecasted MFC rate applicable to SC1 customers, as specified in Rule 42, and as applicable to the annual period of the EV Monthly Charge, and ii) the Tier Design Limit for the Customer's EV Off-peak Charging Tier.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2023  
STAMPS: Issued in Compliance with Order in Case 18-E-0138, issued July 14, 2022.

LEAF: 356.2  
REVISION: 1  
SUPERSEDING REVISION: 0

SERVICE CLASSIFICATION NO. 1 (Continued)

SPECIAL PROVISIONS (CONT.)

N. Residential Electric Vehicle Charge Smart Plan ("EV Charge Smart Plan") (Continued)

The Company will calculate the EV Monthly Charge in separate delivery and supply components with the delivery components included as 1) through 3) above, and the supply components as 4) through 6) above. In the event a customer elects to take supply service from an alternate supplier, per Rule 39, the EV Monthly Charge billed to the customer under this program will only include the delivery components.

- b. EV On-peak Charge and EV Off-peak Rebate – the customer will be subject to an EV On-peak Charge and an EV Off-peak Rebate as specified below:
  - 1) EV On-peak Charge – The sum of the following components:
    - a) The product of i) the customer's EV On-peak kWh usage and ii) the difference between the applicable SC1VTOU On-peak delivery rate, as specified in Special Provision L of SC1, and the applicable SC1 delivery rate; and
    - b) The product of i) the customer's EV On-peak kWh usage and ii) the difference between the forecasted SC1 average On-peak supply rate, as used in the calculation of the EV Monthly Charge specified above, and the Company filed SC1 supply rate specific to the customer's load zone and the period of the customer's EV On-peak kWh usage measurement. In the event the customer's EV On-peak kWh usage is measured on a calendar month basis, the rates applicable to the same calendar month will be used in the calculation.
  - 2) EV Off-peak Rebate – The product of i) the minimum of the customer's EV Off-peak kWh usage and the Customer's EV Off-peak Charging Tier usage limit; and ii) -1 multiplied by the sum of the customer's volumetric (per kWh) rates applicable to the customer, inclusive of delivery, supply, and any associated surcharges, specific to the customer's load zone and the period of the customer's EV usage measurement. In the event the customer's EV usage is measured on a calendar month basis, the rates applicable to the same calendar month will be used in the calculation.

The Company will separate the EV On-peak Charge and the EV Off-peak Rebate into delivery and supply components for billing. In the event a customer elects to take supply service from an alternate supplier, per Rule 39, the EV On-peak Charge and the EV Off-peak Rebate provided to the customer will only include the delivery components.

The Company will file a rate statement that will specify the Tier 1 and Tier 2 EV Monthly Charges (for delivery and supply), and the forecasted SC1 average On-peak supply rate to be used in the EV On-peak Charge calculation. The statement will be filed with the PSC annually when delivery rates change, or more often as needed to reflect updated supply forecasts, with at least 30-day notice prior to the effective date.

- c. SC1 Charges – the customer will be billed all charges applicable to SC1 customers for the usage measured at the Company's meter, inclusive of EV charging usage. The customer will also be charged any non-volumetric charges applicable to an SC1 customer.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2023

LEAF: 356.3  
REVISION: 1  
SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 18-E-0138, issued July 14, 2022.

SERVICE CLASSIFICATION NO. 1 (Continued)

SPECIAL PROVISIONS (CONT.)

N. Residential Electric Vehicle Charge Smart Plan ("EV Charge Smart Plan") (Continued)

2. The customer's EV On-peak and EV Off-peak usage will be measured using a qualifying networked charger installation at the customer's premise or a qualifying electric vehicle. Installation and maintenance of qualifying devices, associated equipment including telecommunications necessary for billing, and onboard metering to obtain accurate and timely readings of EV charging data will be the responsibility of the customer and at the customer's expense. Qualifying electric vehicles must have the necessary telematics enabled to allow access to or receipt of the necessary EV usage data for billing by the Company.
3. Customers must complete the Company's enrollment process at least 30 days prior to the customer's first billing under this program. A completed enrollment process will include the customer's election of Tier 1 or Tier 2 for their off-peak charging and the customer having a fully installed eligible EV charger, or eligible vehicle. The customer's first bill under this program will begin with the customer's next full billing period following the 30-day period, unless otherwise mutually agreed to by the Company and the customer.
4. Customers may unenroll from the program at any time, effective with the customer's next full billing period; provided, however, customers who receive an enrollment incentive from the Company, if available, will be required to stay enrolled for at least three months before being eligible to unenroll. Failure to adhere to EV Charge Smart Plan requirements, including maintaining equipment and telecommunications necessary for billing, may result in the customer being removed from participation in the EV Charge Smart Plan and returned to their otherwise applicable rate.
5. The customer may modify their election of Tier 1 or Tier 2 with 30-day notice to the Company. The Company will begin billing using the modified Tier election in the first full billing period following the 30-day notice.
6. The EV Monthly Charges, the EV On-peak Charges, and the EV Off-peak Rebates will be included as actual billed revenue in their applicable surcharge reconciliation mechanisms performed by the Company.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 357  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 1-B  
RESIDENTIAL AND FARM SERVICE - OPTIONAL LARGE TIME OF USE RATE**

**CANCELED**

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 358  
 REVISION: 0  
 SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 1-C  
 RESIDENTIAL AND FARM SERVICE - OPTIONAL LARGE TIME OF USE RATE**

**APPLICABLE TO USE OF SERVICE FOR:**

Single or three phase residential purposes at the option of customers who would otherwise be served under Service Classification No. 1 of this Schedule. For use to 1) an individual residence, a flat or apartment in a multiple family dwelling; 2) residential purposes in a multiple occupancy building where not more than two individual flats, apartments or divided living spaces are available; 3) residential purposes in a roominghouse where not more than four rooms are available for rent; 4) farm service when supplied through the farm residence meter; 5) single or three phase service to any premise owned or leased by any not-for-profit corporation association or body organized and conducted in good faith for religious purposes and used primarily or principally in connection with such religious purposes as required by Public Service Law, Section 76 and Special Provision E of this Service Classification; 6) use primarily and principally in connection with a community residence as defined in the Mental Hygiene Law that are operated by a not-for-profit corporation and are either (1) a "supervised living facility" (as defined in the Mental Hygiene Law) providing 24-hour per day on-site supervision and living accommodations for 14 or fewer residents; or (b) a "supportive living facility" (as defined in the Mental Hygiene Law) providing supervised independent living without 24-hour per day on-site supervision; for posts and halls, owned or leased by a not-for-profit corporation that is a veterans' organization. Available throughout the Company's service area from existing circuits of adequate capacity and appropriate character. Subject to the availability of suitable metering equipment and continuous Company access to such equipment, including bimonthly access to the meter to record usage. Written application upon the Company's prescribed forms may be required.

**CHARACTER OF SERVICE:**

Continuous. Single or three phase alternating current as specified in the "APPLICABLE TO USE OF SERVICE FOR" provision above, approximately 60 Hz, at one standard secondary voltage ranging from 120 through 480 volts. Company will indicate the voltage and type of service available and appropriate for the customer's requirements.

**RATE PERIODS:**

Winter (December, January, February)

On Peak:	5:00 p.m. to 8:00 p.m., weekdays
Shoulder Peak:	9:00 a.m. to 5:00 p.m., weekdays
Off Peak:	8:00 p.m. to 9:00 a.m., weekdays
	All hours, weekends
Christmas and New Year's are defined as off peak.	

Summer (June, July, August)

On Peak:	11:00 a.m. to 5:00 p.m., weekdays
Shoulder Peak:	8:00 a.m., to 11:00 a.m. and 5:00 p.m., to 8:00 p.m., weekdays
Off Peak:	8:00 p.m. to 8:00 a.m., weekdays
	All hours, weekends
Independence Day is defined as off-peak.	

Off-Season (March, April, May, September, October, November)

Off-Season:	All hours of all days
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PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2023

LEAF: 359  
REVISION: 34  
SUPERSEDING REVISION: 33

STAMPS: Issued in Compliance with Order Case 20-E-0380 issued January 20, 2022.

SERVICE CLASSIFICATION NO. 1-C (Continued)

STANDARD TARIFF CHARGES:

Distribution Delivery Charges for all Load Zones:

Basic Service Charge, for all Load Zones:	\$30.62
Per kWh:	\$0.03795

(the per kWh charge above is inclusive of the SERVICE CLASS DEFERRAL CREDIT contained in Rule 58)

Company Supplied Electricity Supply Service Charges, per kWh:

Company supplied Electricity Supply Service ("ESS") charges shall be set according to the market price of electricity determined in accordance with Rule 46.1, Electricity Supply Service. Effective September 1, 2006, ESS charges shall be calculated as the daily class load shaped thirty-day weighted average market price for each Rate Period defined above, except that the Summer Off-Peak, Winter Off-Peak and/or Off-Season Rate Periods shall be considered one Rate Period for this purpose.

MONTHLY MINIMUM CHARGE: \$30.62

In accordance with Special Provision M of this service classification, customers participating in the Company's Energy Affordability Program will be eligible for a credit as stated in the Statement of Energy Affordability Credit ("EAC").

ADJUSTMENTS TO STANDARD CHARGES:

Customers served under this service classification may be subject to adjustments and applied in the manners described in each respective Rule.

Rule 32.2 - Municipal Undergrounding Surcharge  
Rule 40.1.8 - Value of Distributed Energy Resources' Customer Benefit Contribution Charge  
Rule 41 - System Benefits Charge  
Rule 42 - Merchant Function Charge  
Rule 43 - Transmission Revenue Adjustment  
Rule 45 - Non-Wire Alternative Surcharge  
Rule 46 - Supply Service Charges  
Rule 49 - Earnings Adjustment Mechanism  
Rule 50 - Reliability Support Services Surcharge  
Rule 52 - Electric Vehicle Make-Ready Surcharge  
Rule 57 - Revenue Decoupling Mechanism  
Rule 58 - Service Class Deferral Credit/Surcharge  
Rule 59 - Arrears Management Program (AMP)  
Rule 64 - Dynamic Load Management (DLM) Surcharge  
Rule 67 - Hydrogen Energy Transfer System Surcharge  
Rule 68 - Net Utility Plant and Depreciation Expense Reconciliation Mechanism Surcharge  
Rule 69 - Incremental New Efficiency: New York Costs Surcharge  
Rule 70 - Late Payment and Other Waived Fees (LPCO) Surcharge

INCREASE IN CHARGES:

The charges under this Service Classification, including the minimum charge, will be increased by a tax factor pursuant to Rule 32.

TERM:

One year from commencement of service under Service Classification No. 1-C and continuously from month to month thereafter until canceled upon written notice to the Company.

TERMS OF PAYMENT:

Bills are due and payable when rendered. Full payment must be received on or before the date shown on the bill to avoid a late payment charge pursuant to Rule 26.4.

Issued by Rudolph L. Wynter, President, Syracuse, NY

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 360  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 1-C (Continued)**

**SPECIAL PROVISIONS:**

- A. Service under this Service Classification is primarily intended for residential customers residing in individual dwelling units.
1. When minor professional or commercial operations are conducted within the individual dwelling units, service under this Service Classification will be permitted providing all of the following three qualifications are met:
- a. The minor professional or commercial operations must be exclusively by the residential customer residing at the individual dwelling unit served. Use of the professional or commercial area by another professional person or persons in addition to the resident disqualifies the customer to receive Electric Service or Electricity Supply Service under this Service Classification.
  - b. The area used by the minor professional or commercial operations does not exceed 50 percent of the total cubical content of the individual dwelling unit.
  - c. Not more than two (2) rooms of any size are contained within the 50 percent cubical content of the area used for professional or commercial operations.

Residential customers having professional or commercial operations within an individual dwelling unit that do not meet all of the three qualifications must take service under the General Service Classification. Such customers however, can elect to separate the electrical use between the residential area and the area used for professional or commercial operations and to have the Company set an additional meter. The meter used to measure the electrical use in the professional or commercial operations area will be billed under the General Service Classification.

Residential status will not begin earlier than the October, 1991, meter reading for customers eligible for service under this service classification based on the following applicability clause:

"residential purposes in a multiple occupancy building where not more than two individual flats, apartments or divided living spaces are available".

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024

LEAF: 361  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 1-C (Continued)**

**SPECIAL PROVISIONS: (Cont.)**

- B. Customers, in good standing, have the option, with the consent of the Company, of paying for service under the Company's Monthly Budget Plan. The plan covers up to twelve months billing and can be started at the customer's option either with the next bill or as of the last bill. If the customer starts budget billing as of the last bill, the last bill is canceled and is rebilled under budget billing. The initial budget amount is based on an average of the preceding twelve months of actual and estimated energy related charges.

Monthly budget amounts are reviewed on an ongoing basis and may be changed, as needed, to produce level budget billings through the end of the budget period. The difference between the actual and billed charges will be maintained as a deferred balance. If the Customer decides to end involvement with the program or end service with the Company, the deferred balance will be settled or rolled over for all customers in the twelfth month.

Budget bills are due and payable when rendered. Full payment must be received on or before the date shown on the bill to avoid a late payment charge of one and one-half percent (1 1/2%) pursuant to Rule 26.4. If the customer fails to pay the monthly Budget Amount of upon discontinuance of service, the Monthly Budget Payment Plan will be canceled and any deficiency shall be due and payable at once, including any late payment charges assessed. Any overpayment shall be credited to the customer's account. The customer can cancel the plan at any time effective with the customer's next regularly scheduled billing.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 15, 2016

LEAF: 362  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 1-C (Continued)**

**SPECIAL PROVISIONS: (Cont.)**

- C. Net Energy Billing for Customers Operating Solar Electric Generating Equipment– In accordance with Public Service Law, Section 66-j, customers receiving their electric power requirements from the Company may deliver electricity to the Company generated by Solar Electric Generating Equipment and the Company shall offset such electricity received from the Customer against electricity supplied by the Company to the Customer at other times pursuant to Rule No. 36 of this tariff.

Time of Use customers have the option of using either a single bi-directional time of use meter or, two time of use meters, the second meter at the customer's expense, for the purpose of recording peak and off-peak on-site kWh production. An existing time of use net metering customers taking service before May 29, 2005 may opt for the above metering options and will be responsible for the incremental costs incurred by the Company for these metering options. Customers choosing the option of time of use meters must comply with the provisions of Rule No. 25.1.2 of this Tariff.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 15, 2016

LEAF: 363  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 1-C (Continued)**

RESERVED FOR FUTURE USE

Effective date postponed to 04/25/2016. See Supplement No. 41.

Issued by Kenneth D. Daly, President, Syracuse, NY

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 15, 2016

LEAF: 364  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 1-C (Continued)**

RESERVED FOR FUTURE USE

Effective date postponed to 04/25/2016. See Supplement No. 41.

Issued by Kenneth D. Daly, President, Syracuse, NY

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 15, 2016

LEAF: 365  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 1-C (Continued)**

RESERVED FOR FUTURE USE

Effective date postponed to 04/25/2016. See Supplement No. 41.

Issued by Kenneth D. Daly, President, Syracuse, NY

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 366  
REVISION: 0  
SUPERSEDING REVISION:

### SERVICE CLASSIFICATION NO. 1-C (Continued)

#### SPECIAL PROVISIONS (CONT.)

- D. The Income Eligible Basic Service Credit under this service Classification is available to customers who have been approved for a federal Home Energy Assistance Program (HEAP) grant. Enrollment will be limited to the funds available and may include limitations on availability such as a first-come, first-served policy. Once eligible it is the customer's responsibility to remain certified for HEAP in order to continue receiving the Income Eligible Basic Service Credit. The Income Eligible Basic Service Credit is transferable with the customer to other premises as long as the customer remains eligible for the Credit. The availability of the Low Income Basic Service Credit is dependent upon the terms and conditions, and implementation plans associated with Low Income Services as defined in the Public Service Commission approved Joint Proposal in PSC Case No. 01-M-0075 or any successor amendments.
- E. The residential rate is applicable to use of service for use predominantly or primarily in connection with religious purposes by corporations or associations organized and conducted in good faith for religious purposes, in accordance with Company policies and procedures.

**(1) RELIGIOUS PURPOSE**

The organization shall have a fundamental religious purpose and the property shall be used primarily in support of its purpose.

**(2) EVIDENCE OF ELIGIBILITY**

Qualifying religious organizations are eligible for the residential rate. In order to be a qualified religious organization, the organization shall submit evidence of eligibility, which may include any of the following: copies of articles of incorporation as religious corporations, charters, letters from recognized religious organizations, eligibility designations from the Internal Revenue Service and other documentation of the religious nature of the organization.

The Company shall not require proof of tax-exempt status as a condition for a religious organization or body to receive the rates under this service classification, although a tax-exempt certificate can be supplied and accepted as supplement to the customer's proof of eligibility. A Company representative(s) interview with the religious organization representative(s) or observations of the organization's activities may also supplement proof of eligibility.

**(3) RELIGIOUS AND NON-RELIGIOUS USE**

Electricity will not be supplied under this Service Classification unless the predominant use of the premises is to carry out religious purposes and or/is reasonably incidental to the religious purpose.

Where religious activities and/or activities which are reasonably incidental to the religious purpose take place in the same metered facility with, and share the same space with activities that are neither religious nor reasonably incidental to religious purposes, a predominant use calculation may be employed to determine whether the predominant use of this space is for religious (or reasonably incidental) purposes, as opposed to other purposes, and to determine the applicability of this rate.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 367  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 1-C (Continued)**

**SPECIAL PROVISIONS (CONT.)**

- i. Where non-religious uses (meaning use which is neither for religious nor for reasonably incidental purposes) are found to predominate, and such uses can be physically segregated and separately metered and billed from the religious use, the portion of the premises involving religious uses will, provided the customer elects to make the necessary wiring changes that are the customer's responsibility, receive service under this Service Classification and the portion of the premises involving non-religious uses will receive service under the appropriate non-residential Service Classification.
- ii. Where non-religious uses predominate and such uses cannot be physically segregated and separately metered and billed, the entire premise will receive service under the appropriate non-residential Service Classification.

**(4) NON-QUALIFYING USES**

**Certain uses by religious organizations are typically not eligible for the residential rate, including but not limited to:**

1. Colleges or Universities
2. Nursing Schools or Medical Schools
3. Hospitals
4. Nursing and Adult Homes
5. Recreational Facilities, Health Clubs or Physical Fitness Facilities
6. Publication of Religious Literature and Supplies
7. Bookstores
8. Stores for Sale of Religious Articles or Sacramental Wines
9. Lodging Homes or Quarters, unless otherwise applicable under SC-1
10. Radio or Television Stations
11. Clothing Stores, Thrift Stores or Donation Centers
12. Separately Metered Child Care Facilities

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024

LEAF: 368  
REVISION: 5  
SUPERSEDING REVISION: 4

**SERVICE CLASSIFICATION NO. 1-C (Continued)**

**SPECIAL PROVISIONS (Continued)**

**F. On-Site Generation Special Provision**

Customers are obligated to certify, subject to the Company's approval, on-site generation (OSG) installations on the Company's Form G, Application For Electric Standby Service, and will be subject to the provisions of Service Classification No. 7 unless the customer has electrically isolated a portion of their load as defined in Rule 1.48 or has installed the OSG to be used exclusively as an Emergency Power System as defined in Rule 1.50

- G. Net Energy Billing for Certain Customers Operating Farm Waste Electric Generating Equipment -**  
Customers who own or operate farm waste electric generating equipment located and used at the customer's "Farm Operation", as defined in Subdivision 11 of Section 301 of the Agriculture and Markets Law, may deliver electricity to the Company generated by the farm waste electric generating system and the Company shall offset such electricity received from the customer against electricity supplied by the Company to the customer at other times pursuant to Rule No. 36 of this Tariff.

- H. Net Energy Billing for Certain Customers Operating Wind Electric Generating Equipment -**  
Residential and/or Farm Service Customers, who own or operate one or more wind electric generators located and used at the customer's residence or for a farm service customer on land used in agricultural production, as defined in subdivision four of Section 301 of the Agriculture and Markets Law and is also the location of the customer's primary residence, may deliver electricity to the Company generated by the wind electric generating system and the Company shall offset such electricity received from the customer against electricity supplied by the Company to the customer at other times pursuant to Rule No. 37 of this Tariff.

PSC NO: 220 ELECTRICITY

LEAF: 368.1

NIAGARA MOHAWK POWER CORPORATION

REVISION: 1

INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

**SERVICE CLASSIFICATION NO. 1-C (Continued)****SPECIAL PROVISIONS (Continued)****I. Energy Affordability Program-**

Applicants for Energy Affordability Program (EAP) must be the customer of record and provide proof of current enrollment at the time of application in one of the following programs: Temporary Assistance for Needy Families (Family Assistance), Safety Net Assistance – Public Assistance, Supplemental Security Income (SSI), Medicaid, SNAP (Food Stamps), Low Income Home Energy Assistance Program (LIHEAP), Veteran's Disability Pension, Veteran's Surviving Spouse Pension or Child Health Plus. In addition, a customer may also participate in EAP if they can provide documentation of proof of enrollment in the Federal Lifeline Program or any public assistance program that would qualify under the Federal Lifeline Program

The tiers are described below:

Regular Emergency HEAP Payment, and/or Non-Utility HEAP Benefit

Self-Identified and File Match	Tier 1
Regular HEAP Payment plus 1 add-on	Tier 2
Regular HEAP Payment plus 2 add-ons	Tier 3
DSS Direct Voucher/Guarantee	Tier 4

Customers will be enrolled into the program when the Company receives a HEAP benefit; when the customer is identified through the Office of Temporary and Disability Assistance (“OTDA”) non-utility file matching mechanism; when OTDA (DSS) notifies the Company that the customer is a recipient of Direct Voucher/Guarantee; or when a customer self identifies and provides documentation of a HEAP benefit paid to another vendor or utility and not matched through OTDA’s file matching.

Once enrolled, customers with no arrears will be automatically enrolled in the Company’s Monthly Budget Plan as set forth in Special Provision B of this service classification. Customers will be allowed to “opt out” of the Monthly Budget Plan.

The amount of each tier’s credit can be found on the Statement of Energy Affordability Credit (“EAC”). With the exception of the September 1, 2021 update, the Company will file on an annual basis, the Statement of Energy Affordability Credit on November 1<sup>st</sup> to become effective December 1<sup>st</sup>. In addition, any time the Company makes the first tariff compliance filing for a new rate plan, the Company will include an updated Statement of Energy Affordability Credit.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 369  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 1H  
RESIDENTIAL AND FARM SERVICE OPTIONAL RATE**

**CANCELED**



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2023  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 370  
REVISION: 23  
SUPERSEDING REVISION: 22

SERVICE CLASSIFICATION NO. 2  
SMALL GENERAL SERVICE

APPLICABLE TO USE OF SERVICE FOR:

All purposes required by customer on the premises for which no other service classification is specifically provided and where such entire requirements are delivered at one point and singly metered at the delivery voltage (except as provided in Special Provision C). A customer once served under this service classification shall remain on this service classification until the monthly measured demand exceeds 100 kW for twelve consecutive months following the initial term of service, except as provided in Special Provision I, whereupon service may be taken under another appropriate service classification. Available throughout the Company's service area from existing circuits of adequate capacity and appropriate character.

APPLICATION FOR SERVICE

Written application on the Company's prescribed Form A or Form C may be required, however, failure to execute a Form A or Form C Contract does not exempt the customer from paying all rates and charges provided herein. All riders, whenever applicable, shall be attached to the required form. When accepted by the Company, such application shall constitute an agreement for service hereunder.

CHARACTER OF SERVICE:

Continuous. Single or three phase alternating current, approximately 60 Hz, at one standard secondary voltage ranging from 120 to 480 volts or at a higher standard voltage, if available and requested by customer. Company will indicate the voltage and type of service available and appropriate for the customer's requirements.

The rates and charges presented below are applicable to customers subject to either Market Rate Service or Standard Rate Service as described in Rule 48 of this Schedule.

STANDARD TARIFF CHARGES FOR UNMETERED DEMAND SERVICE:

Distribution Delivery Rates and Charges for all Load Zones:

Basic Service Charge: \$21.02

Basic Service Charge: \$24.13  
Special Provision O  
(Effective June 1, 2012)

per kWh \$0.08035

(the per kWh charge above is inclusive of the SERVICE CLASS DEFERRAL CREDIT contained in Rule 58)

Company supplied Electricity Supply Service Charges, per kWh:

Company supplied Electricity Supply Service charges shall be set according to the market price of electricity determined in accordance with Rule 46.1, Electricity Supply Cost.

MONTHLY MINIMUM CHARGE: \$21.02

MONTHLY MINIMUM CHARGE:  
Special Provision O \$24.13

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: JULY 1, 2023  
 STAMPS: Issued in Compliance with Order in Case 20-E-0380 issued January 20, 2022.

LEAF: 371  
 REVISION: 32  
 SUPERSEDING REVISION: 31

### SERVICE CLASSIFICATION NO. 2 (Continued)

#### STANDARD TARIFF CHARGES FOR METERED DEMAND SERVICE:

Distribution Delivery Rates and Charges for all Load Zones:

Basic Service Charge	\$53.57
Basic Service Charge Special Provision P	\$78.28
Distribution Delivery Charges, per kW:	\$14.01

(the per kW charge above is inclusive of the SERVICE CLASS DEFERRAL CREDIT contained in Rule 58)

Company supplied Electricity Supply Service Charges, per kWh:

Company supplied Electricity Supply Service charges shall be set according to the market price of electricity determined in accordance with Rule 46.1, Electricity Supply Cost. Electricity Supply Cost Customers subject to Special Provision P will be billed for Electricity Supply Service in accordance with Rule 46.1.3.

MONTHLY MINIMUM CHARGE: \$67.58

MONTHLY MINIMUM CHARGE:  
Special Provision P \$92.29

#### ADJUSTMENTS TO STANDARD TARIFF CHARGES:

Customers served under this service classification may be subject to adjustments and applied in the manner described in each respective Rule.

Rule 32.2 - Municipal Undergrounding Surcharge  
 Rule 40.1.8 - Value of Distributed Energy Resources' Customer Benefit Contribution Charge  
 Rule 41 - System Benefits Charge  
 Rule 42 - Merchant Function Charge  
 Rule 43 - Transmission Revenue Adjustment  
 Rule 45 - Non-Wires Alternative Surcharge  
 Rule 46 - Supply Service Charges  
 Rule 49 - Earnings Adjustment Mechanism  
 Rule 50 - Reliability Support Services Surcharge  
 Rule 52 - Electric Vehicle Make-Ready Surcharge  
 Rule 57 - Revenue Decoupling Mechanism  
 Rule 58 - Service Class Deferral Credit/Surcharge  
 Rule 59 - Arrears Management Program (AMP)  
 Rule 64 - Dynamic Load Management (DLM) Surcharge  
 Rule 67 - Hydrogen Energy Transfer System Surcharge  
 Rule 68 - Net Utility Plant and Depreciation Expense Reconciliation Mechanism Surcharge  
 Rule 69 - Incremental New Efficiency: New York Costs Surcharge  
 Rule 70 - Late Payment and Other Waived Fees (LPCO) Surcharge

#### INCREASE IN RATES AND CHARGES:

The rates and charges under this Service Classification, including minimum charge, will be increased by a tax factor pursuant to Rule 32.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 372  
REVISION: 5  
SUPERSEDING REVISION: 3

INITIAL EFFECTIVE DATE: JULY 1, 2022  
STAMPS: Issued in Compliance with Order in Case 17-E-0238 et al. issued June 17, 2022

SERVICE CLASSIFICATION NO. 2 (Continued)

**DETERMINATION OF DEMAND:**

A. A demand meter shall be installed whenever the monthly energy consumption for any four consecutive months of a customer exceeds 2000 kWh per month or whenever the connected load of customer indicates that the energy consumption will exceed 2000 kWh per month. A demand meter, once installed, shall not be removed until after the energy consumption has been less than 2000 kWh per month for twelve consecutive months, which requirement may not be avoided by temporarily terminating service.

B. The Distribution Delivery demand shall be the highest average kW measured in a fifteen-minute interval during the billing period, but not less than one kW nor less than the demand contracted for.

**TERMS OF PAYMENT:**

Bills are due and payable when rendered. Full payment must be received on or before the date shown on the bill to avoid a late payment charge of one and one-half percent (1 1/2%) pursuant to Rule 26.4.

**TERM:**

One month and continuously from month to month thereafter until permanently terminated on three days' notice to Company, or one year and thereafter until terminated as provided in the written application for service.

**SPECIAL PROVISIONS:**

- A. Whenever metered service presents safety or environmental risks and/or is inappropriate for the specific application, the Company, in its sole discretion, shall offer unmetered service provided the total load and operating schedule is pre-determined where, the kWh use can be computed and not measured.
- B. At the sole discretion of the Company, ancillary devices having individually assigned small electric load energy consumption characteristics, authorized as licensed attachments per the terms and conditions of a separate, mutually executed Attachment Agreement, and using single-phase, secondary service voltage sourced directly from the Company's electric distribution system or indirectly using an alternate electric distribution source may be billed unmetered under this rate. Ancillary device unmetered energy consumption, determined as kWh, shall be determined based upon the device manufacturer's specified individual maximum wattage, operating on a constant 24 hour-7 day per week schedule. The billable unmetered energy consumption of devices interconnected to form a complete operating attachment device assembly at a single location shall be determined as the cumulative maximum wattage of all individual devices. Billing of ancillary device service will be assigned to and made the responsibility of the primary customer of record that is obtaining service from the electric distribution system referred to as direct service. The service to an ancillary device or device assembly will require the installation of a Company approved disconnect device and the appropriate electrical circuit grounding. The Company's electric service responsibilities associated with ancillary device service will be consistent with the service quality and reliability provided to outdoor lighting service consistent with the Company's scheduled service response. Unauthorized devices will be considered the responsibility of the primary customer of record from which the service used by the device is provided and shall be managed and/or terminated in compliance with the applicable provisions of the tariff or Attachment Agreement. Unmetered service under this provision may be terminated by any responsible party per the applicable provisions of this tariff or the terms and conditions of the Attachment Agreement provided written notice is issued to all parties no less than 30 days prior to termination.

PSC NO: 220 ELECTRICITY

LEAF: 372.1

NIAGARA MOHAWK POWER CORPORATION

REVISION: 1

INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

SUPERSEDING REVISION:

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

**SERVICE CLASSIFICATION NO. 2 (Continued)**

- C. The meter readings of one single phase and one three phase three wire supply for service to a single customer at a single location may be combined.
- D. Whenever taking of service is measured at secondary voltage metered energy will be billed without adjustment, and whenever taking of service is measured at primary voltage, metered energy will be decreased by three percent. Whenever Company does not have to supply and maintain a transformer or transformers for such service there shall be a discount of ninety cents per kW per month for each kW of billed demand, applicable to the demand charge stated under RATE APPLICABLE TO METERED DEMAND SERVICE.
- E. RESERVED FOR FUTURE USE
- F. Customers who meet certain eligibility requirements have the option of paying for service under the Company's voluntary Monthly Budget Payment Plan.
  - 1. Obligation to offer - At least once in each 12 month period, the Company will provide a written notice offering its levelized payment plan, which is designed to reduce fluctuations in payments caused by seasonal patterns of consumption, to all eligible customers.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 373  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 2 (Continued)**

**SPECIAL PROVISIONS: (Continued)**

F. (Continued)

2. Eligibility - The Company is required to offer a budget payment plan to all customers except:
  - a. Customers who have less than 12 months of billing history at the premises;
  - b. Seasonal, short-term or temporary customers;
  - c. Customers who have arrears;
  - d. Interruptible, temperature-controlled, or dual-fuel customers;
  - e. Customers who, for any reason, ceased being billed on a previous budget plan before the end of the plan year in the past 24 months; or
  - f. Customers whose pattern of consumption is not sufficiently predictable to be estimated on an annual basis with any reasonable degree of certainty.
3. Company Procedure - The Company has established a written procedure and billing system to implement these rules, which procedure:
  - a. Sets forth the method for establishing an eligible customer's monthly budget payment amount which is based on the sum of historic annual charges plus the customer's deferred balance divided by twelve (12).
  - b. Sets forth the method for comparing the actual cost of service rendered, as determined by actual meter readings, to the budget amount, and for adjusting upwards or downwards the budget payment amount to minimize the adjustment required on the final settlement bill. The budget payment amount can be further adjusted to reflect known or anticipated changes.
  - c. Provides that during the month of the scheduled settlement, the difference between the cost of service actually used and the amount paid during the plan period (deferred balance) will be rolled over into the next plan year or will be settled at the customer's option.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 374  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 2 (continued)**

**SPECIAL PROVISIONS: (continued)**

F. (continued)

4. Terms of Payment - Budget bills are due and payable when rendered. Full payment must be received on or before the date shown on the bill to avoid a late payment charge of one and one-half percent 1 1/2% pursuant to Rule 26.4.
5. Removal from Budget Plan -
  - a. A customer may request that the Company remove the customer from the budget plan and reinstate regular billing at any time, in which case the Company may immediately render a final budget settlement bill, and shall do so no later than by the time of the next cycle bill that is rendered more than 10 business days after the request.
  - b. The Company may remove a customer from the budget plan if the customer becomes ineligible under Rule F.2.
  - c. If the customer becomes delinquent for the first time in any twelve month period, the Company will provide the customer with the opportunity to become current in payment prior to cancellation from the budget plan. The second, or subsequent, time delinquency occurs in any twelve month period, the Company shall cancel the budget plan and any deficiency shall be due and payable at once, including any late payment charges assessed.
  - d. If the customer has an active payment arrangement with the Company and defaults on the payment arrangement, both the budget and payment arrangement will be automatically canceled on the first month of the delinquency.

G. Submetering may be available under certain conditions as contained in Rule 8 of the General Information Section of this Schedule.

H. Customers supplying electric service to end-use residential customers in multi-family structures that convert to electric heating without complying with the Company's minimum insulation requirements, Rule 3.1.2.3, or found in non-compliance with the appropriate minimum insulation requirements for new dwelling contained in Rule 3, will be required to pay a surcharge of 25 percent of their total bill for electric service. Refer to Rule 3.1.2.2.5 or 3.1.2.3.4, Penalties for Non-Compliance, for the application of the surcharge.

I. Customers whose measured demand exceeds 100 kW for twelve consecutive months will remain on this service classification only if their average monthly load characteristics (sum of twelve monthly metered energies divided by the sum of the twelve monthly metered demands) indicate less than 150 hours use.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMPS: Issued in Compliance with Order of PSC in Case 12-E-0201 issued March 15, 2013

LEAF: 375  
REVISION: 10  
SUPERSEDING REVISION: 8

**SERVICE CLASSIFICATION NO. 2 (continued)**

**SPECIAL PROVISIONS: (continued)**

**J. VETERANS ORGANIZATIONAL OPTIONAL TIME-OF-USE RATES (CANCELED)**

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMPS: Issued in Compliance with Order of PSC in Case 12-E-0201 issued March 15, 2013

LEAF: 376  
REVISION: 9  
SUPERSEDING REVISION: 7

**SERVICE CLASSIFICATION NO. 2 (continued)**

**SPECIAL PROVISIONS: (continued)**

**J. VETERANS ORGANIZATIONAL OPTIONAL TIME-OF-USE RATES (CANCELED)**

RESERVED FOR FUTURE USE



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024

LEAF: 377  
REVISION: 2  
SUPERSEDING REVISION: 1

**SERVICE CLASSIFICATION NO. 2 (Continued)**

**SPECIAL PROVISIONS: (continued)**

**L. On-Site Generation Special Provision**

Customers are obligated to certify, subject to the Company's approval, on-site generation (OSG) installations on the Company's Form G, Application For Electric Standby Service, and will be subject to the provisions of Service Classification No. 7 unless the customer has electrically isolated a portion of their load as defined in Rule 1.48 or has installed the OSG to be used exclusively as an Emergency Power System as defined in Rule 1.50.

Customers served under SC-2D with a contract demand less than 50 kW shall have the option to remain on the SC-2D standard service classification.

- M. Net Energy Billing for Certain Customers Operating Solar and Farm Waste Electric Generating Equipment** - Customers who own or operate Solar Electric Generating Equipment located and used at its premises or Farm Waste Electric Generating Equipment located and used at the customer's "Farm Operation", as defined in Subdivision 11 of Section 301 of the Agriculture and Markets Law, may deliver electricity to the Company generated by the solar or farm waste electric generating system and the Company shall offset such electricity received from the customer against electricity supplied by the Company to the customer at other times pursuant to Rule No. 36 of this Tariff.

Qualifying demand customers will continue to pay applicable actual demand charges consumed in that billing period. However, the Company will not adjust this demand charge to reflect demand ratchets or monthly demand minimums that might be applied to a standard tariff.

- N. Net Energy Billing for Certain Customers Operating Wind Electric Generating Equipment** – Residential, farm service, and non-residential customers, who own or operate Wind Electric Generating Equipment may deliver electricity to the Company generated by the wind electric generating system and the Company shall offset such electricity received from the customer against electricity supplied by the Company to the customer at other times pursuant to Rule No. 37 of this Tariff.

Qualifying demand customers will continue to pay applicable actual demand charges consumed in that billing period. However, the Company will not adjust this demand charge to reflect demand ratchets or monthly demand minimums that might be applied to a standard tariff.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

LEAF: 377.1  
REVISION: 4  
SUPERSEDING REVISION: 2

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

**SERVICE CLASSIFICATION NO. 2 (CONTINUED)**

**O. SC2 Non-Demand Optional Time of Use Rate (Effective June 1, 2012)**

Customers served under SC2 Non-Demand may elect to receive their Electricity Supply Service based on the following time of use rate periods:

**RATE PERIODS:**

On Peak: 12:00 p.m. to 8:00 p.m., weekdays, except holidays\*

Shoulder Peak: 7:00 a.m. to 12:00 p.m. and 8:00 p.m. to 10:00 p.m., weekdays, except holidays

Off Peak: 10:00 p.m. to 7:00 a.m., weekdays  
All hours, weekends and holidays

\* Holidays are per Rule 1.89; defined as: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

All SC2 Non-Demand customers who voluntarily elect this Special Provision will be required to install the required metering necessary to obtain this service at their Premise. Service under this Special Provision will be subject to the availability of adequate metering equipment.

Customers taking Electricity Supply Service under this Special Provision will also be subject to an incremental customer charge of \$3.11/mo.

Customers taking service under this Special Provision will be subject to the Standard Tariff Charges for Unmetered Demand Service in accordance with this Service Classification.

**TERM:**

One year from commencement of service under this Special Provision and continuously from month to month thereafter until canceled upon written notice to the Company.

PSC NO: 220 ELECTRICITY

LEAF: 377.2

NIAGARA MOHAWK POWER CORPORATION

REVISION: 2

INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

**SERVICE CLASSIFICATION NO. 2 (Continued)****P. Voluntary Hourly Priced Electricity Supply Service for SC2D Customers (Effective June 1, 2013):**

Commencing June 1, 2013, customers served under this Service Classification may elect to be billed for Electricity Supply Service based on their actual hourly usage. Customers electing this Special Provision will be billed at hourly day-ahead market prices as described in Rule 46.1.3 herein.

All customers regardless of electricity supplier who voluntarily elect hourly pricing under this Special Provision will be required to install an interval meter at the Customer Premises and will be subject to an incremental customer charge of \$24.71/month.

Service under this Special Provision will be subject to the availability of adequate metering equipment to serve Customers voluntarily electing hourly pricing.

Customers taking service under this Special Provision will be subject to the Standard Tariff Charges in accordance with this Service Classification.

**TERM:**

One year from commencement of service under this Special Provision and continuously from month to month thereafter until canceled upon written notice to the Company.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012

LEAF: 378  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 3  
LARGE GENERAL SERVICE**

**APPLICABLE TO USE OF SERVICE FOR:**

All purposes required by customer on the premises where such entire requirements are delivered at one Retail Delivery Point and singly metered with respect to the delivery voltage, and when the monthly measured demand has equaled or exceeded 100 kW in each of the previous twelve months or when in the Company's opinion the applicant's demand will equal or exceed 100 kW in twelve consecutive months. A customer once served under this service classification shall remain on this service classification until the monthly measured demand has been less than 100 kW for twelve consecutive months following the initial Term of Service, whereupon service may be taken under the otherwise applicable service classification. Available throughout the Company's service area from existing circuits of adequate capacity and appropriate character.

**APPLICATION FOR SERVICE:**

The Company may require the customer to submit a written application for service on the Company's prescribed Form C, with all applicable riders attached, however, the customer's failure to submit a Form C application does not exempt the customer from paying all rates and charges, and terms and conditions provided herein. When accepted by the Company, such application shall constitute an agreement for the provision of service hereunder.

**CHARACTER OF SERVICE:**

Continuous. Single or three phase alternating current, approximately 60 Hz, at one standard secondary voltage, or a primary distribution voltage or a transmission voltage. Company will specify the voltage and type of service available and appropriate for the customer's requirements.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: JULY 1, 2023  
 STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 379  
 REVISION: 26  
 SUPERSEDING REVISION: 25

### SERVICE CLASSIFICATION NO. 3 (Continued)

#### MONTHLY RATE:

	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Customer Charge:				
Distribution Delivery	\$675.00	\$700.00	\$1,150.00	\$1,150.00
Distribution Delivery (Special Provision L)	\$699.71	\$724.71	\$1,174.71	\$1,174.71
Effective June 1, 2013 (Special Provision N)	\$699.71	\$724.71	\$1,174.71	\$1,174.71

#### Plus Demand Charges:

Distribution Delivery  
 Charges, Per kW

Minimum Demand Charges: For first 40 or less kW of Demand:

<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
\$466.40	\$424.80	\$130.80	\$130.80

Additional Demand Charges: Per kW of Demand for all kW of Demand over 40:

<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60kV</u>
\$11.66	\$10.62	\$3.27	\$3.27

(the per kW charge above is inclusive of the SERVICE CLASS DEFERRAL CREDIT contained in Rule 58)

#### Plus Reactive Demand Charges:

All Delivery Voltages: \$0.85 for each RkVA of lagging reactive demand.

#### Company Supplied Electricity Supply Service Charges, per kWh:

All customers, except customers subject to Special Provision L and Special Provision N (effective June 1, 2013) herein, will be billed for Electricity Supply Service in accordance with Rule 46.1.2 of the tariff. Customers subject to Special Provision L and Special Provision N (effective June 1, 2013) will be billed for Electricity Supply Service in accordance with Rule 46.1.3.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012

LEAF: 380  
REVISION: 5  
SUPERSEDING REVISION: 4

**SERVICE CLASSIFICATION NO. 3 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 381  
REVISION: 20

INITIAL EFFECTIVE DATE: JULY 1, 2022

SUPERSEDING REVISION: 19

STAMPS: Issued in Compliance with Order in Case 17-E-0238 et al. issued June 17, 2022.

### SERVICE CLASSIFICATION NO. 3 (Continued)

#### MONTHLY MINIMUM CHARGE:

The monthly minimum charge is the charge computed under MONTHLY RATE, the demand being determined in accordance with the provisions included under Determination of Demand.

#### ADJUSTMENTS TO STANDARD RATES AND CHARGES:

Customers served under this service classification may be subject to adjustments and applied in the manner described in each respective Rule.

Rule 32.2 - Municipal Undergrounding Surcharge  
Rule 41 - System Benefits Charges  
Rule 43 - Transmission Revenue Adjustment  
Rule 42 - Merchant Function Charge  
Rule 45 - Non-Wires Alternative Surcharge  
Rule 46 - Supply Service Charges  
Rule 49 - Earnings Adjustment Mechanism  
Rule 50 - Reliability Support Services Surcharge  
Rule 52 - Electric Vehicle Make-Ready Surcharge  
Rule 57 - Revenue Decoupling Mechanism  
Rule 58 - Service Class Deferral Credit/Surcharge  
Rule 59 - Arrears Management Program (AMP)  
Rule 64 - Dynamic Load Management (DLM) Surcharge  
Rule 67 - Hydrogen Energy Transfer System Surcharge  
Rule 68 - Net Utility Plant and Depreciation Expense Reconciliation Mechanism Surcharge  
Rule 69 - Incremental New Efficiency: New York Costs Surcharge  
Rule 70 - Late Payment and Other Waived Fees (LPCO) Surcharge  
INCREASE IN RATES AND CHARGES:

The rates and charges under this service classification, including System Benefits Charge and minimum charge, will be increased by a tax factor pursuant to Rule 32.

#### DETERMINATION OF DEMAND:

- A. The Distribution Delivery demand for delivery voltage up to 2.2 kV and 2.2-15 kV shall be based on the highest kW measured over any fifteen minute interval during the month, but not less than one-half of the highest such demand occurring during any of the preceding eleven months, nor less than the demand contracted for.
- B. The Distribution Delivery demand for delivery voltage 22-50 kV and Over 60 kV, shall be the highest kW measured over any fifteen minute interval during the month, but not less than the demand specified for.
- C. The Reactive Demand shall be based on the highest RkVA of lagging reactive demand measured over a fifteen minute interval during the month less one-third of the highest kW demand measured during the month. The Reactive Demand shall be determined:
1. when a customer's demand has exceeded 500 kW for three consecutive months for service rendered before May 1, 2010; or
  2. when a customer's demand has exceeded 500 kW in any two of the previous twelve months for service rendered on and after May 1, 2010; or
  3. when the connected load of the customer indicates that the kW demand may normally exceed 500 kW.

Reactive Demand determination shall continue until the demand has been less than 500 kW for twelve consecutive months.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: NOVEMBER 1, 2009

LEAF: 382  
REVISION: 1  
SUPERSEDING REVISION: 0

STAMPE: Issued in Compliance with Order in Case No. 08-E-0751 issued September 22, 2009.

### **SERVICE CLASSIFICATION NO. 3 (Continued)**

#### **HIGH VOLTAGE DELIVERY**

When a customer provides the high voltage equipment to accept a service voltage higher than 2.2 kV, the service voltage will be the Company's incoming line voltage. When the Company provides all or part of the high voltage equipment, the service voltage will be the secondary voltage of the Company's transformers.

#### **TERMS OF PAYMENT:**

Bills are due and payable when rendered. Full payment must be received on or before the date shown on the bill to avoid a late payment charge of one and one-half percent (1 ½%) pursuant to Rule 26.4.

#### **TERM:**

One year from commencement of service under this service classification or under a service classification superseded by this service classification and continuously thereafter until cancelled by the customer upon ninety days' prior written notice to the Company. Cancellation by the customer followed by a resumption of service at the same location within one year shall not modify in any way the Determination of Demand as above provided.

When the amount of investment by the Company or other conditions of service are such as to warrant, the Company may, with the permission of the Public Service Commission, require that the initial Term be longer than one year and for successive one year Terms thereafter until cancelled effective at the expiration of the initial Term, or of succeeding one year Terms, by the customer giving ninety days' prior written notice to the Company.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: AUGUST 1, 2021  
STAMPS: Issued in Compliance with Order issued July 19, 2021 in Case 21-E-0084

LEAF: 383  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 3 (Continued)**

**SPECIAL PROVISIONS:**

- A. **Combined Metering:** When the Company, pursuant to Rule 25.1.4.3, has provided Electric Service at the customer's single location through more than one Retail Delivery Point, the quantities derived from all necessary meters will be combined for billing purposes in accordance with the provisions of Rule 25.1.4.3 upon the execution of the rider for Combined Metering and Billing, attached to Form C.
- B. **Metering Voltage:** When a customer provides the high voltage equipment to accept a service voltage higher than 2,200 volts, the Electric Service voltage will be the Company's incoming line voltage. When the Company provides all or part of the high voltage equipment, the service voltage will be the secondary of the Company's transformers. When service is metered at a voltage either higher or lower than the voltage of delivery, metered quantities will be adjusted for billing as provided in Rule 25.4.
- C. Canceled
- D. **Riders:** Service taken under this service classification may be eligible for a limited-duration bill reduction treatment as described in Rule 34, Economic Development Programs.
- E. **Budget Plan:** Customers who meet certain eligibility requirements have the option of paying for service under the Company's voluntary Monthly Budget Payment Plan.
  - 1. **Obligation to offer –** At least once in each 12-month period, the Company will provide a written notice offering its levelized payment plan, which is designed to reduce fluctuations in payments caused by seasonal patterns of consumption, to all eligible customers.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 384  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 3 (Continued)**

**SPECIAL PROVISIONS: (continued)**

E. (continued)

2. Eligibility - The Company is required to offer a budget payment plan to all customers except:
  - a. Customers who have less than 12 months of billing history at the premises;
  - b. Seasonal, short-term or temporary customers;
  - c. Customers who have payment arrears;
  - d. Interruptible, temperature-controlled, or dual-fuel customers;
  - e. Customers who, for any reason, ceased being billed on a previous budget plan before the end of the plan year in the past 24 months; or
  - f. Customers whose pattern of consumption is not sufficiently predictable to be estimated on an annual basis with any reasonable degree of certainty in the Company's sole judgement.
3. Company Procedure - The Company has established a written procedure and billing system to implement these rules, which procedure:
  - a. Sets forth the method for establishing an eligible customer's monthly budget payment amount which is based on the sum of historic annual charges plus the customer's deferred balance divided by twelve (12).
  - b. Sets forth the method for comparing the actual cost of service rendered, as determined by actual meter readings, to the budget amount, and for adjusting upwards or downwards the budget payment amount to minimize the adjustment required on the final settlement bill. The budget amount can be further adjusted to reflect known or anticipated changes.
  - c. Provides that during the month of the scheduled settlement, the difference between the cost of service actually used and the amount paid during the plan period (deferred balance) will be rolled over into the next plan year or will be settled at the customer's option.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

Leaf: 385  
REVISION: 0  
SUPERSEDING REVISION:

### **SERVICE CLASSIFICATION NO. 3 (Continued)**

#### **SPECIAL PROVISIONS: (continued)**

##### **E. (Continued)**

4. Terms of Payment - Budget bills are due and payable when rendered. Full payment must be received on or before the date shown on the bill to avoid a late payment charge of one and one-half percent (1 1/2%) pursuant to Rule 26.4.

##### **5. Removal from Budget Plan -**

- a. A customer may request that the Company remove the customer from the budget plan and reinstate regular billing at any time, in which case the Company may immediately render a final budget settlement bill, and shall do so no later than by the time of the next cycle bill that is rendered more than 10 business days after the request.
- b. The Company may remove a customer from the budget plan if the customer becomes ineligible under Rule E.2 of the section.
- c. If the customer becomes delinquent for the first time in any twelve month period, the Company will provide the customer with the opportunity to become current in payment prior to cancellation from the budget plan. The second, or subsequent, time delinquency occurs in any twelve month period, the Company shall cancel the budget plan and any deficiency shall be due and payable at once, including any late payment charges assessed.
- d. If the customer has an active payment arrangement with the Company and defaults on the payment arrangement, both the budget and payment arrangement will be automatically canceled on the first month of the delinquency.

##### **F. On-Site Generation Special Provision**

Customers are obligated to certify, subject to the Company's approval, on-site generation (OSG) installations on the Company's Form G, Application For Electric Standby Service, and will be subject to the provisions of Service Classification No. 7 unless the customer has electrically isolated a portion of their load as defined in Rule 1.48 or has installed the OSG to be used exclusively as an Emergency Power System as defined in Rule 1.50.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION

LEAF: 386

REVISION: 2

INITIAL EFFECTIVE DATE: APRIL 1, 2018

SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

SERVICE CLASSIFICATION NO. 3 (Continued)

SPECIAL PROVISIONS: (continued)

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024

LEAF: 387  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 3 (Continued)**

**SPECIAL PROVISIONS: (continued)**

- I. For customers who operate a generator in excess of 25 MVA or greater and install automatic voltage control (AVC) at their facilities, reactive demand charges shall be waived, within the parameters defined by the Company during the period in which such AVC is operating and maintained in good working order. The Company will not waive start-up reactive demand charges. The initial parameters will be determined by the Company and may be changed subject to system conditions and location of the generating unit. The waiver is subject to the Company's rights to review and approve the customer's AVC system and review its operation and performance for compliance with the system requirements.
- J. Net Energy Billing for Certain Customers Operating Solar or Farm Waste Electric Generating Equipment - Customers who own or operate Solar Electric Generating Equipment located and used at its premises or Farm Waste Electric Generating Equipment located and used at the customer's "Farm Operation", as defined in Subdivision 11 of Section 301 of the Agriculture and Markets Law, may deliver electricity to the Company generated by the solar or farm waste electric generating system and the Company shall offset such electricity received from the customer against electricity supplied by the Company to the customer at other times pursuant to Rule No. 36 of this Tariff.

Qualifying demand customers will continue to pay applicable actual demand charges consumed in that billing period. However, the Company will not adjust this demand charge to reflect demand ratchets or monthly demand minimums that might be applied to a standard tariff.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 12, 2015

LEAF: 388  
REVISION: 4  
SUPERSEDING REVISION: 3

**SERVICE CLASSIFICATION NO. 3 (Continued)**

**SPECIAL PROVISIONS: (continued)**

K. Canceled

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 389  
REVISION: 5  
SUPERSEDING REVISION: 3

**SERVICE CLASSIFICATION NO. 3 (Continued)**

**SPECIAL PROVISIONS: (continued)**

**L. Electricity Supply Service for Customers 250 kW or Greater:**

All customers (except those customers with an existing contract under Service Classification No. 12, receiving an allocation of NYPA power, or taking service under Rule 34.3 Empire Zone Rider as of May 31, 2013), regardless of voltage level or electricity supplier, with a demand of 250 kW or greater for six (6) consecutive months in the twelve (12) month period ending December 31, 2010 will be billed for electricity supply service based on their actual hourly usage.

Customers who enter into contracts under Service Classification No. 12, receive an allocation of NYPA power, or take service under Rule 34.3 Empire Zone Rider beginning December 31, 2010 through May 31, 2013 must request in writing at least 30 days prior to June 1, 2013 to be exempt from billing for electricity supply service based on their actual hourly usage.

Customers who meet this size requirement and who have an existing contract under Service Classification No. 12, who receive an allocation of NYPA power, or who take service under Rule 34.3 Empire Zone Rider as of May 31, 2010 for 250 kW will be billed for electricity supply service based on their actual hourly usage upon expiration of their contract or allocation or Empire Zone Rider or if they elect to be billed for commodity based on their actual hourly usage prior to the expiration of their contract or allocation or Empire Zone Rider.

All Customers who become eligible for hourly commodity billing will continue to be billed for electricity supply based on their actual hourly usage even if their demand falls below 250 kW

Customers served under this Special Provision L and who take electricity supply service from the Company will be billed at hourly day-ahead market prices as described in Rule 46 herein.

All Customers regardless of voltage level or electricity supplier, who meet the size requirement described above beginning December 31, 2010 will be required to install an interval meter at the Customer Premises and will be subject to an incremental customer charge of \$24.71/mo., except Service Classification No. 12 customers who have existing contracts that preclude pricing adjustments. Service Classification No. 12 customers will be subject to the foregoing incremental customer charge only when their contract expires or if they elect to hourly commodity billing prior to contract expiration.

**M. Net Energy Billing for Certain Customers Operating Wind Electric Generating Equipment –**  
Residential, farm service, and non-residential customers, who own or operate Wind Electric Generating Equipment may deliver electricity to the Company generated by the wind electric generating system and the Company shall offset such electricity received from the customer against electricity supplied by the Company to the customer at other times pursuant to Rule No. 37 of this Tariff.

Qualifying demand customers will continue to pay applicable actual demand charges consumed in that billing period. However, the Company will not adjust this demand charge to reflect demand ratchets or monthly demand minimums that might be applied to a standard tariff.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 389.1  
REVISION: 2  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 3 (Continued)**

**N. Voluntary Electricity Supply Service for SC3 Customers Below 250 kW (Effective June 1, 2013):**

Commencing June 1, 2013, customers served under this Service Classification with usage below 250 kW may elect to be billed for Electricity Supply Service based on their actual hourly usage. Customers electing this Special Provision will be billed at hourly day-ahead market prices as described in Rule 46.1.3 herein.

All customers regardless of electricity supplier who voluntarily elect hourly pricing under this Special Provision will be required to install an interval meter at the Customer Premises and will be subject to an incremental customer charge of \$24.71/month.

Service under this Special Provision will be subject to the availability of adequate metering equipment to serve Customers voluntarily electing hourly pricing.

Customers taking service under this Special Provision will be subject to the Standard Tariff Charges in accordance with this Service Classification.

**TERM:**

One year from commencement of service under this Special Provision and continuously from month to month thereafter until canceled upon written notice to the Company.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 390  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 3A  
LARGE GENERAL SERVICE - TIME OF USE RATE**

**APPLICABLE TO USE OF SERVICE FOR:**

Service shall be available throughout the Company's service area from existing circuits of adequate capacity and appropriate character. Service shall be provided for all purposes required by a customer on the premises, inclusive of retail transmission, distribution and Electric Service, where such entire requirements are delivered at one Retail Delivery Point and singly metered with respect to the delivery voltage, and according to the following requirements below:

**FOR CUSTOMERS SERVED UNDER SC-3A BEFORE SEPTEMBER 1, 1998**

When the monthly demand has exceeded 2,000 kW in any two consecutive months of the previous twelve months, or whenever in the Company's opinion the applicant's demand will exceed 2,000 kW in any two consecutive months. A customer once served under this service classification shall remain on this service classification until the monthly measured demand has been 1,500 kW or less for twelve consecutive months following the initial Term of Service, whereupon service may be taken under another appropriate service classification.

**FOR CUSTOMERS SERVED UNDER SC-3A AFTER SEPTEMBER 1, 1998**

When the monthly measured demand has exceeded 2,000 kW in any six consecutive months of the previous twelve months, or whenever in the Company's opinion the applicant's demand will exceed 2,000 kW in any six consecutive months. A customer once served under this service classification shall remain on this service classification until the monthly measured demand has been 1,800 kW or less for six consecutive months following the initial Term of Service, whereupon service shall be taken under the otherwise applicable service classification.

**APPLICATION FOR SERVICE:**

The Company may require the customer to submit a written application for service on the Company's prescribed Form C, with all applicable riders attached, however, the customer's failure to submit a Form C application does not exempt the Customer from paying all rates and charges, and terms and conditions provided herein. When accepted by the Company, such application shall constitute an agreement for the provision of service hereunder.

**CHARACTER OF SERVICE:**

Continuous. Single or three phase alternating current, approximately 60 Hz, at one standard secondary voltage, or a primary distribution voltage or a transmission voltage. Company will indicate the voltage and type of service available and appropriate for the customer's requirements.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: JULY 1, 2023  
 STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 391  
 REVISION: 23  
 SUPERSEDING REVISION: 22

SERVICE CLASSIFICATION NO. 3A (Continued)

Maximum demand shall be determined as the highest demand measured in the billing period. In the event the billing period consists of less than 27 days or more than 35 days, the maximum demand shall be prorated on the basis of the number of elapsed days divided by 30.

RATE PERIODS

On-peak hours are defined as the hours between 8:00 a.m. and 10:00 p.m., Monday through Friday, except for the following holidays when such holiday falls on other than a Saturday or a Sunday; New Year's Day Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

All other hours are defined as off-peak.

CHARGES:	<u>Delivery Voltage</u>			
	<u>Up to 2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Customer Charges:				
Distribution Delivery	\$3,000.00	\$3,000.00	\$3,700.00	\$7,500.00
Plus Demand Charges:				
Distribution Delivery				
Charges; per kW:	\$11.84	\$11.84	\$4.12	\$4.20

(the per kW charge above is inclusive of the SERVICE CLASS DEFERRAL CREDIT contained in Rule 58)

PLUS REACTIVE DEMAND CHARGES:

All Delivery Voltages: \$1.02 Per kilovolt-ampere of lagging Reactive Demand

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2022  
STAMPS: Issued in Compliance with Order in Case 17-E-0238 et al. issued June 17, 2022.

LEAF: 392  
REVISION: 20  
SUPERSEDING REVISION: 19

SERVICE CLASSIFICATION NO. 3A (Continued)

Company Supplied Electricity Supply Service Charges: Company supplied Electricity Supply Service Charges shall be set on an hourly basis according to the market price of electricity determined in accordance with Rule 46.1, Electricity Supply Cost.

ADJUSTMENTS TO STANDARD RATES AND CHARGES:

Customers served under this service classification may be subject to adjustments and applied in the manner described in each respective Rule.

Rule 32.2 - Municipal Undergrounding Surcharge  
Rule 41 - System Benefits Charges  
Rule 42 - Merchant Function Charge  
Rule 43 - Transmission Revenue Adjustment  
Rule 45 - Non-Wires Alternative Surcharge  
Rule 46 - Supply Service Charges  
Rule 49 - Earnings Adjustment Mechanism  
Rule 50 - Reliability Support Services Surcharge  
Rule 52 - Electric Vehicle Make-Ready Surcharge  
Rule 58 - Service Class Deferral Credit/Surcharge  
Rule 57 - Revenue Decoupling Mechanism  
Rule 59 - Arrears Management Program (AMP)  
Rule 64 - Dynamic Load Management (DLM) Surcharge  
Rule 67 - Hydrogen Energy Transfer System Surcharge  
Rule 68 - Net Utility Plant and Depreciation Expense Reconciliation Mechanism Surcharge  
Rule 69 - Incremental New Efficiency: New York Costs Surcharge  
Rule 70 – Late Payment and Other Waived Fees (LPCO) Surcharge

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 15, 2016

LEAF: 393  
REVISION: 3  
SUPERSEDING REVISION: 2

**SERVICE CLASSIFICATION NO. 3A (Continued)**

**INCREASE IN RATES AND CHARGES:**

The rates and charges under this service classification, including System Benefits Charge, will be increased by a tax factor pursuant to Rule 32.

**DETERMINATION OF DEMAND:**

**Distribution Delivery Charges:**

**Delivery voltage below 22 kV:**

The Distribution Delivery Charges, for delivery voltage up to 2.2 kV and 2.2-15 kV, shall be determined utilizing the highest demand measured over any fifteen minute interval during the month, but not less than one-half of the highest such demand occurring during any of the preceding eleven months, nor less than the demand contracted for in Form C.

**Delivery voltage above 22 kV**

The Distribution Delivery Charges for delivery voltage 22-50 kV and over 60 kV, shall be determined utilizing the highest demand measured over any fifteen minute interval during the month, but not less than the demand contracted for in Form C.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012

LEAF: 394  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 3A (Continued)**

**CUSTOMERS PREVIOUSLY SERVED UNDER SERVICE CLASSIFICATION NO. 3**

For customers served under Service Classification No. 3 in the twelve months prior to September 1, 1998, the initial demand contracted for in Form C under this service classification for Distribution Delivery Charges shall be no less than the lesser of one-half of the highest demand measured over a fifteen minute interval during any of the most recent twelve months or 1800 kW.

**Reactive Demand:**

The Reactive Demand shall be the highest average RkVA of lagging reactive demand measured over a fifteen minute interval during the month less one-third of the highest kW demand measured during the month.

Unless otherwise specified in this Special Provision, all other terms, conditions and surcharges as set forth in this Service Classification shall apply.

**BILLING PERIOD:**

The rates and charges contained in this service classification are based upon a monthly billing period. A monthly billing period is defined as any period consisting of not less than 25 days and not more than 35 days. Bills for shorter or longer periods than defined herein shall be prorated on the basis of the number of elapsed days divided by 30.

**TERMS OF PAYMENT:**

Bills are due and payable when rendered. Full payment must be received on or before the date shown on the bill to avoid a late payment charge of one and one-half percent (1 1/2%) pursuant to Rule 26.4.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: AUGUST 1, 2021  
STAMPS: Issued in Compliance with Order issued July 19, 2021 in Case 21-E-0084

LEAF: 395  
REVISION: 6  
SUPERSEDING REVISION: 5

**SERVICE CLASSIFICATION NO. 3A (Continued)**

**TERM:**

Except as otherwise provided herein, the Term under this service classification shall be one year from commencement of service and continuously thereafter until permanently canceled by customer upon ninety days' prior written notice to the Company. Cancellation by customer followed by resumption of service at the same location within one year shall not modify in any way the Determination of Demand as above provided. When the amount of an investment by the Company or other conditions of the service are such as to warrant, the Company may, with the permission of Public Service Commission, require that the initial term be longer than one year and for successive one year terms thereafter until canceled effective at the expiration of the initial Term, or of any succeeding one year Term, by customer giving ninety days' prior written notice to Company.

**SPECIAL PROVISIONS:**

- A. **Combined Metering and Billing:** When the Company, pursuant to Rule 25.1.4.3, has provided Electric Service at the customer's single location through more than one Retail Delivery Point, the quantities derived from all necessary meters will be combined for billing purposes in accordance with the provisions of such rule upon the execution of the rider for Combined Metering and Billing attached to Form C.
- B. **Metering Voltage:** When a customer provides the high voltage equipment to accept a service voltage higher than 2,200 volts, the Electric Service voltage will be the Company's incoming line voltage. When the Company provides all or part of the high voltage equipment, the service voltage will be the secondary voltage of the Company's transformers. When service is metered at a voltage either higher or lower than the voltage of delivery, metered quantities will be adjusted for billing as provided in Rule 25.4.
- C. **Riders:** Service taken under this service classification may be eligible for a limited-duration bill reduction treatment as described in Rule 34, Economic Development Programs.
- D. RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 1, 2024

LEAF: 396  
REVISION: 2  
SUPERSEDING REVISION: 1

### SERVICE CLASSIFICATION NO. 3A (Continued)

#### SPECIAL PROVISIONS (Continued)

- E. **On-Site Generation Special Provision** - Customers are obligated to certify, subject to the Company's approval, on-site generation (OSG) installations on the Company's Form G, Application for Electric Standby Service, and will be subject to the provisions of Service Classification No. 7 unless the customer has electrically isolated a portion of their load as defined in Rule 1.48 or has installed the OSG to be used exclusively as an Emergency Power System as defined in Rule 1.50.
- F. Retail Access: Customers served in this Rate Classification are eligible to participate in the Retail Access Program in accordance with Rule 39, Retail Access Program.
- G. For customers who operate a generator in excess of 25 MVA or greater and install automatic voltage control (AVC) at their facilities, reactive demand charges shall be waived, with the parameters defined by the Company during the period in which such AVC is operating and maintained in good working order. The Company will not waive start-up reactive demand charges. The initial parameters will be determined by the Company and may be changed subject to system conditions and location of the generating unit. The waiver is subject to the Company's rights to review and approve the customer's AVC system and review its operation and performance for compliance with the system requirements.
- H. **Net Energy Billing for Certain Customers Operating Solar or Farm Waste Electric Generating Equipment**- Customers who own or operate Solar Electric Generating Equipment located and used at its premises or Farm Waste Electric Generating Equipment located and used at the customer's "Farm Operation", as defined in Subdivision 11 of Section 301 of the Agriculture and Markets Law, may deliver electricity to the Company generated by the solar or farm waste electric generating system and the Company shall offset such electricity received from the customer against electricity supplied by the Company to the customer at other times pursuant to Rule No. 36 of this Tariff.

Qualifying demand customers will continue to pay applicable actual demand charges consumed in that billing period. However, the Company will not adjust this demand charge to reflect demand ratchets or monthly demand minimums that might be applied to a standard tariff.

- I. **Net Energy Billing for Certain Customers Operating Solar or Farm Service Electric Generating Equipment** - Residential, farm service, and non-residential customers, who own or operate Wind Electric Generating Equipment may deliver electricity to the Company generated by the wind electric generating system and the Company shall offset such electricity received from the customer against electricity supplied by the Company to the customer at other times pursuant to Rule No. 37 of this Tariff.

Qualifying demand customers will continue to pay applicable actual demand charges consumed in that billing period. However, the Company will not adjust this demand charge to reflect demand ratchets or monthly demand minimums that might be applied to a standard tariff.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 397  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 3B  
INTERRUPTIBLE ELECTRIC SERVICE**

**CANCELED**



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 398  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 3C  
COMBINED FIRM AND INTERRUPTIBLE ELECTRIC SERVICE**

**CANCELED**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2021  
STAMPS:

LEAF: 399  
REVISION: 8  
SUPERSEDING REVISION: 7

**SERVICE CLASSIFICATION NO. 4  
UNTRANSFORMED SERVICE TO CERTAIN CUSTOMERS TAKING POWER FROM  
PROJECTS OF THE NEW YORK POWER AUTHORITY**

**APPLICABLE TO USE OF SERVICE FOR:**

The supply by the Company of:

- (1) transmission, distribution and delivery by the Company of Replacement Power and Expansion Power (collectively referred to herein as "Niagara Power") produced by the New York Power Authority's ("NYPA") Niagara Project under the provisions of the Settlement Agreement dated April 21, 2004 and approved by the Federal Energy Regulatory Commission by order dated July 9, 2004 in Docket No. ER03-989-000 ("Niagara Power Delivery Service"); and
- (2) transmission, distribution and delivery by the Company of High Load Factor ("HLF") Power provided by NYPA from Authority Sources (as defined in section 1005 of the Public Authorities Law under the provisions of the Settlement Agreement between the Company, NYPA and the New York State Department of Public Service dated May 27, 1997 and approved by the Commission in Orders dated May 23, 1997, June 10, 1997 and August 20, 1997 in Cases 97-E-0528 and 97-E-0569 ("the May 22, 1997 Settlement"))(hereinafter referred to as "HLF Delivery Service"); and
- (3) transmission, distribution and delivery by the Company of that portion of the customer's contract demand for Preservation Power produced by NYPA's St. Lawrence Project that is sold to such customer pursuant to the provisions of section 1005(13) of the Public Authorities Law ("Preservation Power Delivery Service"); and
- (4) the supplemental electric service requirements of an individual customer who has contracted to receive (A) Niagara Power Delivery Service; and/or (B) Preservation Power Delivery Service; and/or (C) HLF Delivery Service under this rate schedule SC-4 (hereinafter referred to as "SC-4 Supplemental Service").

Customers receiving any form of ESS from NYPA other than:

- (i) Niagara Power,
- (ii) HLF Power,
- (iii) Preservation Power eligible for delivery under subpart (3) above,
- (iv) Recharge New York ("RNY") Power under Rule 34.6, and
- (v) NYPA Supply Service under Rule 31

shall receive all of their commodity requirements under the retail access program rules set out in Rule 39 of this Tariff at the delivery rates established therein.

Service hereunder is available throughout the Company's service area from existing circuits of adequate capacity and appropriate character.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2018  
STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

LEAF: 400  
REVISION: 7  
SUPERSEDING REVISION: 5

#### SERVICE CLASSIFICATION NO. 4 (Continued)

The Company may require the customer to apply for service under this rate schedule upon the Company's prescribed written forms and to attach any applicable riders thereto. When accepted by the Company, such application shall constitute an agreement for the supply of service hereunder, but the customer's failure to submit such a written application shall not relieve it of the obligation to pay the rates and charges established herein for service subject to the provisions of this rate schedule. In no event shall a customer failing to execute a service agreement with the Company be eligible to participate in the Company's Retail Access Program for the portion of the load met by SC-4 Supplemental Service.

#### CHARACTER OF SERVICE:

Continuous. Three-phase alternating current, approximately 60 Hz. Company will determine the voltage available and appropriate for the customer's total Electric Service requirements.

#### PARENT SERVICE CLASSIFICATION RATES FOR SC-4 SUPPLEMENTAL SERVICE:

Customers receiving SC-4 Supplemental Service shall be assigned the following parent service classifications for supplemental service provided under this Rate Schedule:

1. Customers Served Under SC-3A Before September 1, 1998

When the sum of the customer's monthly demand for SC-4 Supplemental Service, and HLF Delivery Service, but excluding Niagara Power Delivery Service, has exceeded 2,000 kW in any two consecutive months of the previous twelve months, or whenever in the Company's opinion the applicant's demand will exceed 2,000 kW in any two consecutive months. Effective July 1, 2013, billed demands for Niagara Power Delivery Service shall also be included in determining whether the customer's demands exceed 2,000 kW. A customer once assigned under Service Classification No. 3-A and/or Parent Service Classification No. 3-A shall remain on this parent service classification until the monthly measured demand has been 1,500 kW or less for twelve consecutive months following the initial Term of Service.

2. Customers Served Under SC-3A After September 1, 1998

When the sum of the customer's monthly demand for SC-4 Supplemental Service, and HLF Delivery Service, Preservation Power Delivery Service, but excluding Niagara Power Delivery Service, has exceeded 2,000 kW in any six consecutive months of the previous twelve months, or whenever in the Company's opinion the applicant's demand will exceed 2,000 kW in any six consecutive months. Effective July 1, 2013, billed demands for Niagara Power Delivery Service shall also be included in determining whether the customer's demands exceed 2,000 kW. A customer once assigned under Service Classification No. 3-A and/or Parent Service Classification No. 3-A shall remain on this parent service classification until the monthly measured demand has been 1,800 kW or less for six consecutive months following the initial Term of Service.

3. All Other Customers

All customers receiving SC-4 Supplemental Service that do not qualify for Parent Service Classification No. 3-A will be assigned to Parent Service Classification No. 3.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2018  
STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

LEAF: 401  
REVISION: 8  
SUPERSEDING REVISION: 6

#### SERVICE CLASSIFICATION NO. 4 (Continued)

In either event, the rates, terms and conditions specified in the applicable parent service classification shall apply to SC-4 Supplemental Service, with the exception of supplemental service that is EJP or EZR qualifying load, is subject to the terms of the Special Provisions of this Rate Schedule S.C. No. 4.

#### CALENDAR MONTH BILLING FOR NIAGARA POWER DELIVERY SERVICE, HLF DELIVERY SERVICE, PRESERVATION POWER DELIVERY SERVICE, AND SC-4 SUPPLEMENTAL SERVICE

The rates applicable to Niagara Power Delivery Service, HLF Delivery Service, Preservation Power Delivery Service, and SC-4 Supplemental Service shall be for a calendar month billing period.

#### DETERMINATION OF BILLING QUANTITIES

1. Company will normally furnish and install meters at the customer's expense to measure the total electric service taken by the customer, including SC-4 Supplemental Service, Niagara Power Delivery Service, Preservation Power Delivery Service and HLF Delivery Service. When the metering voltage is either higher or lower than the delivery voltage, such measurements shall be conformed to the delivery voltage measurements as provided in Rule 25.4 of the General Information.
2. Metering facilities may be installed by NYPA instead of by the Company with the Company's approval. In this case, the metering equipment and installation must meet the specifications of both the Company and the New York State Public Service Commission and the customer shall be eligible for a metering credit pursuant to Rule 25.1.1.1.
3. Billing Quantities for deliveries of demand associated with Niagara Power Delivery Service for Expansion Power and Replacement Power Rate 1 and Replacement Power Rate 2

Effective until June 30, 2013, the customer's billed demand for Niagara Power Delivery Service associated with Expansion, Replacement Power Rate 1 and Replacement Power Rate 2 shall be the kilowatts of such service which the customer is entitled to receive under its allocation agreement(s) with NYPA. Effective July 1, 2013, the customer's billed demand for Niagara Power Delivery Service associated with Expansion Power and Replacement Power Rate 1 shall be the lesser of the customer's contract demand for Niagara Power Delivery Service (adjusted for losses as provided in subparts (b) and 4(c) below) or the highest 30-minute integrated demand recorded on the customer's meter for the current billing period, and the customer's billed demand for Niagara Power Delivery Service associated with Replacement Power Rate 2 shall be the kilowatts of such service which the customer is entitled to receive under its allocation agreement(s) with NYPA (adjusted for losses from the Niagara Switchyard to the customer's meter as provided in sections 4(b) and 4(c) below).

4. Billing Quantities for deliveries of energy associated with Niagara Power Delivery Service for Expansion Power and Replacement Power Rate 1
  - (a) Effective until June 30, 2013: The billed energy in each 30-minute billing interval for Niagara Power Delivery Service for Expansion Power and for Replacement Power Rate 1 shall be the total number of kilowatt-hours recorded on the customer's meter for the billing period multiplied by the ratio of the customer's demand for Expansion Power and Replacement Power Rate 1 (adjusted for losses as provided in subparts b and c below) to the greater of the customer's loss-adjusted contract demand for Expansion Power and/or Replacement Power Rate 1 or the highest 30 minute integrated demand recorded on the customer's meter in the twelve months ending with the current billing period.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 12, 2012

LEAF: 402  
REVISION: 5  
SUPERSEDING REVISION: 4

STAMPS: Issued in Compliance with Order Issued December 16, 2011 in Case No. 10-E-0050

**SERVICE CLASSIFICATION NO. 4 (Continued)**

Effective July 1, 2013: The billed energy in each 30-minute billing interval for Niagara Power Delivery Service for Expansion Power and for Replacement Power Rate 1 shall be the total number of kilowatt-hours recorded on the customer's meter for the billing period multiplied by the ratio of the customer's billed demand for Expansion Power and Replacement Power Rate 1 to the greater of the customer's billed demand for Expansion Power and/or Replacement Power Rate 1 or the highest 30 minute integrated demand recorded on the customer's meter in the current billing period.

- (b) Adjustments for Losses In Transmission For Existing and Additional Allocations of Expansion Power and Existing Allocations of Replacement Power Rate 1.
  - (i) Effective until June 30, 2013:
    - a. The customer's contract demand for Existing and Additional Allocations of Expansion Power and for Existing Allocations of Replacement Power Rate 1 shall be adjusted for losses from the Niagara Switchyard to the customer's meter as provided for the allocation(s) in question in the Company's Rate Schedule FERC Nos. 19 (for Replacement Power Rate 1) and 159 (for Expansion Power) prior to the performance of the calculations in subpart a above; and
    - b. The customer's receipts of Niagara Power Delivery Service associated with Existing and Additional Allocations of Expansion Power and Existing Allocations of Replacement Power Rate 1 as determined in subpart a above shall be adjusted for losses from the customer's meter to the Niagara Switchyard as provided for the allocation(s) in question in the Company's Rate Schedule FERC Nos. 19 (for Replacement Power Rate 1) and 159 (for Expansion Power) to produce the final billing demands and billing energy for such service.
  - (ii) Effective July 1, 2013:
    - a. The customer's contract demand for Existing and Additional Allocations of Expansion Power and Replacement Power Rate 1 shall be adjusted for losses from the Niagara Switchyard to the customer's meter as provided in Rule 39.18 of this Tariff prior to the performance of the calculations in subpart a above; and
    - b. The customer's metered receipts of electricity supplied in the form of Niagara Power Delivery service shall be adjusted for losses from the customer's meter to the Niagara Switchyard as provided in Rule 39.18 of this Tariff.
- (c) Adjustments for Losses In Transmission For New Allocations of Expansion Power and Replacement Power Rate 1.
  - (i) The customer's contract demand for New Allocations of Expansion Power and Replacement Power Rate 1 shall be adjusted for losses from the Niagara Switchyard to the customer's meter as provided in Rule 39.18 of this Tariff prior to the performance of the calculations in subpart a above; and
  - (ii) The customer's metered demands for Niagara Power Delivery Service associated with New Allocations of Expansion Power and Replacement Power Rate 1 shall be adjusted for losses from the customer's meter to the Niagara Switchyard as provided in Rule 39.18 of this Tariff.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: OCTOBER 1, 2020  
STAMPS:

LEAF: 403  
REVISION: 4  
SUPERSEDING REVISION: 3

**SERVICE CLASSIFICATION NO. 4 (Continued)**

**5. Billing Quantities for deliveries of energy associated with Niagara Power Delivery Service for Replacement Power Rate 2**

- a. The kilowatt-hours charged will be the customer's contract demand for Replacement Power Rate 2 multiplied by the number of hours in the billing period.
- b. For the purpose of determining the portion of the customer's demands served by sources other than Replacement Power Rate 2:
  - (i) Effective until June 30, 2013: The customer's contract demand for Replacement Power Rate 2 shall be adjusted for losses from the Niagara Switchyard to the customer's meter as provided in paragraphs 4(b)(i) (in the case of Existing Allocations) and 4(c)(i) (in the case of New Allocations) above; and  
  
Effective July 1, 2013: The customer's metered demand for electricity supplied in the form of Replacement Power Rate 2 shall be subject to the adjustments for losses in transmission and distribution between the customer's meter and the Niagara Switchyard set out in Rule 39.18 of this Tariff ; and
  - (ii) The total kilowatt-hours of Replacement Power Rate 2 received by the customer in any interval shall be the lesser of the total kilowatt-hours of Replacement Power Rate 2 received by the customer during that interval, adjusted for losses in Transmission from the Niagara Switchyard to the customer's meter as described in paragraphs 4(b)(ii) (in the case of Existing Allocations) and 4(c)(ii) (in the case of New Allocations) above; or the total kilowatt-hours received by the customer during that interval as measured by the customer's meter.

**6. Billing Quantities for Preservation Power Delivery Service:**

- a. Subject to the provisions of subpart c below, the billed demand for Preservation Power Delivery Service shall be the product of the customer's highest 30-minute integrated demand in the billing period recorded on the customer's meter multiplied by the ratio of the customer's contract demand for its allocations of Preservation Power Delivery Service (adjusted for losses as provided in subparts c below) to the greater of the customer's contract demand for Preservation Power Delivery Service or the highest 30-minute integrated demand recorded on the customer's meter for the current billing period.
- b. Subject to the provisions of subpart c below, the billed energy in each 30-minute billing interval for Preservation Power Delivery Service shall be the total number of kilowatt-hours recorded on the customer's meter for the billing period multiplied by the ratio of the customer's loss-adjusted contract demand for Preservation Power Delivery Service (adjusted for losses as provided in subparts c and d below) to the greater of the customer's loss-adjusted contract demand for Preservation Power or the highest 30 minute integrated demand recorded on the customer's meter for the current billing period.
- c. Adjustments for Losses In Transmission For Preservation Power Delivery Service.
  - (i) The customer's contract demand for Preservation Power Delivery Service shall be adjusted for losses from the St. Lawrence Switchyard to the customer's meter as provided in Rule 39.18 of this Tariff; and

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2013

LEAF: 404  
REVISION: 6  
SUPERSEDING REVISION: 4

#### SERVICE CLASSIFICATION NO. 4 (Continued)

- (ii) The customer's metered demands for Preservation Power Delivery Service shall be adjusted for losses from the customer's meter to the St. Lawrence Switchyard as provided in Rule 39.18 of this Tariff.

#### 7. Billing Quantities for HLF Delivery Service

- a. Effective until June 30, 2013, the billed demand for HLF Delivery Service taken hereunder shall be the kilowatts of such service which the customer is entitled to receive under its allocation agreement(s) with NYPA. The metered demand for HLF Delivery Service taken hereunder shall be the product of the customer's highest 30-minute integrated demand in the billing period recorded on the customer's meter multiplied by the ratio of the customer's contract demand for HLF Delivery Service to the greater of the customer's contract demand for HLF Delivery Service or the highest 30-minute integrated demand recorded on the customer's meter for the twelve months ending with the current billing period.

Effective July 1, 2013, the customer's billed demand for HLF Delivery Service shall be the product of the customer's highest 30-minute integrated demand in the billing period recorded on the customer's meter multiplied by the ratio of the customer's contract demand, adjusted for losses as provided in Sub Part (c) below, for HLF Delivery service to the greater of the customer's contract demand for HLF Delivery Service or the highest 30-minute integrated demand recorded on the customer's meter in the current billing period.

- b. Effective until June 30, 2013, the billed energy in each 30-minute billing interval for HLF Delivery Service shall be the total number of kilowatt-hours recorded on the customer's meter for the billing period multiplied by the ratio of the customer's contract demand for HLF Delivery Service to the greater of the customer's contract demand for HLF Delivery Service or the highest 30 minute integrated demand recorded on the customer's meter in the twelve months ending with the current billing period.

Effective July 1, 2013, the billed energy in each 30-minute billing interval for HLF Delivery Service shall be the total number of kilowatt-hours recorded on the customer's meter for the billing period multiplied by the ratio of the customer's contract demand, adjusted for losses as provided in Sub Part (c) below, for HLF Delivery Service to the greater of the customer's contract demand for HLF delivery or the highest 30 minute integrated demand recorded on the customer's meter in the current billing period.

- c. Adjustment for Losses for HLF Delivery Service: Effective July 1, 2013, the billed demand and billed energy in (a) and (b) above will be adjusted for losses as provided in Rule 39.18 of this tariff.

- 8. For each of the Company's subzones in which NYPA power is delivered to customers under this Rate Schedule S.C. No. 4, the Company will calculate an Unaccounted for Energy Factor for NYPA load. Unaccounted for Energy is generally defined as the difference between the NYISO reported wholesale subzone(s) load and the sum of LSE load, Municipality load, Load Modifiers, NYPA load and the Company's load, including adjustments for distribution losses (efficiency factor). The Company also adjusts applicable LSE's load to account for the average system wide Unaccounted for Energy in accordance with Rule 39.

The difference between the monthly NYISO reported wholesale subzone load and the sum of the applicable subzone load of the Company, NYPA, Municipalities, and the Rule 39 adjusted LSE's load, including adjustments for distribution losses (efficiency factor), is the monthly subzone Unaccounted for Energy. This quantity of monthly subzone Unaccounted for Energy in question is allocated to the Company and NYPA on an hourly based subzonal load ratio share. The Company will report to the NYISO for NYISO billing and settlement purposes, the NYPA subzone load requirements, inclusive of the monthly subzone Unaccounted for Energy adjustment and distribution loss adjustments

Issued by Kenneth D. Daly, President, Syracuse, NY

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2013

LEAF: 405  
REVISION: 5  
SUPERSEDING REVISION: 4

**SERVICE CLASSIFICATION NO. 4 (Continued)**

9. Billing Quantities for SC-4 Supplemental Service

- a. The demand billed for SC-4 Supplemental Service taken hereunder shall be the greater of:
  - (1) The amount, if any, by which the overall maximum 30 minute integrated demand as established by metering within the billing period exceeds the sum of:
    - (a) the customer's demands for Niagara Power Delivery Service (adjusted for losses between the Niagara Switchyard and the customer's meter as provided in paragraphs 4 and 5 above); and
    - (b) the customer's demands for Preservation Power Delivery Service (adjusted for losses between the St. Lawrence Switchyard and the customer's meter as provided in paragraph 4 above); and
    - (c) the customer's demands for HLF Delivery Service as determined at the meter according to the provisions of paragraph 7 above; and
    - (d) the customer's demands for EDP and/or PFJ Power supplied under Rule 34; or
  - (2) The number of kilowatts of SC-4 Supplemental Service contracted for by the customer with the Company and documented on the Company's Form "C"; or
  - (3) The minimum demand provisions of the Parent Service Classification as defined above.
- b. The billed kilowatt-hours of SC-4 Supplemental Service in each 30 minute interval shall be the amount, if any, by which the total kilowatt-hours at delivery voltage for that interval exceeds the sum of:
  - (1) the kilowatt-hours of Niagara Power Delivery Service received by the customer at the customer's meter in that interval; and
  - (2) the kilowatt-hours of Preservation Power Delivery Service received by the customer at the customer's meter in that interval; and
  - (3) the kilowatt-hours of HLF Delivery Service received by the customer at the customer's meter in that interval; and
  - (4) the kilowatt-hours of EDP and/or PFJR Service received by the customer under Rule 34 in that interval;



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: AUGUST 1, 2021  
STAMPS: Issued in Compliance with Order issued July 19, 2021 in Case 21-E-0084

LEAF: 406  
REVISION: 5  
SUPERSEDING REVISION: 4

#### SERVICE CLASSIFICATION NO. 4 (Continued)

- (4) the kilowatt-hours of EDP and/or PFJR Service received by the customer under Rule 34 in that interval;

Provided, however, that no customer shall be deemed to have received more kilowatt-hours from these four sources during any interval than its actual total metered kilowatt-hours received during that interval.

10. The Reactive Demand shall be the highest average RkVA of lagging reactive demand from all sources measured over a thirty-minute interval during the month less one-third of the highest kW demand measured during the month.

#### TERMS OF PAYMENT

Bills are due and payable when rendered. Full payment must be received on or before the date shown on the bill to avoid a late payment charge pursuant to Rule 26.4.

#### TERM

Initial term of one (1) year and to continue thereafter for successive one (1) year terms until canceled effective at the expiration of the initial or any succeeding one (1) year term by the customer by a notice in writing served on the Company not less than ninety (90) days prior to the termination of the initial or any succeeding term, provided however that the service hereunder will be supplied only when taken in conjunction with NYPA power and regardless of term provisions will terminate upon permanent cessation of the supply to customer of said NYPA power. In the event that the customer terminates its ESS arrangement with NYPA prior to its expiration according to its terms, the Company shall require written confirmation from both NYPA and the customer before terminating the customer's SC-4 service agreement.

#### SPECIAL PROVISIONS:

- A. **Company Facilities:** Company shall not be required to provide facilities for SC-4 Supplemental Service, Niagara Power Delivery Service, Preservation Power Delivery Service or HLF Delivery Service in excess of the amount of the total demands for such services specified in the customer's Application for Service.
- B. **Billing Period Adjustments:** For a fractional part of a billing period at the beginning or end of service, the kilowatt Demand and Reactive Demand charges and the minimum charge shall each be proportionately adjusted in the ratio that the number of hours that electric service is furnished to customer in such fractional billing period bears to the total number of hours in the billing period involved.
- C. **Metering Voltage:** When service is metered at a voltage either higher or lower than the voltage of delivery, metered quantities will be adjusted for billing as provided in Rule 25.4.
- D. **On-Site Generation Special Provision:** Customers are obligated to certify, subject to the Company's approval, on-site generation (OSG) installations on the Company's Form G, Application For Electric Standby Service, and will be subject to the provisions of Service Classification No. 7 unless the customer has electrically isolated a portion of their load as defined in Rule 1.48 or has installed the OSG to be used exclusively as an Emergency Power System as defined in Rule 1.50.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: APRIL 1, 2018  
 STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

LEAF: 407  
 REVISION: 12  
 SUPERSEDING REVISION: 11

SERVICE CLASSIFICATION NO. 4 (Continued)

- E. Individually Negotiated Rates: The Company will entertain, when circumstances warrant and when NYPA consents to any required changes in the applicable billing methodology for the delivery of NYPA Power, individually negotiated contracts under rate schedule S.C. No. 12 with customers who would otherwise be served under this Service Classification.
- F. Exemption from Certain Provisions of Rate Schedule S.C. No. 3: Customers receiving SC-4 Supplemental Service under rate schedule S.C. No. 4 who are billed in accordance with the provisions of rate schedule S.C. No. 3 shall be exempt from Special Provisions E, F, and H of that rate schedule.
- G. Special Rule for SC-4 Supplemental Service: SC-4 Supplemental Service, with the exception of supplemental service that is EJP or EZR qualifying load, shall be subject to all surcharges and tax factors imposed on service under the applicable Parent Service Classification, including without limitation the SBC established in Rule 41, the Renewable Portfolio Surcharge established in Rule 49 and the Tax Factor established in Rule 32.
- H. Special Rules for HLF Delivery Service
  - (1) HLF Delivery Service shall be subject to all surcharges and tax factors imposed on service under the applicable Parent Service Classification, with the exception of Rule 41- SBC, Rule 57 - RDM and Rule 46.2 - LTC.
  - (2) In the event that the customer fails to execute a Form C Agreement specifying its contract demand for HLF Delivery Service, the customer's contract demand for such service shall be deemed to be the lesser of:
    - (a) the customer's maximum entitlement to HLF Delivery Service under the May 22, 1997 Settlement; or
    - (b) the amount of firm point-to-point transmission capacity on the Company's system reserved by NYPA for deliveries to the customer, adjusted for losses in transmission and distribution.
  - (3) (a) In the event that the customer's total allocation(s) of HLF Power at a single location is reduced the following special rules shall apply:
    - (i) If SC-4 Supplemental Service did not contribute to meeting the customer's maximum demand in the billing month or any of the eleven preceding months prior to July 1, 2013 only, the customer's demand in the months preceding the reduction of the customer's total NYPA ESS shall not be considered in calculating the customer's bills under subpart (a) above, and
    - (ii) If SC-4 Supplemental Service did contribute to the customer's maximum demand in the billing month or any of the preceding eleven billing months, the Company shall adjust the customer's maximum demand for each of the preceding eleven months prior to July 1, 2013 only solely for the purpose of calculating the current month's bills for HLF Service.

This adjustment shall be performed by subtracting the contribution to the customer's maximum metered demand in each of the preceding eleven billing months prior to July 1, 2013 only, made by the customer's reduced contract capacity for NYPA ESS from the customer's overall maximum metered demand in each such month. These adjusted monthly maximum metered demands shall then be used to determine the customer's bill for HLF Delivery Service for the current month.

PSC NO: 220 ELECTRICITY

LEAF: 408

NIAGARA MOHAWK POWER CORPORATION

REVISION: 12

INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

SUPERSEDING REVISION: 11

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

## SERVICE CLASSIFICATION NO. 4 (Continued)

- (b) Notwithstanding the provisions of subpart (a) of this Special Provision (H) (3), no deliveries of NYPA power received by the customer prior to September 1, 1998 shall be considered in calculating the amounts owed by the customer to the Company for HLF Delivery Service received by the customer on or after that date.
- (4) HLF Delivery Service shall be restricted to customers that would qualify for service under the Company's rate schedule S.C. No. 3-A based on their combined actual demands for SC-4 Supplemental Service, HLF Delivery Service and PFJR Service.

**I. Special Rules for Niagara Power Delivery Service and Preservation Power Delivery Service**

- 1. Preservation Power Delivery Service and Niagara Power Delivery Service associated with "New" allocations of Expansion and Replacement Power are subject to the Tax Factor established in Rule 32.,
- 2. Niagara Power Delivery Service associated with "Existing" allocations of Expansion and Replacement Power and "Additional" allocations of Expansion Power are subject to the Tax Factor established in Rule 32.
- 3. For those customers whose agreements with NYPA and the Company include an historic demand, the historic demand will be billed as SC-4 Supplemental Service and will be subtracted from the current month's metered demand and (prior to July 1, 2013 only for Niagara Power Delivery Service) from the peak demand of the preceding 12 full months to establish the remaining demand then apportioned to NYPA Service (whether in the form of Niagara Power Delivery Service of Preservation Power Delivery Service) and SC-4 Supplemental Service (as additional power). In no instance, however, shall the total demand (the sum of the historic and additional power demands) billed by Company under its rates exceed the total metered demand for the billing period.

The energy associated with the historic demand will be determined by apportioning the total metered energy by the ratio that the historic demand (supplied by the Company) bears to the metered demand for the current month. The energy associated with all other deliveries of power will be determined in accordance with the applicable provisions of this Rate Schedule S.C. No. 4 with the following modifications:

- 1. The customer's metered demand shall be reduced by the amount of the historic demand.
- 2. The customer's maximum demand for the preceding 11 months shall be reduced by the amount of the historic demand. For Niagara Power Delivery Service provided prior to July 1, 2013 only, the customer's maximum demand for the preceding 11 months shall be reduced by the amount of the historic demand.
- 3. The customer's metered energy shall also be reduced by the amount of energy associated with the historic demand as determined above.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: JULY 1, 2023  
 STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 408.1  
 REVISION: 20  
 SUPERSEDING REVISION:19

SERVICE CLASSIFICATION NO. 4 (Continued)

J. Customer Charges For HLF Delivery Service, effective until June 30, 2013:

Customers eligible to receive HLF Delivery Service shall be subject to Customer Charges which are established based upon whether or not the customer utilizes supplemental electric service from the Company.

Customers who do not use supplemental electric service shall have their customer charges frozen at the rates below.

<u>Delivery Level</u>	<u>Without Supplemental Electric Service</u>	<u>With Supplemental Electric Service</u>
Secondary (<2.2 kV)	\$902.00	\$3,000.00
Primary (2.2 B 15 kV)	\$902.00	\$3,000.00
Subtransmission (22 B 50 kV)	\$1,400.00	\$3,700.00
Transmission (>60 kV)	\$1,726.55	\$7,500.00

Customers who utilize supplemental electric service shall have their customer charges set equal to the customer charges established in Rate Schedule S.C. No. 3A as shown above.

Customer Charges For HLF Delivery Service, effective July 1, 2013:

Effective July 1, 2013, the monthly Customer Charge will be equal to 90% of the HLF Delivery Service customer's parent service classification Customer Charge.

Customer Charges For HLF Delivery Service, effective January 1, 2016:

Effective January 1, 2016, the monthly Customer Charge will be equal to 100% of the HLF Delivery Service customer's parent service classification Customer Charge.

K. Distribution Delivery Rates for HLF Delivery Service, effective until June 30, 2013:

Customers eligible to receive HLF Delivery Service shall be subject to distribution delivery rates as set out below:

Rate per kW of Delivery level Contract Demand

Secondary (<2.2 kV)	\$6.09
Primary (2.2 B 15 kV)	\$8.09
Subtransmission (22 B 50 kV)	\$2.59
Transmission (>60 kV)	\$2.08

Distribution Delivery Rates for HLF Delivery Service, effective July 1, 2013:

Effective July 1, 2013, the per kW Distribution Demand Charge will be equal to 90% of the HLF Delivery Service customer's parent service classification Distribution Demand Charge.

Customer Charges For HLF Delivery Service, effective January 1, 2016:

Effective January 1, 2016, the per kW Distribution Demand Charge will be equal to 100% of the HLF Delivery Service customer's parent service classification Distribution Demand Charge.

PSC NO: 220 ELECTRICITY

LEAF: 408.2

NIAGARA MOHAWK POWER CORPORATION

REVISION: 8

INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

SUPERSEDING REVISION: 6

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

SERVICE CLASSIFICATION NO. 4 (Continued)

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 408.3  
REVISION: 6  
SUPERSEDING REVISION: 4

SERVICE CLASSIFICATION NO. 4 (Continued)

RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY

LEAF: 408.4

NIAGARA MOHAWK POWER CORPORATION

REVISION: 16

INITIAL EFFECTIVE DATE: JULY 1, 2023

SUPERSEDING REVISION: 15

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

## SERVICE CLASSIFICATION NO. 4 (Continued)

The distribution delivery rates for New Allocations of Preservation Power and Niagara Power to S.C. 4 customers with supplemental service provided at the S.C. No. 3 rates are as follows:

<u>Delivery Level</u>	<u>Customer Charge</u>	<u>Rate Per kW of Contract Demand</u>
Secondary (<2.2 kV)	\$675.00	\$11.66
Primary (2.2 - 15 kV)	\$700.00	\$10.62
Subtransmission (22 - 50 kV)	\$1,150.00	\$3.27
Transmission (>60 kV)	\$1,150.00	\$3.27

(the per kW charge above is inclusive of the SERVICE CLASS DEFERRAL CREDIT contained in Rule 58)

The distribution delivery rates for New Allocations of Preservation Power and NYPA hydro to S.C. 4 customers with supplemental service provided at the S.C. No. 3A rates are as follows:

<u>Delivery Level</u>	<u>Customer Charge</u>	<u>Rate Per kW of Contract Demand</u>
Secondary (<2.2 kV)	\$3,000.00	\$11.84
Primary (2.2 - 15 kV)	\$3,000.00	\$11.84
Subtransmission (22 - 50 kV)	\$3,700.00	\$4.12
Transmission (>60 kV)	\$7,500.00	\$4.20

(the per kW charge above is inclusive of the SERVICE CLASS DEFERRAL CREDIT contained in Rule No 58)

New Allocations are defined in Special Provision M below.

## M. Existing, Additional and New Allocations Defined

## 1. Rule for Allocations of Niagara Power:

- a. Additional Allocations, as used in Special Provision L above shall be defined as allocations of Niagara Power approved by NYPA's trustees between February 1, 2002 and September 1, 2006 that were allocated exclusively to serve incremental load at the customer's premises. For the purpose of this provision, incremental load is load that is created by the construction or installation of new facilities (buildings, machinery and equipment) or expansion of existing facilities, provided that in the case of the expansion of existing facilities, incremental load shall not include the load of such facilities prior to expansion or addition.
- b. New Allocations as used in Special Provision L above shall be defined as all allocations of Replacement Power approved by NYPA's trustees on and after February 1, 2002 and those allocations of Expansion Power approved by NYPA's trustees on and after February 1, 2002 that are not "Additional Allocations," but shall not include Replacement Power that becomes available for reallocation prior to September 30, 2002 under Article V of the Agreement: "Allocation and Transfer of Replacement Power Pursuant to Niagara Contract NS-1" dated April 4, 1988; or Transfers and assignments of allocations from a customer premise /location on the Company's system (i.e., a change in ownership/occupancy of a premise / location will not be deemed "new").

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022  
STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 408.5  
REVISION: 6  
SUPERSEDING REVISION: 4

SERVICE CLASSIFICATION NO. 4 (Continued)

- c. **Existing Allocations** as used in Special Provision L above shall be defined as allocations of Expansion and Replacement Power which are not New Allocations or Additional Allocations. A customer with one or more Existing Allocation may receive one or more New and/or Additional Allocations without causing its Existing Allocations to be classified as New or Additional Allocations under this service classification.

N. **Electricity Supply Service Under Rate Schedule S.C. No. 4**

- a. NYPA shall sell ESS associated with Niagara Power Delivery Service directly to the customer and shall be solely responsible for billing and collection of any and all charges for such service, including without limitation any and all charges imposed by the NYISO on Load Serving Entities providing ESS to the Company's retail customers
- b. NYPA shall sell ESS associated with HLF Delivery Service and Preservation Power directly to the customer and shall be solely responsible for billing and collection of such charges. NYPA shall serve as the LSE under the NYISO OATT for all purposes with respect to the ESS associated with HLF Delivery Service and Preservation Power Delivery Service.
- c. ESS associated with SC-4 Supplemental Service shall be provided by the Company under Rule 46, unless the customer affirmatively elects and qualifies to receive ESS from an alternate supplier as provided in Rule 39. The Company shall serve as the LSE under the NYISO OATT for all purposes with respect to such SC-4 Supplemental Service.

O. **Special Rule for Certain Grandfathered Deliveries of St. Lawrence Power**

Commencing January 1, 2008, those customers to whom the Company made retail deliveries of electricity produced by NYPA's St. Lawrence Project ("St. Lawrence Power") on November 1, 1999 shall be eligible to receive Delivery Service from the Company for the amount of St. Lawrence Power which the Company was contractually obligated to deliver to the customer on November 1, 1999. Such Delivery Service shall be provided at the rates, terms and conditions for deliveries of Existing Allocations of Expansion Power established in this Service Classification No. 4, provided however that NYPA shall sell ESS associated with such deliveries directly to the customer and shall be solely responsible for billing and collection of such charges.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

LEAF: 408.6  
REVISION: 6  
SUPERSEDING REVISION: 4

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

SERVICE CLASSIFICATION NO. 4 (Continued)

P. The following rules apply to a customer combining SC4 Supplemental Service with the Empire Zone Rider (EZR) or the Excelsior Jobs Program (EJP) and whose total loss-adjusted NYPA demand allocations are greater than its lowest monthly EZR/EJP base period billing demand.

- (1) When the customer accepts its NYPA allocation or whenever the Company receives notification from NYPA that the customer's NYPA allocation is changing or whenever the customer qualifies for EZR or EJP, the customer must make an election to choose either:
  - (a) billing NYPA delivery demand pursuant to the billing methodology in this SC-4; or
  - (b) limiting the billed NYPA delivery demand to the lesser of the EZR or EJP base period billing demand or the billed NYPA delivery demand pursuant to the billing methodology in this SC-4.
- (2) Regardless of the election made in Section 1 above, the customer will receive its NYPA commodity service pursuant to the billing methodology described in this SC-4.
- (3) A customer who meets the initial requirements of this Special Provision P may receive additional discounts described in Section 3(a) below, provided the customer demonstrates a financial need as prescribed in Service Classification No.12, Special Contract Rates, in either Sections 4.3.2 and 4.3.3 (Revitalization) or Sections 4.4.2 and 4.4.3 (Relocation).
  - (a) Eligible customers who have a NYPA allocation and an EJP or EZR will be exempt from SBC established in Rule 41 on both their NYPA allocation and qualifying EJP or EZR load.
  - (b) To the extent that the financial need demonstrated by the customer is greater than the benefit derived from Section 3 (a), the customer may apply for a Special Contract pursuant to all terms and conditions of Service Classification No. 12.

Q. RESERVED FOR FUTURE USE

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 409  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 5  
COMBINED 25 AND 60 HERTZ SERVICE**

**CANCELED**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2023  
STAMPS:

LEAF: 410  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 6**  
**PURCHASE OF ELECTRIC ENERGY AND CAPACITY FROM CUSTOMERS WITH**  
**QUALIFYING ON-SITE GENERATION FACILITIES**

**APPLICABLE TO:**

Purchase of energy and capacity by the Company from a customer operating a generating facility qualifying under PURPA or PSL 66-C less than 80 MW ("QF"), subject to the Special Provisions of this Service Classification. Written application upon the Company's prescribed forms is required.

A customer electing to engage in simultaneous purchase and sale of energy with the Company must sell its energy output to the Company under this Service Classification or under a Special Contract and may contract for its electrical requirements under the appropriate Service Classification for full, supplemental, back-up and/or maintenance service.

A prospective customer operating a qualifying generating facility capable of electric generation in excess of 100 kVA (1) who agrees to provide firm service; or (2) who has, in the opinion of the Company, an installation which requires special facilities; or (3) who desires a long term contract, may negotiate a Special Contract with the Company.

A customer participating in the sale of energy or capacity with the NYISO or to third parties, either directly or through an aggregation, are ineligible to take service under this Service Classification. An existing customer under this Service Classification electing to participate in the sale of energy or capacity with the NYISO or to third parties, must notify the Company by August 1st to become effective the following May 1st, at which time the customers service under this Service Classification will end. Similarly, a customer participating in the sale of energy or capacity with the NYISO or to third parties electing to take service under this Service Classification, must notify the Company by August 1st to become effective the following May 1st. Customers who are not yet interconnected to the Company's distribution system that are eligible to take service under this service classification and that elect to the sale of energy or capacity with the NYISO or to third parties, either directly or through an aggregation, must notify the Company at time of interconnection.

**CHARACTER OF SERVICE:**

Single or three phase 60 Hz alternating current, delivery by customer to the delivery point at one standard delivery voltage with service metered at, or compensated to, the delivery voltage at the delivery point. Site-specific characteristics will be determined by the Company. "Delivery Point" shall mean the point at which the interconnection facility is connected to the transmission system as is indicated on a one-line diagram included as part of the Interconnection Agreement.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 411  
REVISION: 2  
SUPERSEDING REVISION: 1

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

### SERVICE CLASSIFICATION NO. 6 (Continued)

#### RATE TO BE PAID BY COMPANY:

##### Energy Only payment for QF's:

$$\sum_{i=1}^n (\text{Real Time LBMP}_i * Q_i) - \text{Incurred Cost}_m$$

##### Energy and Capacity payment for Qf's:

$$\sum_{i=1}^n (\text{Real Time LBMP}_i * Q_i) - \text{Incurred Cost}_m + (\text{LBMCP}_m * \text{Capacity}_m)$$

Whereby:

Real Time LBMP<sub>i</sub> is the Real Time LBMP in \$/MWh pursuant to Rule 1.63 for each generator bus. In the event the NYISO does not post a price for the generator bus, the electrically nearest generator bus price shall be used. In the event the nearest electrical generator bus cannot be defined, at the discretion of the Company, the Load Zone Real Time LBMP shall be used;

LBMP<sub>m</sub> is defined in Rule 1.64 for the respective calendar month. In the event no electricity is provided for the respective month the payment shall be zero.

For Service Classification No. 6 ("SC-6") Contracts executed before July 1, 2019:

Capacity<sub>m</sub> is the Unforced Capacity recognized by the NYISO as applicable to capacity requirements for the respective calendar month, as set forth in the NYISO Tariff, in kW. Once a customer's SC-6 Contract has expired, the customer will be subject to the 5,000 kW limit for capacity payments under any new or renewed Contract as specified below.

For SC-6 Contracts executed on or after July 1, 2019:

Capacity<sub>m</sub> is the lesser of the amount, in kW, of the Unforced Capacity recognized by the NYISO as applicable to capacity requirements for the respective calendar month, as set forth in the NYISO Tariff, or 5000 kW.

Q<sub>i</sub> is the Energy quantity delivered, in kWh per hour, to the Delivery Point

i is the respective hour for the month;

n is the number of hours in the month;

Incurred cost is:

(1) any penalties assessed by the NYISO for units off base point, i.e., Automatic Generation Control penalties.

m is the respective month.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 411.1  
REVISION: 0  
SUPERSEDING REVISION:

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

**SERVICE CLASSIFICATION NO. 6 (Continued)**

**RATE TO BE PAID BY COMPANY: (Continued)**

Beginning January 1, 2024, customers executing a new SC-6 Contract (i.e., Power Purchase Agreement (“PPA”)) or extending an existing PPA under SC-6 will have the following VDER Value Stack Capacity Alternatives available to them for their capacity payment as follows:

- 1) For Dispatchable Generators – SC-6 customers with dispatchable generation will be required to elect the VDER Value Stack Capacity Component Alternative 3 in accordance with Rule 40.2.3.1 (ii) c.
- 2) For Non-dispatchable Generators (*i.e.*, solar, wind, run-of-river hydro, and tidal) – SC-6 customers with non-dispatchable generation may choose the prior capacity payment or will have the option to elect the VDER Value Stack Capacity Component Alternative 3 in accordance with Rule 40.2.3.1 (ii) c, but once elected may not later select VDER Value Stack Capacity Component Alternatives 1 or 2 if such options become available at a later time.

Customers electing VDER Value Stack Capacity Alternative 3 will be subject to a 5,000 kW limit and will not be required to register as Market Participants with the NYISO. This VDER Value Stack Capacity Alternative payment option is not available to customers with Legacy Contracts as described in Rule 46.2.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 412  
REVISION: 0  
SUPERSEDING REVISION:

### **SERVICE CLASSIFICATION NO. 6 (Continued)**

#### **RATE TO BE PAID BY COMPANY: (Continued)**

- (1) To the extent that a minimum unit rate applied under Section 66-c of the Public Service Law, as implemented by the Commission in Opinion No. 91-2 (as modified by Opinion 91-2A) and prior orders issued in Case No. 90-E-0675 and other applicable proceedings, the rate to be paid under this service classification shall be no less than 6.0 cents per kWh, and averaged annually based on 12 months ended December 31, trued-up each month during that calendar year.
- (2) In the event interval metering is not available the average LBMP shall apply.
- (3) Qualifying small, random suppliers of energy (such as windmills) may elect to sell their output to the Company on a non-time differentiated basis. Deliveries will be measured using a standard kWh meter. The customer will pay the installed cost of the necessary metering equipment at the time of installation in lieu of all Metering, Minimum, and Distribution Demand Charges otherwise applicable under this Service Classification. This provision is limited to secondary single phase service voltage. Applicable capacity payments to customers under this provision shall be made based upon (i) the LBMCP<sub>m</sub> divided by (ii) the number of hours in the respective month times (iii) the energy delivery for the respective month.
- (4) The customer shall be entitled to receive direct payment from the NYISO for (1) NYISO Tariff Schedule II Reactive Supply and Voltage Control, and/or (2) NYISO Tariff Schedule III Regulation and Frequency Response, and/or (3) NYISO Tariff Schedule V Operating Reserve, and/or (4) NYISO Tariff Schedule VI Black Start Service. Payment from the NYISO for each of these services is conditioned upon the customers meeting the requirements of the NYISO and making the appropriate contractual arrangements directly with the NYISO.

#### **PAYMENT**

Company shall pay customer at customer's office, or at such other place as customer may designate in writing to Company, on or before the twenty-fifth (25<sup>th</sup>) day of each month for electricity delivery to Company by customer during the preceding billing period. Overdue payments shall accrue interest at the rate of one and one-percent (1 ½%) per month from, and including, the due date to, but excluding the date of payment.

Upon providing five (5) day advance written notification, each party will have the right, at its sole expense and during normal working hours, to examine the records of the other party to the extent reasonably necessary to verify the accuracy of any statement, charges or computation made pursuant to the PPA. If requested, a party shall provide to the other party statements evidencing the quantities of electricity delivered at the Delivery Point. If any such examination reveals any inaccuracy in any statement, the necessary adjustments in such statement and the payments thereof will be made on the next months payment date and shall bear interest calculated at the rate of one and one-half percent (1 ½%) per month from the date the overpayment or underpayment was made until paid; provided, however, that no adjustment for any statement or payment will be made unless objection to the accuracy thereof was made prior to the lapse of one (1) year from the rendition thereof.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 412.1  
REVISION: 0  
SUPERSEDING REVISION:

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

### SERVICE CLASSIFICATION NO. 6 (Continued)

#### RATE TO BE PAID BY CUSTOMER:

##### Customer Charge and Buyback Contract Demand Charge

Beginning July 1, 2024, the customer will be required to pay a Customer Charge (per month) and a Buyback Contract Demand Charge (per kW per month) based on the customer's otherwise applicable service classification for delivery service, however, if service is taken by the customer under both SC-6 and another service classification of this tariff through the same service connection then:

- (i) the Customer Charge will be waived under SC-6; and
- (ii) the Buyback Contract Demand Charge under SC-6 shall apply only to the Buyback Contract Demand in excess of the Contract Demand billed under SC-7, or the Buyback Contract Demand in excess of the demand billed under another service classification of this tariff.
- (iii) Stand-alone Energy Storage Systems, with the exception of those participating in an NWA contract executed prior to March 16, 2022, and who have paid the required 25% interconnection deposit or signed an interconnection agreement if such deposit is not required, by December 31, 2025, will be exempt from Buyback Contract Demand Charges for a period of 15 years beginning on the project's in-service date.

	Customer Charge (per month)	Buyback Contract Demand Charge (per kW/month)
SC1	\$17.33	\$4.84
SC2ND	\$21.02	\$6.53
SC2D	\$53.57	\$2.98
SC3 Secondary	\$675.00	\$0.17
SC3 Primary	\$700.00	\$0.00
SC3 Subtransmission	\$1,150.00	\$0.00
SC3 Transmission	\$1,150.00	\$0.00
SC3A Secondary	\$3,000.00	\$0.41
SC3A Primary	\$3,000.00	\$0.41
SC3A Subtransmission	\$3,700.00	\$0.00
SC3A Transmission	\$7,500.00	\$0.34

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 412.2  
REVISION: 0  
SUPERSEDING REVISION:

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

**SERVICE CLASSIFICATION NO. 6 (Continued)**

**RATE TO BE PAID BY CUSTOMER: (Continued)**

**Determination of Buyback Contract Demand**

The Buyback Contract Demand shall be the contract demand as specified in the customer's request for service application (expressed in kW), unless and until a higher maximum demand is created by the customer, in which case such higher maximum demand shall become the Buyback Contract Demand for that month and thereafter unless and until exceeded by a still higher maximum demand, which in turn shall likewise be subject to the foregoing conditions. However, if a customer requests and receives a reduction in the Buyback Contract Demand, the demand history prior to the reduction will not be considered in determining the Buyback Contract Demand for subsequent months.

The customer may not request or receive a reduction in the Buyback Contract Demand more than one time in a 365-day period and or 365 days from any increase in the Buyback Contract Demand. In the event a customer's Buyback Contract Demand is reduced and thereafter the recorded maximum demand at any time exceeds the customer's effective Buyback Contract demand by: (i) 20% or greater, a penalty equal to the product of 24 times the Buyback Contract Demand rate times the demand in excess of the Buyback Contract Demand shall apply; (ii) 10% or greater but less than 20%, then a penalty equal to the product of 18 times the Buyback Contract Demand Rate and the demand in excess of the Buyback Contract Demand shall apply; and (iii) less than 10%, then a penalty equal to the product of 12 times the Buyback Contract Demand rate and the demand in excess of the Buyback Contract Demand shall apply.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 413  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 6 (continued)**

**SPECIAL PROVISIONS:**

- A. The Customer and the Company shall agree as to the operating mode, interconnection and equipment specifications as set forth in specifications in accordance with Electric System Bulletin (ESB) #756 – Supplement to Specifications for Electrical Installations – Parallel Generation Requirements, as amended from time to time, which are subject to Commission review and arbitration should a dispute arise.

The customer and the Company shall agree as to the manner of payments for interconnection costs which exceed the costs originally incurred in rendering the same Contract Demand under the applicable Service Classification. Upon the mutual agreement the customer may select from the following payment options:

- (1) The Company will furnish, own, operate, and maintain all special equipment, in return for which the Customer, or its successors on the site, will pay a monthly charge of 1.5 percent of the total investment costs for the duration of its/their operations on the site, whether or not the equipment is in use.
  - (2) The customer will furnish, own and operate all special equipment and the Company will maintain such equipment, in return for which the customer, or its successors on the site, will pay a 9 percent annual operating charge based upon the customer's total investment in such interconnection equipment.
  - (3) The customer will furnish, own, operate and maintain all special equipment, provided that the equipment and maintenance are suitable for interconnected operations. Such equipment shall be made available for Company inspection as may reasonably be required.
- B. The Company will be relieved of its obligation to purchase energy during any period in which the Company suffers a System emergency. In such circumstances, the Company will notify the customer to cease supplying energy to the Company. For purposes of this Provision, a System emergency is defined as a condition which is imminently likely to endanger life or property or result in significant disruption of service to any customer.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 414  
 REVISION: 0  
 SUPERSEDING REVISION:

### SERVICE CLASSIFICATION NO. 6 (continued)

#### SPECIAL PROVISIONS

- C. Customers selling bundled energy, capacity and ancillary services to the Company from a solar, biomass, hydro or wind powered generating facility less than or equal to 5.0 MW nameplate, may elect to be paid the following: (Provisions No 1 through No. 4 of Rate to Be Paid by Company remain):

$$\sum_{i=1}^n (\text{Day Ahead LBMP}_i + \text{Avoided Ancillary Services Rate}_m) * Q_i$$

The Company will receive the benefit of the generation facility's capacity at no cost

Whereby:

Avoided Ancillary Services Rate<sub>m</sub> in \$/MWh means for the calendar month in which energy is delivered, the total resultant of (i) the amount Company is charged by the NYISO for Ancillary Services: Rate Schedule 1 scheduling, system control and dispatch service, Rate Schedule 2 reactive supply and voltage support service, Rate Schedule 3 regulation and frequency response service, Rate Schedule 5 operating reserve service (including spinning reserve, 10-minute non-synchronized reserves and 30-minute reserves), and Rate Schedule 6 black start capability, divided by (ii) the total Ancillary Services MWh the Company purchased (including bilateral transactions) for its customers. Initial Monthly Settlement Statements provided to the Company by the NYISO shall be used to calculate the Avoided Ancillary Services Rate. Avoided Ancillary Services Rate shall be deemed to equal \$0.0/MWh in the event the Company cannot utilize the generator as a load modifier in NYISO billing. In the event any such Ancillary Service cost in (i) is not avoided then such contribution to Avoided Ancillary Service Rate shall be \$0.0/MWh;

Day Ahead LBMP<sub>i</sub> is the Day Ahead Zonal LBMP in \$/MWh as defined in Rule 1.70 for the NYISO Zone in which the Generation Facility is located.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 415  
REVISION: 3  
SUPERSEDING REVISION: 2

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7  
STANDBY SERVICE AND OPTIONAL RATE SERVICE

**APPLICABLE TO USE OF SERVICE FOR:**

This Service Classification No. 7 ("SC-7") is applicable to customers meeting the requirements of (a) through (d) below ("Standby Service Customers") and customers meeting the requirements of (e) below ("Optional Rate Customers"):

Standby Service:

- (a) Customers who have generation installed on their site, whether the generation equipment is owned by the customer or a third party; or
- (b) Customers who are directly interconnected with a Wholesale Generator, as defined in Rule 1.76; or
- (c) Wholesale Generators who require service from the Company when their own generating equipment is not sufficient to meet their own load; or
- (d) Customers with on-site generation compensated under Rule 40.2, Value Stack, that meet the requirements for compensation in accordance with Rule 40.2.1.1, and that are not otherwise exempt from SC-7 in accordance with Section 4 of SC- 7.

Optional Rate Service:

- (e) Customer that opt into SC-7, who do not otherwise meet the requirements of Standby Service. ("Optional Rate Customers") must remain on SC-7 for a minimum period of one year. Any customer may opt into SC-7 with the exception of SC-12 customers, streetlighting customers, and unmetered customers.

More specifically:

1. Standby Service shall apply to: (a.) customers with on-site generation serving load that is not isolated from the grid in accordance with Rule 1.48; (b.) Wholesale Generators that rely on the electric utility to serve electric loads that would otherwise be served by the generator such as station power used for the heating, lighting, air-conditioning, and office equipment needs of the buildings housing the generator and associated support facilities located on a generating facility's site, and/or to facilitate the re-starting of the generator following an outage. Standby rates will also apply to Wholesale Generators that take station service through the same bus bar as they supply the wholesale grid.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: DECEMBER 9, 2019  
STAMPS: Issued in Compliance with Order in Case 15-E-0751 issued December 13, 2018.

LEAF: 415.1  
REVISION: 0  
SUPERSEDING REVISION:

### **SERVICE CLASSIFICATION NO. 7 (Continued)**

2. Same Bus Bar

“Same Bus Bar” is defined as a common electrical point of interconnection on the same physical bus bar structure located at one substation of the utility and an individual customer’s system at the single voltage level at which the customer takes service and has taken service as of March 2002. This common point of interconnection may include up to one load serving connection, or tap, (such tap is in addition to the single point of delivery service from the generating customer to the NMPC delivery system being metered), from a single physical bus bar (one tap must be connecting the customer's generation output to the bus and a second tap must be connecting the customer's electric service to the bus) located at an NMPC substation. The customer’s generation must be on a single unitary tract of land; adjoining and abutting the land upon which the NMPC substation is located and the points of delivery and receipt must not be more than 500’ apart. The presence of Company equipment, including but not limited to switches, fuses, transformers, and circuit breakers, between the point(s) of delivery is not considered Same Bus Bar. If the single physical bus bar or a portion thereof, is relied upon to deliver electricity between the customer’s generation and customer’s load, i.e., the point of common coupling, the customer will enter into a financial agreement with the Company for payment of use of that portion of the Company's equipment that comprises the point of common coupling necessary to move the generation from the customer to the customer’s load. The amount of the load will be netted from the customers’ generation on a 15-minute interval basis. The customer is responsible for all costs of metering, reconfiguration, instrument transformers and telemetry equipment necessary to implement the netting of generation and load that meets the requirements above. When the forgoing requirements are met, the customer will be eligible to net generation and load. In this case, the customer, upon entering into a financial agreement with the Company, will be considered as netting the customer’s load from "behind the meter” for the limited purposes of electricity supply service provision under Rule 46 and for delivery services.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 416  
REVISION: 5  
SUPERSEDING REVISION: 4

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (Continued)

3. For Standby Service Customers, the Parent Service Classification shall be defined based upon the applicable Contract Demand at the delivery point (as initially calculated by the Company).
4. Exemptions From SC7  
The following customers shall not be subject to SC-7 but shall be served under the customer's otherwise applicable service classification unless the customer chooses to opt into SC-7 as an Optional Rate Customer (with the exception of customers specific to 4E below who are not eligible to opt into SC-7 as an Optional Rate Customer).
  - A. "Behind the Meter" Service  
Self-supplied electricity where a Wholesale Generator, when operating, supplies all of its electric energy needs from "behind the meter" (that is, the energy does not pass through the point of interconnection between the generator's facility and the utility's retail delivery system to which it is interconnected).
  - B. Separately Metered Accounts Not Served by OSG  
All separately metered service accounts within the premises whereby electricity consumption is not otherwise served directly through facilities owned by the customer (e.g., power to the facility's outer buildings) shall be provided at the standard tariff rates for the Parent Service Classification.
  - C. Small Generators  
Customers with a nameplate aggregate generator(s) 5 kVA or smaller shall be served at the standard tariff rates for the Parent Service Classification.
  - D. Certain Customers Grandfathered Under Form G<sub>f</sub>: Standby service rates shall not apply to customers served on the standard classification as of January 1, 2002 that have executed a form G<sub>f</sub> and were grandfathered as a result of Form G<sub>f</sub> of PSC 207 as of January 1, 2002; except where such customer is a SC-3 subtransmission or transmission voltage level or SC-3A subtransmission or transmission voltage level customer and is a Wholesale Generator. Effective May 1, 2006, customers grandfathered under this provision may elect at any time to take service under this service classification. Such customers may exercise this option only once and may not elect to receive service under another service classification, unless otherwise eligible therefore. This grandfathering provision shall expire and no longer apply and Standby Service Rates shall apply if and at such time the customer installs any New Generating Equipment and this SC7 Tariff shall apply as defined herein.

PSC NO: 220 ELECTRICITY

LEAF: 417

NIAGARA MOHAWK POWER CORPORATION

REVISION: 12

INITIAL EFFECTIVE DATE: JANUARY 1, 2024

SUPERSEDING REVISION: 11

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

## SERVICE CLASSIFICATION NO. 7 (Continued)

4. Exemptions From SC-7 (Continued)D. Certain Customers Grandfathered Under Form G<sub>2</sub> (Continued)

For the purposes of this provision, New Generating Equipment shall include the installation or the replacement of the following items of electric plant:

- (i) for steam production plant: boiler plant equipment; engines and engine-driven generators; and turbogenerator units;
- (ii) for nuclear production plant: reactor plant equipment, and turbogenerator units;
- (iii) for hydraulic production plant: turbines, and generators; and
- (iv) for other electric production equipment: fuel holders, producers, and accessories; prime movers; and generators.

The installation or replacement of electric plant ordinarily classified as maintenance or repair expenses or replacements under warranty as a result of a defect or casualty loss, or of water wheels, automotive and marine internal combustion engines fired by natural gas which were designed and installed with the intention of routine replacement, and generator rewinds shall not be deemed to be New Generating Equipment.

E. NYPA Programs and SC 12 Contracts

Standby service rates shall not apply to that portion of a customer's delivery service associated with the provision of applicable NYPA programs or that portion of delivery service served under the terms and conditions of an SC-12 contract. Customers under this 4.E are not eligible to opt into SC-7 as an Optional Rate Customer.

F. Environmentally Advantageous Technologies ("EAT") Exemptions

Standby service rates shall not apply to customers who install On-Site Generators ("OSG") that are:

- (1) solar thermal;
- (2) solar photovoltaic;
- (3) onshore and offshore wind;
- (4) hydroelectric;
- (5) geothermal electric;
- (6) geothermal ground source heat;
- (7) tidal energy;
- (8) wave energy;
- (9) ocean thermal;
- (10) Fuel cells which do not utilize a fossil fuel resource in the process of generating electricity. Fuel cells are permitted to utilize biomass, biogas, or hydrogen, provided that the manufacture or production of such fuels does not include the combustion or electrolysis of fossil fuels, or the use of fossil fuel or non-renewable grid power in the conversion process.

PSC NO: 220 ELECTRICITY

LEAF: 417.1

NIAGARA MOHAWK POWER CORPORATION

REVISION: 1

INITIAL EFFECTIVE DATE: JUNE 1, 2023

SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 19-E-0079 dated May 18, 2023.

## SERVICE CLASSIFICATION NO. 7 (Continued)

- (11) small, efficient types of combined heat and power ("CHP") generation that do not exceed 1 MW of capacity and meet the following criteria:
- i. Annual overall thermal and electrical energy efficiency should not be less than 60% based on the higher heating value ("HHV") of the fuel input;
  - ii. The usable thermal energy component should absorb a minimum of 20% of the CHP facility's total usable annual energy output;
  - iii. The OSG capacity shall be determined by aggregating the nameplate ratings of the generation units, installed at its location, excluding emergency generation units used only during a utility distribution system failure or in response to the NYISO Emergency Demand Response Program; and
  - iv. An eligible CHP facility shall demonstrate to the Company that its generation installation meets an environmental standard of no more than 1.4 lbs./MWh of NOx emissions based on its electrical and mechanical output or its rated capacity. Units that have completed a Coordinated Electric System Interconnection Review ("CESIR") by April 1, 2018 will be subject to the previously applicable standard of no more than 4.4 lbs./MWh of NOx emissions.
  - v. The CHP facility must be placed in service before May 31, 2021.
  - vi. Customers shall comply with the above criteria and in addition:
    1. Monitor and record efficiency data, which shall include the annual quantity of fuel fired, the annual quantity of generated electricity, and the annual quantity of the thermal heat recovered in the heat recovery process;
    2. have records available for Company inspection; and
    3. retain the records for a 3-year period.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 19, 2024  
STAMPS: Issued in Compliance with Order in Case22-E-0236, dated November 20, 2023.

LEAF: 418  
REVISION: 15  
SUPERSEDING REVISION: 14

SERVICE CLASSIFICATION NO. 7 (Continued)

4. Exemptions From SC-7 (Continued)

- (12) Effective June 1, 2015, a customer who installs and places in service a new CHP facility before May 31, 2021, greater than 1 MW and up to 15 MW, exclusive, may exercise a one-time option to be exempt from standby rates and pay standard delivery rates for a period of four years.
- i. The exemption, once obtained, would be applicable for a period of four years commencing from the in-service date of the CHP facility. After the four-year period, the customer will be subject to the then-applicable standby rates or to any such tariff which replaces standby rates, if applicable.
  - ii. Once exempt, the customer may exercise the option to exit the exemption one time prior to the end of the customer's one-time exemption period.
  - iii. Customers exercising this option will also be required to install, at their expense, revenue grade, interval meters that will measure generation output, and attach telemetry equipment sufficient to transmit operational information to the Company.
  - iii. Customers under this Section 7 are also subject to the requirements of Section 6, Sub Sections i-v.
- (13) Energy Storage technologies with inverter capability of up to 1 MW. However, customers who install energy storage systems to help manage the demand of EV charging load, with said energy storage systems having inverter capability greater than 1 MW and less than or equal to the sum of nameplate EV charging capability, are also exempt provided that such installations meet all other applicable interconnection and standby service requirements.

Customers qualifying for the EAT Exemption shall comply with all the following requirements:

- a) The OSG is placed in service after July 1, 2002, except that for CHP facilities, in accordance with Section 7 above, the OSG is placed in service between June 1, 2015 and May 31, 2021.
- b) The OSG is connected to the customer's electric system using an automated or manual transfer switch or the electrical equivalent of such a switch approved by the Company consistent with Electric System Bulletin 750 as it may be amended from time to time.
- c) The customer executes, and the Company accepts, a Form G as required under the special provisions of the applicable Service Classification for all generators on the premises. The customer shall state its intended use of the OSG facilities on the Form G in the blank spaces provided for special conditions.
- d) The EAT Exemption will not apply to sustainably managed biomass, biogas, and fuel cell units which utilize fossil fuel resources installed on or after June 1, 2023.

In the event the customer fails to comply with provisions (a) through (c) above, the Company shall have the following rights:

- (a) to bill the customer standby service rates for those amounts of total Electric Service which the Company reasonably estimated were received by the customer during times when Electric Service from the Company was available to the customer; and
- (b) to require the customer to install OSG meter(s) on all its generators on the premises within a mutually acceptable schedule and upon receipt of written notice from the Company.



PSC NO: 220 ELECTRICITY

LEAF: 418.1

NIAGARA MOHAWK POWER CORPORATION

REVISION: 3

INITIAL EFFECTIVE DATE: JUNE 1, 2023

SUPERSEDING REVISION: 2

STAMPS: Issued in Compliance with Order in Case 19-E-0079 dated May 18, 2023.

## SERVICE CLASSIFICATION NO. 7 (Continued)

Customers qualifying for the EAT Exemption shall be allowed to make a one-time irrevocable election to refuse the EAT Exemption and, instead, take service at full standby service rates, upon providing thirty (30) days written notice to the Company before commencing operation of the OSG; provided, however, that if operation of the OSG commenced between July 1, 2002 and December 31, 2011, the Customer must make its one-time election by March 1, 2012. Customers qualifying for an EAT exemption under Section 12 above will have a one-time exemption in accordance with Section 4.F (12) (ii) above.

G. Net Metering for Solar, Farm Waste, Wind, Micro-Combined Heat and Power, Micro-Hydroelectric Generating Equipment, and Fuel Cell Electric Generating Systems - Standby service rates shall not apply to Customer-Generators who have the above electric generating equipment provided they have executed a Form K agreement with the Company and have complied with all the requirements of Rule 36 and Rule 37 of this tariff.

PSC NO: 220 ELECTRICITY

LEAF: 419

NIAGARA MOHAWK POWER CORPORATION

REVISION: 3

INITIAL EFFECTIVE DATE: DECEMBER 9, 2019

SUPERSEDING REVISION: 2

STAMPS: Issued in Compliance with Order in Case 15-E-0751 issued December 13, 2018.

**SERVICE CLASSIFICATION NO. 7 (Continued)****H. Emergency Generators**

Customers who install an Emergency Power System (as defined in Rule 1.50) may be exempted from the requirement of service under this S.C. No. 7 if the customer commits in a written agreement with the Company that the on-site generators shall be subject to all of the following requirements:

- 1) Each such OSG shall be designated in the customer's Standby Service Application with the Company as an Emergency Power System ("Emergency OSG") pursuant to Rules 1.50;
- 2) Each such Emergency OSG is not capable of being operated in parallel with the Company's system other than for closed-transition transfer switching where the term "closed-transition transfer" is characterized as a momentary make-before-break switching sequence.
- 3) Each such Emergency OSG is connected to the customer's electric system using an automated or manual transfer switch or the electrical equivalent of such a switch approved by the Company.
- 4) The Emergency OSG is used exclusively for purposes of Emergency Power System (defined in Rule 1.50).
- 5) No load may be served by Emergency OSG while Electric Service is being provided by the Company to the premises except:
  - (i) for the periods of time as required by statute or regulation, and
  - (ii) in the absence of a statutory or regulatory requirement, such times so as to adequately test such systems, not to exceed 10 hours per month or as otherwise agreed to by the Company in the Standby Service Application, and
  - (iii) for periods of time called by the NYISO for EDRP or ICAP(UCAP).
- 6) The customer shall maintain an operating log for each Emergency OSG indicating the date, time, hours, and purpose of each operation of each such facility. This log shall be made available to the Company upon request. If the customer fails to maintain this log or to provide it to the Company on request, the Company shall have the following rights:
  - (i) to bill the customer for those amounts of Electric Service which the Company reasonably estimated were inappropriately supplied by the customer's generator during times when Electric Service from the Company was available to the customer; and

In all cases, the customer shall remain obligated to execute and have the Company accept a Standby Service Application (Form G) as applicable under the special provisions of the applicable service classification for all Emergency Generators on the premises. The customer shall state its intended use of the OSG facilities on the Standby Service Application in the blank spaces provided for special conditions.

- I. Customers served on SC-2D with a contract demand less than 50 kW may elect to remain on the SC-2D standard service classification or may choose to install an interval meter and receive standby rates.
- J. Customers who receive compensation under Rule 40.2.3.2 for Hybrid Facilities.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JULY 1, 2023  
STAMPS:

LEAF: 419.1  
REVISION: 0  
SUPERSEDING REVISION:

SERVICE CLASSIFICATION NO. 7 (Continued)

4. Exemptions From SC-7 (Continued)

K. Customers with stand-alone Energy Storage systems charging for wholesale purposes will be billed pursuant to the WDS, at such time that the WDS tariff becomes effective, for those charging purposes and are not subject to Standby Service rates.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 420  
REVISION: 2  
SUPERSEDING REVISION: 1

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (Continued)

**APPLICATION FOR SERVICE:**

**Standby Rate Service:**

Customers with on-site generation must apply for service by providing the Company with an executed Form G, Application For Electric Standby Service and interconnection agreement, both of which are available from Company representatives. Customers operating an on-site generator unit less than 5 MW may apply for service using Appendix A of the New York State Standardized Interconnection Requirements and Application Process for New Distributed Generators and Energy Storage Systems 5 MW or Less Connected in Parallel with Utility Distribution Systems, also available from Company representatives. Customers in excess of 5 MW, that also have an on-site generator, must execute an Interconnection Agreement with the Company. Customers that do not have an on-site generator must apply using the Company's Form C – Application for Electric Service.

**Optional Rate Service:**

Eligible customers must apply for service by providing the Company with an executed Form C which is available from Company representatives.

**CHARACTER OF SERVICE:**

Single or three phase alternating current, approximately 60 hertz, at a single standard delivery voltage with service metered at, or compensated to, that delivery point. Site-specific requirements will be determined by the Company.

**BILLING PARAMETERS:**

Customers served under this service classification shall be billed according to the following parameters:

Customer Charge - a charge for customer related services.

Incremental Customer Charge - the incremental cost of metering and meter communications equipment necessary to administer this Standby Service.

Contract Demand Charge - a reservation charge for the use of the Company's local distribution system.

As Used On-peak Daily Demand Charge - a daily usage demand charge for the maximum use of the Company's delivery system during on-peak hours (as defined in the Determination of Contract Demand section of SC-7).

As Used Super-peak Daily Demand Charge – a daily usage demand charge for the maximum use of the Company's delivery system during super-peak hours (as defined in the Determination of Contract Demand section of SC-7).

Electricity Supply Service Charge - a charge for the electricity supply service (Commodity) provided to the customer.

Surcharges and Adjustments - a set of itemized charges for specific adjustments as provided under the otherwise applicable service classification.

**RATES:**

Rates are established on a calendar month basis and will only be prorated if the billing period is less than 25 days or more than 35 days.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024  
STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

LEAF: 421  
REVISION: 24  
SUPERSEDING REVISION: 23

SERVICE CLASSIFICATION NO. 7 (Continued)

Applicable Rates and Charges – Standby Service Customers and Optional Rate Service Customers will be subject to the following SC-7 rates in accordance with their Parent Service Classification if a Standby Service Customer and their otherwise applicable service classification if an Optional Rate Service Customer.

SERVICE CLASSIFICATION NO. 1 – Residential – Prior to April 1, 2024

MONTHLY RATE:

Customer Charge: \$17.33

Metering and Communications/Incremental Customer Charge

All Load Zones Leaf No. 429 (A-E)

Contract Customer Demand Charge:

Distribution Delivery \$28.81

As Used Daily Energy Charge, Per kWh:

Distribution Delivery \$0.02448

The per kWh charge above is inclusive of the SERVICE CLASS DEFERRAL CREDITS contained in Rule 58.

SERVICE CLASSIFICATION NO. 1 – Residential – Beginning April 1, 2024

MONTHLY RATE:

Customer Charge: \$17.33

Metering and Communications/Incremental Customer Charge

All Load Zones Leaf No. 429 (A-E)

Contract Demand Charge, per kW:

Distribution Delivery \$4.89

As Used On-peak Daily Demand Charge, Per kW:

Distribution Delivery \$0.2722

As Used Super-peak Daily Demand Charge, per kW

Distribution Delivery \$0.6332

Contract Demand Charge above is inclusive of the SERVICE CLASS DEFERRAL CREDITS contained in Rule 58.

SC-7 customer's billed under Parent Service Classification No. 1 rates shall have the determination of their Contract Demand (kW) and As Used Daily Demand (kW) based on a 60-minute integrated metered demand, which shall be determined as the sum of the four 15-minute demands in an hour.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024  
STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

LEAF: 421.1  
REVISION: 0  
SUPERSEDING REVISION:

## SERVICE CLASSIFICATION NO. 7 (Continued)

SERVICE CLASSIFICATION NO. 2 Non-Demand – Prior to April 1, 2024

## MONTHLY RATE:

Customer Charge: \$21.02

Metering and Communications/Incremental Customer Charge

All Load Zones Leaf No. 429 (A-E)

Contract Customer Charge

Distribution Delivery \$22.36

As Used Daily Energy Charge, Per kWh:

Distribution Delivery \$0.02751

The per kWh charge above is inclusive of the SERVICE CLASS DEFERRAL CREDITS contained in Rule 58.

SERVICE CLASSIFICATION NO. 2 Non-Demand – Beginning to April 1, 2024

## MONTHLY RATE:

Customer Charge: \$21.02

Metering and Communications/Incremental Customer Charge

All Load Zones Leaf No. 429 (A-E)

Contract Demand Charge, per kW

Distribution Delivery \$6.63

As Used On-peak Daily Demand Charge, Per kW:

Distribution Delivery \$0.2923

As Used Super-peak Daily Demand Charge, per kW

Distribution Delivery \$0.6204

Contract Demand Charge above is inclusive of the SERVICE CLASS DEFERRAL CREDITS contained in Rule 58.

SC-7 customer's billed under Parent Service Classification No. 2ND rates shall have the determination of their Contract Demand (kW) and As Used Daily Demand (kW) based on a 60-minute integrated metered demand, which shall be determined as the sum of the four 15-minute demands in an hour.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 422  
REVISION: 24  
SUPERSEDING REVISION: 23

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (Continued)

SERVICE CLASSIFICATION NO. 2D

MONTHLY RATE:

Customer Charge: \$53.57

Metering and Communications/Incremental Customer Charge  
All Load Zones Leaf No. 429 (A-E)

Customer will be billed the SC-7 Phase-In Delivery charges below unless the SC-7 Delivery charges are elected in accordance with Special Provision M of this SC-7.

	SC-7 Delivery	SC-7 Phase-In Delivery
Contract Demand Charge, per kW:		
Distribution Delivery	\$3.00	\$3.79
As Used On-peak Daily Demand Charges, Per kW:		
Distribution Delivery	\$0.5309	\$0.5525
As Used Super-peak Daily Demand Charge, Per kW:		
Distribution Delivery	\$0.9022	\$0.6144

Contract Demand Charge above is inclusive of the SERVICE CLASS DEFERRAL CREDITS contained in Rule 58.

SC-7 customer's billed under Parent Service Classification No. 2D rates shall have the determination of their Contract Demand (kW) and As Used Daily Demand (kW) based on a 15-minute integrated metered demand.

Whenever Company does not have to supply and maintain a transformer or transformers for such service there shall be a discount of ninety cents per kW per month for each kW of billed demand, applicable to the demand charge stated under Contract Demand Charge.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: JANUARY 1, 2024  
 STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

LEAF: 423  
 REVISION: 25  
 SUPERSEDING REVISION: 24

### SERVICE CLASSIFICATION NO. 7 (Continued)

#### SERVICE CLASSIFICATION NO. 3

##### MONTHLY RATE:

Customer Charge:

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Distribution Delivery Charge:	\$675.00	\$700.00	\$1,150.00	\$1,150.00

Metering and Communications/Incremental Customer Charge:  
 All Load Zones Leaf No. 429 (A-E)

Customer will be billed the SC-7 Phase-In Delivery charges below unless the SC-7 Delivery charges are elected in accordance with Special Provision M of this SC-7.

##### Contract Demand Charges, Per kW:

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Delivery for SC-7 Customers	\$0.18	\$0.00	\$0.00	\$0.00
Delivery for SC-7 Phase-in Customers	\$1.18	\$0.94	\$0.00	\$0.00

##### As Used On-peak Daily Demand Charges, Per kW:

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Delivery for SC-7 Customers	\$0.4508	\$0.4083	\$0.1335	\$0.1335
Delivery for SC-7 Phase-in Customers	\$0.4758	\$0.4313	\$0.1585	\$0.1585

##### As Used Super-peak Daily Demand Charges, Per kW:

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Delivery for SC-7 Customers	\$0.8352	\$0.7634	\$0.2469	\$0.2469
Delivery for SC-7 Phase-in Customers	\$0.5399	\$0.4905	\$0.1774	\$0.1774

(Contract Demand Charges above are inclusive of the SERVICE CLASS DEFERRAL CREDITS contained in Rule 58)

SC-7 customer's billed under Parent Service Classification No. 3 rates shall have the determination of their Contract Demand (kW) and As Used Daily Demand (kW) based on a 15-minute integrated metered demand.

##### Reactive Demand Charges:

All Delivery Voltages: \$0.85 for each chargeable RkVA of lagging reactive demand.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 424  
REVISION: 25  
SUPERSEDING REVISION: 24

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (Continued)

SERVICE CLASSIFICATION NO. 3A

MONTHLY RATE:

Customer Charge:

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Distribution Delivery Charge:	\$3,000.00	\$3,000.00	\$3,700.00	\$7,500.00

Metering and Communications/Incremental Customer Charge:

All Load Zones Leaf No. 429 (A-E)

Customer will be billed the SC-7 Phase-In Delivery charges below unless the SC-7 Delivery charges are elected in accordance with Special Provision M of this SC-7.

Contract Demand Charges, Per kW:

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Delivery for SC-7 Customers	\$0.42	\$0.42	\$0.00	\$0.34
Delivery for SC-7 Phase-in Customers	\$1.45	\$1.45	\$0.14	\$0.38

As Used On-Peak Daily Demand Charges, Per kW:

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Delivery for SC-7 Customers	\$0.4483	\$0.4483	\$0.1528	\$0.1271
Delivery for SC-7 Phase-in Customers	\$0.4744	\$0.4744	\$0.1747	\$0.1516

As Used Super-peak Daily Demand Charges, Per kW:

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Delivery for SC-7 Customers	\$0.8451	\$0.8451	\$0.2890	\$0.2513
Delivery for SC-7 Phase-in Customers	\$0.5405	\$0.5405	\$0.1974	\$0.1723

Reactive Demand Charges:

All Delivery Voltages: \$1.02 for each chargeable RkVA of lagging reactive demand.

(Contract Demand Charges above are inclusive of the SERVICE CLASS DEFERRAL CREDITS contained in Rule 58)

SC-7 customer's billed under Parent Service Classification No. 3A rates shall have the determination of their Contract Demand (kW) and As Used Daily Demand (kW) based on a 15-minute integrated metered demand.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024  
STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

LEAF: 425  
REVISION: 19  
SUPERSEDING REVISION: 18

#### SERVICE CLASSIFICATION NO. 7 (Continued)

##### Electricity Supply Service:

All Standby Service Customers and Optional Rate Service Customers taking supply service from the Company, with the exception of SC7 customers whose otherwise applicable service class is SC1 or SC2 Non-Demand, will be billed for commodity service based on their actual hourly usage and the hourly day-ahead market prices as described in Rule 46.1.3 herein. SC7 customers whose otherwise applicable service class is SC1 or SC2 Non-Demand will be billed for commodity service per Rule 46.1.1.

Company supplied Electricity Supply Service charges shall be set according to the market price of electricity determined in accordance with Rule 46.1, Electricity Supply Cost.

Customers served under SC-7 are also eligible to participate in Rule 39 - Retail Access Program.

Wholesale Generators receiving Station Power service from the NYISO in accordance with Special Provision J shall receive Electricity Supply Service from the NYISO and shall be exempt from Electricity Supply Service charges under Rule 46.1.

#### SURCHARGES AND ADJUSTMENTS

Customers served under SC-7 may be subject to the following surcharges and adjustments:

Rule 32.2 - Municipal Undergrounding Surcharge  
Rule 40 - Value of Distributed Energy Resources' Customer Benefit Contribution Charge  
Rule 41 - System Benefits Charges  
Rule 42 - Merchant Function Charge  
Rule 43 - Transmission Revenue Adjustment  
Rule 45 - Non-Wires Alternative Surcharge  
Rule 46 - Supply Service Charges  
Rule 49 - Earnings Adjustment Mechanism  
Rule 50 - Reliability Support Services Surcharge  
Rule 52 - Electric Vehicle Make-Ready Surcharge  
Rule 57 - Revenue Decoupling Mechanism  
Rule 58 - Service Class Deferral Credit/Surcharge  
Rule 59 - Arrears Management Program (AMP)  
Rule 64 - Dynamic Load Management (DLM) Surcharge  
Rule 67 - Hydrogen Energy Transfer System Surcharge  
Rule 68 - Net Utility Plant and Depreciation Expense Reconciliation Mechanism Surcharge  
Rule 69 - Incremental New Efficiency: New York Costs Surcharge  
Rule 70 - Late Payment and Other Waived Fees (LPCO) Surcharge

#### MINIMUM CHARGE:

Customers served under SC7 shall be subject to a minimum Charge which shall be the Customer Charge, the Incremental Customer Charge (where applicable), and the Contract Demand Charge.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 426  
REVISION: 1  
SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (Continued)

**INCREASE IN RATES AND CHARGES:**

The rates and charges under this Service Classification, including the Minimum Charge, will be increased by a tax factor pursuant to Rule 32.

**TERMS OF PAYMENT:**

Bills are due and payable when rendered. Full payment must be received on or before the date shown on the bill to avoid a late payment charge pursuant to Rule 26.4.

**TERM:**

One year from commencement of service hereunder and continuously thereafter until permanently canceled by the customer upon 90 days' prior notice to the Company.

**DETERMINATION OF CONTRACT DEMAND:**

(1.a) Contract Demand for Standby Service Customers:

Contract Demand shall initially be set at the maximum anticipated demand of the customer including any load that is not isolated pursuant to Rule 1.48 codified in a Standby Service Application and determined as the greater of the following and the Company shall inform the customer of the resultant contract demand ten (10) days prior to the next billing cycle:

- (i) the maximum demand from the Company's system over the previous 12-months, or
- (ii) the customer's maximum load supplied by all sources including the OSG and Company's supply system over the previous 12-months.

In the case of a new customer (i.e., a customer for whom historical consumption data does not exist) the Contract Demand shall be the maximum anticipated demand of load consumed as a National Electrical Code calculation in effect based upon the electrical equipment to be served.

The Contract Demand shall automatically be increased to the highest measured demand in any billing period during the term hereunder.

The Contract Demand of a Wholesale Generator who is connected to a customer which would otherwise be served directly by the Company shall be set at the maximum potential demand of the station loads of the Wholesale Generator when the generator is out of service plus the maximum potential demand of the customer connected to the Wholesale Generator.

The Contract Demand may be increased based upon a written notice by the customer to the Company at any time.

The Contract Demand as determined above may be reduced based upon a written notice by the customer to the Company and may be reduced no more than one time in a 365-day period and/or 365 days from any increase or ratchet in Contract Demand. In the event the customer's Contract Demand is reduced thereafter and the recorded maximum demand at any time exceeds the customer's nominated and effective Contract Demand: (i) by 20% or greater then a penalty equal to the product of 24 times the Contract Demand rate times the demand in excess of the Contract Demand shall apply, (ii) by 10% or greater, but less than 20%, then a penalty equal to the product of 18 times the Contract Demand rate times the demand in excess of the Contract Demand shall apply, (iii) by less than 10% then a penalty equal to the product of 12 times the Contract Demand rate times the demand in excess of the Contract Demand shall apply.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 427  
REVISION: 2  
SUPERSEDING REVISION: 1

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (Continued)

**DETERMINATION OF DEMAND:** (Continued)

Seasonal or other temporary fluctuations in load of the customer's existing facilities such as heating and air conditioning, and temporary reductions in manufacturing shall not qualify for reductions in the Contract Demand.

The effective date of the revised Contract Demand shall be the next billing cycle following the Company's receipt of the customer's written notice provided such notice is received 10 business days prior to the first day of the next billing cycle.

(1.b) Contract Demand for Optional Rate Customers

Contract Demand will be established initially as the customer's maximum measured demand during the first billing period under SC-7. Thereafter, the Contract Demand shall automatically be increased to the highest measured demand in any billing period during the term hereunder. In the event the customer has installed energy efficient equipment or has altered the operation of their service such that the maximum potential demand at the premise is less than the Contract Demand, the customer may request a reconsideration of the Contract Demand by the Company. Any reduction of the Contract Demand will be at the Company's discretion.

(2) As-Used On-peak Daily Demand

The As-Used On-peak Daily Demand shall be the aggregate of the highest daily 15-minute integrated demand (measured in kW) occurring during the on-peak hours of each day during the billing period, except for customers of parent service classification is SC1 or SC2 Non-Demand it shall be the aggregate of the highest 60-minute integrated demand (measured in kW) during the on-peak hours of each day during the billing period.

On-Peak hours are defined as follows:

During the months of October through May, for the hours between 8:00 am and 10:00 pm, Mondays through Fridays, excluding holidays. During the months of June through September, for the hours between 8:00 am and 1:00 pm and 6:00 pm through 10:00 pm, Mondays through Fridays, excluding holidays. For this purpose, the holidays are specified as New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, when such holidays fall on other than a Saturday or Sunday. All other hours are defined as Off-peak.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 427.1  
REVISION: 0  
SUPERSEDING REVISION:

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (Continued)

**DETERMINATION OF DEMAND:** (Continued)

(3) As-Used Super-peak Daily Demand

The As-Used Super-peak Daily Demand shall be the aggregate of the highest daily 15-minute integrated demand (measured in kW) occurring during the Super-peak hours of each day during the billing period, except for customers of parent service classification is SC1 or SC2 Non-Demand it shall be the aggregate of the highest 60-minute integrated demand (measured in kW) during the on-peak hours of each day during the billing period.

Super-peak hours are defined as follows:

During the months of June through September, for the hours between 1:00pm and 6:00 pm, Mondays through Fridays, excluding holidays as defined in (2) above.

(4) The Reactive Demand

The Reactive Power Demand Charge shall be the highest average kilovolt-ampere of lagging reactive demand measured in a 15 minute interval during the month less one-third of the highest kilowatt demand measured during the month.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 428  
REVISION: 3  
SUPERSEDING REVISION: 2

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (Continued)

**INTERCONNECTION REQUIREMENTS SPECIFIC TO STANDBY SERVICE:**

The facility may be connected for parallel operation with the service of the Company, or isolated for operation with standby service provided by a Wholesale Generator by means of a double throw transfer switch or transfer switching scheme acceptable to the Company.

Customers with an on-site generator are required to execute an Interconnection Agreement with the Company. Customers having an on-site generator in aggregate with other OSG's of less than 5 MW are eligible to execute The New York State Standardized Interconnection Requirements and Application Process for New Distributed Generators and Energy Storage Systems 5 MW or Less Connected in Parallel with Utility Distribution Systems. Customers without an on-site generator are not required to execute an Interconnection Agreement with the Company.

All other customers must execute an Interconnection Agreement, available from Company representatives.

For parallel generator installations, the customer and the Company shall agree as to the operating mode, interconnection and equipment specifications as set forth in Specifications for Electrical Installations Supplement, Electric System Bulletin Nos. 756A or 756B as applicable and as amended from time to time, which is subject to Commission review and arbitration should a dispute arise.

The following provision shall not apply to Wholesale Generators that agree to pay for actual interconnection costs in Interconnection Agreements or other agreements with the Company. The customer shall agree to pay for all interconnection costs which exceed the costs ordinarily incurred in rendering service at the same Contract Demand under the applicable Service Classification. Upon a mutual agreement the customer may select from the following payment options, provided that upon request, the customer agrees to provide a compensatory letter of credit to the Company:

- (1) The Company will furnish, own, operate, and maintain all special equipment, in return for which the customer, or its successors on the site, will pay a monthly charge of 1.5 percent of the total investment costs for the duration of its/their operations on the site, whether or not the equipment is in use.
- (2) The customer will furnish, own, and operate all special equipment on their property and the Company will maintain such equipment, in return for which the customer, or its successors on the site, will pay a 9 percent annual operating charge based upon the customer's total investment in such interconnection equipment.
- (3) The customer will furnish, own, operate and maintain all special equipment on their property provided that the equipment and maintenance are suitable for interconnected operations. Such equipment shall be made available for Company inspection as may reasonably be required.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024  
STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

LEAF: 429  
REVISION: 1  
SUPERSEDING REVISION: 0

SERVICE CLASSIFICATION NO. 7 (Continued)

**METERING AND COMMUNICATIONS/INCREMENTAL CUSTOMER CHARGE**

A. Interval Metering: All Standby Service Customers and Optional Rate Customers shall utilize the Company's interval recording meter at the customer Premises. Where an interval-recording meter does not exist and must be installed, the Standby Service Customer shall be responsible for all metering and installation costs not otherwise covered by New York State Research and Development Authority (NYSERDA). The metering costs are a function of the individual customer's electric service. Metering and installation cost estimates are available from Company representatives. The Standby Service Customer is responsible for the actual costs incurred. Customers who have already installed the requisite interval recording meters as of the effective date of SC7 will not be subject to incremental metering costs.

Optional Rate Customers who do not already have interval metering installed will be required to have installed an interval meter at the customer Premises and will be subject to an incremental customer charge of \$24.71/month, which is inclusive of the cost of required telecommunications. Optional Rate Customers will no longer be subject to the incremental customer charge once AMI meters are implemented for the customer's otherwise applicable service class.

Standby Service Customers and Optional Rate Customers may not opt out of AMI interval meters when such meters are implemented for the customer's parent service classification.

B. Telecommunications: Remote meter reading capability is also required for all Standby Service Customers and Optional Rate Service Customers. The Standby Service Customer will be responsible for all costs associated with providing the telecommunications to the meter. The customer may choose to either:

- 1) provide the Company access to a direct-dial, voice-grade, Public Switched Telephone Network analog connection to the meter, subject to Company approval, to be used exclusively for meter reading functions; or
- 2) have the Company provide communications to the meter at a cost to the customer including applicable overhead.

Standby Service Customers who have already installed the requisite remote meter reading capability as of the effective date of SC-7 will not be subject to incremental metering costs.

C. Customer-Provided Equipment: Customers providing a telephone connection to the meter will bear all costs associated with the installation, operation and maintenance of the telephone line including, but not limited to, all telephone service bills.

In cases where the Company is unable to read the meter through a customer-provided telephone line, and the Company has determined that the problem is not caused by the Company's meter or equipment, the customer will be responsible to resolve the problem with its telephone provider and will be responsible to reimburse the Company for expenses incurred for visits to the meter location in its efforts to resolve the problem.

D. Company-Provided Equipment: Customers who choose the Company-provided meter reading communication option shall pay a monthly Incremental Customer Communications Charge as set forth in a schedule provided by the Company. Company-provided communications will be used exclusively for meter reading functions.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 430  
REVISION: 1  
SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (Continued)

**METERING AND COMMUNICATIONS/INCREMENTAL CUSTOMER CHARGE (Continued)**

E. Exceptions for Customers Smaller Than 50 kW: In addition, customers who would otherwise receive service under S.C. No. 2 Demand, who have Standby Contract Demands less than 50 kW will have the option of taking service at either (i) the otherwise applicable demand rate and shall not be subject to any additional metering and communication charges under S.C.-7; or (ii) upon installation of required interval metering, the demand rate set forth under S.C.-7.

**SPECIAL PROVISIONS**

A. **Contract Demands Larger than 1000 kW:** All Standby Service Customers with Contract Demands greater than 1000 kW applying for Service under this Service Classification are required to provide the Company with an annual schedule of OSG maintenance by October of the preceding year for each subsequent year. This schedule will be provided at the time of subscription to this Service Classification and will be utilized for planning functions. Schedules must include starting and ending times for all planned outages. Customers will be allowed to update their schedules one month prior to their effective dates. After this time has passed, no modifications will be allowed to the schedules, unless Company approval is granted. This provision does not take precedence with respect to any OSG maintenance provision in a power purchase agreement which may be in place with the Company.

B. **SC-4 Customers:** Customers who would otherwise receive service under the provisions of Service Classification No. 4 shall have their demand measured on an integrated 30-minute basis, pursuant to the terms of that tariff.

C. **Compliance with Reliability Criteria:** Standby Service Customers agree to comply with any existing or future criteria, guidelines, and procedures established by the North American Electric Reliability Council (or its successor) to ensure the continued reliability of North America's interconnected secured transmission electric systems.

D. **Electrically Isolated Loads:** In the event that any customer elects to Electrically Isolate (as defined in Rule 1.48) some or all of the facilities at the Customer's Location and to thereafter serve such facilities with electricity from on-site generation without connection to the Company's system, the isolated portion of that customer's load will not be subject to SC-7 provided that the customer executes an agreement with the Company that provides for the following:

The Company will be entitled to inspect the electrical configuration of such facilities upon a customer's request for this exemption.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 431  
REVISION: 1  
SUPERSEDING REVISION: 0

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (Continued)

**SPECIAL PROVISIONS:**

D. (Continued)

If at any time, the Company has a reasonable suspicion that such facilities have not remained isolated from the Company's system, the Company is authorized to inspect the electrical configuration of such facilities.

If the Company discovers, through billing data and/or the inspection of the customer's facilities, that any of the facilities for which an isolation exemption had been applied have been reconnected to the Company's system, the Company will back bill the customer for the isolated load under SC7 from the effective date of the customer's reconnection, including applicable interest and penalties. Such back billing will be computed in the same manner as described under Special Provision E.

E. **Penalties for Reconnecting Isolated Loads without Notice:** Notwithstanding any other provision of this Tariff, in the event that the customer connects on-site generation to its electric system without: (1) notifying the Company; and (2) executing Form "G", and in the event that the Company thereafter discovers that fact, the Company shall back-bill the customer for all service rendered subsequent to the estimated installation of such on-site generation.

In preparing such back-bills, the Company shall assess a Contract Demand Penalty Provision equal to 2 times that which would otherwise be computed under Determination of Demand Provision of SC-7 and assume the Contract Demand had been set at 0 kW. If the customer fails to pay the undisputed portion of any such back-bill within the time for payment of bills established in SC-7, the Company shall be authorized to exercise all of its rights in cases involving theft of service, including without limitation its rights under Rule 13.3 (a)(2) of the Commission Rules and Rule 14.4 of this Tariff.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: JULY 1, 2023  
 STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

LEAF: 432  
 REVISION: 19  
 SUPERSEDING REVISION: 18

SERVICE CLASSIFICATION NO. 7 (Continued)

SPECIAL PROVISIONS:

F. Reduced Customer Charge for Certain Wholesale Generators

SC-7 customers who are Wholesale Generators who:

- (a) have a parent service classification of SC-3 or SC-3A and are served at the subtransmission or transmission voltage level and
- (b) have paid for all of their interconnection facilities as defined in the applicable filed interconnection agreement (or have arranged for payment by an entity other than the Company) and metering equipment, and pay the Company ongoing operation and maintenance costs for that equipment (or have arranged for payment by an entity other than the Company) shall pay a customer charge in lieu of the otherwise applicable customer charge, equal to the following:

SC-3 Customer Charge

	<u>Sub-Transmission</u>	<u>Transmission</u>
Delivery Voltage	<u>22-50 kV</u>	<u>Over 60 kV</u>
Distribution Delivery Charge:	\$760.68	\$760.68

SC-3A Customer Charge

	<u>Sub-Transmission</u>	<u>Transmission</u>
Delivery Voltage	<u>22-50 kV</u>	<u>Over 60 kV</u>
Distribution Delivery Charge:	\$2,736.07	\$5,316.00

PSC NO: 220 ELECTRICITY

LEAF: 433

NIAGARA MOHAWK POWER CORPORATION

REVISION: 6

INITIAL EFFECTIVE DATE: JANUARY 1, 2024

SUPERSEDING REVISION: 5

STAMPS: Issued in Compliance with Order in Case 15-E-0571, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (Continued)

**SPECIAL PROVISIONS:**

**G. Billing for Customers With OSG's Less Than or Equal to 15% of Maximum Potential Demand:**

Standby Service Customers that install an OSG after December 31, 2011 with a total nameplate rating that is 15% or less of their maximum potential demand over the previous 12 months shall be subject to the delivery charges of their otherwise applicable service classification and shall not be subject to the delivery charges of SC-7.

PSC NO: 220 ELECTRICITY

LEAF: 434

NIAGARA MOHAWK POWER CORPORATION

REVISION: 5

INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

SUPERSEDING REVISION: 3

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

**SERVICE CLASSIFICATION NO. 7 (Continued)****SPECIAL PROVISIONS:**

H. **Waiver of Reactive Demand Charges for Wholesale Generators Larger Than 25 MVA and With Automatic Voltage Control:** For customers who operate a Wholesale Generator in larger than 25 MVA and install automatic voltage control (AVC) at their facilities, reactive demand charges shall be waived, within the parameters defined by the Company during the period in which such AVC is operating and maintained in good working order. The Company shall not waive start-up reactive demand charges. The initial parameters will be determined by the Company and may be changed subject to system conditions and location of the generating unit. The waiver is subject to the Company's rights to periodically review and approve the customer's AVC system and review its operation and performance for compliance with the system requirements.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024  
STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

LEAF: 435  
REVISION: 5  
SUPERSEDING REVISION: 4

SERVICE CLASSIFICATION NO. 7 (Continued)

I. A Standby Service Customer with a private generating facility connected to the Company's distribution system at primary voltage level or above may use the output of the generating facility to supply two or more Standby Service accounts, if all of the following conditions are met:

(a) Eligibility:

(1) Standby Service Accounts

(i) The Standby Service accounts designated by the customer and the account associated with export of the generating facility must be all established in a single customer's name ("Single Party Offset"); or

(ii) The generating facility and the standby service accounts designated by the customer to receive the output of the generating facility may be established in two or more customer names ("Multi-Party Offset"), provided the following conditions are met:

(1) At least one of the standby service accounts must be in the same customer name as the owner or operator of the generating facility (the "Sponsor") and have a contract demand equal to 10 percent or more of the nameplate rating of the generating facility.

(2) The Sponsor will be responsible for coordinating the interconnection and operation of the generating facility with the Company, and

(3) At the time of application under the Multi-Party Offset, the Sponsor must submit signed Multi-Party Offset Recipient Participation Forms for all Recipient Accounts and a signed Multi-Party Offset Percentage Allocation Form.

(2) The generating facility must: (i) have a total nameplate rating of over 5 MW but no more than 20 MW; and (ii) meet eligibility criteria for designation as efficient "combined heat and power" pursuant to the order of the Public Service Commission, dated January 23, 2004, in Case 02-E-0781, except with respect to maximum generating capacity. The generating facility may have more than one generating unit so long as the aggregate nameplate rating conforms to the limitations in (2) (i) herein.

(3) The generating facility and the Standby Service accounts must all be located within a single "premises." "Premises" is defined as follows for purposes of this Special Provision I only:

(i.) Under Single Party Offset, "premises" means "a parcel of land; or more than one building and/or parcel of land proximate to each other if there is common use, whether or not such buildings or parcels are separated by public or private roads." The accounts of a customer whose buildings or parcels of land are not physically interconnected may meet the definition of a single "premises" upon the customer's demonstration of common use to the Company.

(ii.) Under Multi-Party Offset, "premises" means "either (i) a single building or (ii) multiple buildings in which each customer is connected to the generating facility by a private thermal loop that delivers steam, hot water, or chilled water."

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 436  
REVISION: 6  
SUPERSEDING REVISION: 5

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

### SERVICE CLASSIFICATION NO. 7 (Continued)

(4) At least one of the Standby Service accounts must take service under secondary or primary voltage levels.

(5) Each Standby Service account must be separately interval metered. The export of the generating facility must also be separately interval metered. Metering requirements will be in accordance with the Metering and Communications of this Service Classification.

(6) A customer may take service under SC-6 if the export of the generating facility exceeds the aggregate kWh usage on the Standby Service accounts. The Customer must apply for service under SC6 and meet the eligibility requirements as specified therein.

(7) The communications service for the account associated with the generating facility's export and for each Standby Service account must be provided and maintained at customer's expense pursuant to the Metering and Communications/ contained in SC-7, and must be operational before the customer may take service under this Special Provision I.

(b) Interconnection:

The interconnection of the facilities will be subject to the interconnection requirements specified in Interconnection Requirements of this Service Classification. In addition, the interconnection must be technically and economically practicable, and the connection and operation of such facility shall not jeopardize the safety or operation of the Company's system, facilities or other Customers.

(c) Accounts Supplied by the Generating Facility's Output:

(1) Each account must opt in to Optional Rate Service, or otherwise be on Standby Service, to be eligible for service under this Special Provision I.

(2) The customer's accounts must be either served by the Company or take service from an alternative energy supplier/ESCO as described in Rule 39 of this tariff.

(3) If the customer does take service from an alternative energy supplier/ESCO, all supply in excess of that supplied by the customer's private generating facility must be supplied by a single ESCO unless the customer elects to be a Direct Customer as defined in Rule 1.54.

PSC NO: 220 ELECTRICITY

LEAF: 437

NIAGARA MOHAWK POWER CORPORATION

REVISION: 4

INITIAL EFFECTIVE DATE: JANUARY 1, 2024

SUPERSEDING REVISION: 3

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

## SERVICE CLASSIFICATION NO. 7 (Continued)

- (4) No account served under this rule may be served under the PASNY Rate Schedule (SC 4, RNY), economic development program specified in General Rule 34, net metering as specified in Rules 36 and 37, or special provision G of this Service Classification.
- (5) Customers who take service under Special Provision I may not receive Consolidated Billing from the Company (described in Rule 39.10.2).
- (d) Contract Demand for each account supplied by the Generating Facility's Output: The Contract Demand will be determined for each account under this Special Provision I on an individual basis based on that account's load and including the delivery of supply from all sources, and in conformance with the Contract Demand provisions of this Service Classification.
- (e) Billing Applicable to Each Account Supplied by the Generating Facility's Output:
- (1) Allocated As-used Generator Demand and Allocated Generator Supply will be determined for each 15-minute interval. Adjustments will be made for transformation losses as applicable in accordance with Rule 39.18 of this tariff. For purposes of this Special Provision, the following definitions apply:
- (i) For Accounts Supplied Under the Single Party Offset
- "Allocated As-used Generator Demand" means, for each account supplied by the generating facility's output, the demand registered on the account's meter(s) multiplied by the lower of: (a) 1 or (b) the ratio of the demand registered on the meter(s) measuring the generating facility's output to the sum of demands registered on the meters of all Standby Service accounts supplied by the generating facility's output.
- "Allocated Generator Supply" means, for each account supplied by the generating facility's output, the total kilowatt hours registered on the account's meter(s) multiplied by the lower of: (a) 1 or (b) the ratio of the total kilowatt hours registered on the meter(s) measuring the generating facility's output to the sum of the kilowatt hours registered on the meters of all Standby Service accounts supplied by the generating facility's output.
- (ii.) For Accounts Supplied under the Multi-Party Offset
- "Allocated As-used Generator Demand" means, for each Recipient Account, the lower of: (a) the demand on the Recipient Account's meter or (b) the demand registered on the meter(s) measuring the generating facility's output multiplied by the Recipient Account's Percentage Allocation. If the generating facility's output multiplied by the Recipient Account's Percentage Allocation exceeds the demand registered on the Recipient Account's meter, the excess amount shall not be redistributed to other accounts nor carried forward to the succeeding billing period.
- "Allocated Generator Supply" means, for each Recipient Account, the lower of: (a) the total kWh registered on the Recipient Account's meter(s) or (b) the total kWh registered on the meter(s) measuring the generating facility's output multiplied by that Recipient Account's Percentage Allocation. If the generating facility's output multiplied by the Recipient Account's Percentage Allocation exceeds the kWh registered on the Recipient Account(s) meter(s), the excess amount may be credited to the extent described in Special Provision (I)(a)(6) of this Service Classification.
- "Percentage Allocation" means the percentage of the generating facility's output that the Sponsor has allocated to each Recipient Account under the Multi-Party Offset. A single percentage will be applied to both the Allocated As-Used Generator Demand and the Allocated Generator Supply.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2017  
STAMPS: Issued in accordance with Order in Case 16-M-0430 dated December 19, 2016

LEAF: 437.1  
REVISION: 0  
SUPERSEDING REVISION:

### SERVICE CLASSIFICATION NO. 7 (Continued)

The Percentage Allocations must total 100 percent, of which the Sponsor must establish: (a) a Percentage Allocation of 10 percent or more to a single Recipient Account in the Sponsor's name; and (b) a Percentage Allocation of no less than 5 percent or more than 90 percent to each additional Recipient Account. The Recipient Accounts and the Percentage Allocation to each must be assigned in writing by the Sponsor, using the SC7 Offset Rate Allocation Request Form, at least 30 days before commencing service under the Multi-Party Offset. The Percentage Allocations and the Recipient Accounts may be changed, provided the SC7 Offset Rate Allocation Request Form is submitted to the Company no less than 30 days before the Host-Generator Account's cycle billing date to which the modification will apply. No credits will be applied if the Sponsor ceases to have a Recipient Account or ceases to own or operate the generating facility. If a Recipient Account is closed, its credits will be forfeited unless the Company receives a new Form within 30 days of the account's closure.

(2) Each account supplied by the generating facility's output will be billed under Standby Service rates, as modified below:

(i) An additional Customer Charge of \$50.00 per account per billing period, exclusive of the Increase in Rates and Charges, will be applicable to cover incremental billing and administrative costs associated with providing service under this provision.

(ii) The per kWh delivery charges and adjustments applicable to the customer's service classification will be applied to the total kilowatt hours registered on the account's meter(s) reduced by the Allocated Generator Supply, for each 15-minute interval (adjusted for losses as applicable) in the Billing Period.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2017  
STAMPS: Issued in accordance with Order in Case 16-M-0430 dated December 19, 2016

LEAF: 437.2  
REVISION: 0  
SUPERSEDING REVISION:

SERVICE CLASSIFICATION NO. 7 (Continued)

(iii) Customers who take electricity supply service under Rule 46.1.3 shall have their Capacity Tags reduced by the maximum of the Allocated As-used Generator Demands in the billing period for purposes of calculating the capacity charge specified in Rule 46.1.3.

(iv) For each 15-minute interval, the registered demand on the account's meter(s) will be reduced by the Allocated Generator Demand for purposes of determining the daily maximum demand that is used for billing As-used Daily Demand Delivery Charges.

v) For any per kW surcharges applicable to the Customer, the otherwise applicable billed demand used to calculate the surcharge will be reduced by the maximum of the Allocated As-used Generator Demand in the billing period for purposes of calculating the applicable surcharge. The customer's Contract Demand shall remain unadjusted for purposes of calculating the customer's contract demand charge.

(vi) If the Customer purchases supply from the Company, the per kWh supply charges and adjustments described in this Service Classification under Electricity Supply Service and will be applied to the total kilowatt hours registered on the account's meter(s) reduced by the Allocated Generator Supply, for each 15-minute interval (adjusted for losses as applicable) in the billing period.

(3) The Allocated As-used Generator Demand and Allocated Generator Supply will be assumed to be zero for time periods where there is insufficient interval data available to ascertain that the generating facility supplied output to any associated Standby Service account.

Bills may be estimated pursuant to Rule 26.10.2. If interval data is estimated on a Standby Service account, that data will be used in the calculation of the Allocated As-used Generator Demand for all other accounts. If actual data later becomes available, the account will be rebilled based on the actual registered demand on the meter less the previously determined allocated As-used Generator Demand for such account.

(f) The Customer will be assessed a Reactive Power Demand Charge per kVar registered on the generating facility's export meter(s) at the time of the kW maximum demand; provided, however, that if the meter registers no kW demand, the charge per kVar will be applied to the highest kVar recorded during the billing period.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: JANUARY 1, 2024  
 STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

LEAF: 438  
 REVISION: 15  
 SUPERSEDING REVISION: 14

SERVICE CLASSIFICATION NO. 7 (Continued)

**SPECIAL PROVISIONS:**

**J. Reduced Distribution Delivery Charges for Wholesale Generators Receiving Station Power Service from NYISO**

SC7 customers who are Wholesale Generators who:

- (a) are registered customers of the New York Independent Station Operator ("NYISO") and
- (b) who are receiving Station Power under the provisions of the NYISO Market Administration and Control Area Services Tariff

shall pay the following distribution delivery charges in lieu of the otherwise applicable distribution delivery charges:

**SERVICE CLASSIFICATION NO. 3**

**MONTHLY RATE:**

**Contract Demand Charges, Per kW:**

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Distribution Delivery	\$0.00	\$0.00	\$0.00	\$0.00

**As-Used On-Peak Daily Demand Charges, Per kW:**

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Distribution Delivery	\$0.2193	\$0.1543	\$0.0000	\$0.0000

**As-Used Super-peak Daily Demand Charges, Per kW:**

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Distribution Delivery	\$0.4063	\$0.2886	\$0.0000	\$0.0000

**SERVICE CLASSIFICATION NO. 3A**

**MONTHLY RATE:**

**Contract Demand Charges, Per kW:**

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Distribution Delivery	\$0.00	\$0.00	\$0.00	\$0.00

**As-Used On-Peak Daily Demand Charges, Per kW:**

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Distribution Delivery	\$0.1734	\$0.1734	\$0.0000	\$0.0000

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: JANUARY 1, 2024  
 STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

LEAF: 439  
 REVISION: 2  
 SUPERSEDING REVISION: 1

### SERVICE CLASSIFICATION NO. 7 (CONTINUED)

#### SPECIAL PROVISIONS:

**J. Reduced Distribution Delivery Charges for Wholesale Generators Receiving Station Power Service from NYISO (Continued)**

**As-Used Super-peak Daily Demand Charges, Per kW:**

Delivery Voltage	<u>0-2.2 kV</u>	<u>2.2-15 kV</u>	<u>22-50 kV</u>	<u>Over 60 kV</u>
Distribution Delivery	\$0.3270	\$0.3270	\$0.0000	\$0.0000

**K. Billing for Customers with EZR or EJP Load Not Separately Metered**

1. Customers with EZR or EJP load not separately metered shall be required to install interval metering and telecommunications on their on-site generator(s) in accordance with the Metering and Communications/Incremental Customer Charge provisions of SC-7.
2. Only customers billed at parent rate class SC-2D (50 kilowatts or greater), SC-3, and SC-3A are eligible to participate in the EZR or EJP program.
3. Special Provision G of SC-7 shall not apply to customers with EZR or EJP load.
4. The customer's EZR or EJP demand and energy available for the EZR or EJP discount in each Billing Period shall be determined in accordance with Rule 34.3.3.3.2 for EZR and Rule 34.7.3.3.2 for EJP. Customer shall be subject to all rates and charges applicable to the Economic Development Zone Rider and Excelsior Jobs Program as provided in Rule 34.
5. Customer shall be subject to all charges provided in SC-7. The billing determinants for customers with EZR and EJP qualifying load shall be determined as provided herein.
  - 5.1 Contract Demand: The Contract Demand shall initially be set by the Company as the maximum value of the Customer's monthly Base Year Contract Load in kilowatts specified in the signed EZR or EJP contract between the Company and the Customer per Rule 34.2.3.1.4 and Rule 34.3.3.3.1 for EZR and Rule 34.7.3.1.4 and Rule 34.7.3.3.1 for EJP. The Contract Demand will be automatically increased to the maximum kilowatt demand in a billing period when the maximum kilowatt demand in the billing period exceeds the Contract Demand in that billing period. The maximum kilowatt demand in a billing period shall be calculated by subtracting the EZR or EJP incremental demand available for the EZR or EJP discount as determined in Rule 34.3.3.3.2 for EZR and Rule No. 34.7.3.3.2 for EJP from the metered billing demand (i.e., customer's load net of generation) on an interval-by-interval basis. The demand shall not be less than zero (0) in any interval. The customer may elect to increase or reduce the Standby Contract Demand thereafter in accordance with the Determination of Contract Demand provisions of SC7.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 439.1  
REVISION: 0  
SUPERSEDING REVISION:

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (CONTINUED)

**SPECIAL PROVISIONS:**

**K. Billing for Customers with EZR or EJP Load Not Separately Metered (Continued)**

- 5.2 As-Used Daily Demand: The As-Used Daily Demand shall be the As-Used Daily Demand as specified in Determination of As-Used Daily Demand provisions of this SC for both As-Used On-peak Daily Demand and As Used Super-peak Daily Demand, less the product of the demand eligible for the EZR or EJP discount in the billing period, as determined in Rule 34.3.3.3.2 for EZR and Rule 34.7.3.3.2 for EJP, and the number of on-peak or super-peak days in the billing period, as applicable.
- 5.3 Billing Energy: Billing Energy in kilowatt-hours for the purposes of applying the Electricity Supply Service and Surcharges and Adjustments provisions of SC-7 shall be calculated by subtracting the EZR or EJP incremental energy available for the EZR discount as determined in Rule 34.3.3.3.2 or EJP discounts as determined in Rule 34.7.3.3.2 from the metered billing energy (i.e., customer's load net of generation) on an interval-by-interval basis. The Billing Energy shall not be less than zero (0) in any interval.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024  
STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

LEAF: 440  
REVISION: 5  
SUPERSEDING REVISION: 4

SERVICE CLASSIFICATION NO. 7 (Continued)

**SPECIAL PROVISIONS:**

**L. STANDBY RELIABILITY CREDIT**

Standby Service Customers shall be provided an opportunity to earn a Standby Reliability Credit (Credit) against their Contract Demand Charges. Beginning January 1, 2024, the Standby Reliability Credit will be phased out over 5 years and will only be available to SC-7 Phase-In Customers as provided in Special Provision M of SC-7. The Credit would be earned when a standby customer reduces their maximum measured demand during the Defined Measurement Period below their established contract demand. To be eligible for the Credit the Customer must have an on-site generator and the following must also apply:

- (1) The generating facility's output must be separately metered using an output meter that the customer arranges to be furnished and installed at the customer's expense.
- (2) The customer, at its expense, must provide and maintain the communications service for the Output Meter.
  - (a) The Output Meter must be Commission-approved revenue grade, with interval metering with telecommunications capability.
  - (b) The metering must be compatible with the Company's infrastructure, including compatibility with the Company's meter reading system and metering communications systems.
  - (c) All metering requirements shall be in accordance with Rule 25-Metering.
- (3) The customer may not be receiving Value Stack Compensation per Rule 40.2 for the generating facility's exports to the system.
- (4) Must not be a stand-alone energy storage system or an energy storage system paired with other generating technologies that supports customer loads (other than loads directly related to or necessary to support the energy storage system) that are less than or equal to 25 percent of the energy storage system nameplate capacity rating or inverter capability.

For this Special Provision L, the following definitions apply:

- (1) The "Defined Measurement Period" shall be defined as weekdays from 8:00 am to 10:00 pm during the previous two consecutive full Summer periods; provided however, that the first year in which a customer seeks the Credit, the Defined Measurement Period is weekdays from 8:00 am to 10:00 pm during the previous full Summer period only. The Defined Measurement Period shall exclude Outage Events, as selected by the customer, as well as holidays as defined in Rule 1.89.
- (2) "Summer period" - For purposes of this Credit, the Summer Period is June 1 through September 30.
- (3) "Outage Events" shall be defined as up to three (3) time blocks for each Summer Period that, in aggregate, are comprised of no more than five 24-hour time periods, excluding weekends and holidays. If a time block contains a period of less than 24 hours, the period will be rounded up to the next 24 hours (i.e., the 24-hour periods cannot be applied on a partial basis). If a time block encompasses a holiday or weekend, the start of the 24-hour period on the day prior to the holiday or weekend until the same hour the next business day will be considered to be a single 24-hour period.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2024

LEAF: 441  
REVISION: 7  
SUPERSEDING REVISION: 6

STAMPS: Issued in Compliance with Order in Case 15-E-0751, dated October 13, 2023.

SERVICE CLASSIFICATION NO. 7 (Continued)

**SPECIAL PROVISIONS:**

**L. STANDBY RELIABILITY CREDIT (Continued)**

The Credit for any Defined Measurement Period will be equal to the difference between the customer's contract demand in kW, and the customer's highest kW demand recorded on the customer's interval meter(s) (net of generation), multiplied by the contract demand delivery charge per kW that is in effect on October 1 of the year in which the Credit is determined. For SC-7 Phase-in Customers the rate will be SC-7 Phase-in Contract Demand Rate billed to the customer as of October 1 of the year in which the Credit is determined. The Credit will be applied to the customer's successive 12 monthly customer bills commencing in November until the following October.

A customer seeking the Credit must request such credit by October 14, in writing, of each year for which the reliability credit is sought and, at the same time, specify the Outage Events the customer requests to be excluded from the Defined Measurement Period. If October 14 falls on a weekend or holiday, the Company will accept requests until the next business day.

If a Standby Customer takes service under SC-7 Special Provision I, the Outage Events for all Recipient Accounts shall be the same and shall be specified by the Sponsor. Each Recipient Account's Credit will be calculated individually.

**M. SC-7 PHASE-IN CUSTOMERS**

Existing SC-7 customers as of March 16, 2022 will be billed the SC-7 Phase-in delivery charges beginning January 1, 2024, ("SC-7 Phase-In Customers"). SC-7 Phase-in Customers may opt out of the SC-7 Phase-In delivery charges at any time and be billed SC7 delivery charges by providing written notice to the Company, with such transition to SC-7 delivery charges occurring in the next billing period thirty days after notice is provided. Once a customer opts out of the SC-7 Phase-in delivery charges they may not return to billing under the SC-7 Phase-In delivery charges.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 442  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 8**  
**LARGE GENERAL SERVICE-HOURLY INTEGRATED PRICING PROGRAM**

**CANCELED**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 443  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 9**  
**LARGE GENERAL SERVICE-SUPPLEMENTAL HOURLY INTEGRATED PRICING PROGRAM**

**CANCELED**



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 27, 2009

LEAF: 444  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 10  
ON-SITE GENERATION BYPASS DEFERRAL SERVICE**

**CANCELED**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMPS: Issued in Compliance with Order of PSC in Case 12-E-0201 issued March 15, 2013

LEAF: 445  
REVISION: 2  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 11  
INDIVIDUALLY NEGOTIATED CONTRACT RATES**

**CANCELED**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMPS: Issued in Compliance with Order of PSC in Case 12-E-0201 issued March 15, 2013

LEAF: 446  
REVISION: 2  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 11 (Continued)**

**CANCELED**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMPS: Issued in Compliance with Order of PSC in Case 12-E-0201 issued March 15, 2013

LEAF: 447  
REVISION: 2  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 11 (Continued)**

**CANCELED**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMPS: Issued in Compliance with Order of PSC in Case 12-E-0201 issued March 15, 2013

LEAF: 448  
REVISION: 3  
SUPERSEDING REVISION: 1

**SERVICE CLASSIFICATION NO. 11 (Continued)**

**CANCELED**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2013  
STAMPS: Issued in Compliance with Order of PSC in Case 12-E-0201 issued March 15, 2013

LEAF: 449  
REVISION: 2  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 11 (Continued)**

**CANCELED**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: APRIL 1, 2018  
STAMPS: Issued in Compliance with Order in Case 17-E-0238 Issued March 15, 2018.

LEAF: 450  
REVISION: 4  
SUPERSEDING REVISION: 2

SERVICE CLASSIFICATION NO. 12  
SPECIAL CONTRACT RATES

**PURPOSE:**

Pursuant to the Settlement Agreement approved by the Commission in its Opinion and Order issued March 20, 1998 in Case Nos. 94-E-0098 and 94-E-0099, the Company is offering electric service under this Service Classification No. 12. The intent of this Service Classification No. 12 is to provide the Company with the ability to address and respond to a broad range of competitive challenges within its service territory using, to the maximum extent practicable, standardized eligibility criteria and pricing. This Service Classification No. 12 shall be used by the Company as the exclusive vehicle for responding to the following competitive categories:

<b>Retention:</b>	On-site Generation, Fuel Switching, Revitalization, and Relocation.
<b>Growth:</b>	Business Attraction and Business Expansion.

Customers applying for service under this Service Classification No. 12 that satisfy the requirements of Section 4 of this Service Classification No. 12 are Qualifying Customers as provided in Section 3.6 herein. Qualifying Customers shall receive the applicable standardized discount as provided in Section 5 of this Service Classification No. 12. Where the Company determines at its sole discretion that the eligibility criteria in Section 4 have been satisfied and the standardized discount provided in Section 5 is insufficient to address the Qualifying Customer's economic threat, a Qualifying Customer shall individually negotiate its rates and Customer Service Agreement with the Company under Section 6 of this Service Classification No. 12, provided that the requirements of Section 6 are satisfied.

Customers receiving service under this Service Classification No. 12 shall be subject to a Minimum Bill provision.

1. **APPLICABILITY**

Service under this Service Classification No. 12 is available to Non-Residential Customers receiving or eligible to receive service under rate schedule SC Nos. 2D, 3, 3A, 4 and 7 provided that those customers, in the sole discretion of the Company, meet the eligibility requirements established herein.

The Company will consider requests for service under this Service Classification No. 12 provided that customer has submitted written application consistent with the requirements of this Service Classification No. 12. Execution by duly authorized representatives of the customer and Company on the Company's proscribed Customer Service Agreement is a prerequisite to service hereunder. The proscribed Customer Service Agreement for customers receiving standardized discounts under Section 5 of this Service Classification No. 12 is the Company's Form I.

Customers may only receive service under one of the programs provided in this Service Classification No. 12 at any one time, provided, however, that Customers with different accounts at different Premises may be eligible to receive discounted service provided that each Premise qualifies independently for a single specific program. Customers with multiple meters at the same facility on one Premise shall complete a single application hereunder. A customer seeking to participate under the revitalization program for more than one facility may aggregate those facilities in the application process provided that the customer provides supporting data for each facility. Each facility must qualify independently to be eligible to participate in the revitalization program.

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NIAGARA MOHAWK POWER CORPORATION  
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LEAF: 451  
REVISION: 4  
SUPERSEDING REVISION: 2

SERVICE CLASSIFICATION NO. 12 (Continued)

2. CHARACTER OF SERVICE

Service shall be continuous and available throughout the Company's service area subject to the availability of adequate metering and in appropriate cases communication equipment. Service is for all purposes for which electricity is required by the customer on the customer's Premises where such requirements are delivered at one point and are metered with a single meter (with exceptions as noted in Rule 25.1.4.3 of the Tariff). The Company shall determine the appropriate voltage delivery level at the customer's Premises. Such delivery may occur at secondary (<2.2 kV), primary (2.2 -15 kV), subtransmission (22-50 kV), or transmission (>60 kV). All service is at 60 Hertz nominal.

3. DEFINITIONS

The following definitions shall apply to service provided under this Service Classification No. 12:

- 3.1 Affiliated Customer: A customer that either directly or indirectly owns, is owned by, or is under common ownership with other customers receiving electric service from the Company.
- 3.2 Contestable Customer: A customer that:
  - (a) has a financially viable competitive alternative for all or part of its present or future loads supplied by the Company, including deliveries by the Company of load served by NYPA, at Standard Tariff Rates, including the option to forego the construction or installation of new facilities or equipment; and
  - (b) is reasonably expected by the Company, in its sole judgment, to select this alternative if the Company does not provide an economically attractive contract offer; and
  - (c) is reasonably expected by the Company to provide greater net revenues to the Company pursuant to a Customer Service Agreement authorized by this Service Classification No. 12, than it would in the absence of this Service Classification No. 12.
- 3.3 Manufacturing Customer: A customer with a North American Industry Classification System ("NAICS") code of 31, 32 or 33. NAICS codes will be assigned according to the activity at the facility in the Company's service territory.
- 3.4 Energy Intensive Manufacturing Customer: A customer with an NAICS code of 311 (food manufacturing), 326 (rubber and plastics), 332 (metal fabrication), 334 or 335 (electronics) or 336 (transportation equipment). NAICS codes will be assigned according to the activity at the facility in the Company's service territory.
- 3.5 Service Sector Customer: A customer that has an NAICS code of 42 (wholesale trade), 493 (regional warehousing or storage), 541 (professional, scientific or technical services) or 561 (administrative or support services) or 812921 (Photofinishing Laboratories, except one hour). NAICS codes will be assigned according to the activity at the facility in the Company's service territory.
- 3.6 Qualifying Customer: A customer qualifying for service under this Service Classification No.12 by meeting the requirements of Section 4 of this Service Classification No. 12.



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NIAGARA MOHAWK POWER CORPORATION  
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## SERVICE CLASSIFICATION NO. 12

### 3. **DEFINITIONS (Continued)**

- 3.7 Standard Tariff Rates: The standard rate provisions of rate schedules SC-2D, SC-3, SC-3A, SC-4, and SC-7, either before or after retail access as appropriate.
- 3.8 Reserved for future use.
- 3.9 Reserved for future use.
- 3.10 Contestable Load: The portion of a Contestable Customer's electric load served or which could be served by the Company that is identified as presenting a competitive challenge or opportunity to the Company and may be eligible to receive discounted service under this Service Classification No. 12.
- 3.11 Non-Contestable Load: The portion of a Contestable Customer's electric load served by the Company, which the Company determines is not subject to the competitive challenge that forms the basis of the Company's decision to extend discounted rates to the customer.
- 3.12 Reserved for future use.
- 3.13 Reserved for future use.
- 3.14 Minimum Bill: The minimum amount due and payable regardless of actual electricity consumption.
- 3.15 Reserved for future use.
- 3.16 SC-12 Contract Load Quantities: The SC-12 Contract Load Quantities represent historic usage in the 12 months prior to subscription under these programs. When in the Company's reasonable determination, the billing determinants associated with the historic usage in the 12 months prior to subscription under Section 4.6 of this Service Classification No. 12 are not representative of the customer's operations, the Company reserves the right to assign appropriate billing units to that customer.

### 4. **PROGRAM ELIGIBILITY**

A customer that does not seek discounted delivery service from the Company hereunder, but seeks to use an alternative billing methodology for a New York Power Authority ("NYPA") allocation, and NYPA consents to the use of such a methodology, shall be eligible to execute a service agreement under this Service Classification No. 12 and shall not be obligated to comply with the eligibility requirements set forth below.

In order to receive discounted service for part or all of its Company loads pursuant to Sections 5 or 6 of this Service Classification No. 12, a customer must first satisfy the eligibility requirements for one of the programs described below. Once the customer has been found to be eligible to receive service under Service Classification No. 12 pursuant to this Section 4, its rates will be determined as provided by Sections 5 or 6 of this Service Classification No. 12 provided that the requirements of Sections 5 and 6 have been satisfied, as applicable. Qualifying Customers shall execute Customer Service Agreements under this rate schedule with the Company.

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**SERVICE CLASSIFICATION NO. 12 (Continued)**

**4. PROGRAM ELIGIBILITY (Continued)**

- 4.1 **Retention: On-Site Generation:** Customers meeting the following requirements shall be eligible for discounted rates for part or all of their loads designed to respond to the competitive challenge of on-site generation:
- 4.1.1 The customer must be eligible to receive electric service from the Company under rate schedule SC-2D, SC-3, SC-3A, SC-4 or SC-7; and
  - 4.1.2 The customer must demonstrate to the Company's satisfaction that the customer's on-site generation alternatives make it a Contestable Customer.
- 4.2 **Retention: Fuel Switching:** Customers meeting the following requirements shall be eligible for discounted rates for part or all of their loads designed to respond to the competitive challenge of fuel switching:
- 4.2.1 The customer must be eligible to receive electric service from the Company under rate schedule SC-2D, SC-3, SC-3A, SC-4 or SC-7; and
  - 4.2.2 The customer must demonstrate to the Company's satisfaction that the customer's fuel switching alternatives make it a Contestable Customer.

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### **SERVICE CLASSIFICATION NO. 12 (Continued)**

#### **4. PROGRAM ELIGIBILITY (Continued)**

##### **4.3 Retention: Revitalization:**

##### **4.3.1 Eligibility Criteria:**

Existing customers meeting the following requirements of this Section 4.3 shall be eligible for discounted rates for part or all of their Company loads designed to respond to the competitive challenge of business closure or business reductions (for example: reducing product lines or closing a portion of a plant) due to financial distress.

- 4.3.1.1 The customer must be a Manufacturing Customer as defined in Section 3.3; and
- 4.3.1.2 The customer must have a monthly peak billed Company demand in at least one of the preceding twelve months for electric service in excess of 500 kW; and
- 4.3.1.3 The customer must be eligible to receive electric service from the Company under rate schedule SC-3, SC-3A, SC-4, or SC-7; and
- 4.3.1.4 The customer must have been in business within the Company's service territory at that location for at least (3) three consecutive years; and
- 4.3.1.5 The customer must demonstrate that it is experiencing financial distress, consistent with Section 4.3.2 of this Service Classification No. 12; and
- 4.3.1.6 The customer must demonstrate that it has a realistic plan for revitalizing the economic viability of the specific facility or, in the case of business reductions, the product line in question, consistent with Section 4.3.3 of this Service Classification No. 12.

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## **SERVICE CLASSIFICATION NO. 12 (Continued)**

### **4. PROGRAM ELIGIBILITY (Continued)**

#### **4.3.2 Demonstration of Financial Distress**

##### **4.3.2.1 Applicable to Customers Facing Business Reductions**

In order to qualify for a revitalization discount, a customer facing business reductions must provide the Company with persuasive documentary evidence that it is experiencing financial distress for the facility or product line that is affecting its competitive position. The information required to make this showing shall include:

- 4.3.2.1.1 Statements of cash flows (sources and uses of funds) for the customer's most recent fiscal year for the facility or product line in question; and
- 4.3.2.1.2 Such other information as the customer may wish to provide to the Company to support its claims of financial distress.

##### **4.3.2.2 Applicable to Customers Facing Business Closure**

In order to qualify for a revitalization discount, a customer facing business closure must provide the Company with persuasive documentary evidence that it is experiencing financial distress that is affecting its competitive position. The information required to make this showing shall include:

- 4.3.2.2.1 Audited financial statements (balance sheet, income statement and notes to the financial statements) for the specific facility, and for the company (if different), for the latest complete fiscal year subject to the provisions in this Section No. 4.3.2.2. If customer does not have audited financial statements for the specific facility because such audited financials are not prepared in the customer's normal course of business, then unaudited financial statements will be prepared for the specific facility. Where the financial distress experienced by customer impacts more than one facility in the Company's service territory, customer may submit financial information concerning such facilities on either an individual or consolidated basis, depending on how such information is compiled in the normal course of business. All financial statements delivered to the Company shall be accompanied by a certification of the Chief Financial Officer of the parent company or the appropriate company division, as applicable, to the effect that the financial statements comply with generally accepted accounting principles, consistently applied; and
- 4.3.2.2.2 Statement of cash flows (sources and uses of funds) for the customer's most recent fiscal year for the facility in question; and
- 4.3.2.2.3 Such other information as the customer may wish to provide to the Company to support its claims of financial distress.

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## SERVICE CLASSIFICATION NO. 12 (Continued)

### 4. **PROGRAM ELIGIBILITY (Continued)**

#### 4.3.3 **Revitalization Plan Applicable to Customers Facing Business Reductions and Business Closure**

In addition to demonstrating that it is experiencing financial distress, customer shall provide the Company with a plan for revitalizing the economic viability of the specific facility or, in the case of business reductions, the product line in question. The information to be provided by the customer to demonstrate to the Company's satisfaction that customer has a plan for revitalizing the economic viability of the specific facility or, in the case of business reductions, the product line in question shall include the following:

##### 4.3.3.1 Specific non-energy cost reductions

4.3.3.1.1 For customers facing business reductions, customer shall demonstrate specific non-energy cost reductions equal to a minimum of 25 percent of the most recent 12 month's electric delivery bills priced at the effective Standard Tariff Rates. These reductions may be either actual or planned, and must be quantifiable on an ongoing basis for the duration of the desired contract term.

4.3.3.1.2 For customers facing business closure, customer shall demonstrate specific non-energy cost reductions equal to a minimum of 50 percent of the most recent 12 month's electric delivery bills priced at the effective Standard Tariff Rates. These reductions may be either actual or planned, and must be quantifiable for the duration of the desired contract term.

##### 4.3.3.2 A detailed revitalization plan which, if fully implemented, could be expected to return the facility or product to profitability within three years. Such a revitalization plan may include the following:

- (a) A summary of the customer's current business position within the customer's industry, which assesses its strengths and weaknesses.
- (b) A listing of the customer's prime competitors, and assessment of their relative strengths and weaknesses.
- (c) Details indicating the applicant's management and ownership structure(s).

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## SERVICE CLASSIFICATION NO. 12 (Continued)

### 4. PROGRAM ELIGIBILITY (Continued)

#### 4.3.3 Revitalization Plan Applicable to Customers Facing Business Reductions and Business Closure (Continued)

##### 4.3.3.2 (Continued)

- (d) Potential reductions in business costs and potential increases in operating efficiencies, examples of which for illustrative purposes include the following items:
- (i) renegotiations with raw material, subcomponent and/or service suppliers;
  - (ii) a plan developed jointly by labor and management that addresses the issues of unit product cost reductions and productivity;
  - (iii) local and/or state concessions on taxes;
  - (iv) discontinuance of non-profitable products and development of new products;
  - (v) cash flow improvement;
  - (vi) restructuring of short and long term debt;
  - (vii) capital savings through low cost loans;
  - (viii) increased operating efficiencies through:
    - 1. improved process technologies;
    - 2. an employee retraining plan; and
    - 3. reduced energy usage; and
  - (ix) marketing-related initiatives.

4.3.3.3 The customer shall demonstrate that it has the support and the participation of other key stakeholders in its business survival, such as the labor force and state/local government.

4.3.3.4 Customer shall perform an energy audit of the facility to identify possible energy efficiency measures and explore participation in energy efficiency programs. Customer shall submit a copy of the audit report to the Company.

4.3.3.5 The information presented in the applicant's revitalization plan must be detailed in writing, in form and content satisfactory to the Company. The Company reserves the right to request additional information from the applicant concerning the revitalization plan. The plan should be certified to the Company by the applicant's operational and financial management.

4.3.3.6 A copy of the revitalization plan will be made available to the New York State Empire State Development Corporation upon request.

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## SERVICE CLASSIFICATION NO. 12 (Continued)

### 4. PROGRAM ELIGIBILITY (Continued)

#### 4.4 Retention: Relocation

**4.4.1 Eligibility Criteria:** Customers meeting the following eligibility requirements shall be eligible for discounted rates for all or part of their loads designed to respond to the competitive challenge of potential relocation of economic activity to other facilities not served by the Company.

- 4.4.1.1 The customer must be a Manufacturing Customer or a Service Sector Customer as defined in Sections 3.3 and 3.5; and
- 4.4.1.2 The customer must be eligible to receive electric service from the Company under rate schedules SC-3, SC-3A, SC-4 or SC-7; and
- 4.4.1.3 The customer must have an average monthly metered Company electric demand exceeding 500 kW in the preceding twelve months; and
- 4.4.1.4 The customer must demonstrate to the Company's satisfaction that the customer's relocation alternatives make it a Contestable Customer as provided in Section 4.4.2 of this Service Classification No. 12; and
- 4.4.1.5 The customer must demonstrate public sector involvement as part of its evaluation of relocation alternatives as provided in Section 4.4.3 of this Service Classification No. 12. Customer may submit an application under this section prior to confirmation of public sector involvement, but any discount is contingent upon confirmation of public sector involvement prior to the commencement of any discount contract under this Service Classification No. 12.

**4.4.2 Demonstration of Relocation Challenge:** In order to receive a reduced rate under this Service Classification No. 12, the customer must demonstrate that relocation of part or all of its activities from the facility served by the Company to other facilities not served by the Company is economically viable. Examples of the type of written documentation that may be used to make such a demonstration may include, but need not be limited to the following:

- 4.4.2.1 Audited financial statements (balance sheet, income statement and notes to the financial statements) for the specific facility, and for the company (if different), for the most recent complete fiscal year, subject to the provisions in this Section No. 4.4.2. If customer does not have audited financial statements for the specific facility because such audited financials are not prepared in the customer's normal course of business, then unaudited financial statements will be prepared for the specific facility. All financial statements delivered to the Company shall be accompanied by a certification of the Chief Financial Officer of the parent company or the appropriate company division, as applicable, to the effect that the financial statements comply with generally accepted accounting principles, consistently applied; and
- 4.4.2.2 Statements of cash flows (sources and uses of funds) for the customer's most recent complete fiscal year for the facility evaluating relocation; and
- 4.4.2.3 Estimates of the potential savings associated with relocation to the targeted location.

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## SERVICE CLASSIFICATION NO. 12 (Continued)

### 4. PROGRAM ELIGIBILITY (Continued)

**4.4.3 Demonstration of Public Sector Involvement:** In recognition of the fact that electricity cost by itself is seldom the only factor driving a relocation challenge, an SC-12 discount must be part of a comprehensive competitiveness plan that will include state and/or local incentives or concessions that are not available “as of right,” and are designed with the goal of retaining the business. Economic development incentives may be provided by the public, private, or quasi governmental sector or public-private partnerships. Incentives or concessions from the public sector must include incentives equal to 25 percent of the value of the applicable discount or at least two of the following types of inducements:

- a. skills training grants;
- b. benefits associated with public financing, low-interest loans, and interest rate subsidies;
- c. productivity improvement grants;
- d. infrastructure grants,
- e. the foregone tax revenues associated with property tax abatements or a property tax freeze;
- f. feasibility study grants;
- g. reductions in charges for water and sewer services;
- h. New York State Energy Research and Development Authority (“NYSERDA”) assistance; or
- i. the benefit of retention related to NYPA allocations.

4.4.3.1 Any potential electric discounts must be in relation to, and appropriate, given the amount of public sector involvement, customer’s variable cost structure, and the other key factors in retaining the facility’s production capability in the Company’s service territory.

**4.5 Growth: Business Attraction:** This program is designed to respond to the competitive challenge of a prospective customer having the ability to locate new facilities in the service territories of other utilities, or to forego the construction of new facilities in the Company’s service territory. Prospective customers meeting the following requirements shall be eligible for discounted rates for all of their loads:

- 4.5.1 The prospective customer must bring a new business to the Company’s service territory; and
- 4.5.2 The prospective customer must be a New Customer as defined in Rule 1.5.1 of the Tariff and must not be an Affiliated Customer as defined in Section 3.1 of this Service Classification No. 12 with respect to any existing customer in the Company’s service territory; and
- 4.5.3 The prospective customer’s loads at the new facilities must be eligible for service under rate schedule SC-2D, SC-3, SC-3A, SC-4 or SC-7; and
- 4.5.4 The prospective customer must demonstrate to the Company’s satisfaction that the customer’s ability to locate the new facility in the service territory of other utilities, or to forego construction of that facility in the Company’s service territory, makes it a Contestable Customer.



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## SERVICE CLASSIFICATION NO. 12 (Continued)

### 4. PROGRAM ELIGIBILITY (Continued)

4.5.5 The prospective customer may be required by the Company to demonstrate that it has undertaken reasonable efforts to participate or be involved in economic development programs offered by NYPA, NYSERDA, the Empire State Development Corporation, and other state and local programs for which it may be eligible.

### 4.6 Growth: Business Expansion

4.6.1 Eligibility Criteria: This program is designed to respond to the competitive challenge that a business expansion either could occur at a customer's facility served by the Company, could occur at facilities served by other utilities, or could fail to occur at all. Customers shall be eligible for discounted rates for part or all of their loads if they meet all of the eligibility requirements specified below:

4.6.1.1 The customer must be a Manufacturing Customer or Service Sector Customer, as defined in Section 3.3 and 3.5, or an Affiliated Customer as defined in Section 3.1 who is also a Manufacturing Customer or Service Sector Customer, as defined in Section 3.3 and 3.5; and

4.6.1.2 The customer must commit to increase its usage of electricity as described in Section 4.6.2 of this Service Classification No. 12; and

4.6.1.3 The customer must be eligible to receive electric service from the Company under rate schedules SC-2D, SC-3, SC-3A, SC-4, or SC-7; or, in the Company's opinion, would be eligible for electric service under one of these service classifications after the proposed business expansion occurs; and

4.6.1.4 The customer must have an average existing monthly Company peak demand of 25 kW or more in the preceding twelve months; or, in the Company's opinion the average monthly Company peak demand will (i) increase to 25 kW or more annually at an existing facility or (ii) be at least 25 kW or more annually at a new facility, after the business expansion occurs; and

4.6.1.5 The customer must demonstrate to the Company's satisfaction that the customer's ability to expand its operations at a facility in the service territory of another utility, or to forego the expansion in the Company's service territory, makes it a Contestable Customer.

4.6.1.6 The customer may be required by the Company to demonstrate that it has undertaken reasonable efforts to participate or be involved in economic development programs offered by NYPA, NYSERDA, the Empire State Development Corporation, and other state and local programs for which it may be eligible.

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## SERVICE CLASSIFICATION NO. 12 (Continued)

### 4. PROGRAM ELIGIBILITY (Continued)

**4.6.2 SC-12 Contract Load Quantities:** Customer must commit to an overall increase in the historic SC-12 Contract Load Quantities, as defined in Section 3.16, which represents an overall increase in the production capability or economic activity of the facility. Any discount under Section 4.6 of this Service Classification No. 12 shall be calculated on the incremental load that exceeds the SC-12 Contract Load Quantities as established in either 4.6.2.1 or 4.6.2.2 below.

**4.6.2.1 Expansion at Existing Facilities:** Customers who are expanding existing facilities shall establish SC-12 Contract Load Quantities, as defined in Section 3.16. The SC-12 Contract Load Quantities (expressed in kW and kWh) shall be specified in the Customer Service Agreement.

**4.6.2.2 Expansion at New Facilities:** Business expansions occurring at new facilities by existing customers will be assigned SC-12 Contract Load Quantities (expressed in kW and kWh) equal to zero (0). The Company reserves the right to adjust the SC-12 Contract Load Quantities at any time, when, in the Company's opinion, the customer is shifting load from existing locations to the new location.

**4.6.2.3** Although customers served under the business expansion program will not be penalized if the SC-12 Contract Load Quantities calculated above and memorialized in their respective Customer Service Agreements are not met, benefits under the business expansion program will only be realized when a customer's actual consumption (in kW and kWh) is in excess of the SC-12 Contract Load Quantities set forth in the Customer Service Agreement in each billing period.

### 5. STANDARDIZED DISCOUNT RATES

Qualifying Customers as defined in Section 3.6 of this Service Classification No. 12 shall receive the applicable standardized discount percentages established in Section 5.3 of this Service Classification No.12 applied to their charges for electric service.

**5.1 Application of Discounts:** Customers served under Section 5 of this Service Classification No. 12 shall pay the Customer, Demand, and Reactive Power Demand charges set according to the otherwise applicable Standard Tariff Rate Schedule. Customers served under Section 5 of this Service Classification No. 12 shall also pay, if applicable, the Electricity Supply Cost as specified in accordance with Rule 46 - Electricity Supply Cost. The discounts provided under Section 5 of this Service Classification No. 12 shall be administered on a targeted basis, applied to the otherwise applicable standard tariff distribution delivery demand charge per kW rate.

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## SERVICE CLASSIFICATION NO. 12 (Continued)

### 5. STANDARDIZED DISCOUNT RATES (Continued)

#### **5.1.1 Qualifying Customers Receiving a Portion of their Requirements from NYPA**

The Company may, at its option, agree to permit Qualifying Customers receiving a portion of their requirements from NYPA to receive any electricity supplied to it by NYPA on a "first through the meter" basis, provided that the Company shall consider the benefit conferred on the customer by such an option in determining the discount it is willing to offer to the customer.

### 5.2 Determination of Loads Eligible to Receive Discount

**5.2.1 Determination of Contestable Load:** For each Qualifying Customer, the Company shall determine the customer's Contestable Load as defined in Section 3.10 of this Service Classification No.12.

**5.2.2 Application of Discounts:** The discount percentages specified in Section 5.3 of this Service Classification No.12 shall apply only to the Qualifying Customer's Contestable Load.

**5.2.3 Administration of Discounts:** Qualifying Customers shall have the option of separately metering their Contestable Load as provided in Section 5.2.3.1 or agreeing to the alternate billing methodology specified in Section 5.2.3.2.

**5.2.3.1 Option 1: Separate Meters:** If the customer elects to separately meter its Contestable Load, the Company shall install the required metering facilities at the customer's expense, and discounted service shall only commence once the required metering facilities are in place and shall apply only to such Contestable Loads. The Company shall have the right to terminate discounted service under this Section 5.2.3.1 and to require the customer to receive its discounted service under Section 5.2.3.2 if the Company determines that any part of the customer's Non-Contestable Load is receiving service through the meter assigned to the customer's Contestable Load.

**5.2.3.2 Option 2: Billing Based on Contract Loads:** In the event that the customer does not elect to separately meter its Contestable Load, the Company shall estimate the customer's Non-Contestable Load in each billing period for twelve consecutive months. The customer's Contestable Load shall be deemed to be all usage in excess of the Non-Contestable Load (in kW) in any billing period, and the customer's discount percentage specified in Section 5.3 shall apply only to such Contestable Loads.

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### SERVICE CLASSIFICATION NO. 12 (Continued)

#### 5. STANDARDIZED DISCOUNT RATES (Continued)

**5.3 Discount Percentages:** The following discount percentages are applicable to Qualifying Customers depending on the customer's competitive alternative:

**5.3.1 Retention: Revitalization:** Where the Company determines that customer has satisfied the requirements of this Service Classification No. 12, the customer will be eligible for 3 years of discounts as provided below.

Effective January 1, 2012, the discount percentage applied to the otherwise applicable standard tariff distribution delivery demand charge per kW rate shall be as follows:

<u>Year</u>	<u>SC-3A</u>	<u>SC-3</u>
1	15%	15%
2	15%	15%
3	15%	15%

The discount percentage shall not apply to adjustments and surcharges as provided in Section 5.4.3 of this Service Classification No. 12.

**5.3.2 Retention: Relocation:** Where the Company determines that customer has satisfied the requirements of this Service Classification No. 12, the customer will be eligible for 5 years of discounts as applied to its Contestable Loads as provided below:

Effective January 1, 2012, the discount percentage applied to the otherwise applicable standard tariff distribution delivery demand charge per kW rate is as follows:

<u>Year</u>	<u>SC-3A</u>	<u>SC-3</u>
1	15%	15%
2	15%	15%
3	15%	15%
4	15%	15%
5	15%	15%

The discount percentage shall not apply to adjustments and surcharges as provided in Section 5.4.3 of this Service Classification No. 12.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: MARCH 19, 2012

LEAF: 464  
REVISION: 4  
SUPERSEDING REVISION: 3

## SERVICE CLASSIFICATION NO. 12 (Continued)

### 5. STANDARDIZED DISCOUNT RATES (Continued)

#### 5.3.3 Growth: Business Attraction

- 5.3.3.1 **Program 1:** Where the Company determines that customer has satisfied the requirements of this Service Classification No. 12, a Qualifying Customer that is also a Manufacturing Customer or Service Sector Customer as defined in Sections 3.3 and 3.5 respectively, other than those Energy Intensive Manufacturing Customers identified in Program 2 below, will be eligible for 5 years of discounts as applied to its Contestable Loads as provided below:

Effective January 1, 2012, the discount percentage applied to the otherwise applicable standard tariff distribution delivery demand charge per kW rate is as follows:

<u>Year</u>	<u>All Eligible Classes</u>
1	20%
2	20%
3	15%
4	15%
5	10%

The discount percentage shall not apply to adjustments and surcharges as provided in Section 5.4.3 of this Service Classification No. 12.

- 5.3.3.2 **Program 2:** Where the Company determines that customer has satisfied the requirements of this Service Classification No. 12, qualifying Energy Intensive Manufacturing Customers will be eligible for 5 years of discounts as applied to its Contestable Loads as provided below:

Effective January 1, 2012, the discount percentage applied to the otherwise applicable standard tariff distribution delivery demand charge per kW rate is as follows:

<u>Year</u>	<u>All Eligible Classes</u>
1	25%
2	25%
3	20%
4	20%
5	15%

The discount percentage shall not apply to adjustments and surcharges as provided in Section 5.4.3 of this Service Classification No. 12.

PSC NO: 220 ELECTRICITY  
 NIAGARA MOHAWK POWER CORPORATION  
 INITIAL EFFECTIVE DATE: APRIL 1, 2013  
 STAMPS: Issued in Compliance with Order of PSC in Case 12-E-0201 issued March 15, 2013

LEAF: 465  
 REVISION: 4  
 SUPERSEDING REVISION: 2

## SERVICE CLASSIFICATION NO. 12 (Continued)

### 5. STANDARDIZED DISCOUNT RATES (Continued)

- 5.3.4 Growth: Business Expansion:** Where the Company determines that customer has satisfied the requirements of this Service Classification No. 12, a Qualifying Customer who is also a Manufacturing Customer or Service Sector Customer as defined in Sections 3.3 and 3.5, respectively, will be eligible for 5 years of discounts as applied to its Contestable Loads as provided below:

Effective January 1, 2012, the discount percentage applied to the otherwise applicable standard tariff distribution delivery demand charge per kW rate is as follows:

<u>Year</u>	<u>All Eligible Classes</u>
1	20%
2	20%
3	20%
4	20%
5	20%

The discount percentage shall not apply to adjustments and surcharges as provided in Section 5.4.3 of this Service Classification No. 12.

### 5.4 Other Provisions:

- 5.4.1 Term: The term of any discounted Customer Service Agreement under Section 5.3.1 of this Service Classification No. 12 shall not exceed 3 years, except as otherwise approved by the New York State Public Service Commission. All other Customer Service Agreements under this Section 5 of Service Classification No.12 shall not exceed 5 years, except as otherwise approved by the New York State Public Service Commission.
- 5.4.2 Commencement of Service: Service under any discounted Customer Service Agreement under this Section 5 shall commence on the first day of the billing period immediately following execution and delivery of the discounted Customer Service Agreement by both parties, subject to appropriate metering as specified in 5.2.3.
- 5.4.3 Adjustments to Standard Rates and Charges: Customers receiving Customer Service Agreements reflecting standardized discount rates pursuant to this Section 5 of this Service Classification No.12 shall be subject to all adjustments and surcharges as required by the New York Public Service Commission that would have applied to the customer if it had received non-discounted service under the service classification otherwise applicable to the customer's usage. All such adjustments and surcharges shall be determined in accordance with the corresponding rules of the standard tariffs and shall be increased by a tax factor in accordance with Rule 32. Nothing contained in this section shall be construed as limiting Customers' rights to petition the New York State Public Service Commission for a waiver of the application of such surcharges and adjustments.
- 5.4.3.1 Customers served under SC-12 will not be subject to Rule No. 42.3.2 and Rule No. 42.3.3 of Rule 42-Merchant Function Charge.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 13, 2016

LEAF: 466  
REVISION: 2  
SUPERSEDING REVISION: 1

**SERVICE CLASSIFICATION NO. 12 (Continued)**

**5. STANDARDIZED DISCOUNT RATES (Continued)**

- 5.4.4 **Payment of Undisputed Bills:** Customer shall be current in its payment of all undisputed bills, and may be required to furnish a security deposit in the amount that the Company would otherwise be authorized to require under Commission rules, as a precondition to receiving any discounted service by the Company. Customers who have executed a deferred payment agreement with the Company consistent with Rule 26.9 - Deferred Payment Agreement ("DPA") for Non-Residential Customers of this Tariff, and are in full compliance with the requirements of this DPA shall be eligible to receive these discounts.
- 5.4.5 **Resales Prohibited:** Customer is prohibited from reselling or otherwise furnishing any of the electricity provided pursuant to a Customer Service Agreement authorized by this Service Classification No. 12 to any third party, regardless of whether such sale or furnishing would otherwise be authorized by Rule 8 of the Tariff.
- 5.4.6 **Increase in Rates and Charges:** The rates and charges under Section 5 of this Service Classification No. 12 will be increased by a tax factor pursuant to Rule 32.
- 5.4.7 **Contract Filing Requirements:** A standardized discount rate contract will be jointly filed with the Commission by the utility and the customer, subject to full confidentiality protection, for both the Company and the customer, as a trade secret. A quarterly summary of contract activity shall also be filed by the Company containing individual customers' information and shall be filed subject to full confidentiality protection as a trade secret.

**6. INDIVIDUALLY NEGOTIATED RATES**

- 6.1 Eligibility Criteria for Individually Negotiated Rates:** Where the Company determines at its sole discretion that the eligibility criteria in Section 4 of this Service Classification No. 12 have been satisfied and that the Standardized Discount provided in Section 5 of this Service Classification No. 12 is insufficient to address the Qualifying Customer's economic threat, a Qualifying Customer shall individually negotiate its rates and Customer Service Agreement with the Company under this Section 6 of this Service Classification No. 12 provided they meet the additional requirements of this Section 6.
- 6.1.1 Retention: On Site Generation and Fuel Switching:** Qualifying Customers demonstrating that the on-site generation and fuel switching alternatives available to them make them Contestable Customers shall be eligible to individually negotiate rates and Customer Service Agreements with the Company designed to respond to their demonstrated on-site generation and fuel switching alternatives.
- 6.1.2 Customers Receiving a Portion of Their Requirements from NYPA:** Qualifying Customers receiving a portion of their requirements from NYPA shall be eligible to individually negotiate Customer Service Agreements with the Company designed to respond to the demonstrated competitive alternatives for which they qualify for service under this Service Classification No. 12.
- 6.1.3 Manufacturing Customer and Service Sector Customers:** A Qualifying Customer who is also a Manufacturing Customer or Service Sector Customer as defined in Sections 3.3 and 3.5, respectively, not meeting the requirements of Sections 6.1.1 or 6.1.2 of this Service Classification No. 12 shall individually negotiate Customer Service Agreements with the Company designed to respond to the demonstrated competitive alternatives for which they qualify for service under this Service Classification No. 12 where any one of the following tests is satisfied:

Effective date postponed to 03/01/2016. See Supplement No. 39.

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INITIAL EFFECTIVE DATE: FEBRUARY 13, 2016

LEAF: 467  
REVISION: 5  
SUPERSEDING REVISION: 4

## SERVICE CLASSIFICATION NO. 12 (Continued)

### 6. INDIVIDUALLY NEGOTIATED RATES (Continued)

- 6.1.2.1 Customer imposes, or in the Company's opinion is likely to impose, monthly electric peak billed Company demand in excess of 2,000 kW; or
- 6.1.2.2 Has an average monthly load factor or, in the Company's opinion is likely to impose an average load factor, of at least 70 percent; or
- 6.1.2.3 Demonstrates that the customer's annual total electricity bill represents at least 7 percent of the facility's annual gross revenue from sales; or
- 6.1.2.4 Currently employs 250 or more workers; or
- 6.1.2.5 Is in the Paper/Paperboard Manufacturing (NAICS Code 3221), Chemicals Manufacturing (NAICS Code 325), Non-Metallic Mineral Products (NAICS Code 327), or Primary Metal Manufacturing (NAICS Code 331) industries.

### 6.2 Standards for Individually Negotiated Rate Agreements:

- 6.2.1 **Negotiating Standards:** In cases where individual negotiation of rates and Customer Service Agreements is authorized by Section 6.1 of this Service Classification No.12, the Company will negotiate on a case-by-case basis in a manner consistent with the New York State Public Service Commission's Opinion Nos. 96-12 and 94-15 and the Order and attached Guidelines issued April 14, 2005 in Case No. 03-E-1761.
- 6.2.2 **Term:** Except as provided in this Section 6.2.2, no individually negotiated Customer Service Agreements establishing rates for electric service shall have a term in excess of five (5) years. If a customer desires a contract with a term in excess of five (5) years and the Company is willing to agree to this arrangement, the Company will request authorization from the New York State Public Service Commission to enter into that arrangement. If the Commission grants the Company the authority it requests on terms acceptable to the Company, the Company will then enter into the agreement.
- 6.2.3 **Adjustments to Standard Rates and Charges:** Customers receiving individually negotiated rates and Customer Service Agreements pursuant to this Service Classification No.12 shall be subject to all adjustments and surcharges as required by the New York Public Service Commission that would have applied to the customer if it had received non-discounted service under the service classification otherwise applicable to the customer's usage. All such adjustments and surcharges shall be determined in accordance with the corresponding rules of the standard tariffs and shall be increased by a tax factor in accordance with Rule 32. Nothing contained in this section shall be construed as limiting Customers' rights to petition the New York State Public Service Commission for a waiver of the application of such surcharges and adjustments.
  - 6.2.3.1 Customers served under SC-12 will not be subject to Rule No. 42.3.2 and Rule No. 42.3.3 of Rule 42-Merchant Function Charge.
- 6.2.4 **Contract Filing Requirements:** An individually negotiated rate contract will be jointly filed with the Commission by the utility and the customer, subject to full confidentiality protection, for both the Company and the customer, as a trade secret. A quarterly summary of contract activity shall also be filed by the Company containing individual customers' information and shall be filed subject to full confidentiality protection as a trade secret.



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022

LEAF: 468  
REVISION: 5  
SUPERSEDING REVISION: 3

STAMPS: Issued in Compliance with Order in Case 20-E-0380, issued January 20, 2022.

**SERVICE CLASSIFICATION NO. 12 (Continued)**

**6. INDIVIDUALLY NEGOTIATED RATES (Continued)**

- 6.2.5 Payment of Undisputed Bills:** Customer shall be current in its payment of all undisputed bills and may be required to furnish a security deposit in the amount that the Company would otherwise be authorized to require under Commission rules as a precondition to receiving any discounted service by the Company. Customers who have executed a deferred payment agreement with the Company consistent with Rule 26.9 - DPA for Non-Residential Customers of this Tariff and are in full compliance with the requirements of this DPA shall be eligible to receive service under this Section 6 of S.C. No. 12.
- 6.2.6 Resales Prohibited:** Customer is prohibited from reselling or otherwise furnishing any of the electricity provided pursuant to a Customer Service Agreement authorized by this Service Classification No. 12 to any third party, regardless of whether such sale or furnishing would otherwise be authorized by Rule 8 of this Tariff.
- 6.2.7 NYPA Allocations:** The Company may, at its option, agree to permit Qualifying Customers receiving a portion of their requirements from NYPA to receive any electricity supplied to it by NYPA on a "first through the meter" basis, provided that the Company shall consider the benefit conferred on the customer by such an option in determining the rates it is willing to offer to the customer.
- 6.2.8 RESERVED FOR FUTURE USE**
- 6.2.9 Increase in Rates and Charges:** The rates and charges under Section 6 of this Service Classification No. 12 will be increased by a tax factor pursuant to Rule 32.

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: JANUARY 1, 2012  
STAMPS: Issued in Compliance with Order Issued December 16, 2011 in Case No. 10-E-0050

LEAF: 469  
REVISION: 3  
SUPERSEDING REVISION: 2

**SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 470  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 471  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 472  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 473  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 474  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**

PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 475  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**



PSC NO: 220 ELECTRICITY  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: SEPTEMBER 19, 2011

LEAF: 476  
REVISION: 1  
SUPERSEDING REVISION: 0

**SERVICE CLASSIFICATION NO. 12 (Continued)**

**RESERVED FOR FUTURE USE**