

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
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Superseding P.S.C. No. 6

CITY OF JAMESTOWN, NEW YORK  
SCHEDULE FOR ELECTRIC SERVICE

Applicable in:

JAMESTOWN, FALCONER, CELORON, AND LIGHTING  
DISTRICTS NO. 1, 2, AND 3 IN THE TOWNSHIP OF  
ELLCOTT, CHAUTAUQUA COUNTY

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
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Revision: 0  
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## Table of Contents

<u>General Information</u>	<u>Leaf No.</u>
I. Territory to which Schedule Applies	5
II. Rules and Regulations	6
1. Definitions	6-10
2. Nature of Service Rendered	11
a. Standard Voltages and Phase Arrangements	11
b. Non-Standard Service	11
c. Limitations of Service Offer	12
d. Limitation of Liability	12
3. Initiation of Service	13
a. Application for Service – Residential/Non-Residential	13-16
b. Service Contract	17
c. Extension of Lines	17
d. Service Entrance and Building Wiring	18
e. Meters and Meter Locations	18
f. Transformer Vaults and Substations	19
g. Underground Service	19
h. Equipment Furnished by Utility	19
i. Consumer Deposits – Residential/Non-Residential	20-27
j. Temporary Service	27
k. Service Re-establishment Charge	28
4. Maintenance of Service	29
a. Access to Premises	29
b. Meter Readings, Billings, Collections & Estimated Bills	29
1. Meter Reading and Billing	29-31
2. Estimated Bills – Residential Customers	31
3. No Access to Meters – Residential Customers	32-33
4. Meter Reading & Estimated Bills – Non-Residential	33-38
5. Backbilling – Non-Residential Customers	38-41
6. Levelized Payment Plan – Non-Residential Customers	41-42
7. Interest on Customer Overpayments	43
8. Contents of Bills – Non-Residential Customers	44
9. Shared Meters	44

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 3  
Revision: 0  
Superseding Revision:

### Table of Contents

<u>General Information</u>	<u>Leaf No.</u>
4. Maintenance of Service (cont.)	44
c. Combination and Conjunctural Billing	44-45
d. Resale	45-47
e. Changes in Service Requirements	47
f. Limitations on Connected Loads	47-48
g. Billing of Changes in Rate	48
5A. Disconnection & Reconnection of Service – Residential Customers	49
a. Discontinuance for Non-payment	49-55
b. Discontinuance for Cause Other than for Non-Payment	56
c. Discontinuance on Customer's Order	56
d. Reconnection After Discontinuance for Cause other than for Non-Payment	56
5B. Disconnection & Reconnection of Service – Non-Residential Customers	57
a. Termination of Service	57-63
b. Reconnection of Non-Residential Service	64-65
c. Disconnection Without Notice	65-66
d. Complaint Handling Procedures	66
e. Notice Requirements	67
f. Inspection and Examination of Utility Apparatus	68-69
g. Deferred Payment Agreement	70-73
6. Adjustment of Rates According to Changes in the Cost of Fuel/Purchased Power	74-79
7. Minimum Insulation Standards for Residential Construction of Buildings	80
8. Form of Application for Non-Residential Service	81-83
9. Deferred Payment Agreement Form – Non-Residential Customers	84-86
10. Deposit Alternative Notice Form – Non-Residential Customers	87

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Effective Date: 9/10/2014

Leaf: 4  
Revision: 1  
Superseding Revision: 0

## Table of Contents

<u>General Information</u>	<u>Leaf No.</u>
11. Deferred Payment Agreement Form – Residential Customers	88-90
12. Cable Television Pole Attachment Rates	91
Form A - Application for General Service	92
Form D - Application for Alternating Current Electric Power Service	93
Form E - Application for Off-Street Lighting	94
Form F - Certificate of Compliance - Minimum Insulation Standards – New Residential Construction	95
Form G - Certificate of Compliance – Minimum Insulation Standards – Converting to Electric Space Heat	96
 III. Service Classifications	
Service Classification No. 1 – Residential Service	97-98
Service Classification No. 2 – General Service – Small	99-101
Service Classification No. 3 – General Service – Large	102-104
Service Classification No. 4 – Off-Street Lighting	105-107
Service Classification No. 5 – Municipal Street Lighting Service	108-110
 Rider No. 1 – Economic Development	111-113
Rider No. 2 – Economic Development Under PASNY Requirements	114-119
Rider No. 4 – Economic Development Using Residual PASNY Power	120-122
Rider No. 5 – Line Extension – Economic Assistance	123
 Service Classification No. 6 – Economic Development Service	124-130
Service Classification 1 or 2 Amendment – Purchase of Renewable Energy From New Distributed Generators	131-132

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 5  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### I. TERRITORY TO WHICH SCHEDULE APPLIES

These rules and regulations apply in all territory served by the City of Jamestown and to rate schedules applicable in:

Chautauqua County

City:

Jamestown

Villages:

Celoron  
Falconer

Lighting Districts:

No. 1 in the Township of Ellicott  
No. 2 in the Township of Ellicott  
No. 3 in the Township of Ellicott

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 6  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### II. RULES AND REGULATIONS

#### 1. DEFINITIONS

- (a) Applicant: Any legal person seeking initiation or expansion of service from Utility.
- (b) Residential Applicant or Customer: A person who requests electric service at a dwelling for his or her residential use or the residential use of another person, for which the Utility's effective tariff specifies a residential rate.
- 1) For purposes of the Home Energy Fair Practices Act, a residential applicant includes any person who requests electric service at a premises to be used as his or her residence or the residence of a third party on whose behalf the person is requesting service, as defined in 16 NYCRR 11.2 (a) (3).
- 2) For the purposes of the Home Energy Fair Practices Act, a residential customer or current residential customer includes any person who pursuant to an application for service made by such person or third party on his or her behalf is supplied directly by the Utility with electric service at a premises used in whole or in part as his or her residence, as defined in 16 NYCRR 11.2(a)(2).
- (c) Billing Month: The period of time, as defined and limited herein under item 4(b) over which service to a customer is measured and billed for.
- (d) Capacity: A measure of the ability of any piece of electric equipment to deliver electric current or energy for load, ordinarily expressed in kilowatts (kw) or kilovolt-amperes (kva).
- (e) Cost: As referred to herein, includes labor, material, and handling charges plus reasonable allowances for engineering, supervision, contract work, and other overhead.
- (f) Energy: A measure of the work capable of being performed by electricity delivered over a specified period of time, ordinarily measured in kilowatt-hours (kwh).

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 7  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### 1. DEFINITIONS (cont.)

- (g) Line: A system of conductors carried on poles or in ducts, including transformers and associated equipment, necessary to bring electric energy from source to customer.
- (h) Service Classification: A statement of given conditions and prices for electric service of a given character to a definite class of customers.
- (i) Service Connection: A system of conductors and associated conduits and equipment for delivery of energy from Utility's line to the point of attachment and delivery to customer's premises.
- (j) Service Entrance: That part of the system of conductors carrying energy for customer's use from the point of attachment of Utility's service connection to customer's main service switch.
- (k) Voltage: A measure of the electrical pressure at which energy is delivered, ordinarily expressed in volts. The higher the voltage, the smaller a conductor need be to deliver energy for a given capacity, but the greater the need for insulation of all conductors and concern as to safety and reliability of connected equipment.
- (l) Utility: The Electric Division of the Board of Public Utilities of the City of Jamestown, New York.
- (m) Public Service Commission: The agency of the State of New York having regulatory jurisdiction over Utility.
- (n) 16 NYCRR: Title 16 of the New York Code of Rules and Regulations. Numerical suffix denotes a section or part of rule.
- (o) Non-Residential: (1) Demand: A measure of the maximum rate of use of capacity supplied by Utility, ordinarily expressed in kilowatts (kw) or in kilovolt-amperes (kva).  
(2) Billing Demand: The maximum requirement of service capacity taken into account in computing a bill for service under any Service Classification hereof.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 8  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### 1. DEFINITIONS (cont.)

#### (o) Non-Residential: (cont.)

3) Reactive Demand: A measure of the capacity of devices necessary to bring the power factor of a circuit to unity, ordinarily measured in kilovolt-amperes.

4) Power Factor: The ratio of the current flow necessary for delivery of useful power to actual current flow in an alternating current circuit. It cannot exceed the value of 100%, or unity.

5) Applicant: A person, corporation or other entity who has requested electric service as a non-residential customer.

6) Customer: A person, corporation or other entity, supplied by Utility with electric service under the Utility's tariff and pursuant to an accepted application for service, who is not a residential customer as defined in 16 NYCRR Part 11.

7) New Customer: A customer who was not the last previous customer at the premises to be served, regardless of whether such customer previously was or is still a customer of the Utility at a different location.

8) Seasonal Customer: A customer who applies for and receives Utility service periodically each year, intermittently during the year, or at other irregular intervals.

9) Short-Term or Temporary Customer: A customer who requested service for a period of time up to two years.

10) Demand Customer: A customer who is billed for demand charges.

11) Actual Reading: One obtained by Utility employee from either the meter or a remote registration device attached thereto.

12) Access Controller: A party known to 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.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 9  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### 1. DEFINITIONS (cont.)

#### (o) Non-Residential: (cont.)

13) Payment: Considered to be made on the date when it is received by Utility or one of its authorized agents.

14) Late Payment: Any payment made more than 20 calendar days after the date payment was due. Payment is due whenever specified by Utility 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.

15) Arrears: Charges for which payment has not been made more than 20 calendar days after payment was due.

16) Delinquent Customer: A customer who has made a late payment on two or more occasions within the previous 12 month period.

17) Business Day: Any Monday through Friday when the Utility's business offices are open.

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

19) Levelized Payment Plan: A billing plan designed to reduce fluctuations in a customer's bill payments due to varying, but predictable, patterns of consumption.

20) Backbill: 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% or more the bill that would have been rendered under Utility's standard estimation program is presumed to be a backbill.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 10  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### 1. DEFINITIONS (cont.)

#### (o) Non-Residential: (cont.)

21) Tampered Equipment: Any service related equipment that has been subjected either to unauthorized interference so as to reduce the accuracy or eliminate the measurement of Utility's service, or to unauthorized connection occurring after Utility has physically disconnected service.

22) Utility Deficiency: Any action or inaction by Utility or one of its authorized agents that does not substantially conform to the rules and regulations of 16 NYCRR Part 13, Utility's tariff, or Utility's written business procedures.

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 11  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### 2. NATURE OF SERVICE RENDERED

#### a) Standard Voltages and Phase Arrangements

Utility renders alternating current (AC) service only, at a frequency of sixty cycles per second (60Hz). Service is available for small loads at single-phase, 120/240 volts, three-wire. Three-phase service is available for larger loads at the following voltages and phase arrangements:

#### Secondary Voltages

120/208 volts, three-phase, four-wire  
240 volts, three-phase, three-wire  
240 volts, three-phase, four-wire, with middle tap of one phase  
grounded to provide also single-phase, three-wire, 120-240  
volts (no longer available for new services)  
277/480 volts, three-phase, four-wire  
480 volts, three-phase, three-wire

#### Primary Voltages

2400 volts, three-phase, three-wire  
4800 volts, three-phase, three-wire  
2400/4160 volts, three-phase, four-wire  
13800 volts, three-phase, three-wire

#### b) Non-Standard Service

If customer requires voltage and phase arrangements other than as set forth above, they shall be afforded service at one of the foregoing standard voltages only; and they shall furnish and pay for equipment necessary for service at their desired conditions. In such case, service shall be metered and billed for at the standard voltage and phase arrangements at which it is supplied.

Where customer requires voltage regulation within closer limits than permitted by standard practice, or than required by Public Service Commission regulations, this shall be deemed to be non-standard service.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 12  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### 2. NATURE OF SERVICE RENDERED (cont.)

#### c) Limitations of Service Offer

1. Utility's service offer is subject to any regulation as may now or in the future be legally exercised by any State or Federal body having authority or jurisdiction with respect to such service, notwithstanding anything to the contrary which may appear in this Schedule.

2. Utility will use reasonable diligence to provide a regular and uninterrupted supply of electric energy; but in case the supply of such energy be interrupted or otherwise fail from causes beyond utility's control, Utility will not be liable therefore, nor shall any such interruptions or defect in service invalidate any provisions of customer's service contract. The Utility does not and cannot guarantee against voltage and frequency variations from standard conditions as herein set forth.

#### d) Limitation of Liability

1. Utility does not give any warranty, expressed or implied, as to the adequacy, safety, or other characteristics of any structures, wires, appliances, or devices owned, installed, or maintained by customer or leased by customer from third parties. Inspection by agents or employees, or non-rejection of service, shall not be deemed to afford any such warranty.

2. Utility shall not be liable for any damages to customer or to third parties resulting from use of electricity or by reason of the presence on customer's premises of lines and devices of Utility necessary for customer's service, except as such damages result from negligence of Utility.

3. Utility shall not be liable to customers taking three-phase service by reason of failure of one or two phases of such service. Customers taking three phase service are responsible for maintenance of protective devices adequate to prevent damage from partial interruption of service.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 13  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### 3. INITIATION OF SERVICE

#### a) Application For Service:

Service will be initiated upon application to Utility in accordance with the provisions hereof and of the appropriate Service Classification. Utility reserves the right to reject for lawful reasons any application for electric service.

#### 1. Application for Residential Service:

a) The utility will not be obligated to provide service to an applicant who owes the Utility money for residential service provided to a prior account in his or her name unless:

1) the applicant makes full payment for residential service provided to any such prior account in his or her name; or

2) the applicant agrees to make payments under a deferred payment plan of any amounts due for service to a prior account in his or her name; or

3) the applicant has pending a billing dispute with respect to any amounts due for service to prior account in his or her name and has paid any amounts required to be paid; or

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 Utility receives from an official of the Social Services District in which the applicant resides, or is notified by such an official that it is entitled to receive, payment for services due to 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

5) the Commission or its authorized designee directs the provision of service.

b) The Utility shall not be obligated to provide seasonal or short-term service to an applicant who fails to post a lawfully required deposit.

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 14  
Revision: 0  
Superseding Revision:

### GENERAL INFORMATION

#### 3. INITIATION OF SERVICE (cont.)

##### a) Application For Service: (cont.)

##### 1. Application for Residential Service: (cont.)

c) The Utility shall be obligated to provide service to any applicant who meets the requirements of the foregoing paragraphs within five business days of receipt of a completed oral or written application for service except as provided under 16 NYCRR 11.3.

##### 2. Application for Non-residential Service:

##### a) Extension of Service:

1) The Utility 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, except:

- (i) where prevented by labor strikes, or other work stoppages
- (ii) where precluded by consideration of public safety
- (iii) where precluded by physical impediments including:

- (a) adverse weather conditions
- (b) inability to gain access to premises in the possession of the applicant or others
- (c) incomplete construction of necessary facilities by the applicant or inspection and certification thereof by the appropriate authorities
- (d) incomplete construction of necessary facilities by the Utility

2) The Utility will make reasonable efforts to eliminate conditions preventing extensions of service and will pursue completion of any facilities it must construct with due diligence.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 15  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### 3. INITIATION OF SERVICE (cont.)

#### a) Application For Service: (cont.)

#### 2. Application for Non-residential Service: (cont.)

##### a) Extension of Service: (cont.)

3) As a prerequisite to accepting an applicant as a customer, and providing service, the Utility may require the applicant to:

(i) 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 the meter(s) if not the customer;

(ii) comply with the Utility's tariff, or any applicable state, city or local laws or ordinances;

(iii) fulfill any applicable requirements of 16 NYCRR Part 98;

(iv) make full payment for all amounts due and payable which are not either the subject of a pending billing dispute pursuant to Rule 5.B.d) or of an existing deferred payment agreement that is in good standing, including:

(a) service provided and billed in accordance with 16 NYCRR 13.11 to prior account(s) in the applicant's name or for which the applicant is legally responsible;

(b) other tariff fees, charge, or penalties;

(c) reasonably chargeable material and installation costs relating to temporary or permanent line or main extensions or service laterals as required by Rule 3.c) and authorized under 16 NYCRR Part 98, provided these costs are itemized and given to the applicant in writing;

(d) special services billable under this tariff, provided these costs are itemized and given to the applicant in writing; and

(e) a Security deposit, if requested by the utility in accordance with Rule 3.i)2;

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 16  
Revision: 0  
Superseding Revision:

### GENERAL INFORMATION

#### 3. INITIATION OF SERVICE (cont.)

##### a) Application For Service: (cont.)

##### 2. Application for Non-residential Service: (cont.)

##### a) Extension of Service: (cont.)

4) The Utility will provide service to any accepted applicant whose application for service was previously denied solely for failure to make full payment as provided in this rule as soon as reasonably possible, but no later than three 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 paragraph (1) above.

##### b) Denial of Application:

1) The Utility will not deny an application for service except in a 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.

##### 2) The written notice of denial shall:

(i) state the reason(s) for the denial;

(ii) specify what the applicant must do to qualify for service; and

(iii) advise the applicant of the right to an investigation and review of the denial 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) The Utility shall advise any applicant who submits an incomplete application, in writing and within three 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.

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 17  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### 3. INITIATION OF SERVICE (cont.)

#### b) Service Contract

Application for service for residential purposes or for general purposes where capacity requirements do not exceed seven kilowatts (7kw) shall be deemed to constitute a contract for such service as is thereupon established, and to bind customer to abide by the applicable terms and conditions of this Schedule. Utility's effective tariff specifies a residential rate.

Service to larger non-residential loads of more than seven kilowatts will be rendered upon execution of an appropriate service contract which shall provide for the necessary supply of capacity, the voltage and phase conditions which may require clarifications or determination before service can be established.

#### c) Extension of Lines

Utility will extend an existing line to serve an applicant within its territory as defined in Item 1 hereof whenever such extension will return sufficient annual revenues to warrant and justify investment in such extension. Any excess of cost over what can be justified in terms of revenue must be paid for by Customer.

Where a distribution extension is sought over private property of Customer for the service of that Customer only, the Customer shall contribute the cost of any excess of the extension beyond an initial 200 feet. The extension will be measured from the property line where the Utility's line is constructed in the highway, or from the Utility's line where it is constructed on private property, to the Customer's point of attachment.

Where a distribution line extension to serve an individual Customer is over private property of a third party, Customer must obtain and pay for any right-of-way required.

Utility will made any extension up to 200 feet from an existing accessible line on public property or private right-of-way.

For residential applicants, the Utility will provide a minimum of 100 feet of overhead or underground distribution line and/or service line without charge to each applicant for residential service. The facilities provided without charge shall be measured from the Utility's distribution facilities (from the connection point on the riser pole for overhead to underground service connections) to the applicant's building. In cases where facilities are installed underground solely because of an applicant's request, the Utility may charge the actual cost of providing such facilities less the dollar value of overhead allowances which the applicant would have received.

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 18  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### 3. INITIATION OF SERVICE (cont.)

#### d) Service Entrance and Building Wiring

1) Customer shall provide the service entrance, in accordance with the Utility's requirements and all wiring on the Customer's premises. The location of the service entrance will be designated by the Utility. Service will be supplied to buildings and/or premises only when a certificate of approval issued by the New York Board of Fire Underwriters or other competent inspectors is received and accepted by the Utility. Service will not be connected until all of Customer's wiring has been approved. When changes in or additions to electric wiring or installations are made, a similar certificate of approval is required.

2) The Customer shall obtain or cause to be obtained, and present to the Utility for registration, all permits, consents, certificates, easements, or rights-of-way from persons, corporations, and public authorities having jurisdiction, necessary to give the Utility or its representatives access to the Customer's equipment and to enable the Utility to connect its conductors therewith, or for other purposes proper under such agreements.

3) All wiring and utilization equipment not owned by the Utility shall be maintained by the Customer. The rates in the Schedule for Electric Service for each class of service are based upon the supply of service at a single point of delivery and at a single voltage. Separate supply for the same Customer at other points of consumption or at different voltages shall be separately metered and billed.

Utility has issued as a separate pamphlet its "Wiring Rules and Requirements", to which attention is directed for the benefit and convenience of applicants and others for whom such information may be pertinent.

#### e) Meters and Meter Locations

The Utility will furnish and install meter, meters, and other appurtenant devices and appliances to measure the electricity used by the Customer at its own expense except as may otherwise be provided in Rule 3.j) "Temporary Service". Such meter or meters and other appurtenant devices and appliances supplied by the Utility shall remain the property of the Utility. The Customer shall furnish sufficient and proper space for the installation of metering equipment and devices acceptable to the Utility as provided in the Utility's Wiring Rules and Requirements. Customer shall be responsible for the protection of the metering equipment and other Utility property located on the Customer's premises, and shall exercise reasonable care to prevent theft of, damage to, or interference with such equipment.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

Leaf: 19  
Revision: 0  
Superseding Revision:

## GENERAL INFORMATION

### 3. INITIATION OF SERVICE (cont.)

#### e) Meters and Meter Locations (cont.)

When Customer's service is rendered at primary voltages, or current at secondary voltage will exceed 200 amperes, the location of metering equipment must be acceptable to Utility and specified in the service contract. In such case, special arrangements not covered by Utility's Wiring Rules and Requirements may have to be provided for.

#### f) Transformer Vaults and Substations

Where Customer's prospective use of service is of such magnitude and character that transformers must be supplied for the service of such Customer alone, Utility may require installation of transformers in or upon suitable structures on Customer's property. Customer shall provide a suitable space, vault, or enclosure, with such foundations or other structures as may be required to accommodate Utility's transformers and associated apparatus.

#### g) Underground Service

Utility's service will in all ordinary circumstances be delivered from overhead lines. Except as provided under Rule 3.c), Customers desiring underground service lines from the Utility's system must furnish and install at their own cost the cable and any necessary conduit from the nearest suitable utility pole to the Customer's service entrance switch. Sufficient wire must be provided on the end of the service wire to make connection to the Utility's overhead wires. The installation of all underground services shall be subject to approval by the Utility. These services remain the property of the Customer and must be maintained and replaced by the Customer.

#### h) Equipment Furnished by Utility

In cases where Customer desires Utility to furnish transformers or other facilities beyond those normally required to establish and maintain service, and Utility agrees to do so, such facilities may be rented on the basis of monthly payments of nine-tenths (0.9) per cent of installed cost.

Where Utility has furnished transformers under previous rate schedules beyond those which would be furnished under the present rate, a monthly charge of five (5) cents will be made per kva of capacity of such transformers.

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P.S.C. No. 7 Electricity  
City of Jamestown, New York  
Initial Effective Date: 8/1/2011

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## GENERAL INFORMATION

### 3. INITIATION OF SERVICE (cont.)

#### i) Consumer Deposits

##### 1. Consumer Deposits – Residential Customers:

(a) The Utility may require a consumer deposit from new seasonal or short-term residential customers and residential customers as a condition of receiving utility service if such customers are delinquent in payment of their utility bills. A current customer is delinquent for the purpose of a deposit assessment if such customer:

(1) accumulates two consecutive months of arrears without making reasonable payment, defined as one-half of the total arrears, of such charges before the time that a late payment charge would become applicable, or fails to make a reasonable payment on a bimonthly bill within 50 days after the bill is due; provided that the Utility requests such deposit within two months of such failure to pay; or

(2) had Utility service terminated for nonpayment during the preceding six months.

Customers included in Subsection (a) above shall be provided a written notice, at least 20 days before the deposit is assessed, that the failure to make timely payment will permit the Utility to require a deposit from such customer. If a deposit from a current residential customer who is delinquent by virtue of his or her failure to make a reasonable payment of arrears, is required, the Utility shall permit such customer to pay the deposit in installments over a period not to exceed 12 months.

(b) Deposits from new or current residential customers may not exceed two times the estimated average monthly bill for a calendar year except in the case of electric space heating customers where deposits may not exceed two times the estimated average monthly bill for the heating season, to secure payment for services actually rendered, or for the rental of fixtures, instruments, and facilities actually supplied:

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City of Jamestown, New York  
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## GENERAL INFORMATION

### 3. INITIATION OF SERVICE (cont.)

#### i) Consumer Deposits (cont.)

##### 1. Consumer Deposits – Residential Customers: (cont.)

(c) The Utility shall not require any person it knows to be a recipient of public assistance, supplemental security income, or additional state payments to post a security deposit, nor shall it require or hold a deposit from any new or current residential customer it knows is 62 years of age or older unless such customer has had service terminated by the Utility for nonpayment of bills within the preceding six months.

(d) The Utility shall extend service to any new applicant for service who has initiated a complaint on a deposit requested by such Utility and shall continue to supply service during the pendency of such complaint, provided that such applicant keep current on bills for service rendered and pay a reasonable amount as a deposit if the complaint challenges only the amount requested.

(e) The Utility shall allow to each such depositor simple interest at a rate per annum prescribed by the Public Service Commission on the amount deposited. Interest to residential customers shall be paid upon the return of the deposit, or where the deposit has been held for a period of one year, the interest shall be credited to the customer on the first billing for utility service rendered after the end of such period. If a residential customer is not delinquent in the payment of bills, during the one year period from the payment of the deposit, the deposit shall be refunded promptly without prejudice to the Utility's right to require a future deposit in the event that the customer thereafter becomes delinquent.

(f) Each depositor, upon ceasing to be a customer, shall promptly receive a refund of such deposit and all interest thereon not theretofore refunded or credited, upon surrendering the deposit certificate (or submitting satisfactory proof of the right to receive the deposit) and upon payment of all bills for which such deposit is security. A residential customer shall promptly receive such refund of the deposit as stated herein by reason of non-delinquency for a one-year period from the payment of the deposit. Thereafter, the Utility may again require a deposit as stated herein.

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
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## GENERAL INFORMATION

### 3. INITIATION OF SERVICE (cont.)

#### i) Consumer Deposits (cont.)

#### 2. Security Deposits – Non-Residential Customers:

##### (a) Deposit Requirements:

(1) The Utility may only require the payment of a security deposit from:

(i) a new customer; or

(ii) an existing customer:

(a) who is delinquent;

(b) whose financial condition is such that it is likely that the customer may default in the future; provided, however, that the Utility must have reliable evidence of such condition, such as reports from accepted financial reporting services, or credit reporting agencies;

(c) who has filed for reorganization or bankruptcy; or

(d) who has been rendered a backbill within the last twelve months for previously unbilled charges for service that came through tampered equipment.

(2) The Utility shall offer an existing customer, from whom a deposit is required under clauses (1) (ii) (a) or (b) of this subdivision the opportunity to pay the deposit in three installments, 50 percent down and two monthly payments of the balance.

(3) A request for a deposit or deposit increase shall be in writing and shall advise the customer:

(i) why the deposit is being requested;

(ii) how the amount of the deposit was calculated;

(iii) that the deposit is subject to later upward or downward revision based on the customer's subsequent billing history;

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
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## GENERAL INFORMATION

### 3. INITIATION OF SERVICE (cont.)

#### i) Consumer Deposits (cont.)

#### 2. Security Deposits – Non-Residential Customers: (cont.)

##### (a) Deposit Requirements: (cont.)

(iv) that the customer may request that the Utility review the account in order to assure that the deposit is not excessive;

(v) the circumstances under which the deposit will be refunded;

(vi) That the customer will receive annual notice of the interest credited to the account;

(vii) about the available deposit alternatives; and

(viii) that for an existing customer from whom the deposit is being requested because of delinquency or financial condition, the deposit may be paid in three installments.

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

##### (b) Deposit Calculations:

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

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

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City of Jamestown, New York  
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## GENERAL INFORMATION

### 3. INITIATION OF SERVICE (cont.)

#### i) Consumer Deposits (cont.)

#### 2. Security Deposits – Non-Residential Customers: (cont.)

##### (b) Deposit Calculations: (cont.)

(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:

(i) the billing history of the customer;

(ii) information provided in the application by the customer about the expected load and use of service;

(iii) information contained in a load study of the premises prepared by the Utility; and

(iv) the billing history of the previous customer, provided there have been no significant changes in the load.

##### (c) Deposit Review:

(1) The Utility 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 Utility to assure that the amount of the deposit conforms to the limitations contained in subdivision (b) of this section. This requirement does not limit the right of the Utility to review a deposit at any time.

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

(ii) If a deposit review shows that the deposit held exceeds the amount that the Utility may lawfully require by 25 percent or more, the Utility shall refund the excess deposit to the customer in accordance with subdivision (f) of this section.

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City of Jamestown, New York

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## GENERAL INFORMATION

### 3. INITIATION OF SERVICE (cont.)

#### i) Consumer Deposits (cont.)

#### 2. Security Deposits – Non-Residential Customers: (cont.)

##### (c) Deposit Review: (cont.)

(2) Upon request of a customer for a downward revision of the deposit, which request is substantiated both by the customer's billing history and by a permanent documented change in load and consumption, the Utility shall refund any portion of the deposit in excess of the amount the Utility may lawfully require in accordance with subdivision (f) of this section.

##### (d) Deposit Alternatives:

(1) The Utility shall accept deposit alternatives which provide a level of security equivalent to cash, such as irrevocable bank letters or credit and surety bonds.

(2) The Utility 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.

##### (e) Interest:

(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 such utility, taking into account the expenses incurred by the Utility in obtaining, handling, returning or crediting the sum deposited.

(2) Interest shall be paid to the customer upon the 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.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
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### GENERAL INFORMATION

#### 3. INITIATION OF SERVICE (cont.)

##### i) Consumer Deposits (cont.)

##### 2. Security Deposits – Non-Residential Customers: (cont.)

##### (e) Interest: (cont.)

(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 credit and refund.

##### (f) Deposit Return:

(1) The Utility shall return a deposit or a portion thereof plus the applicable interest in accordance with paragraphs (2) and (3) of this subdivision, as soon as reasonably possible, but no more than 30 calendar days after:

(i) the day an account is closed;

(ii) 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 Utility to request a deposit under subparagraph (a) (1) (ii) of this section; or

(iii) a review pursuant to subdivision (c) of this section shows that deposit reduction is warranted.

(2) A deposit or portion thereof plus the applicable interest that is subject to return under paragraph (1) of this subdivision:

(i) shall be credited to the account it secured in the amount of any outstanding charges;

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
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## GENERAL INFORMATION

### 3. INITIATION OF SERVICE (cont.)

#### i) Consumer Deposits (cont.)

##### 2. Security Deposits – Non-Residential Customers: (cont.)

###### (f) Deposit Return: (cont.)

(ii) may be credited to the account it secured in the amount of the next projected cycle bill, if applicable; and

(iii) may be credited to any other account of the customer not secured by a deposit, in the amount of the arrears on that account.

(3) If a balance remains after the Utility has credited the customer's account(s) in accordance with paragraph (2) of this subdivision, a refund check shall be issued to the customer.

#### j) Temporary Service:

1) Temporary Service is applicable to all uses for a non-recurring period shorter than one year for residential customers and two years for non-residential customers, or for service under conditions when total expected revenues under an applicable Service Classification are not adequate to justify the investment necessary for such service.

2) Bills for service will be computed under General Service Classifications, as applicable. Charges will be made on the basis of not less than one month's service.

3) Customer shall pay in advance a sum estimated to be sufficient to cover the costs of installing and removing facilities required for the service, including transformers, line extensions, service connections, and meter settings not expected to continue in use.

4) In the event that temporary service is desired at a location previously served, with service connection and metering adequate for customer's requirement, advance payment will be limited to a connection charge of \$20 plus any guarantee of payment Utility may require, as provided in Rule 3 (b).

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown, New York  
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### GENERAL INFORMATION

#### 3. INITIATION OF SERVICE (cont.)

##### k) Service Reestablishment Charge:

When customer seeks reestablishment of service at the same meter location within twelve months after discontinuation of service or transfer of responsibility therefore to another person, a service reconnection charge will be made in addition to all other charges under this schedule, as follows:

- 1) Within regular working hours, at \$30.
- 2) Outside of regular working hours, at \$70.
- 3) Regular working hours are 7:00 AM to 5:30 PM, Monday through Friday, excluding holidays.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

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## GENERAL INFORMATION

### 4. MAINTENANCE OF SERVICE:

#### a) Access to Premises:

In accepting service, and pursuant to the Transportation Corporations Law, the Customer grants to the Utility's authorized agents and employees the right of access at all reasonable times to any and all premises furnished with electricity by the Utility for the purpose of inspecting any wires or electric devices on said premises, reading or installing meters and metering equipment, and removing or repairing any property of the City of Jamestown, or for any other reasonable purpose connected with the Utility systems of said City.

#### b) Meter Readings, Billing, Collections and Estimated Bills:

##### 1. Meter Reading and Billing:

(a) Meters measuring service to customers under S.C. Nos. 1 and 2 without demand measurement may be read monthly or bi-monthly. Meters measuring service to other customers will be read monthly. Where meters are read bi-monthly, bills for the intervening months will be estimated.

(b) For seasonal and/or short-term customers, an actual meter reading shall be taken upon termination of service.

(c) Regular bills will be rendered monthly so far as practicable for regular monthly meter reading periods of 25 to 35 days which shall be considered a month for billing purposes. When billing is for periods other than a month, the rates shall be pro-rated to the nearest tenth of a month.

(d) Bills are due three (3) days after the mailing of the bill. If the bill is paid more than twenty (20) days after the bill is due, which date is shown on the bill, customers, except State agencies, shall be required to pay a late payment charge. Bills shall be paid at the office of the City Treasurer or other place or places or to representatives designated by him/her. A late payment charge at the rate of one and one-half percent (1 ½%) per monthly billing period will be applied to all amounts previously billed including arrears and unpaid late payment charges applied to previous bills which have not been received by the Utility. When the final payment date falls on Saturday, Sunday, or legal holiday, payment will be accepted at the rate, excluding late payment charge, on the next regular business day.

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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## GENERAL INFORMATION

### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

##### 1. Meter Reading and Billing: (cont.)

(e) The Utility may impose a continuing late payment charge on 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 know the original billing was incorrect. The Utility may also impose a continuing late payment charge on the balance due under a deferred payment agreement offered pursuant to rule 5B.g.).

Except as provided in this rule, the Utility may not charge any 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.

(f) Effective November 29, 1985, as required by Public Service Law, Section 38, the Utility 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 \$150.00.

(g) Failure to receive a bill does not relieve Customer of liability to pay for service.

(h) Governmental bodies or agencies (except State agencies) which have assumed the obligation for paying either directly or indirectly for electric service shall be allowed a payment period of thirty days from bill rendition dates notwithstanding the payment provisions of the applicable service classification. In case such bills are not paid within such thirty day period, the terms of payment in the applicable service classification shall apply.

(i) 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)

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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## GENERAL INFORMATION

### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

##### 1. Meter Reading and Billing: (cont.)

(j) Any payment to the Utility for electric service shall be considered as applying to the oldest outstanding electric bill. Remittances received by mail after the time limit for payment at rates, excluding late payment charges, will be accepted by the Utility if the incoming envelope bears a United States Post Office date stamp of the final date for payment of the electric bill at rates, excluding late payment charges, or any date prior thereto. Any check, bank draft, or money order tendered in payment of any billing shall not be considered as payment therefore unless the check, bank draft, or money order so tendered is actually paid to the Utility.

(k) Payment must be made without regard to any counter-claim against the Utility or other municipal departments of the City of Jamestown.

(l) Late payment charges included in the terms of payment as specified in Rule 4.b)(d) shall not apply if the bill is the subject of a pending complaint with the Utility; provided, however, that late payment charges may be imposed retroactively if the complaint is finally resolved in favor of the Utility. A late payment charge shall not be applied on the arrears portion of balances restructured under a current Deferred Payment Agreement.

##### 2. Estimated Bills – Residential Customers:

(a) 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 Utility to read a meter or measuring device, the usage of service by such customer may be estimated by the Utility on the basis of available data and the customer billed accordingly.

(b) Where the Utility has submitted an estimated bill or bills to a residential customer that understate the actual amount of money owed by such customer for the period when estimated bills were rendered by more than 50 percent of one hundred dollars (\$100.00), whichever is greater, the Utility shall notify the customer in writing that he or she 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.

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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## GENERAL INFORMATION

### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

##### 3. No Access to Meters – Residential Customers:

(a) Estimated bills may be routinely sent to the customer for a period of four months or two billing periods, whichever is greater.

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

(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

(2) offering the customer and/or such other person, who controls access to the meter, the opportunity to phone in meter readings; or

(3) providing to the customer and/or such other person, who controls access to the meter, cards on which he or she may record the reading and mail it to the Utility.

(b) If no actual reading is obtained after bills representing six (6) months or three (3) billing periods of estimated bills, whichever is greater, have been rendered, the Utility 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.

(c) Where the customer resides in a multiple dwelling (as defined in the Multiple Dwelling Law or Multiple Residences Law), or in a two-family dwelling that is known by the Utility 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.

(d) If the Utility's records do not contain the address of the person who controls access to the meter, the Utility shall request that the customer furnish such information if available.

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

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## GENERAL INFORMATION

### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

##### 3. No Access to Meters – Residential Customers: (cont.)

(e) If the Utility receives no response after bills representing eight (8) months or four (4) billing periods of estimated bills, whichever is greater, the Utility may send a notice advising the customer and/or such person who controls access to the meter that if no appointment is made a charge of twenty-five dollars (\$25.00) will be added to the next bill rendered to the person who controls and refuses to provide access to the meter.

(f) If the person who controls access fails to arrange an appointment in response to a second request and the Utility is unable to obtain an actual meter reading, the Utility may add a charge of twenty-five dollars (\$25.00) to the next bill of the recipient of the notice. If the Utility 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 will be paid by the person who controls access to the meter.

##### 4. Meter Reading and Estimated Bills – Non-residential Customers:

###### (a) Meter Reading:

(1) The Utility shall make a reading attempt, to obtain an actual reading for every customer's account, on the regularly scheduled basis provided for in Rule 3.b) 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.

(3) Where circumstances beyond the Utility's control prevent the Utility from making a regularly scheduled reading attempt and where the two previous consecutive cycle bills were not based on an actual reading, the Utility shall make a second similar follow-up reading attempt as soon as possible and within seven calendar days after the scheduled reading date.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

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#### GENERAL INFORMATION

#### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

#### 4. Meter Reading and Estimated Bills – Non-residential Customers: (cont.)

#### (a) Meter Reading: (cont.)

(4) Where the Utility did 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 Utility shall make another reading attempt as soon as possible and within seven calendar days after its last attempt.

(5) Where the Utility has billed a customer's account based on the readings of a remote registration device for six consecutive months, the Utility shall, at the time of every subsequent reading attempt and, until successful, try to gain access to and read the meter.

(6) Where the Utility 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 Utility shall, within seven calendar days after the last attempt, either make another reading attempt or an appointment with the customer to read the meter.

(7) Unless a customer does not have access to the meter or the customer will be unable to obtain a reliable meter reading, the Utility shall, 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.

#### (b) Estimated Bills:

(1) The Utility may render an estimated bill for a regular cycle billing period only when:

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

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#### GENERAL INFORMATION

#### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

#### 4. Meter Reading and Estimated Bills – Non-residential Customers: (cont.)

#### (b) Estimated Bills: (cont.)

(i) the Utility has failed to obtain access to the meter(s);

(ii) circumstances beyond the control of the Utility made obtaining an actual reading of the meter(s) extremely difficult, despite having access to the meter area; provided, however, that estimated bills for this reason may be rendered no more than twice consecutively without the Utility advising the customer in writing of the specific circumstances and the customer's obligation to have the circumstances corrected;

(iii) the Utility has good cause for believing that an actual or customer reading obtained is likely to be erroneous; provided, however, that the estimated bills for this reason may be rendered no more than twice consecutively without the Utility initiating corrective action before the rendering of the next cycle bill;

(iv) circumstances beyond the control of the Utility prevented the meter reader from making a premises visit;

(v) an actual reading was lost or destroyed; provided, however, that an estimated bill for this reason shall be rendered no more than once without the Utility initiating corrective action before the rendering of the next cycle bill;

(vi) an estimated reading has been prescribed or authorized by the Commission for a particular billing cycle;

(vii) an estimated reading is the approved billing method in accordance with the Utility's tariff for the billing; or

(viii) an unmetered condition was in existence during the period.

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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#### GENERAL INFORMATION

#### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

#### 4. Meter Reading and Estimated Bills – Non-residential Customers: (cont.)

#### (b) Estimated Bills: (cont.)

(2) Every estimated bill shall be calculated in accordance with an established formula or methodology which shall take into account the best available relevant factors for determining the customer's usage and, if applicable, demand usage.

#### (c) No Access Procedure:

#### (1) The Utility shall begin providing no access notices commencing with:

(i) the second consecutive bill estimated pursuant to either subparagraph (b) (1) (i) or (ii) of this section in the case of accounts billed for demand;

(ii) the fourth consecutive bill estimated pursuant to subparagraph (b) (1) (i) or (ii) of this section in the case of accounts not billed for demand; or

(iii) the tenth consecutive bill estimated pursuant to subparagraph (b) (1) (i) or (ii) based on a remote registration device or a customer reading.

(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.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 37  
Revision: 0  
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## GENERAL INFORMATION

### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

##### 4. Meter Reading and Estimated Bills – Non-residential Customers: (cont.)

##### (c) No Access Procedure: (cont.)

##### (3) The series of no access notices shall be as follows:

(i) The first notice shall 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 the 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 shall advise the access controller that the Utility will arrange a special appointment for a reading of the customer's meter if the access controller calls a specified telephone number. Where the access controller is not the customer of the subject account, the notice shall begin by stating that the Utility 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 Utility has not been provided access to the customer's meter as required.

(ii) The second notice shall advise that 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 shall 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 shall advise the access controller that the Utility 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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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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Superseding Revision:

## GENERAL INFORMATION

### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

##### 4. Meter Reading and Estimated Bills – Non-residential Customers: (cont.)

###### (c) No Access Procedure: (cont.)

(iii) The third and each successive notice shall 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, shall 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 shall advise the access controller that the Utility is seeking to obtain a court order to gain access to the customer's meter.

(4) The no access charge shall not exceed \$100.

(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 is located there.

(6) The Utility may, at its discretion, suspend temporarily the issuance of no access notices and/or penalties under this subdivision if the access controller contacts the Utility and provides a legitimate reason for postponing the provision of access; provided, however, that such suspension may not exceed 90 calendar days.

##### 5. Backbilling – Non-residential Customers:

###### (a) Notice:

(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 under subdivision (c) of this section.

Issued by: David L. Leathers, General Manager  
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P.S.C. No. 7 Electricity  
City of Jamestown  
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Superseding Revision:

#### GENERAL INFORMATION

#### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

#### 5. Backbilling – Non-residential Customers: (cont.)

#### (a) Notice: (cont.)

(2) Every backbill shall contain or be accompanied by all required information applicable under 16 NYCRR 13.11 – Contents of Bill.

(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.

(4) A backbill shall be accompanied by an offer of a deferred payment agreement in accordance with Rule 5B.g) if applicable.

#### (b) Limitations on Backbill Rendering:

(1) The Utility shall not render a backbill more than six months after the Utility actually became aware of the circumstance, error or condition that caused the underbilling, unless a court extends the time to render a backbill.

(2) The Utility shall not upwardly revise a backbill unless the first backbill explicitly stated that the Utility reserved the right to do so, the revised backbill is rendered within 12 months after the Utility actually became aware of the circumstance, error, or condition that caused the underbilling, and

(i) the customer knew or reasonably should have known that the original billing or the first backbill was incorrect; or

(ii) new information shows that the first backbill was incorrect.

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P.S.C. No. 7 Electricity  
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#### GENERAL INFORMATION

#### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

#### 5. Backbilling – Non-residential Customers: (cont.)

#### (a) Notice: (cont.)

(3) The Utility shall render a downwardly revised backbill as soon as reasonably practicable and within two months after the Utility becomes aware that the first backbill was excessive.

(4) The Utility 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 Utility failed to obtain and retain one.

#### (c) Limitations on Backbilling Period:

(1) When the failure to bill at an earlier time was due to utility deficiency, the Utility shall not bill a customer for service rendered more than 12 months before the Utility actually became aware of the circumstance, error, or condition that caused the underbilling, unless the Utility can demonstrate that the customer knew or reasonably should have known that the original billing was incorrect.

(2) The Utility shall not bill a customer for service rendered more than 24 months before the Utility actually became aware of the circumstance, error, or condition that caused the underbilling, unless the Utility can demonstrate that the customer knew or reasonably should have known that the original billing was incorrect.

#### (d) Rebilling for Estimated Demands:

(1) The Utility 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 4.b) 4(a) – (c) above.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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Leaf: 41  
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Superseding Revision:

#### GENERAL INFORMATION

#### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

#### 5. Backbilling – Non-residential Customers: (cont.)

#### (d) Rebilling for Estimated Demands: (cont.)

(2) All revised demands shall be based on the best available information including the customer's present and historical energy consumption and load factor.

(3) No revised demand shall exceed 95 percent of the subsequent actual demand, unless the Utility 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.

(4) The Utility shall downwardly revise any estimated demand that exceeds the subsequent actual demand, within 30 calendar days after such actual demand was obtained.

(5) The Utility may only upwardly revise an estimated demand within 60 calendar days after the subsequent actual demand was obtained.

#### 6. Levelized Payment Plan – Non-residential Customers:

#### (a) Obligation to Offer:

The Utility shall provide a written notice offering a voluntary levelized payment plan designed to reduce fluctuations in payments caused by seasonal patterns of consumption to its eligible customers at least once in each 12 month period.

#### (b) Eligibility:

The Utility shall offer a levelized payment plan to all non-residential customer except:

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

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#### GENERAL INFORMATION

#### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

#### 6. Levelized Payment Plan – Non-residential Customers: (cont.)

#### (b) Eligibility: (cont.)

- (1) customers who have less than 12 months of billing history at the premises;
- (2) seasonal, short-term or temporary customers;
- (3) customers who have arrears;
- (4) customers who, for any reason, ceased being billed on a previous levelized payment plan before the end of the plan year in the past 24 months; or
- (5) customers whose pattern of consumption is not sufficiently predictable to be estimated on an annual basis with any reasonable degree of certainty.

#### (c) Removal From Levelized Payment Plan:

(1) A customer may request that the Utility remove the customer from the levelized payment plan and reinstate regular billing at any time in which case the Utility may immediately render a final levelized 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.

(2) The Utility may only remove a customer from the levelized payment plan if the customer becomes ineligible under subdivision (b) of this section and the Utility has given the customer an opportunity to become current in payment if delinquency is the cause of the customer's ineligibility, provided further that such opportunity need only be given once in any 12 month period.

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P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 43  
Revision: 0  
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#### GENERAL INFORMATION

#### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

#### 7. Interest on Customer Overpayments:

The Utility shall provide interest on customer overpayments in accordance with 16 NYCRR 145.

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 Utility.

The rate of interest on customer overpayments shall be the greater of the unadjusted customer deposit rate specified by the Commission or the applicable late payment rate, if any, for the service classification under which the customer was billed. Interest shall be paid from the date when the customer overpayment was made, adjusted for any change in the deposit rate or late payment rate, and compounded monthly, until the date when the overpayment was refunded.

The Utility shall be required to pay interest on any customer refunds that occurred on or after March 20, 1984, except where customer overpayments are refunded within 30 days after such overpayment is received by the Utility.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
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Initial Effective Date: 8/1/2011

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Revision: 0  
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## GENERAL INFORMATION

### 4. MAINTENANCE OF SERVICE: (cont.)

#### b) Meter Readings, Billing, Collections and Estimated Bills: (cont.)

##### 8. Contents of Bills – Non-residential Customers:

Customer bills shall state the charges for service(s) performed, materials furnished or other charges made by the Utility and will be itemized on the applicable bill form unless by reason of size limitation itemization is not possible. In those cases, totals will be utilized and a separate listing of charges making up such totals will be sent with this bill. Bills shall contain information required under 16 NYCRR 13.11.

##### 9. Shared Meters:

In accordance with 16 NYCRR Sections 11.30 through 11.39, and Section 52 of the Public Service Law, when a tenant's service meter also registers utility service outside the tenant's dwelling, the tenant is not required to pay the charges for that service. The Utility will establish an account in the owner's name for all service registered on the shared meter after that date and will rebill for past service in accordance with 16 NYCRR Part 11.34. A customer may request a copy of the entire rules governing shared meters from the Utility's office.

#### c) Combination and Conjunctional Billing:

The consumption of electricity registered on two or more meters will not be combined for billing purposes. When a Customer desires all service rendered to a single building or to several buildings to be combined for single billing, the wiring system of the Customer must be so designed and installed that the Utility may measure the electricity consumed through one set of metering equipment located at a point to be approved by Utility.

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
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## GENERAL INFORMATION

### 4. MAINTENANCE OF SERVICE: (cont.)

#### c) Combination and Conjunctional Billing: (cont.)

Notwithstanding this rule, Utility may at its discretion temporarily install more than one meter on the same premises for the convenience of the Customer during periods of major revisions or rehabilitation to the Customer's electric system making it necessary to temporarily receive power of similar characteristics at more than one location on the Customer's premises. Where such multiple meters are installed in the same premises to register service rendered of similar characteristics for the convenience of the Customer, then the sum total of the use of electricity and/or demands as indicated by such meters shall be taken as the total use and/or demands (regardless of whether the demands are coincident or non-coincident) used by the Customer and the applicable rate shall be applied to such combined use and/or demands for billing purposes.

#### d) Resale:

##### 1. Submetering – Non-residential Buildings:

A Customer may purchase electricity for resale under that service classification which would be applicable if such electricity were not for resale, and said customer may resell electricity so purchased to tenants on an individually metered basis subject to approval by the Public Service Commission in response to individual proposals concerning electric service furnished to:

(a) Master Metered, new or renovated non-residential buildings; and

(b) Commercial occupants of cooperatives, condominiums, campgrounds, recreational trailer parks or recreational marinas whose occupants were purchasing individually metered electric service on May 21, 1980.

##### 2. Submetering – Residential Buildings:

Submetering, remetering, or resale of electric service shall not be permitted except as provided in subparagraphs (a) through (e) of this Rule.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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## GENERAL INFORMATION

### 4. MAINTENANCE OF SERVICE: (cont.)

#### d) Resale: (cont.)

##### 2. Submetering – Residential Buildings: (cont.)

(a) Master Metered, New or Renovated Rental Units Owned or Operated by Private or Government Entities: Permitted upon Commission approval or application containing the information required by 16 NYCRR 96.2(b) (1) through (8) for Master Metered Units and (1) through (7) for New or Renovated Units.

(b) Master Metered Cooperatives and Condominiums: (1) Permitted upon certification that a majority of its shareholders, where all tenants are shareholders, and all non-shareholders, where one or more tenants are non-shareholders, favor submetering, that a rate cap equivalent to the Utility's rate for directly metered service is provided, that grievance procedures are established, and that savings will be used for conservation efforts; and (2) Where one or more non-shareholder tenants refuse to agree, submetering shall be permitted only upon Commission approval of an application meeting the conditions set forth in 16 NYCRR 96.2(b) (1) through (7).

(c) Directly Metered Cooperatives and Condominiums: (1) Permitted where all tenants are shareholders (a) upon certification that 70% of shareholders favor submetering; and (b) provided that conditions set forth in subparagraph (b) (1) of this Rule are met; and (2) Where one or more tenants are non-shareholders, submetering shall be permitted upon certification that all non-shareholder tenants have approved a plan that meets conditions set forth in subparagraph (b) (1) of this Rule or, where one or more non-shareholders refuse to agree, submetering shall be permitted only upon approval of an application meeting the conditions set forth in 16 NYCRR 96.2(b) (1) through (7).

(d) New or Renovated Cooperatives and Condominiums, Where All Tenants Will Be Shareholders: Permitted (1) upon Commission approval of (a) application containing verification that the building will be a condominium or cooperative; and (b) certification that the requirements as to rate cap, grievance procedures, and tenant protections are met, as provided in 16 NYCRR 96.2(f); and (2) upon certification that, in the event of transfer of control to the appropriate Cooperative or Condominium Board, the Board will submeter electricity according to plan set forth in subparagraph (b) (1) of this Rule.

(e) Submetering shall be permitted in Master Metered and New or Renovated Campgrounds, Recreational Trailer Parks and Marinas.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 47  
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## GENERAL INFORMATION

### 4. MAINTENANCE OF SERVICE: (cont.)

#### d) Resale: (cont.)

##### 3. Rent Inclusion:

On and after January, 1, 1977, residential dwelling units shall be separately metered. Electric service will not be provided to rent-inclusive residential buildings where the internal wiring has not been installed prior to January, 1, 1977.

#### e) Changes in Service Requirements:

(1) In order that Utility be able to maintain safe and adequate service, it is essential that all non-residential customers making more than minimal (7 kilowatt) demands on Utility's service capacity give Utility advance notice of any material change in such demands. Such notice should preferably be in writing and should specify amount, character, and timing of the expected increased requirements.

(2) Where any such increase in capacity required to serve any customer is of such magnitude that service facilities (other than metering) must be enlarged for Customer's sole benefit, Utility may require Customer to provide contracted support by way of revenue guarantee for the additional investment involved, or in the alternative may require Customer to advance a sum sufficient to cover any added investment not so supported.

(3) Where Utility's facilities or service capability is damaged by Customer's failure to give notice of additional service requirements, Customer shall be liable for any resulting damage not only to Utility, but also to any other Customer.

#### f) Limitation on Connected Load:

(1) Motors whose individual capacity exceeds five (5) horsepower shall not be connected to single phase distribution circuits. Motors in excess of five (5) horsepower must be of three phase characteristics. Single phase motors larger than three horsepower but not more than five horsepower shall be designed to operate at not less than 230 volts. All motors shall be of a type which does not require excessive starting current or shall be equipped with suitable starting devices.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 48  
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Superseding Revision:

#### GENERAL INFORMATION

#### 4. MAINTENANCE OF SERVICE: (cont.)

##### f) Limitation on Connected Load: (cont.)

(2) Customer shall not so operate any equipment powered by Utility's service in such manner as unduly to disturb Utility's service to other Customers. Upon notification that such service disturbance exists, Customer shall take steps, at his own expense, necessary to correct the trouble and insure against its recurrence. Utility will disconnect service to any Customer who, upon reasonable notice of such disturbance to others' service, refuses or fails to terminate the disturbing practice or use.

(3) Customer shall maintain a reasonable balance among currents in the ungrounded conductors of his service connection. Any Customer having an excess of current in any phase conductor of a three-phase service connection which exceeds the average current in all three phases by more than five percent shall, upon reasonable notice, correct the unbalance. Failure or refusal to do so after such notice shall constitute grounds for termination of service.

##### g) Billing of Changes in Rate:

The rates, charges, and classifications of service set forth in this Rate Schedule or in amendments thereof by revised leaves hereafter duly filed and in effect shall, unless otherwise expressly stated therein, apply to service supplied to the Customer commencing with the first scheduled meter reading date on or after the effective date set forth in such rate schedule or revised leaves thereof.

Issued by: David L. Leathers, General Manager  
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P.S.C. No. 7 Electricity  
City of Jamestown  
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## GENERAL INFORMATION

### 5A. DISCONNECTION AND RECONNECTION OF SERVICE – RESIDENTIAL

#### a) Discontinuance for Non-Payment:

In case Customer fails to pay an amount due the Utility for electric service or in case Customer fails to perform any of the conditions of the applicable Rules and Regulations on his part, the supply of electricity may be discontinued.

##### 1. Notice of Discontinuance – Time:

(a) The Utility may discontinue the supply of electricity for nonpayment of bills rendered for residential service or for failure to post a lawfully required deposit at least 15 days after written notice has been served personally upon the customer or mailed to the customer. This notice may not be issued until at least 20 days have elapsed from the date payment was due.

(b) If the person supplied above has specified to the Utility in writing an alternate address for billing purposes, the notice shall be sent to such alternate address rather than to the premises where service is rendered.

##### 2. Notice of Discontinuance – Format:

(a) Every notice indicating discontinuance of service shall:

(1) clearly indicate in nontechnical language:

(A) the reason for service discontinuance;

(B) the total amount required to be paid by the customer to avoid discontinuance of service, indicating the amount for which the customer's account is in arrears or the required deposit, if any, which must be posted by the customer, or both;

(C) a method whereby the customer may tender payment of the full sum due and owing, including any required deposit, to avoid the discontinuance of service;

(D) the availability of Utility procedures to consider customer complaints prior to discontinuance, including the address and telephone number of the office of the Utility the customer may contact in reference to his or her account; and

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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Leaf: 50  
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## GENERAL INFORMATION

### 5A. DISCONNECTION AND RECONNECTION OF SERVICE – RESIDENTIAL (cont.)

#### a) Discontinuance for Non-Payment: (cont.)

##### 2. Notice of Discontinuance – Format: (cont.)

(E) the earliest date on which discontinuance may be attempted; and

(2) have printed on the face thereof in a size type capable of attracting immediate attention, the following:

“THIS IS A FINAL TERMINATION NOTICE. TO AVOID INCONVENIENCE, BRING THIS NOTICE TO THE ATTENTION OF THE UTILITY WHEN PAYING THIS BILL.”

(3) include a summary to residential customers as prepared or approved by the Public Service Commission stating the protections available to them together with a notice that any customer eligible for such protections should contact the Utility.

##### 3. Verification of Delinquent Account Prior to Discontinuance:

(a) The Utility will not discontinue service for nonpayment of bills rendered or for failure to post a required deposit unless:

(1) it shall have verified that payment has not been received at any office of the Utility or at any office of an authorized collection agent through the end of the notice period required by this part; and

(2) it shall have verified on the day discontinuance occurs that payment has not been posted to the customer's account as of the opening of business on that day, or shall have complied with procedures established pursuant to Section 4. (2) of this part.

##### 4. Rapid Posting of Payment in Response to Notices of Discontinuance:

The Utility shall take reasonable steps to establish procedures to insure that any payments made in response to notices of discontinuance, when the customer brings the fact that such a notice has been issued to the attention of the Utility or its authorized collection agents, shall either:

(1) be posted to the customer's account on the day payment is received, or

(2) be processed in some manner so that discontinuance will not occur.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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## GENERAL INFORMATION

### 5A. DISCONNECTION AND RECONNECTION OF SERVICE – RESIDENTIAL (cont.)

#### a) Discontinuance for Non-Payment: (cont.)

##### 5. Days and time When Discontinuance of Service is Not Permitted:

(a) The Utility shall not discontinue service to any residential customer for nonpayment of bills or for failure to post a required deposit on a Saturday, Sunday, public holiday, or day on which the main business office of the Utility is not open for business. For purposes of this section, the term “public holiday” refers to those holidays enumerated in the General Construction Law.

(b) The Utility shall not discontinue service to any residential customer for nonpayment of bills or for failure to post a required deposit on a Friday, or the day immediately preceding a day on which the main business office of the Utility is not scheduled to be open for business, or the day immediately preceding a public holiday, or during a two-week period encompassing Christmas and New Year’s Day. Residential disconnection shall be made only between the hours of 8:00 a.m. and 4:00 p.m.

(c) The Utility shall permit a residential customer to designate a third party to receive a copy of every notice of discontinuance of service sent to such residential consumer, provided that such third party indicates in writing his or her willingness to receive such notices.

##### 6. No Additional Notice Required When Payment by Check is Subsequently Dishonored:

Receipt of a subsequently dishonored negotiable instrument in response to a notice of discontinuance shall not constitute payment of a residential customer’s account and the Utility shall not be required to issue additional notice prior to discontinuance.

##### 7. Discontinuance of Service to Entire Multiple Dwelling:

The Utility shall not discontinue service to an entire multiple dwelling (as defined in the Multiple Dwelling Law or the Multiple Residence Law) unless the notices specified in the Public Service Law have been given, provided that where any of the notices required thereunder are mailed in a post-paid wrapper there shall be no discontinuance of service until at least 18 days after the mailing of such notices.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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## GENERAL INFORMATION

### 5A. DISCONNECTION AND RECONNECTION OF SERVICE – RESIDENTIAL (cont.)

#### a) Discontinuance for Non-Payment: (cont.)

##### 8. Discontinuance of Service to Two-Family Dwellings:

The Utility shall not discontinue service to a two-family dwelling that is known by the Utility to contain residential units where service is provided by a single meter, unless the notices specified in the Public Service Law have been given.

9. Sections 3) through 6) shall be applicable with respect to the discontinuance of service to entire multiple dwellings.

During the cold weather period beginning November 1 of each year ending April 15 of the following year, the written notices required in Subsections 7) and 8) shall be provided not less than 30 days before the intended termination.

10. The Utility may disconnect service when an emergency may threaten the health or safety of a person, a surrounding area or the utility's distribution system. The Utility shall act promptly to assure restoration of service as soon as feasible. Service will be restored to residential customers before it may be terminated for any other reason.

##### 11. Termination of Residential Service – Special Procedures:

Special emergency procedures, required by 16 NYCRR, Part 11, provide special protections for specified residential customers regarding the termination and restoration of service in cases involving medical emergencies, the elderly, blind or disabled, and terminations during cold weather.

Copies of the Utility's special procedures are on file with the Commission and are available to the public upon request at Utility offices where application for service may be made.

##### 12. Complaint Procedures – Residential Customers:

Any complaint filed with the Utility regarding disputed bills, charges or deposits will be promptly investigated in accordance with the procedures and form of notice required by the Public Service Commission rules contained in 16 NYCRR 11.20 and 143.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 53  
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## GENERAL INFORMATION

### 5A. DISCONNECTION AND RECONNECTION OF SERVICE – RESIDENTIAL (cont.)

#### a) Discontinuance for Non-Payment: (cont.)

##### 12. Complaint Procedures – Residential Customers: (cont.)

The Utility will not discontinue service regarding a disputed bill or deposit until it has complied with said Commission rules.

Copies of the Utility's complaint handling procedures and form of notice are on file with the Commission and are available to the public upon request at Utility offices where application for service may be made.

##### 13. Reconnection of Service:

(a) Where a customer's service is discontinued for nonpayment of bills, the Utility reserves the right to refuse to furnish service at the same or any other location until:

- (1) The Utility receives the full amount of arrears for which service was terminated; or
- (2) The Utility and the customer reach agreement on a deferred payment plan and the payment of a downpayment, if required, under that plan; or
- (3) Upon the direction of the Commission or its designee; or
- (4) Upon the receipt by the Utility 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 customer resides; or
- (5) Where the Utility has notice that a serious impairment to health or safety is likely to result if service is not reconnected. Doubts as whether reconnection of service is required for health or safety reasons shall be resolved in favor of reconnection.

(b) The Utility shall reconnect service, unless prevented by circumstances beyond its control or where a customer requests otherwise, to any disconnected residential customer not more than 24 hours after the above conditions of Section (1) of this section have been satisfied. Whenever circumstances beyond the Utility's control prevent reconnecting of service within 24 hours, service shall be reconnected within 24 hours after those circumstances cease to exist.

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## GENERAL INFORMATION

### 5A. DISCONNECTION AND RECONNECTION OF SERVICE – RESIDENTIAL (cont.)

#### a) Discontinuance for Non-Payment: (cont.)

##### 14. Deferred Payment Agreement – Residential Customers:

Generally the Utility will offer any eligible residential customer or applicant a deferred payment agreement with specific terms as required by 16 NYCRR 11.10 which sets forth in detail the procedures summarized here. The agreement will be made in duplicate on the form set forth in Rule 11. of this tariff.

##### (a) 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 below, or the Public Service Commission determines that the customer or applicant has the resources to pay the bill.

##### (b) Written Offers:

A specific written offer will be made to eligible customers before the date of any threatened termination of service, where payment of outstanding charges is a requirement for reconnection or acceptance of an application for service, and when a customer has broken an agreement that was for a shorter period than the standard agreement.

##### (c) Negotiating Agreements:

Before making a written offer, the Utility 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 Utility may, at its discretion, require the customer to complete a form showing his or her assets, income and expenses and provide reasonable substantiation of such information, and if it does so, shall treat all such information confidentially. The Utility also may postpone a scheduled termination for up to 10 days for the purpose of negotiating an agreement.

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## GENERAL INFORMATION

### 5A. DISCONNECTION AND RECONNECTION OF SERVICE – RESIDENTIAL (cont.)

#### a) Discontinuance for Non-Payment: (cont.)

##### 14. Deferred Payment Agreement – Residential Customers: (cont.)

###### (d) The Standard Agreement:

If the Utility and the customer or applicant are unable to agree upon specific terms, the Utility will offer an agreement with the following terms:

(1) 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 use, 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 such amount; and

(2) monthly installments up to the cost of one-half of one month's average use or one-tenth of the balance, whichever is greater.

###### (e) Entering the Agreement:

The copy of the written agreement must be signed by the customer and returned to the Utility in order to be valid and enforceable. In the case of customers who are subject to a final notice of termination, the signed agreement must be returned to the Utility by the day before the earliest day on which termination may occur in order to avoid termination. If the agreement is not signed and returned as required, the Utility will terminate service.

###### (f) Renegotiating Agreements:

If a customer or applicant demonstrates that his or her financial circumstances have changed significantly because of circumstances beyond his or her control, the Utility will amend the terms of the agreement to reflect such changes.

###### (g) Broken Agreements:

If a customer fails to make timely payment of installments in accordance with a payment agreement, the Utility will send a reminder notice before sending a final notice of termination. If a customer fails to pay an installment by the 20<sup>th</sup> day after payment was due and has not negotiated a new agreement, the Utility will demand full payment and send a final notice of termination in accordance with 16 NYCRR 11.4 and Rule 5A. of this tariff.

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## GENERAL INFORMATION

### 5A. DISCONNECTION AND RECONNECTION OF SERVICE – RESIDENTIAL (cont.)

#### b) Discontinuance for Cause Other than for Non-payment:

The Utility may discontinue service to customer, at any time, without notice, for theft of electricity, or the appearance of electricity theft devices on the premises of the Customer; or if any meter or measuring device installed on the Customer's premises for measuring the quantity of electric energy consumed is wrongfully obstructed, altered, injured, or prevented from functioning; or if any fraud is practiced on the Utility on the Customer's premises or willful violation of the terms of this Rate Schedule, or for use of the service for unlawful purposes.

When the supply of electricity has been discontinued for any of the reasons described above, service will not be restored to such Customer until payment has been made to the Utility for the following charges:

(1) Regular Charge: Fifty dollars (\$50.00) per occurrence.

(2) Additional Charges: In addition, customer will be billed for expenses for damage to, replacement of, destruction of or misuse of company equipment and for power and energy not recorded on meter by reason of the service diversion at the appropriate rate (the amount of which may be estimated by the company from the best available data).

#### c) Discontinuance on Customer's Order:

Service may be discontinued by Customer upon terms and notice as provided in the applicable Service Classification. Utility shall not be required to terminate service at hours other than those of the ordinary business day. Customer shall remain responsible for use of service at vacated premises until Utility has reasonably been able to obtain final meter readings on Customer's account.

#### d) Reconnection After Discontinuance for Cause Other Than For Non-Payment:

1) Customer voluntarily ordering discontinuance of his service may be reconnected at the same address within three months of such discontinuance on the condition that minimum charges for the period of discontinuance be paid.

2) When service is reconnected after discontinuance for cause other than non-payment, Customer may be required to install at Utility's specification and his expense any alteration in service connections, meter installations, or other arrangement necessary to correct the cause for discontinuance and to insure against its recurrence.

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## GENERAL INFORMATION

### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL

#### a) Termination of Non-Residential Service:

##### (a) Conditions for Termination:

(1) Except as provided by paragraph (2) of this rule and Rule 5B.c the Utility will only terminate service to a customer if it provides advance final notice of the termination and fulfills all other requirements of this rule when the customer:

(i) fails to pay any tariff charge due on the customer's account for which a written bill itemizing the charge, in conformance with 16 NYCRR 13.11 regarding contents of bill, has been sent, except for charges that reflect service used more than six years prior to the time the bill first containing these charges was rendered, which charges must be pursued by other methods of collection;

(ii) fails to pay amounts due under a deferred payment agreement;

(iii) fails to pay a security deposit in accordance with Rule 3.1)2.;

(iv) fails to provide reasonable access to the premises for necessary or proper purposes in connection with rendering of service, including meter installation, reading or testing, or the maintenance, or removal, or securing, of the Utility's property, so long as the requirements of Rule 4.b)4.(c) have been met, and the customer has not advised the Utility that the customer does not and who does have control over access; or

(v) fails to comply with a provision of the Utility's tariff which permits the Utility to refuse to supply or to terminate service.

(2) The Utility may terminate service to a customer without providing advance notice of the termination and without fulfilling the other requirements of this rule when it finds service being supplied through tampered equipment provided that the Utility:

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GENERAL INFORMATION

5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

a) Termination of Non-residential Service: (cont.)

(a) Conditions for Termination: (cont.)

(i) has 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;

(ii) has rendered a written unmetered service bill in accordance with 16 NYCRR 13.11(e);

(iii) has made reasonable efforts to provide a person in charge of premises;

(a) the written unmetered service bill; and

(b) oral notice of the conditions, if any, under which the utility will continue service, which may include the payment of cash, certified check, or money order within two hours, of some portion of the bill up to, but not exceeding, 50 percent; and

(iv) has not received the required payment.

(b) Final Notice of Termination:

(1) A final notice of termination shall state:

(i) the reason(s) for termination, including the total amount required to be paid, if any, and the manner in which termination may be avoided;

(ii) the earliest date on which termination may occur;

(iii) the address and phone number of the office of the Utility that the customer may contact in reference to customer's account;

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

##### a) Termination of Non-residential Service: (cont.)

##### (b) Final Notice of Termination: (cont.)

(iv) that Utility procedures are available for considering customer complaints prior to discontinuance;

(v) that Commission procedures are available for considering customer complaints when a customer is not satisfied with the Utility's handling of the complaint, including the address and phone number of the appropriate Commission office;

(vi) that it is a termination notice which should be brought to the attention of the Utility when the bill is paid;

(vii) that payment of the charges with a check that is subsequently dishonored may result in immediate termination of service without further notice, if applicable; and

(viii) that at the time the Utility goes to the premises to terminate service, it may require any payment to be made with cash, certified check, or money order if the customer has, within the last 24 months, paid with a check that was dishonored.

(2) A final notice of termination may contain any additional information not inconsistent with this rule.

(3) A final notice of termination may not be issued or sent unless at least 20 calendar days have elapsed from the date payment was due, or the date given in a written notice to cure a tariff violation, or as provided in Rule 4.b)4.(c) (3) (iii) where the reason for the notice is the failure to provide access, except that a final notice of termination for non-payment may be issued or sent on or after the date payment was due in the following circumstances:

(i) when any portion of the charge that the customer has failed to pay is for unmetered service that was being supplied through tampered equipment and for which an unmetered service bill in accordance with 16 NYCRR 13.11(e) has been rendered;

(ii) when the charge that the customer has failed to pay is the installment amount due in accordance with a deferred payment agreement; or

(iii) when the Utility has accepted a written waiver of the customer's right not to be sent a termination notice in accordance with the provisions of Rule 3.1)2. (d) (2)

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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

a) Termination of Non-residential Service: (cont.)

(b) Final Notice of Termination: (cont.)

(4) A final notice of termination shall not be sent while a complaint is pending before the Utility or the Commission for non-payment of the disputed charges or for any other reason that is the subject of the complaint as provided in 16 NYCRR 12.3. Nothing in this rule bars the Utility from sending such notice for non-payment of undisputed charges or for reasons not at issue in the complaint.

(c) Physical Termination of Service:

(1) The Utility shall not terminate service for the reasons set forth in paragraph (a) (1) of this rule:

(i) for five calendar days after a final notice of termination has been personally served upon the customer; or

(ii) for eight calendar days after a final notice of termination has been mailed to the customer at the location where service is rendered or to any alternative address for mailing purposes previously provided to the Utility.

(2) The Utility shall not terminate service under this rule on:

(i) a Saturday or Sunday;

(ii) a Public Holiday as defined in the General Construction Law;

(iii) a day on which the business office of the Utility are closed for business; or

(iv) a day on which the Public Service Commission is closed.

(3) On days when termination may occur, the Utility may terminate service between the hours of 8:00 a.m. to 6:00 p.m., except that on days preceding the days listed in paragraph (2) of this rule, termination may only occur after 3:00 p.m. if the customer or any person in charge of the premises is informed prior to termination in a personal contact that termination is about to occur and the Utility is prepared to accept a check for any payment required to avoid termination.

(4) The Utility shall not terminate service unless it shall have verified on the day termination is scheduled that payment has not been posted to the customer's account as of the opening of business on that day, or shall have complied with procedures established pursuant to (d) (2) of this rule.

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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

a) Termination of Non-residential Service: (cont.)

(c) Physical Termination of Service: (cont.)

(5) Consistent with this rule, the Utility shall strive to physically terminate service whenever a final notice of termination is sent.

(6) The Utility shall not terminate service more than 60 calendar days after issuance of the final termination notice, unless it has during that time, issue a termination reminder notice that states the current arrears due, if applicable. The Utility shall not terminate service more than 90 calendar days after issuance of the final termination notice unless it has, during that time, issued a termination reminder notice that contains all the information required in (b) of this rule.

(7) The Utility shall not terminate service while a complaint is pending before the Utility or the Commission and for eight calendar days after resolution by the Utility or by the Commission or its authorized designee, for non-payment of the disputed charges or for any reason that is the subject of the complaint as provided in 16 NYCRR 12.3. Nothing in this rule bars the Utility from termination for non-payment of undisputed charges or for reasons not at issue in the complaint.

(d) Rapid Posting of Payments:

The Utility shall establish written procedures to ensure that any payments made in response to final notices of termination when the customer brings the fact that such a notice has been issued to the attention of the Utility or its collection agents:

- (1) are posted to the customer's account on the day payment is received; or
- (2) are processed in some manner so that termination will not occur.

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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

##### a) Termination of Non-Residential Service: (cont.)

##### (e) Payment at the Time of Termination:

(1) If a customer claims, at the time that termination for non-payment is to take place, that payment has already been made and produces a written business record of payment, or claims that there is a complaint pending before the Utility or the Commission with regard to the charges demanded, the Utility's field representative shall make a reasonable effort to verify this information with the Utility office representative and shall not terminate service for non-payment of any verified disputed amount.

(2) If a customer offers payment of the full amount that forms the basis for a scheduled termination at the time of termination, the Utility representative shall accept such payment and not terminate service.

(3) If an eligible customer signs a deferred payment agreement in accordance with Rule 5B.g) for the full amount that forms the basis for a scheduled termination and offers payment of the required downpayment at the time of termination, the Utility representative shall accept such downpayment and not terminate service. If the Utility allows the customer an extension of time to go to a business office to sign the deferred payment agreement, and the customer agrees to do so and offers payment of the required downpayment, the Utility representative shall accept such downpayment and not terminate service; provided, however, that the Utility may terminate service without further notice if the customer fails to sign the agreement within the specified time.

(4) If a customer has, within the last 24 months, paid for service with a check that was dishonored, the Utility has the right to accept only cash, certified check, or money order as payment under paragraphs (2) or (3) of this rule.

(5) Whenever payment is made at the time of termination, the Utility's field representative shall provide a customer with a receipt showing the date, the account number, the amount received, the form of payment and either the name or identification number of the Utility representative.

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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

a) Termination of Non-Residential Service: (cont.)

(f) Dishonored Checks:

Receipt of a subsequently dishonored negotiable instrument in response to a notice of termination or tendered to the Utility representative, shall not constitute payment of a customer's account and the Utility shall not be required to issue additional notice prior to termination.

(g) Applicability:

(1) Nothing in this rule shall affect the Utility's right to suspend, curtail or disconnect service:

(i) when there is no customer and service is being provided through tampered equipment;

(ii) when there is no customer and the Utility can show that the user will require service for a period of less than one week, provided that it makes a reasonable effort to advise the user before disconnection and to provide the user an opportunity to apply for service;

(iii) when there is no customer and the Utility has provided advance written notice to the occupant stating its intent to disconnect service unless the responsible party applies for service and is accepted as a customer, and advising the occupant of the location of the nearest Utility business office where application can be made, either by posting 48 hours or by mailing at least five and no more than 30 calendar days before disconnection; or

(iv) as permitted under Rule 5B.c).

(2) Nothing in this rule shall affect the Utility's obligation to comply with the additional requirements set forth in 16 NYCRR 11.7 and 11.8 relating to termination of service to entire multiple dwellings and two-family homes.

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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

##### b) Reconnection of Non-Residential Service:

###### (a) Obligation to Reconnect:

(1) The Utility shall reconnect service that has been terminated solely for non-payment of bills for any tariff charge or a security deposit within 24 hours of the customer's request for reconnection, receipt by the Utility of the lawful reconnection charge, any other charges, fees or penalties due, legal fees, court costs, and disbursements, if applicable, and either:

(i) the full amount of arrears and/or a security deposit for which service was terminated, and any other tariff charges billed after the issuance of the termination notice which are in arrears at the time reconnection is requested; or

(ii) the signing of a deferred payment agreement in accordance with Rule 5B.g) for the amounts set forth in subparagraph (i) of this paragraph, and the receipt of a downpayment, if required under the agreement.

(2) The Utility shall reconnect service that has been terminated solely for failure to provide access within 24 hours of the customer's request for reconnection, provided the customer has allowed access and has made a reasonable arrangement for future access.

(3) The Utility shall reconnect 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.

(4) The Utility shall reconnect 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 paragraph (1), (2) or (3) of this rule.

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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

##### b) Reconnection of Non-Residential Service: (cont.)

###### (a) Obligation to Reconnect: (cont.)

(5) The Utility shall reconnect service that has been terminated with 24 hours after the direction of the Commission or its designee, which 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 established pursuant to 16 NYCRR 12.3, or has entered into a deferred payment agreement in accordance with Rule 5B.g) for such amount and has paid the required downpayment.

###### (b) Inability to Reconnect:

Whenever circumstances beyond the Utility's control, as set forth in Rule 3.a) 2.(a) (1) (i) – (iii), prevent reconnection of service within 24 hour of any of the events specified in paragraphs (a) (1) – (5) of this rule, service shall be reconnected with 24 hours after those circumstances cease to exist.

##### c) Disconnection of Non-residential Customers Without Notice:

###### (a) Emergency Disconnections:

The Utility may only suspend, curtail or disconnect service to a building, unit or piece of equipment, without the notice required under Rule a) when:

(1) an emergency may threaten the health or safety of a person, a surrounding area, or the Utility's generation, transportation or distribution system;

(2) there is a need to make permanent or temporary repairs, changes or improvements in any part of the system;

(3) there is a governmental order or directive requiring the Utility to do so.

###### (b) Notice:

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

Issued by: David L. Leathers, General Manager  
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City of Jamestown  
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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

##### c) Disconnection of Non-residential Customers Without Notice: (cont.)

###### (c) Restoration of Service:

The Utility shall act promptly to restore service as soon as possible after disconnection under this rule; 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 Utility has the lawful right to terminate service for another reason pursuant to this rule or Rule a).

##### d) Complaint Handling Procedures – Non-residential Customers:

###### (a) Complaints to the Utility:

(1) Complaints to the Utility shall be promptly acknowledged, fairly investigated in a reasonable period of time, and the results of such investigation promptly reported to the complainant in plain language.

(2) The Utility shall refrain from sending a final notice of termination or from terminating service after the filing of a complaint with the Utility as set forth in (b) (4) and (c) (7) of Rule a).

(3) If the report of the investigation is made orally, the Utility shall provide the customer with the report in writing upon request.

(4) At the time the Utility communicates its final response to a customer's complaint, it shall, if the complaint resolution is wholly or partially in the Utility's favor, inform the customer of the Commission's complaint handling procedures, including the Commission address and telephone number.

###### (b) Complaints to the Commission:

(1) If a customer is unable to reach a satisfactory resolution of a dispute with the Utility, the customer may complain, either orally or in writing, to the Commission, pursuant to 16 NYCRR Part 12.

(2) The complaint of a customer to the Commission shall be handled in accordance with the procedures set forth in 16 NYCRR Part 12.

(3) Copies of the Utility's complaint handling procedures and form of notice are on file with the Commission and are available to the public upon request at the Utility's business office.

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City of Jamestown  
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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

##### e) Notice Requirements – Non-residential Customers:

###### (a) Annual Notice of Rights:

(1) The Utility shall, at the time of application for service, and at least annually after service is initiated, provide applicants and customers with a brochure containing a detailed summary of their rights and obligations under 16 NYCRR Part 13, a notice describing the commonly used non-residential service classifications and their rates, an offer of written guidelines regarding eligibility requirements for the Utility's service classifications, notice that the Utility's tariff is available for review in the Utility's business office, and notice that some non-residential customers may be eligible for protections under 16 NYCRR Part 11.

(2) The notice required at the time of application for 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.

###### (b) Periodic Notices:

(1) 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 customer having a deposit with the Utility.

(2) A notice explaining how an increase in a customers' usage might require the Utility to install a demand meter and, in some cases, the customer to make electric installation modifications, shall be provided annually to every non-demand customer.

(3) 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 customer with a demand meter.

(4) 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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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

##### e) Notice Requirements – Non-residential Customers: (cont.)

###### (b) Periodic Notices: (cont.)

(5) A notice advising a customer whether the Utility 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 Utility who controls access, and that, if the Utility records that show the customer has access are not corrected, the customer may be subject to future notices and penalties due to the Utility's failure to obtain access, shall be provided to every customer at the time a second consecutive estimated bill is rendered.

(6) A notice explaining the Utility's right to revise estimated demand charges, that such revision may be to the customer's disadvantage and that 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.

##### f) Inspection and Examination of Utility Apparatus – Non-residential Customers:

###### (a) Right to Inspect:

A duly authorized officer or agent of the Utility may enter, at all reasonable times, any building or other location supplied with service by the Utility for the inspection and examination of meters, wires and works for supplying or regulating the supply of electricity and of ascertaining the quantity of electricity supplied, provided such agent exhibits a photo-identification badge and written authority as provided in Section 65 (9) of the Public Service Law.

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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

##### f) Inspection and Examination of Utility Apparatus – Non-residential Customers: (cont.)

###### (b) Duty to Inspect:

Except to the extent prevented by circumstances beyond its control, the Utility shall conduct a field inspection as soon as reasonably possible and within 60 calendar days of the following:

- (1) a request contained in a service application pursuant to 16 NYCRR 13.2 (b) (6);
- (2) a reasonable customer request;
- (3) the issuance of a field inspection order in accordance with an automatic Utility bill review program;
- (4) notification from any reasonable source that service may not be correctly metered;
- (5) a directive by the Commission or its authorized designee.

###### (c) Penalty:

A customer who, at any time, directly or indirectly prevents or hinders a duly authorized officer or agent of the Utility from entering the building or location, or from making an inspection or examination, at any reasonable time, may be billed a \$100 penalty charge for each such offense as provided in Section 65 (9) (b) of the Public Service Law.

###### (d) Other Rights:

Nothing contained in this rule shall be construed to impair the Utility's rights as to any other person who prevents access to Utility meters and/or equipment.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

##### g) Deferred Payment Agreement – Non-residential Customers:

##### (a) The Utility's Obligations:

(1) The Utility shall provide a written notice offering a deferred payment agreement to an eligible non-residential customer at the following times:

(i) 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; and

(ii) 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 Utility shall not be required to offer an agreement when the customer knew, or reasonably should have known, that the original billing was incorrect.

(2) If the Utility and a customer agree to terms of a deferred payment agreement in a telephone conversation, the Utility shall send the customer two fully completed copies of the agreement, signed by the Utility, for the customer to sign and return.

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City of Jamestown, New York

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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

##### g) Deferred Payment Agreement – Non-residential Customers: (cont.)

##### (b) Eligibility:

(1) Any non-residential customer is eligible for a deferred payment agreement except the following:

- (i) a customer who owes any amounts under a prior deferred payment agreement;
- (ii) a customer who failed to make timely payments under a prior deferred payment agreement in effect during the previous 12 months;
- (iii) a customer that is a publicly held company, or a subsidiary thereof;
- (iv) a seasonal, short-term or temporary customer;
- (v) a customer who, during the previous 12 months, had a combined average monthly billed demand for all its accounts with the Utility in excess of 20 KW, or who registered any single demand on any account in excess of 40 KW;
- (vi) a customer who the Utility can demonstrate has the resources to pay the bill, provided that the Utility notifies the customer of its reasons and of the customer's right to contest this determination through the Commission's complaint procedures.

(2) The Commission or its authorized designee may order the Utility to offer a deferred payment agreement in accordance with this rule to a customer whom it finds this rule intended to protect, when an agreement is necessary for a fair and equitable resolution of an individual complaint.

##### (c) Contents of Offer:

(1) 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 is entitled, explain that more generous terms may be possible, and specify the telephone number and the times to call in order to discuss an agreement.

(2) An offer pursuant to (a) (1) (i) of this rule shall also state the date by which the customer must contact the Utility in order to avoid termination, and explain that the Utility has the right to a larger downpayment if the deferred payment agreement is not entered into until after a field visit to physically terminate service has been made.

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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

##### g) Deferred Payment Agreement – Non-residential Customers: (cont.)

##### (d) Terms of Agreement:

(1) A deferred payment agreement shall obligate the customer to make timely payments of all current charges.

(2) A deferred payment agreement offered pursuant to (a) (1) (i) of this rule may require the customer:

(i) to make a downpayment of 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; or

(ii) in the event a field visit to physically terminate service has been made, to make a downpayment of 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; and

(iii) 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; and

(iv) to pay late payment charges during the period of the agreement; and

(v) to pay a security deposit in three installments, 50 percent down and two monthly payments of the balance, if previously requested in accordance with Rule 3.i)2.

(3) A deferred payment agreement offered pursuant to (a) (1) (i) of this rule, may require 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.

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#### GENERAL INFORMATION

#### 5B. DISCONNECTION AND RECONNECTION OF SERVICE – NON-RESIDENTIAL (cont.)

##### g) Deferred Payment Agreement – Non-residential Customers: (cont.)

##### (d) Terms of Agreement: (cont.)

(4) A deferred payment agreement may provide for a greater or lesser downpayment, a longer or shorter period of time, and payment on any schedule, if mutually agreed upon by the parties.

##### (e) Broken Agreements:

(1) The first time a customer fails to make timely payment in accordance with a deferred payment agreement, the Utility shall give the customer a reasonable opportunity to keep the agreement in force by paying any amounts due under the agreement.

(2) Except as provided in (1) above, if a customer fails to comply with the terms of a deferred payment agreement, the Utility may demand full payment of the total outstanding charges and send a final termination notice in accordance with Rule 5B.a) (b) (3) (ii).

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City of Jamestown, New York

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## GENERAL INFORMATION

### 6. ADJUSTMENT OF RATES ACCORDING TO CHANGES IN THE COST OF FUEL AND PURCHASED POWER

a) The charges for electric energy supplied under Service Classification Nos. 1, 2, 3, 4, and 5 shall be adjusted each month upward or downward by the Fuel Adjustment Rate per KWH determined by subtracting the Base Cost of Fuel and Purchased Power from the Average Cost of Fuel and Purchased Power. The Average Cost of Fuel and Purchased Power shall have been multiplied by a Factor of Adjustment, all as defined below.

#### b) Definition of Terms

1) Cost of Fuel and Purchased Power is defined as the Cost of Fossil Fuel (coal, natural gas and oil) used by the Utility in generation for its tariff customers adjusted for the sale of heat to Jamestown's District Heating System, plus the cost of economy energy, plus the cost of all Purchased Power, plus the cost of all gas transportation and storage (e.g., capacity and commodity charges). Purchased Power is defined as delivered firm or interruptible capacity and energy, including operating reserves, installed capacity, ancillary services and electric transmission service purchased from the Power Authority of the State of New York (PASNY or NYPA) or other power generation and transmission entities. Purchased Power is also defined to include any and all charges imposed by entities, such as the New York Independent system Operator (NYISO), or any subsequent organization with control over transmission, and such changes may include, but may not be limited to, capacity, energy, and electric transmission services, operating reserves, installed capacity and all ancillary service charges under rates and charges approved or accepted for filing by the Federal Energy regulatory Commission (FERC) to the extent jurisdictional at FERC. The Cost of Fuel and Purchased Power shall also include the cost of Environmental Allowances and Fees.

i) The Cost of Fossil Fuel shall be determined in two separate components: a) the cost of Coal Generation defined as the cost of electrical power generated by generators #5 and/or #6 by steam produced in boilers 9-12 of the Samuel A. Carlson Generating Station; and b) the Cost of Gas Generation defined as the cost of electrical power generated in the combustion turbine, generator #7, and the cost of electrical power generated by generators #5 and/or #6 by steam produced in the heat recovery steam generator (HRSG).

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## GENERAL INFORMATION

### 6. ADJUSTMENT OF RATES ACCORDING TO CHANGES IN THE COST OF FUEL AND PURCHASED POWER (cont.)

#### b) Definition of Terms (cont.)

##### 1) Cost of Fuel and Purchased Power (cont.)

ii) The Cost of Fossil Fuel shall further be determined by dividing the sum of the Cost of Fossil Fuel on hand at the beginning of the month and the Cost of Fossil Fuel received during the month minus the Cost of Fossil Fuel on hand at the end of the month by the sum of the quantity of fossil fuel on hand at the beginning of the month and the quantity of fossil fuel received during the month minus the quantity of fossil fuel on hand at the end of the month. The weighted average cost, so determined, shall be applied to the fossil fuel used by the Utility in generation for its customers.

iii) The Cost of Coal Generation shall be determined as the cost of coal, oil, and natural gas consumed in the production of steam in boilers 9-12, which is in turn primarily used for the generation of electrical energy in turbo-generators 5 and /or 6 over the Specified Time Period.

iv) The Cost of Gas Generation shall be determined in two separate components:  
a) The Cost of Gas for simple Cycle Generation, the cost of oil and natural gas consumed in the combustion turbine over the Specified Time Period; and b) the Cost of Gas for Combined cycle Generation, the cost of oil and natural gas consumed in the production of steam in the HRSG which is in turn primarily used for the generation of electrical power in turbo-generators #5 and/or #6 over the Specified Time Period.

v) The adjustment for the sale of heat to Jamestown's District Heating System shall be to the Cost of Coal Generation and to the cost of Gas for combined Cycle Generators in proportion to the amount of steam produced by the a) HRSG and b) boilers 9-12, for use in generators #5 and #6 over the Specified Time Period.

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## GENERAL INFORMATION

### 6. ADJUSTMENT OF RATES ACCORDING TO CHANGES IN THE COST OF FUEL AND PURCHASED POWER (cont.)

#### b) Definition of Terms (cont.)

##### 1) Cost of Fuel and Purchased Power (cont.)

vi) The Specified Time Period shall be the calendar month unless the Utility elects to use hourly periods for the current month's determination of the Average Cost of Fuel and Purchased Power.

vii) The Cost of Environmental Allowances and Fees shall include the costs of acquiring environmental allowances and the costs of paying any fees to Federal, Regional, State of New York, or Local Agencies related to environmental fees to operate Jamestown's plants, that are above the base calendar year 2003 level of \$204,913. The Cost of Environmental Allowances and Fees shall not include fines leveled against Jamestown for non-compliance with Federal, Regional, State of New York, or Local environmental regulations. The benefit of any Allowances issued to Jamestown shall accrue first to jurisdictional sales customers and second to off-system sales if there are surplus allowances for a calendar year.

2) Economy Energy is that energy purchased at a total charge equal to or less than the Utility's fuel cost.

3) Base Cost of Fuel and Purchased Power is \$0.00691 for Service Classification Nos. 1, 2, 3, 4, and 5. It is defined as the cost of Fuel and Purchased Power per KWH which is included in the energy rates and which is the basis for computing the Fuel Cost Adjustment.

4) Average Cost of Fuel and Purchased Power is the total Cost of Fuel and Purchased Power, as defined in 1) less Cost of Generation for Off-System Sales as defined in vi) below, all divided by the total Kilowatt-hours Generated for Tariff Customers (excluding station use) and kilowatt-hours purchased (excluding losses).

i) The amount of Kilowatt-hours from Coal Generation shall be determined by multiplying the total number of kilowatt-hours produced by generators #5 and #6 by the ratio of the amount of steam produced in boilers 9-12 to the sum of the amount of steam produced in boilers 9-12 and the amount of steam produced from the HRSG, over the Specified Time Period.

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## GENERAL INFORMATION

### 6. ADJUSTMENT OF RATES ACCORDING TO CHANGES IN THE COST OF FUEL AND PURCHASED POWER (cont.)

#### b) Definition of Terms (cont.)

##### 4) Average Cost of Fuel and Purchased Power (cont.)

ii) The amount of Kilowatt-hours from Gas Generation shall be determined by adding the total number of kilowatt-hours produced by generator #7 to the total number of kilowatt-hours produced by generators #5 and #6, less the amount of Kilowatt-hours from Coal Generation, over the Specified Time Period.

iii) The amount of Kilowatt-hours generated for Tariff Customers shall be determined by subtracting from the total amount of kilowatt-hours generated the total amount of Off-System kilowatt-hour sales, as adjusted, over the Specified Time Period.

iv) The Average Cost of Coal Generation shall be determined by dividing the Cost of Coal Generation by the amount of Kilowatt-hours from Coal Generation over the Specified Time Period.

v) The Average Cost of Gas Generation shall be determined by dividing the Cost of Gas Generation by the amount of Kilowatt-hours from Gas Generation over the Specified time Period.

vi) The Cost of Generation for Off-System Sales shall be determined by multiplying the total amount of Off-System kilowatt-hour sales, as adjusted, times the higher of the Average Cost of Coal Generation or the Average cost of Gas Generation for the Specified Time Period. If the total amount of Off-System kilowatt-hour sales, as adjusted, for the Specified Time period is greater than the total amount of kilowatt-hours used in determining the higher of the Average Cost of Coal Generation or the Average Cost of Gas Generation, for the Specified Time Period, then those kilowatt-hours in excess of the total amount of kilowatt-hours used in determining the higher of the Average Cost of Coal Generation or the Average Cost of Gas Generation shall be cost at the lower of Average Cost of Coal Generation or the Average Cost of Gas Generation.

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## GENERAL INFORMATION

### 6. ADJUSTMENT OF RATES ACCORDING TO CHANGES IN THE COST OF FUEL AND PURCHASED POWER (cont.)

#### b) Definition of Terms (cont.)

5) Factor of Adjustment is 1.0506 as established in Case 04-E-1485.

6) Fuel Adjustment Rate per KWH for monthly billings shall be derived by subtracting the Base Cost of Fuel and Purchased Power from the Average Cost of Fuel and Purchased Power, as defined in 4) multiplied by the Factor of Adjustment as defined in 5).

#### c) Statement of Fuel Cost Adjustment

A statement will be filed with the Public Service Commission, apart from this rate schedule, on not less than three business days' notice prior to any change in the Fuel Adjustment Rate per KWH. This statement will also be available at Utility's office and will indicate the Base Cost of Fuel and Purchased Power, the Off-System Sales Adjustment, the Average Cost of Fuel and Purchased Power, and the Fuel Adjustment Rate per KWH resulting from the changes in the Average Cost of Fuel and Purchased Power.

#### d) Off-System Adjustment

The Board will add to its monthly Fuel Adjustment Rate charge an Off-System Sales Adjustment as determined in Section 6e) Adjustment of Rates According to Changes in the Cost of Fuel and Purchased Power – Dismantling Fund.

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## GENERAL INFORMATION

### 6. ADJUSTMENT OF RATES ACCORDING TO CHANGES IN THE COST OF FUEL AND PURCHASED POWER (cont.)

#### d) Overhaul Reserve Fund

The Overhaul Reserve Fund shall be a separate Deferral Account funded with Off-System Sales Margins that exceed \$1,225,000 per fiscal year (January through December) up to a maximum annual amount of \$1,000,000. Any Off-System Sales Margin in a given year above \$2,225,000 will be deferred and credited to customers through the Fuel Adjustment Rate per KWH during the following Billing Year. The credit will be applied during the period of March 1st through the final day of February in the following calendar year. If in any fiscal year the actual Off-System Sales Margin is less than \$2,225,000, the Utility will be allowed to use future Off-System Sales Margins that exceed \$2,225,000 in any subsequent fiscal year to offset the deficiency (amount below \$1,000,000 for the Overhaul Reserve Fund) from prior years.

The Off-System Sales Margin shall be defined as the difference between revenues from a) excess ICAP/UCAP sales, b) Contract for Differences (CFD) with marketers, c) CFD with end-users, and d) sales to the NYISO, or its successor, of excess generation beyond that generated for the Utility's own end-use customers and costs as defined in Section 6 b), Definition of Terms for Adjustment of Rates According to Changes in the Cost of Fuel and Purchased Power.

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## GENERAL INFORMATION

### 7. MINIMUM INSULATION STANDARDS FOR RESIDENTIAL CONSTRUCTION OF BUILDINGS

Electric service will not be provided to new dwelling, or to an existing dwelling for the purpose of converting to electric space heating, unless the dwelling is in compliance with Parts 103 and 233 of Title 16 of the Official compilation of Codes, Rules and Regulations of the State of New York – Minimum Insulation Standards for the Provision of Gas & Electric Utility Service. Copies of the minimum standards are available at the company office.

An applicant for electric service to a new residential dwelling in an area in which a building permit is not required must provide to the Company a Certificate of Compliance. The format for the Certificate of Compliance is shown on Form “F”, Leaf 95.

An applicant for expanded electric service to an existing dwelling for the purpose of supplying electric heat must provide to the company a Certificate of Compliance in one of the forms shown on Form “G”, Leaf 96.

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City of Jamestown, New York

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GENERAL INFORMATION

8. FORM OF APPLICATION FOR NON-RESIDENTIAL SERVICE:

BOARD OF PUBLIC UTILITIES  
CITY OF JAMESTOWN, NEW YORK

APPLICATION FOR NON-RESIDENTIAL ELECTRIC SERVICE

General Information:

Along with this application is a brochure which describes your rights and responsibilities as a non-residential customer.

Customer Information: (To be completed by customer)

Date Filed \_\_\_\_\_

Name of Customer \_\_\_\_\_ [ ] Owner  
[ ] Occupant

Service Location \_\_\_\_\_

Telephone No. \_\_\_\_\_ Alternate No. \_\_\_\_\_

Mailing Address \_\_\_\_\_ Type of Business \_\_\_\_\_

Official in Charge \_\_\_\_\_ Title \_\_\_\_\_

Person Controlling Access to Meter(s) \_\_\_\_\_

Telephone No. \_\_\_\_\_

The Board of Public Utilities requires the submission of the following documents to substantiate the information provided in the service application:

( ) deed      ( ) lease      ( ) business certificate\*      ( ) other

\* \_\_\_\_\_

The questions in this section are designed to assist the utility in placing you on the proper and the most beneficial service classification. The utility may rely on this information in classifying your service.

Issued by:      David L. Leathers, General Manager  
                    City of Jamestown, New York

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GENERAL INFORMATION

8. FORM OF APPLICATION FOR NON-RESIDENTIAL SERVICE: (cont.)

APPLICATION FOR NON-RESIDENTIAL ELECTRIC SERVICE (cont.)

The cost of service may be different under different service classifications. There are eligibility requirements for each service classification. A customer may be eligible for service under more than one classification and one may be more beneficial than another. The accompanying brochure describes the common non-residential service classification in brief. The rate schedule which describes each service classification in detail may be examined in any utility business office.

If you have any questions about your classification, you may discuss this with your customer service representative. If your use of service or your equipment changes in the future, you must notify the utility of these changes to assure that you are being properly billed.

WARNING: If the information provided by you in this section is inaccurate or incomplete, you may be subject to backbilling on the correct service classification, or you may be precluded from receiving a refund for overcharges based on the correct service classification.

Specific nature of business: \_\_\_\_\_

Voltage requested: \_\_\_\_\_

Connected Load: (List all equipment in kW or HP, lighting, motor, electric heat, etc.) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

DOES THE APPLICANT REQUEST AN INSPECTION OF THE METER(S)?

\_\_\_\_\_ YES                      \_\_\_\_\_ NO

DOES THIS ACCOUNT PROVIDE SERVICE FOR ANY TYPE OF RESIDENTIAL UNIT?

\_\_\_\_\_ YES                      \_\_\_\_\_ NO

IF YES, PLEASE EXPLAIN \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Issued by:        David L. Leathers, General Manager  
                         City of Jamestown, New York

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City of Jamestown  
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GENERAL INFORMATION

8. FORM OF APPLICATION FOR NON-RESIDENTIAL SERVICE: (cont.)

APPLICATION FOR NON-RESIDENTIAL ELECTRIC SERVICE (cont.)

Rate and Applicable Charges for Service: (To be completed by Utility)

Service Classification \_\_\_\_\_ Account No. \_\_\_\_\_  
Amount of Deposit \$ \_\_\_\_\_ Deposit No. \_\_\_\_\_  
Extension Minimum \$ \_\_\_\_\_ Percent Tax Exempt \_\_\_\_\_  
Estimated Usage \_\_\_\_\_

The Board of Public Utilities is hereby requested to furnish the undersigned with electric service at the above address; such service is to be supplied by the Utility under its tariff rates, rules, and regulations on file with the New York State Public Service Commission, as may be revised from time to time and to be paid for by the undersigned in accordance with the applicable rate.

Response Date: \_\_\_\_\_ Date of Responsibility: \_\_\_\_\_

Company Name: \_\_\_\_\_

Customer Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_

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City of Jamestown, New York

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GENERAL INFORMATION

9. DEFERRED PAYMENT AGREEMENT FORM:

NON-RESIDENTIAL CUSTOMER PAYMENT AGREEMENT

Account Name \_\_\_\_\_

Account Number \_\_\_\_\_

Service Address \_\_\_\_\_

Date \_\_\_\_\_

PRINCIPLES OF THIS AGREEMENT

This confirms an agreement by \_\_\_\_\_ to make installment payments to the Board of Public Utilities, City of Jamestown, New York, for amounts in arrears. It also confirms that the Board of Public Utilities will not discontinue service to the account at the address listed above as long as payments are received on time.

HOW MUCH IS TO BE PAID

The amounts covered by this agreement are as follows:

Charges billed for Electric service as of \_\_\_\_\_ \$ \_\_\_\_\_

Late payment charges billed \$ \_\_\_\_\_

Misc fees: (Specify – Collection, Reconnection, Meter Recovery) \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

HOW PAYMENT IS TO BE MADE

The customer agrees to pay:

A down payment of \$ \_\_\_\_\_ by \_\_\_\_\_

Installments of \$ \_\_\_\_\_ by the \_\_\_\_\_ day of each month from \_\_\_\_\_ to \_\_\_\_\_.

The balance of \$ \_\_\_\_\_ is to be received by \_\_\_\_\_.

Current bills issued after \_\_\_\_\_ are to be paid on receipt.

Note: Each payment must be in the office of the utility by the above mentioned dates.

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City of Jamestown, New York

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GENERAL INFORMATION

9. DEFERRED PAYMENT AGREEMENT FORM: (cont.)

NON-RESIDENTIAL CUSTOMER PAYMENT AGREEMENT (cont.)

LATE PAYMENT CHARGES

\_\_\_\_\_ Late payment charges not applicable/waived.

\_\_\_\_\_ This agreement is subject to late payment charges at a monthly rate of \_\_\_\_\_% and/or an annual rate of \_\_\_\_\_%.

The total late payment charges for the duration of this agreement are calculated to be \$ \_\_\_\_\_. The total late payment charges may be greater or less than the disclosed cost if payments are received earlier or later than the agreed dates. Failure to pay current bills on time will result in additional late payment charges on the account balance. (NOTE: Fill out attached itemization form if late payment charges are not billed with the cycle bill.)

DEPOSIT TERMS

\_\_\_\_\_ Deposit not applicable or is waived.

The amount of the security deposit requested is \$ \_\_\_\_\_. The customer agrees to pay 50% of the requested deposit as a down payment and the balance in two installments.

Down payment \$ \_\_\_\_\_ to be paid on \_\_\_\_\_

First Installment \$ \_\_\_\_\_ to be paid on \_\_\_\_\_

Final Installment \$ \_\_\_\_\_ to be paid on \_\_\_\_\_

WHAT HAPPENS IF PAYMENTS ARE LATE

If installment and regular bill payments are not paid on time, this agreement will be voided and all amount become due immediately. The Utility will send you notice of this fact and a final termination notice; service will be disconnected within the allotted amount of time.

PUBLIC SERVICE COMMISSION ASSISTANCE

The customer may obtain the assistance of the New York Public service Commission to assure that this agreement complies with rules of 16 NYCRR 13.5.

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City of Jamestown, New York

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GENERAL INFORMATION

9. DEFERRED PAYMENT AGREEMENT FORM: (cont.)

NON-RESIDENTIAL CUSTOMER PAYMENT AGREEMENT (cont.)

ACCEPTANCE OF AGREEMENT

The terms of this agreement are accepted by:

Customer's Name \_\_\_\_\_

Customer's Signature \_\_\_\_\_ Date \_\_\_\_\_

As Representative of \_\_\_\_\_

Utility Representative \_\_\_\_\_ Title \_\_\_\_\_

Representative's Signature \_\_\_\_\_ Date \_\_\_\_\_

NOTE: If the customer has any questions during the duration of the agreement, the utility representative may be contacted at \_\_\_\_\_.  
This agreement is not valid until signed by all parties and returned to the Board of Public Utilities, City of Jamestown, New York.

LATE PAYMENT ITEMIZATION FORM

Late payment charges not billed with the cycle bill are to be paid as follows:

\$ _____	By _____

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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GENERAL INFORMATION

10. DEPOSIT ALTERNATIVE FORM:

Request for Waiver of Security Deposit – Deposit Alternative

Date \_\_\_\_\_

Customer's Name \_\_\_\_\_

Service Address \_\_\_\_\_  
\_\_\_\_\_

Mailing Address \_\_\_\_\_  
\_\_\_\_\_

Account No. \_\_\_\_\_

In consideration of the Board of Public Utilities, City of Jamestown, New York's agreement to provide electric service to \_\_\_\_\_ at the above service address and in lieu of a security deposit, I/we do hereby guarantee payment of all future bills for said service paid upon receipt.

I, the customer, waive my right to be sent a Final Termination Notice normally provided after 20 days have elapsed since payment was due. I understand that my service can be terminated by the Board of Public Utilities if I/we fail to pay any bill upon receipt. The Utility will send me a disconnect notice 5 days (8 days if mailed) before actual termination of my service.

Once terminated, service will not be reinstated until payment in full of the following: (1) all amounts in arrears for service rendered, (2) the entire requested deposit, (3) service reconnection fees, and (4) any other billed tariff changes.

Board of Public Utilities

\_\_\_\_\_  
Business Name/Applicant

\_\_\_\_\_  
Signed                      Date

\_\_\_\_\_  
Signed                      Date

\_\_\_\_\_  
Approved by              Date

\_\_\_\_\_  
Title of Person Signing

Issued by:      David L. Leathers, General Manager  
                    City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 88  
Revision: 0  
Superseding Revision:

GENERAL INFORMATION

11. DEFERRED PAYMENT AGREEMENT FORM – RESIDENTIAL:

BOARD OF PUBLIC UTILITIES  
ELECTRIC DIVISION  
CITY OF JAMESTOWN, NEW YORK

RESIDENTIAL CUSTOMER DEFERRED PAYMENT AGREEMENT

CUSTOMER’S NAME \_\_\_\_\_ PHONE \_\_\_\_\_

SERVICE ADDRESS \_\_\_\_\_

ACCOUNT NO. \_\_\_\_\_ DATE \_\_\_\_\_

ABOUT THIS AGREEMENT

This is an agreement by \_\_\_\_\_ to make periodic installment payments to the Board of Public Utilities, City of Jamestown, New York of an overdue balance owed for electric utility service. It is also an agreement by the Board of Public Utilities that it will provide electric service to the address listed above as long as you make these payments, and full payment of each current bill, on time. This payment agreement includes amounts owed for electricity only. Should you owe money to the water or sewer divisions and wish to include these amounts in this agreement, please call our office.

PAYMENT AGREEMENT RULES

This agreement requires regular periodic payments which have been based on your demonstrated ability to pay. If you believe you are unable to pay on these terms, you should not sign this agreement. Instead, call us at (716) 661-1660 or come to our office at 92 Steele Street, Jamestown, New York.

If you can show financial need, alternative terms will be arranged. Depending on your circumstances, a down payment may not be required and installments may be as low as \$10 per month.

This agreement can be changed if your ability to pay changes significantly for reasons you cannot control. If a change is needed, please call (716) 661-1660 or come to our office.

If you are a recipient of public assistance or supplemental security income, you may be eligible for help in paying your utility bills. If so, you may wish to call or visit your local Social Services office.

HOW MUCH IS TO BE PAID

Total amount you owe the Board of Public Utilities for unpaid electric utility service as of \_\_\_\_\_ is \$ \_\_\_\_\_.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 89  
Revision: 0  
Superseding Revision:

GENERAL INFORMATION

11. DEFERRED PAYMENT AGREEMENT FORM – RESIDENTIAL: (cont.)

HOW PAYMENT IS TO BE MADE

You are to pay the amount owed in the following way:

A down payment of \$ \_\_\_\_\_ is to be received by \_\_\_\_\_.

Installments of \$ \_\_\_\_\_ are to be received by the \_\_\_\_\_ each  
\_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_.

The balance of \$ \_\_\_\_\_ is to be received by \_\_\_\_\_.

Any bill we send you after \_\_\_\_\_ is due when you receive it.

LATE PAYMENT CHARGES

This agreement is subject to late payment charges at a monthly rate of 1.5% which is the equivalent of an annual rate of 18%. Late payment charges will be calculated on the amount of the balance after the late payment date shown on each monthly bill. The total late payment charges for the duration of this agreement are calculated to be \$ \_\_\_\_\_. This amount is based upon timely payments. The actual late payment charge you pay will be either lower or higher than the amount indicated if you make payments either early or late.

WHAT HAPPENS IF PAYMENTS ARE NOT MADE

If we do not receive these installment payments or your regular bill payments on time, we will send you a notice requiring you to pay the total amount owed on your account, and you will then have only 15 days to pay in full before your electric service is turned off.

ASSISTANCE

IF YOU ARE UNABLE TO PAY THE TERMS OF THIS AGREEMENT, OR NEED HELP UNDERSTANDING OR MAKING THIS AGREEMENT, CALL US AT (716) 661-1660.

IF FURTHER HELP IS NEEDED, YOU MAY CALL THE NEW YORK STATE DEPARTMENT OF PUBLIC SERVICE AT 1-800-342-3377, 8:30 AM – 4:30 PM, MONDAY THROUGH FRIDAY.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

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Revision: 0  
Superseding Revision:

GENERAL INFORMATION

11. DEFERRED PAYMENT AGREEMENT FORM – RESIDENTIAL: (cont.)

BUDGET BILLING OPTION

If you are not already enrolled in our budget billing plan which allows you to pay for your service in equal monthly installments, and wish to enroll, check this box and we will start you on a plan immediately. A brochure describing the plan in more detail has been provided to you. Call (716) 661-1660 if you have any questions about the Budget Billing Plan.

YES, I WOULD LIKE BUDGET BILLING \_\_\_\_\_

ACCEPTANCE OF AGREEMENT

I have read, understand, and accept this agreement.

Customer's Signature \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Name Printed or Typed

Utility's Signature \_\_\_\_\_ Date \_\_\_\_\_

One copy of this agreement, signed by the customer, with the downpayment, must be received by the Board of Public Utilities by \_\_\_\_\_ in order to avoid having your service turned off.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2012

Leaf: 91  
Revision: 1  
Superseding Revision: 0

## GENERAL INFORMATION

### 12. CABLE TELEVISION POLE ATTACHMENT RATES

Effective August 1, 2012, the annual attachment rates to be charged CATV operators for attachment to aerial pole plant of Jamestown BPU shall be the sum of \$8.51 per equivalent pole. The rate is calculated in accordance with the Order of the Public Service Commission under date of May 9, 2007, in Case 06-E-1427, "Order on Municipal Pole Attachment Rates."

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 92  
Revision: 0  
Superseding Revision:

GENERAL INFORMATION  
Form "A"  
APPLICATION FOR GENERAL SERVICE

Account No.: \_\_\_\_\_ Today's Date: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Elec. Meter No.: ITRON No.: \_\_\_\_\_

Water Meter No.: \_\_\_\_\_ Remote No.: \_\_\_\_\_

Name In: Last: \_\_\_\_\_ First: \_\_\_\_\_ M.I.: \_\_\_\_\_

License No.: State: \_\_\_\_\_

DOB: \_\_\_\_\_ SS No.: \_\_\_\_\_

Joint Name: Last: \_\_\_\_\_ First: \_\_\_\_\_ M.I.: \_\_\_\_\_

License No.: State: \_\_\_\_\_

DOB: \_\_\_\_\_ SS No.: \_\_\_\_\_

Telephone No.: Alt. Phone No.: \_\_\_\_\_

Mailing Address 1: \_\_\_\_\_

Address 2: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Move From: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

\*\*\*\*\*

Service Date Requested: \_\_\_\_\_ Order taken by (C,M,P): \_\_\_\_\_

Instructions: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Joint Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 93  
Revision: 0  
Superseding Revision:

GENERAL INFORMATION  
Form "D"  
APPLICATION FOR ALTERNATING CURRENT ELECTRIC POWER SERVICE

**Customer Information (to be completed by customer):**

The undersigned (hereinafter called 'The Customer') hereby applies to the Electric Division, Board of Public Utilities, City of Jamestown, New York (hereinafter called 'The City'), to supply electric energy at approximately \_\_\_\_\_ volts \_\_\_\_\_ cycles, and \_\_\_\_\_ phase, for use upon the premises located at \_\_\_\_\_ for and during the period of one year from the date of this document and thereafter until cancelled at the end of any yearly period by The Customer on at least thirty (30) days written notice in advance of such termination for \_\_\_\_\_ kilowatts of connected electric load as enumerated and detailed on Utility's form No. B-3, and to pay for said service as bills are rendered therefore in accordance with the rates, rules, and regulations in Service Classification No. \_\_\_\_\_ authorized by the Public Service Commission of the State of New York and in effect at the time of delivery. The Customer agrees to pay minimum monthly charges for a monthly demand of not less than \_\_\_\_\_ kilowatts during the original term.

Consent is hereby given to erect and maintain on the highway adjacent to or through my property all poles, wires, and apparatus connected with the line from which service is to be supplied and to trim trees located on my property as the Utility finds necessary for service from said line.

The Customer agrees to observe and perform all rules and regulations of The City as same may be from time to time changed, amended and/or supplemented by the Board of Public Utilities of said City, all of which rules and regulations as from time to time in force are open to public inspection at the offices of the City.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Customer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**..... City of Jamestown, New York, Board of Public Utilities .....**

Accepted By: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Accepted By: \_\_\_\_\_

Title \_\_\_\_\_ Date: \_\_\_\_\_

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: March 1, 2016  
(Issued in compliance with Commission Order issued and effective February 23, 2016 in Case 15-E-0184)

Leaf: 94  
Revision: 3  
Superseding Revision: 0

GENERAL INFORMATION  
Form "E"  
APPLICATION FOR OFF-STREET LIGHTING

Date \_\_\_\_\_ 20 \_\_\_\_\_

The undersigned (hereinafter called the Customer) hereby applies to the Electric Division, Board of Public Utilities, City of Jamestown, New York, (hereinafter called the City) to supply the following outdoor lighting services upon the premises located at \_\_\_\_\_ for and during the period of one year from the date of this instrument and thereafter until canceled on thirty (30) days' written notice.

- \_\_\_\_\_ 250 Watt Mercury Vapor
- \_\_\_\_\_ 150 Watt Sodium Vapor
- \_\_\_\_\_ 250 Watt Sodium Vapor
- \_\_\_\_\_ 400 Watt Sodium Vapor
- \_\_\_\_\_ Wood Poles
- \_\_\_\_\_ Units of Wire

**Refer to Service Classification No. 4, tariff leaf numbers 105 through 107 for current billing rates.**

The energy used by the lamps installed shall be subject to a fuel adjustment as set forth in Service Classification No. 4 and explained on Leaf Nos. 74 through 79 of the Rate Schedule PSC No. 7.

Consent is hereby given to erect and maintain on the highway adjacent to or through my property all poles, wires and apparatus connected with the line from which service is to be supplied and to trim trees located on my property as the Utility finds necessary for the service from said line.

The Customer agrees to observe and perform all rules and regulations of the City and to pay the rates provided in Service Classification No. 4, PSC No. 7 filed with the Public Service Commission of the State of New York as set forth above or as the same may be from time to time changed, amended and/or supplemented.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_  
*Customer Signature*

CITY OF JAMESTOWN, NEW YORK  
BOARD OF PUBLIC UTILITIES

By \_\_\_\_\_ Title \_\_\_\_\_  
A/C no. \_\_\_\_\_ Pole no. \_\_\_\_\_

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 95  
Revision: 0  
Superseding Revision:

GENERAL INFORMATION  
Form "F"

BOARD OF PUBLIC UTILITIES  
CITY OF JAMESTOWN, NEW YORK  
CERTIFICATE OF COMPLIANCE TO MINIMUM INSULATION STANDARDS

**CERTIFICATE OF COMPLIANCE TO MINIMUM INSULATION STANDARDS**

**CERTIFICATE OF COMPLIANCE FOR NEW RESIDENTIAL CONSTRUCTION**

**(FORM F)**

The undersigned certifies that the:     1 or 2 family residence         multi-family residence

located at (service address): \_\_\_\_\_

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

Part 1 : E 101.6     Part 3     Part 4     Part 5     Appendix A, Opinion 77-10, Minimum Insulation Standards, NYS Public Service Commission (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 bill until all violations are eliminated, or be disconnected, if, upon inspection 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 and further attests that all statements and representations contained in this certificate are true and accurate.

\_\_\_\_\_  
*(Signature of Builder or Contractor)*

\_\_\_\_\_  
*(Date)*

Issued by:        David L. Leathers, General Manager  
                         City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 96  
Revision: 0  
Superseding Revision:

GENERAL INFORMATION  
Form "G"

BOARD OF PUBLIC UTILITIES  
CITY OF JAMESTOWN, NEW YORK  
CERTIFICATE OF COMPLIANCE FOR UPGRADE/CONVERSION TO ELECTRIC SPACE HEAT

**CERTIFICATE OF COMPLIANCE FOR UPGRADE /  
CONVERSION TO ELECTRIC SPACE HEAT (FORM G)**

*One of the following certificates (A. or B.) shall be completed and signed*

- Certificate A. – to be completed by Owner
- Certificate B. – to be completed by Contractor or Company Representative

**Certificate A. (to be completed by Owner)**

I, (owner) \_\_\_\_\_, am aware that the Minimum Insulation Standards for Dwellings Converting to Electric Space Heating require my house to have storm doors, storm windows, and at least R-19 (usually six inches) roof insulation.

I certify that my house/building at (location) \_\_\_\_\_ meets those requirements, or that I have obtained a waiver; and I understand that should my building be found not in compliance, a 25 percent surcharge on my Company 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.

\_\_\_\_\_  
(Owner's Address) \_\_\_\_\_  
(Signature of Owner)

**Certificate B. (to be completed by Contractor or Company Representative)**

The undersigned certifies that the:  1 or 2 family residence  multi-family residence

located at (service address): \_\_\_\_\_ is or will be, not later than 30 days after time of occupancy, in compliance with one of the follow statute provisions (check one):

- Part 1 : E 101.6  Part 3  Part 4  Part 5  Appendix A, Opinion 77-10, Minimum Insulation Standards, NYS Public Service Commission (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 bill until all violations are eliminated, or be disconnected, if, upon inspection 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 and further attests that all statements and representations contained in this certificate are true and accurate.

\_\_\_\_\_  
(Signature of Builder or Contractor) \_\_\_\_\_  
(Date)

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity

Leaf: 97

City of Jamestown

Revision: 10

Initial Effective Date: August 1, 2016

Superseding Revision: 9

Issued in compliance with order in Case No. 09-M-0311 dated 6/18/14 and 4/17/15

**SERVICE CLASSIFICATION NO. 1**  
**RESIDENTIAL SERVICE**

**APPLICABLE TO USE OF SERVICE FOR:**

All residential purposes in single-family residences and in individual dwelling units in multiple family residences which are individually metered. This classification also applies to religious bodies utilizing service exclusively in connection with religious purposes when required by law. Applicable also to use exclusively in connection with a community residence as defined in Subdivisions 28, 28-a, or 28-b of Section 1.03 of the Mental Hygiene Law, provided that such residence is on-site on a twenty-four hour per day basis, that the residence provides living accommodations for fourteen or fewer residents, and to any post or hall-owned or leased by a not-for-profit organization that is a veterans' organization. This service classification is also applicable to dwellings otherwise included in this classification which are used for residential purposes and as 'family day care homes' as defined in section 390-1(e) of the Social Services Law. For other limitations, see Special Provisions below.

**CHARACTER OF SERVICE:**

Continuous alternating current, single phase, 60 Hz, at the available single phase standard secondary voltage as specified in Rule II.2(a) of the Rules and Regulations.

<b>RATE:</b>	<u>Rate</u>
<b>CUSTOMER CHARGE:</b>	\$7.53
<b>ENERGY: All kwh, per kwh</b>	\$0.04541
<b>TEMPORARY STATE ASSESSMENT:</b>	\$0.00055

**FUEL ADJUSTMENT:** The charges set forth in this Service Classification shall be subject to a fuel adjustment as explained in Rule 6.

**MONTHLY MINIMUM CHARGE:** \$7.53

**TERMS OF PAYMENT:** Bills are rendered at the above Rate and are subject to a late payment charge as specified in Rule II.4(b)(2) of the Rules and Regulations.

**TERM:** The term of service hereunder is for one month and continuously from month to month thereafter until terminated by three days' notice to Utility subject to Rule II.5(c) of the Rules and Regulations.

**SPECIAL PROVISIONS:**

A. Written application on Form "A" is required for initial service connections to all new buildings or premises to be supplied under this Service Classification. Thereafter, a residential service application may be oral or written. An oral application for service shall be deemed completed when the applicant provides his or her name, address, telephone number, and address of prior account (if any) or prior account number (if any). The Utility may require an applicant to complete a written application if:

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 98  
Revision: 0  
Superseding Revision:

## SERVICE CLASSIFICATION NO. 1

### RESIDENTIAL SERVICE (cont.)

- 1) there are arrears at the premises to be served and service was terminated for non-payment or is subject to a final notice of termination or
- 2) There is evidence of meter tampering or theft of service; or
- 3) the meter has advanced and there is no customer of record; or
- 4) the application is made by a third party on behalf of the person(s) who would receive service.

Whenever a written application for residential service is required, the Utility shall so notify the applicant as soon as practicable after the request for service is made, and in no event more than two business days after such request, and shall state the basis for requiring a written application. 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 served. A written application containing the required information shall be deemed completed when received by the Utility.

B. Certificate of Compliance will be completed on Form "F" for electric service to new residential construction or Form "G" for a dwelling converting to electric space heat, to be supplied under this Service Classification.

C. Equipment requiring 5 kilovolt-amperes (kva) capacity or more will not be served under this Classification without special consent of the Utility.

D. Submetering may be available according to certain conditions set forth in Rule 4 (d) of the Rules and Regulations.

NOTE: This Classification is subject to the provisions of Utility's Rules and Regulations, included together with this Classification in Utility's Rate Schedule as filed with the New York State Public Service Commission as required by law.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown

Initial Effective Date: August 1, 2016

Issued in compliance with order in Case No. 09-M-0311 dated 6/18/14 and 4/17/15

Leaf: 99

Revision: 9

Superseding Revision: 8

**SERVICE CLASSIFICATION NO. 2**  
**GENERAL SERVICE – SMALL**

**APPLICABLE TO USE OF SERVICE FOR:**

All uses by Customers for which no other Service Classification is specifically provided and where such uses are delivered at a single point of delivery.

**CHARACTER OF SERVICE:**

Continuous alternating current, 60 Hz, and phase arrangement as specified in Section 2(a) of the Rules and Regulations. On Customer's application, Utility will specify the type or types of service available and appropriate for Customer's requirements.

**RATE:**

For those Customers receiving service with a meter measuring only energy (kwh) consumption:

	<u>Rate</u>
<b>CUSTOMER CHARGE:</b>	\$8.88
<b>ENERGY:</b> For all kwh, per kwh	\$0.06174
<b>TEMPORARY STATE ASSESSMENT:</b>	\$0.00058

For those Customers receiving service with a meter or meters measuring both demand (kw) and energy (kwh) consumption:

	<u>Rate</u>
<b>CUSTOMER CHARGE:</b>	\$9.70
<b>DEMAND:</b> For all kw, per kw	\$4.31
<b>ENERGY:</b> For all kwh, per kwh	\$0.04859
<b>REACTIVE POWER:</b> For each kvar of demand in excess of 1/3 kvar per kw of m demand, per kvar	\$0.30
<b>TEMPORARY STATE ASSESSMENT:</b>	\$0.00058

**FUEL ADJUSTMENT:** The charges set forth in this Service Classification shall be subject to a fuel adjustment as explained in Rule 6.

**MONTHLY MINIMUM CHARGE:** The minimum monthly charge will be \$8.88 for those customers receiving service with a meter measuring only energy consumption and \$22.61 for those customers receiving service with a meter or meters receiving both demand and energy consumption.

**DETERMINATION OF DEMAND:**

- a) The billing demand shall be the greater of the following quantities:
- 1) the maximum thirty (30) minute kilowatt integrated demand measured during the billing month;
  - 2) 3 kw.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 100  
Revision: 0  
Superseding Revision:

## SERVICE CLASSIFICATION NO. 2

### GENERAL SERVICE - SMALL

#### DETERMINATION OF DEMAND: (cont.)

b) Utility will install a demand meter whenever:

- 1) it is requested by Customer;
- 2) Customer's energy usage exceeds 2,000 kwh per month for 3 consecutive months.

c) The reactive demand for the billing month shall be the maximum thirty minute integrated kilovolt-ampere (kvar) measured demand.

Demand will be measured as the maximum 30-minute integrated kilowatt demand during the billing month.

#### TERMS OF PAYMENT:

Bills are rendered at the above Rate and are subject to a late payment charge as specified in Item 4(b)(2) of the Rules and Regulations.

#### TERM OF CONTRACT:

Where Customer's demand does not exceed three kilowatts (3 kw), the term of service hereunder is for one month and continuously from month to month thereafter until termination by three days' notice to the Utility subject to Section 5(c) of the Utility's Rules and Regulations. Where Customer's demand exceeds three kilowatts (3 kw), termination conditions will be specified in his service contract.

#### SPECIAL PROVISIONS:

##### A. SERVICE CONTRACT:

Customers requiring provision of capacity not exceeding three kilowatts (3 kw) must apply on Form A for service connection to new buildings. Utility may waive this requirement, at its option, where service has previously been rendered to the premises in question and no material change in service requirement is contemplated.

Customers requiring more than three kilowatts (3 kw) of service capacity must sign a service contract as provided in Item 3(b) of Utility's Rules and Regulation.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 101  
Revision: 0  
Superseding Revision:

## SERVICE CLASSIFICATION NO. 2

### GENERAL SERVICE - SMALL

#### SPECIAL PROVISIONS: (cont.)

##### B. HIGHLY FLUCTUATING LOADS:

When service is supplied hereunder for the operation of apparatus having highly fluctuating or large instantaneous demands, Utility may require Customer to provide, by rental or direct ownership, separate transformers for such loads. In extreme cases, Utility may require measurement of demand over intervals shorter than 30 minutes.

##### C. SERVICE VOLTAGE DISCOUNT:

The rates hereunder presume delivery at secondary voltages of 480 volts or less. Where service is delivered at primary voltage, the demand measurement will be reduced by 0.8 per cent and the energy measurement will be reduced by one per cent before application of the rates specified herein.

##### D. TRANSFORMER OWNERSHIP DISCOUNT:

Where service is delivered to Customer-owned or rented transformers or to a separate Customer-owned substation, the demand rate for service shall be reduced 25 cents per kw for all kw billed under the demand portion of the rate.

##### E. FLAT RATE SERVICE:

Customers requiring service of less than three kilowatts capacity may be served, at Utility's option, at a flat monthly charge based on application of Service Classification No. 2 to the estimated monthly use. This option will be exercised only when use of the service is for a definite load operating for a definite time, or where maximum monthly usage will not exceed 2,000 kilowatt hours. Where this rule applies, Customers will not be obligated to provide facilities for metering as required in Utility's Wiring Rules and Requirements.

##### F. SUBMETERING:

Submetering may be available according to certain conditions set forth in Rule 4(d) of the Rules and Regulations.

NOTE: This Classification is subject to the provisions of Utility's Rules and Regulations, included together with this Classification in Utility's Rate Schedule as filed with the New York State Public Service Commission as required by law.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown

Leaf: 102  
Revision: 9  
Superseding Revision: 8

Initial Effective Date: August 1, 2016

Issued in compliance with order in Case No. 09-M-0311 dated 6/18/14 and 4/17/15

**SERVICE CLASSIFICATION NO. 3**  
**GENERAL SERVICE – LARGE**

**APPLICABLE TO USE OF SERVICE FOR:**

All uses by customers contracting for supply of 100 kilowatts (kw) or more.

**CHARACTER OF SERVICE:**

Continuous alternating current, 60 Hz, at any standard voltage and phase arrangement as specified in Section 2(a) of the Rules and Regulations.

Customers taking service hereunder must contract for the location, quantity and character of service required. On Customer's application, Utility will specify the type or types of service available and appropriate for Customer's requirements.

**RATE:**

	<u>Rate</u>
CUSTOMER CHARGE:	\$172.31
DEMAND: For all kw, per kw	\$4.90
ENERGY: For all kwh, per kwh	\$0.03224
TEMPORARY STATE ASSESSMENT:	\$0.00044
DEMAND & ENERGY CAP:	The average effective combined charge for all energy billed under DEMAND and ENERGY shall not exceed an effective rate Combined rate of \$0.07544
REACTIVE POWER:	For each kvar of demand in excess of 1/3 kvar per kw of measured demand, per kvar \$0.30

**FUEL ADJUSTMENT:**

The charges set forth in this Service Classification shall be subject to a fuel adjustment as explained in Rule 6.

**NET MONTHLY MINIMUM CHARGE:**

The minimum monthly charge will be \$661.84

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
Initial Effective Date: 8/1/2011

Leaf: 103  
Revision: 0  
Superseding Revision:

### SERVICE CLASSIFICATION NO. 3

#### GENERAL SERVICE - LARGE

#### DETERMINATION OF DEMAND:

- a) The billing demand for any month shall be determined as the greatest of the following quantities:
  - 1) The maximum thirty minute kilowatt integrated demand measured during the billing month
  - 2) 100 kilowatts.
- b) The reactive demand for the billing month shall be the maximum thirty minute integrated kilovolt-ampere (kvar) measured demand.

#### TERMS OF PAYMENT:

Bills are rendered at the above Rate and are subject to a late payment charge as specified in Item 4(b)(2) of the Rules and Regulations.

#### CONTRACT TERM AND REQUIREMENTS:

Every Customer taking service under this Classification shall contract for service on Form D or on an alternate form as may be appropriate under special circumstances. Such contract shall specify the quantity and character of service capacity needed, the location of meters and service connection, and such other information as may be necessary to permit Utility to plan and carry out whatever service arrangements may be required. Contract for service shall specify required capacity and voltage.

The term specified in the service contract shall be for not less than one year where service is rendered from Utility's secondary lines or from distribution transformer banks not exceeding 300 kva in capacity. Where service facilities in excess of 300 kva are required, a longer contract term may be required in order to protect Utility's investment.

#### SPECIAL PROVISIONS:

##### A. SERVICE VOLTAGE DISCOUNT:

The rates hereunder presume delivery at secondary voltages of 480 volts or less. Where service is delivered at primary voltage the demand measurement will be reduced by 0.8 per cent and the energy measurement will be reduced by one per cent before application of the rates specified herein.

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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Revision: 0  
Superseding Revision:

SERVICE CLASSIFICATION NO. 3

GENERAL SERVICE - LARGE

SPECIAL PROVISIONS: (cont.)

B. TRANSFORMER OWNERSHIP DISCOUNT:

Where service is delivered to Customer-owned or rented transformers or to a separate Customer-owned substation, the demand rate for service shall be reduced 25 cents per kw for the first 1,000 kw billed and 8 cents per kw for all kw in excess of 1,000 kw, billed under the demand portion of the rate.

C. SUBMETERING:

Submetering may be available according to certain conditions set forth in Rule 4(d) of the Rules and Regulations.

D. HIGHLY FLUCTUATING LOADS:

When service is supplied hereunder for the operation of apparatus having highly fluctuating or large instantaneous demands, Utility may require Customer to provide, by rental or direct ownership, separate transformers for such loads. In extreme cases, Utility may require measurement of demand over intervals shorter than 30 minutes.

NOTE: This Classification is subject to the provisions of Utility's Rules and Regulations, included together with this Classification in Utility's Rate Schedule as filed with the New York State Public Service Commission as required by law.

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City of Jamestown, New York

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City of Jamestown

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Leaf: 105

Revision: 10

Superseding Revision: 9

## SERVICE CLASSIFICATION NO. 4

### OFF-STREET LIGHTING

#### APPLICABLE TO USE OF SERVICE FOR:

Outdoor lighting of areas other than public streets, highways, and roadways, for individuals, private organizations, and institutional establishments where suitable electric service lines are available.

#### AVAILABILITY:

Mercury vapor lamps shall not be available for new installations. New or replacement fixtures shall be sodium vapor and shall meet the NYS dark skies initiative pursuant to NYS bill A1478-2011. No new services shall be made unless they can be attached on suitable poles that are already available in Utility's existing distribution system.

#### CHARACTER OF SERVICE:

Unmetered service for limited period, dusk-to-dawn, of approximately 4,300 hours per year; alternating current, 60 Hz, at voltage designated by the Utility. Utility will own, operate, and maintain all facilities installed by it. Lamps and fixtures will be located as designated by Customer but will be located so as to be available to Utility's service vehicles.

#### RATE:

The charge for service for each calendar month shall be the sum of the following:

##### A. Charges per Lamp per Month

<u>Mercury Vapor</u>	<u>Rate</u>
11,000 Lumen, 250 Watts	\$8.30
<u>Sodium Vapor</u>	<u>Rate</u>
15,000 Lumen, 150 Watts	\$8.91
23,000 Lumen, 250 Watts	\$11.91
46,500 Lumen, 400 Watts	\$12.53

TEMPORARY STATE ASSESSMENT: \$0.00079

##### B. Facilities Charge

1. When suitable poles are available in Utility's existing distribution system, no charge will be made for the pole.

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Revision: 3

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## SERVICE CLASSIFICATION NO. 4

### OFF-STREET LIGHTING

RATE: (cont.)

#### B. Facilities Charge (cont.)

2. When additional pole or poles with necessary guys and anchors are required for installation of the lamps requested by the Customer, the Utility will install, operate, and maintain such poles and appurtenances, and the Customer shall pay \$2.57 per month for each pole installed. Not more than one pole will be installed for each lamp and fixture installed under this Service Classification.

3. When overhead service wires are not available on existing poles and service wires are required on existing poles or on additional poles for the installation of the lamps requested by the Customer under this Service Classification, the Utility will install, own, and operate the required overhead service wires and the Customer will pay 81 cents a month for the first 100 circuit feet or less and 81 cents a month for each additional 100 circuit feet or major fraction thereof.

#### FUEL ADJUSTMENT:

The charges set forth in this Service Classification shall be subject to a fuel adjustment as explained in Rule 6. The amount of energy used shall be the kilowatt hours set forth in the following table for each lamp installed:

Fixture Type	Mercury Vapor	Sodium Vapor Lamps				Metal Halide
		70	150	250	400	
<b>Nominal Rating</b>	<b>250</b>	<b>70</b>	<b>150</b>	<b>250</b>	<b>400</b>	<b>100</b>
<b>January</b>	133	44	86	138	220	59
<b>February</b>	110	36	71	114	182	49
<b>March</b>	110	36	71	114	182	49
<b>April</b>	96	31	62	99	158	42
<b>May</b>	87	29	56	90	143	38
<b>June</b>	78	26	51	81	129	35
<b>July</b>	81	27	53	84	134	36
<b>August</b>	93	30	60	96	153	41
<b>September</b>	99	32	64	102	163	44
<b>October</b>	113	37	73	117	186	50
<b>November</b>	122	40	79	126	201	54
<b>December</b>	133	44	86	138	220	59

Issued by: David L. Leathers, General Manager  
City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown

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Leaf: 107

Revision: 2

Superseding Revision: 0

## **SERVICE CLASSIFICATION NO. 4**

### **OFF-STREET LIGHTING**

#### **MINIMUM CHARGE:**

The minimum monthly charge shall be the total charge computed under RATE.

#### **TERMS OF PAYMENT:**

Bills are rendered at the above Rate and are subject to a late payment charge as specified in Item 4(b)(2) of the Rules and Regulations.

#### **TERM:**

The term shall be for one year after beginning of service and shall continue thereafter until canceled on thirty (30) days' written notice.

#### **SPECIAL PROVISIONS:**

- A. Written application for service on Form "E" is required.
- B. Lamp replacement and repairs will be made during work hours on Mondays through Fridays, except on Holidays. A mercury vapor lamp requiring complete replacement may be replaced with a sodium vapor lamp.
- C. The Utility will not be required to relocate any of its existing facilities to render service under this Service Classification.

**NOTE:** This Classification is subject to the provisions of Utility's Rules and Regulations, included together with this Classification in Utility's Rate Schedule as filed with the New York State Public Service Commission as required by law.

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City of Jamestown, New York

P.S.C. No. 7 Electricity

City of Jamestown

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Leaf: 108

Revision: 3

Superseding Revision: 0

**SERVICE CLASSIFICATION NO. 5****MUNICIPAL STREET LIGHTING SERVICE****AVAILABILITY:**

This service classification is available to any city, village, or town, situated within or adjacent to any city, village or town (hereafter called "Municipality"), in which Utility is rendering electric service under an ordinance granting Utility the privilege of occupying the streets, alleys, and other public places in said municipality for the purpose of transmission, distribution, and sale of electric service.

Mercury vapor lamps shall not be available for new installations.

New or replacement fixtures shall be sodium vapor, metal halide and shall meet the NYS dark skies initiative pursuant to NYS bill A1478-2011.

**CLASS OF SERVICE:**

Utility will furnish the classes of service described below, each at the corresponding charges per lamp per month, including maintenance, electric energy requirements, and replacements of lamps and other glassware as required on systems owned and operated by Utility.

- Class B -- Either mercury vapor, sodium vapor, or overhead construction, on a distribution system wood pole.
- Class C -- Either mercury vapor, sodium vapor, or overhead construction, on individual wood pole.
- Class D -- Either mercury vapor, sodium vapor, or metal halide on either standard overhead metal or Fiberglas pole construction.

**RATE:**

The charge shall equal the sum of the charges below and other applicable charges under Utility's Schedule of Rates for Electric Service.

**A. Charges per Lamp per Month.**

The following rates are based on approximately 4,300 hours per year burning schedule including all hours of darkness:

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City of Jamestown, New York

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### SERVICE CLASSIFICATION NO. 5

#### MUNICIPAL STREET LIGHTING SERVICE

RATE: (cont.)

A. Charges per Lamp per Month. (cont.)

<b><u>Mercury Vapor</u></b>	<b><u>Class B</u></b>	<b><u>Class C</u></b>	<b><u>Class D</u></b>
11,000 Lumen, 250 Watts	\$5.49	\$7.17	\$9.20
<b><u>Sodium Vapor</u></b>	<b><u>Class B</u></b>	<b><u>Class C</u></b>	<b><u>Class D</u></b>
6,300 Lumen, 70 Watts	N/A	N/A	\$7.63
15,000 Lumen, 150 Watts	\$6.03	\$7.66	\$9.76
23,000 Lumen, 250 Watts	\$7.69	\$9.39	\$11.42
46,500 Lumen, 400 Watts	\$9.56	\$11.27	\$13.30
<b><u>Metal Halide</u></b>	<b><u>Class B</u></b>	<b><u>Class C</u></b>	<b><u>Class D</u></b>
8,500 Lumen, 100 Watts	N/A	N/A	\$8.03

Facilities Charges:

Where Utility installs, operates, and maintains facilities other than those facilities used in standard overhead street lighting installation, Customers shall pay a monthly charge equal to 1.00% of the cost of such additional facilities. These additional charges shall be in addition to those charges provided for above.

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### SERVICE CLASSIFICATION NO. 5

#### MUNICIPAL STREET LIGHTING SERVICE

RATE: (cont.)

TEMPORARY STATE ASSESSMENT:

\$0.00094

FUEL ADJUSTMENT:

The charges set forth in this Service Classification shall be subject to a fuel adjustment as explained on Leaf Nos. 74 through 79.

The amount of energy used shall be the kilowatt hours set forth in the following table for each Mercury Vapor, Metal Halide, or Sodium Vapor lamp installed.

Monthly Energy Consumption, Kilowatt hours

Fixture Type	Mercury Vapor	Sodium Vapor Lamps				Metal Halide
<b>Nominal Rating</b>	<b>250</b>	<b>70</b>	<b>150</b>	<b>250</b>	<b>400</b>	<b>100</b>
<b>January</b>	133	44	86	138	220	59
<b>February</b>	110	36	71	114	182	49
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<b>April</b>	96	31	62	99	158	42
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<b>September</b>	99	32	64	102	163	44
<b>October</b>	113	37	73	117	186	50
<b>November</b>	122	40	79	126	201	54
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City of Jamestown, New York

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Revision: 0  
Superseding Revision:

SERVICE CLASSIFICATION NO. 5

MUNICIPAL STREET LIGHTING SERVICE

MINIMUM CHARGE:

The minimum monthly charge shall be the total charge computed under RATE.

TERMS OF PAYMENT:

Bills are rendered at the above rate and are subject to a late payment charge as specified in Item 4(b)(2) of the Rules and Regulations.

SPECIAL PROVISIONS:

Utility shall not be required to provide or install street lighting systems and facilities or furnish service under this Service Classification unless a contract ordinance has been adopted by Municipality authorizing the purchase of service for a term of not less than 5 years from the date of such installation.

ADDITIONAL CONDITIONS AND CONTRACT PROVISIONS:

Any existing or future contract required by this Service Classification to be entered into or entered into between Utility and Customer for electric service shall be amended from time to time to incorporate any revisions and changes in this Service Classification or any rider, standard term or condition, or rule, regulation or condition applying to electric service (including without limitation changes in rates, charges, and terms or conditions of service) when such revision, change or substitution shall be approved or permitted to go into effect by the Commission or as otherwise provided by law. Nothing contained in any Service Classification, rider, standard term or condition, or rule, regulation or condition applying to electric service, or in any existing or future contract shall affect or be construed as affecting in any way the right of Utility unilaterally and without consent of Customer to take or initiate action, as permitted by applicable laws and regulations, to make revisions or changes in any Service Classification, rider, standard and term or condition, or rule, regulation or condition applying to electric service, or in any existing or future contract.

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City of Jamestown, New York

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City of Jamestown  
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Superseding Revision:

RIDER No. 1

ECONOMIC DEVELOPMENT

1. Availability:

Service under this rider is available to existing or new General Service Customers serviced under Service Classification No. 3 that meet all of the criteria contained in this Section.

- A. Added or incremental load must be at least 100 kW of monthly peak demand. The Incremental Billing Demand for an existing customer is defined as the load in excess of the Base Billing Demand. The Base Billing Demand is defined as the peak demand in the Base Period. The Base Period for determining Base Billing Demand and Incremental Billing Demand for existing customers should be the 12 month period immediately preceding the date that the customer applies for service under this Rider. The Base Billing Demand for a new customer served hereunder will be 0 kW.
- B. Service under this Rider is available through December 31, 2009. No new applications will be accepted after October 31, 2006, for service to begin January 1, 2007.
- C. Existing customers must have maintained over the Base Period a monthly load factor of 50% based upon their billing demand. If a new or existing customer's monthly load factor based upon their billing demand falls below 50% for three consecutive months, they will no longer qualify for the Rate Reduction until their monthly load factor based upon their billing demand equals or exceeds 50% for three consecutive months.
- D. The Commission may review the eligibility of any customer under this tariff.

2. Rate Reduction:

- A. Existing and new customers qualifying for this Rider should receive a reduction in the demand charge for a three year period as specified in paragraph B of this Section. The reactive power charge of Service Classification No. 3 shall be applied to the base year plus the discounted incremental demand.

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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Revision: 0  
Superseding Revision:

RIDER No. 1

ECONOMIC DEVELOPMENT

2. Rate Reduction: (cont.)

B. Available Rate Reduction

1 <sup>st</sup> 12 months	75% of kW Incremental Billing Demand
2 <sup>nd</sup> 12 months	50% of kW Incremental Billing Demand
3 <sup>rd</sup> 12 months	25% of kW Incremental Billing Demand

C. The rate reduction granted for service under this Rider shall be completely eliminated three years after the date of initiation of service by the Customer under this rider.

3. Definition of Customer:

A. For the purpose of this Rider only, the determination of whether a Customer is “new” or “existing” shall be made by Utility. Factors considered in this determination shall include, but not be limited to:

1. Whether or not the Customer has previously received service from Utility.
2. The time frame of the service previously rendered to the Customer.
3. The class of service previously rendered to the Customer.
4. Whether or not there is a change of directors or ownership of the Customer.
5. Whether a predecessor in interest of the Customer previously received service from Utility.
6. Whether or not facilities must be constructed to operate the business.

B. The Utility may take other relevant factors into consideration in this determination.

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City of Jamestown, New York

P.S.C. No. 7 Electricity  
City of Jamestown  
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Leaf: 113  
Revision: 0  
Superseding Revision:

RIDER No. 1

ECONOMIC DEVELOPMENT

4. Terms and Conditions:

Service under this Rider is subject to the Utility's General Rules and Regulations and the following special conditions:

- A. Customer must present a signed application for service under this Rider.
- B. Demand and energy in the applicable Base Period may be normalized by the Utility to take into account force majeure events or other conditions, which may have occurred.
- C. The Rate Reduction available under this Rider will be applicable to the Customer's base bill before the application of any taxes.
- D. The Utility and Customer shall enter into a written agreement specifying the monthly Base Billing Demand and the Incremental Billing Demand in load and, in the event usage falls below the specified level, absent special conditions, then the Utility, in its sole discretion, may eliminate the Rate Reduction.
- E. A Customer whose Incremental Billing Demand is zero kW for a period of three consecutive months will be terminated from service under this Rider.

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Superseding Revision:

## RIDER No. 2

### ECONOMIC DEVELOPMENT UNDER PASNY REQUIREMENTS

#### 1. Availability:

Service under this Rider is available to existing or new General Service Customers served under Service Classification No. 3 that meet all of the criteria contained in this Section.

- A. Added or incremental load must be at least 200 kW of monthly peak demand. The Incremental Billing Demand for an existing customer is defined as the load in excess of the Base Billing Demand. The Base Billing Demand is defined as the peak demand in the Base Period. The Base Period for determining Base Billing Demand and Incremental Billing Demand for existing Customers should be the 12 month period immediately preceding the date that the Customer applies for service under this Rider. The Base Billing Demand for a new Customer served hereunder will be 0 kW.
- B. Service under this Rider is available through December 31, 2009. No new applications will be accepted after October 31, 2006, for service to begin January 1, 2007.
- C. Customer shall meet PASNY'S requirements listed in Attachment A of the 1991 amendment to the Jamestown-PASNY Power Supply Agreement ("1991 amendment"), entitled Municipal and rural Cooperative Industrial Economic Development Program Guidelines, and shall work with the Utility to receive an allocation of additional firm demand and energy from PASNY. When such allocation is received from PASNY, Utility will purchase the allocated firm demand and energy from PASNY for subsequent sale to the Customer.

The cost of the PASNY demand and energy will be adjusted to include the cost of transmission and related ancillary services. Demand and energy provided by PASNY will be adjusted for losses from the point of Utility purchase to the point of sale to Customer. The sale price of the demand and energy will be adjusted annually by Utility as described in Paragraph 2(B) of the Rate reduction Section of this Rider.

- D. The discount to normal electric service provided under this Rider is dependent upon the purchase of additional firm demand and energy from PASNY. If such service from PASNY ceases to be available, in whole or in part, or PASNY increases the price, then the rates charged for electric service under this Rider will either be increased or discontinued.

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City of Jamestown, New York

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City of Jamestown  
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Revision: 0  
Superseding Revision:

## RIDER No. 2

### ECONOMIC DEVELOPMENT UNDER PASNY REQUIREMENTS

1. Availability: (cont.)

E. The Commission may review the eligibility of any customer under this tariff.

2. Rate Reduction:

- A. Existing and new Customers qualifying for this rate will receive PASNY firm demand for up to one-half of Incremental Billing Demand. Monthly billing demand in excess of one-half of the Incremental Billing Demand will be supplied by the Utility. Energy billing will be at the same monthly load factor for PASNY supply and for Utility supply under Service Classification No. 3. The reactive power charge of Service Classification No. 3 shall be applied to the total peak demand.
- B. The rate for PASNY demand and energy, including all delivery costs, will incorporate 100 percent of the savings of \$0.01683/kWh available therefrom relative to charges under Service Classification No. 3 for the same demand and energy. The rate for the PASNY demand and energy components in the second year under this Rider will incorporate 66 percent of the savings or \$0.01111/kWh. The rate of the PASNY demand and energy components in the third year under this Rider will incorporate 33 percent of the savings or \$0.00555/kWh.
- C. In the event that PASNY is unable to supply any portion of the Utility's allocation of demand and/or energy under Paragraph 3, "Industrial Economic Development", of the 1991 Amendment, in any month, the deficiency will be supplied by Utility under Service Classification No. 3.
- D. The rate reduction granted under this rate shall be completely eliminated three years after the date of initiation of service by the Customer under this Rider.

3. Definition of Customer:

- A. For the purpose of this Rider only, the determination of whether a Customer is "new" or "existing" shall be made by Utility. Factors considered in this determination shall include, but not be limited to:
  - 1. Whether or not the Customer has previously received service from Utility.

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Superseding Revision:

RIDER No. 2

ECONOMIC DEVELOPMENT UNDER PASNY REQUIREMENTS

3. Definition of Customer: (cont.)
  2. The time frame of the service previously rendered to the Customer.
  3. The class of service previously rendered to the Customer.
  4. Whether or not there is a change of directors or ownership of the Customer.
  5. Whether a predecessor in interest of the Customer previously received service from Utility.
  6. Whether or not facilities must be constructed to operate the business.
- B. The Utility may take other relevant factors into consideration in this determination.

4. Terms and Conditions:

Service under this Rider is subject to the Utility's General Rules and Regulations and the following special conditions:

- A. Customer must present a signed application for service under this Rider.
- B. Demand and energy in the applicable Base Period may be normalized by the Utility to take into account force majeure events or other conditions, which may have occurred.
- C. The Rate Reduction available under this Rider will be applicable to the Customer's base bill before the application of any taxes.
- D. The Utility and Customer shall enter into a written agreement specifying the monthly base demand and the incremental increase in load and, in the event usage falls below the specified level, absent special conditions, then the Utility, in its sole discretion, may eliminate the Rate Reduction.
- E. A Customer who no longer qualifies for the PASNY program will be terminated from service under this Rider.

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City of Jamestown  
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Revision: 0  
Superseding Revision:

RIDER No. 3

ECONOMIC DEVELOPMENT UNDER PASNY REQUIREMENTS  
Large Customers

1. Availability:

Service under this Rider is available to existing or new General Service Customers served under Service Classification No. 3 that meet all of the criteria contained in this Section.

- A. Added or incremental load must be at least 1.0 MW of monthly peak demand. The Incremental Billing Demand for an existing customer is defined as the load in excess of the Base Billing Demand. The Base Billing Demand is defined as the peak demand in the Base Period. The Base Period for determining Base Billing Demand and Incremental Billing Demand for existing Customers should be the 12 month period immediately preceding the date that the Customer applies for service under this Rider. The Base Billing Demand for a new Customer serviced hereunder will be 0 kW.
- B. Service under this Rider is available through December 31, 2009. No new applications will be accepted after October 31, 2006, for service to begin January 1, 2007.
- C. Customer shall meet the PASNY's requirements listed in Attachment A of the 1991 Amendment, entitled Municipal and Rural Cooperative Industrial Economic Development Program Guidelines, and shall work with the Utility to receive an allocation of additional firm demand and energy from PASNY. When such allocation is received from PASNY, Utility will purchase the allocated demand and energy from PASNY for subsequent sale to the Customer.

The cost of the PASNY demand and energy will be adjusted to include the cost of transmission and related ancillary services. Demand and energy provided by PASNY will be adjusted for losses from the point of Utility purchase to the point of sale to Customer. The sale price of the demand and energy will be adjusted annually by Utility as described in Paragraph 2(B) of the Rate Reduction Section of this Rider.

- D. The discount to normal electric service provided under this Rider is dependent upon the purchase of additional firm demand and energy from PASNY. If such service from PASNY ceases to be available, in whole or in part, or PASNY increases the price, then the rates charged for electric service under this Rider will either be increased or discontinued.

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City of Jamestown, New York

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City of Jamestown  
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Revision: 0  
Superseding Revision:

RIDER No. 3

ECONOMIC DEVELOPMENT UNDER PASNY REQUIREMENTS  
Large Customers

1. Availability: (cont.)

E. The Commission may review the eligibility of any customer under this tariff.

2. Rate Reduction:

- A. Existing and new Customers qualifying for this rate will receive PASNY firm demand for up to one-half of Incremental Billing Demand. Monthly billing demand in excess of one-half of the Incremental Billing Demand will be supplied by the Utility. Energy billing will be at the same monthly load factor for PASNY supply and for Utility supply under Service Classification No. 3. The reactive power charge of Service Classification No. 3 shall be applied to the total peak demand.
- B. The rate for PASNY demand and energy, including all delivery costs, will incorporate 100 percent of the savings of \$0.01683/kWh available there from relative to charges under Service Classification No. 3 for the same demand and energy. The rate for the PASNY demand and energy components in the succeeding years of the contract will incorporate the percent of savings shown in the following table for the respective years.

<u>Year</u>	<u>Percent of Savings</u>	<u>Savings per kWh</u>
2	80	\$0.01346
3	60	\$0.01010
4	40	\$0.00673
5	20	\$0.00337

- C. In the event that PASNY is unable to supply any portion of the Utility's allocation of demand and/or energy under Paragraph 3, "Industrial Economic Development" of the 1991 Amendment, in any month, the deficiency will be supplied by Utility under Service Classification No. 3.
- D. The Rate Reduction granted under this rate shall be completely eliminated five years after the date of initiation of service by the Customer under this Rider.

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City of Jamestown, New York

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RIDER No. 3

ECONOMIC DEVELOPMENT UNDER PASNY REQUIREMENTS  
Large Customers

3. Definition of Customer:

- A. For the purpose of this Rider only, the determination of whether a Customer is “new” or “existing” shall be made by Utility. Factors considered in this determination shall include, but not be limited to:
1. Whether or not the Customer has previously received service from Utility.
  2. The time frame of the service previously rendered to the Customer.
  3. The class of service previously rendered to the Customer.
  4. Whether or not there is a change of directors or ownership of the Customer.
  5. Whether a predecessor in interest of the Customer previously received service from Utility.
  6. Whether or not facilities must be constructed to operate the business.
- B. The Utility may take other relevant factors into consideration in this determination.

4. Terms and Conditions:

Service under this Rider is subject to the Utility’s General Rules and Regulations and the following special conditions:

- A. Customer must present a signed application for service under this Rider.
- B. Demand and energy in the applicable Base Period may be normalized by the Utility to take into account force majeure events or other abnormalities, which may have occurred.
- C. The rate reduction available under this Rider will be applicable to the Customer’s base bill before the application of any taxes.
- D. The Utility and Customer shall enter into a written agreement specifying the monthly base demand and the incremental increase in load and in the event usage falls below the specified level, absent special conditions, then the Utility, in its sole discretion, may eliminate the Rate Reduction.
- E. A Customer who no longer qualifies for the PASNY program will be terminated from service under this Rider.

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RIDER No. 4

ECONOMIC DEVELOPMENT USING RESIDUAL PASNY POWER

1. Availability:

Service under this Rider is available to existing or new General Service Customers served under Service Classification No. 3 that meet all of the criteria contained in this Section.

- A. Added or incremental load must be at least 200 MW of monthly peak demand. The Incremental Billing Demand for an existing customer is defined as the load in excess of the Base Billing Demand. The Base Billing Demand is defined as the peak demand in the Base Period. The Base Period for determining Base Billing Demand and Incremental Billing Demand for existing Customers should be the 12 month period immediately preceding the date that the Customer applies for service under this Rider. The Base Billing Demand for a new Customer serviced hereunder will be 0 kW.
- B. Service under this Rider is available through December 31, 2009. No new applications will be accepted after October 31, 2006, for service to begin January 1, 2007.
- C. Adequate demand and energy must be available from the PASNY allotment to rider 2 and 3 Customers under PASNY's Municipal and Rural Cooperative Industrial Economic Development Program via the 1991 Amendment, that is in excess of the amount of capacity and energy currently used to provide discounts to the existing and former Customers served under Riders 2 and 3 of Jamestown's Electric Tariff.
- D. The cost of the PASNY demand and energy will be adjusted to include the cost of transmission and related ancillary services. It will also be adjusted for losses from the point of purchase from PASNY to the point of sale to Jamestown. The sale price of the demand and energy will be adjusted annually by Utility as described in Paragraph 2(B) of the Rate Reduction Section of this Rider.
- E. The discount to normal electric service provided under this Rider is dependent upon the purchase of additional firm demand and energy from PASNY. If such service from PASNY ceases to be available, in whole or in part, or PASNY increases the price, then the rates charged for electric service under this Rider will either be increased or discontinued.

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RIDER No. 4

ECONOMIC DEVELOPMENT USING RESIDUAL PASNY POWER

1. Availability: (cont.)

F. The Commission may review the eligibility of any customer under this tariff.

2. Rate Reduction:

- A. Existing and new Customers qualifying for this rate will receive PASNY firm demand for up to one-half of Incremental Billing Demand. Monthly billing demand in excess of one-half of the Incremental Billing Demand will be supplied by the Utility. Energy billing will be at the same monthly load factor for PASNY supply and for Utility supply under Service Classification No. 3. The reactive power charge of Service Classification No. 3 shall be applied to the total peak demand.
- B. The rate for PASNY demand and energy, including all delivery costs, will incorporate 100 percent of the savings of \$0.01683/kWh available there from relative to charges under Service Classification No. 3 for the same demand and energy. The rate for the PASNY demand and energy components in the second year under this Rider will incorporate 66 percent of the savings or \$0.01111/kWh. The rate of the PASNY demand and energy components in the third year under this Rider will incorporate 33 percent of the savings or \$0.00555/kWh.
- C. In the event that PASNY is unable to supply any portion of the Utility's allocation of demand and/or energy under Paragraph 3, "Industrial Economic Development", of the 1991 amendment, in any month, the deficiency will be supplied by Utility under Service Classification No. 3.
- D. The rate reduction granted under this rate shall be completely eliminated three years after the date of initiation of service by the Customer under this Rider.

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RIDER No. 4

ECONOMIC DEVELOPMENT USING RESIDUAL PASNY POWER

3. Definition of Customer:

- A. For the purpose of this Rider only, the determination of whether a Customer is “new” or “existing” shall be made by Utility. Factors considered in this determination shall include, but not be limited to:
1. Whether or not the Customer has previously received service from Utility.
  2. The time frame of the Service previously rendered to the Customer.
  3. The class of service previously rendered to the Customer.
  4. Whether or not there is a change of directors or ownership of the Customer.
  5. Whether a predecessor in interest of the Customer previously received service from Utility.
  6. Whether or not facilities must be constructed to operate the business.
- B. The Utility may take other relevant factors into consideration in this determination.

4. Terms and Conditions:

Service under this Rider is subject to the Utility’s General Rules and Regulations and the following special conditions:

- A. Customer must present a signed application for service under this Rider.
- B. Demand and energy in the applicable Base Period may be normalized by the Utility to take into account force majeure events or other conditions, which may have occurred.
- C. The Rate Reduction available under this Rider will be applicable to the Customer’s base bill before the application of any taxes.
- D. The Utility and Customer shall enter into a written agreement specifying the monthly base demand and the incremental increase in load and in the event usage falls below the specified level, absent special conditions, then the Utility, in its sole discretion, may eliminate the Rate Reduction.
- E. A Customer who no longer qualifies for the PASNY program will be terminated from service under this Rider.

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RIDER No. 5

LINE EXTENSION AND OBSOLETE SERVICE EQUIPMENT UPGRADES  
BUSINESS DEVELOPMENT RECRUITMENT AND RETENTION ASSISTANCE

1. Availability:

Service under this Rider is available to existing or new General Service Customers served under Service Classification No. 3.

A. The Commission may review the eligibility of any Customer under this tariff.

2. Line Extension Rate Reduction:

A. Payment of up to 100 percent of the cost of a line extension on public or private property that is the responsibility of the Customer under the provisions of Utility's Rules and Regulations, Initiation of Service, First Revised Leaf No. 9A.

B. This payment is limited to the availability of funds for this purpose in the "Business Development Fund".

C. Maximum payment on behalf of a single Customer under Section 2 of this Rider shall not exceed \$100,000.

3. Obsolete Service Equipment Upgrades Rate Reduction

A. Eligibility for this rate is based upon the age, condition and type of service equipment that is either owned by the Utility, rented from the Utility, or Customer-owned that has direct impact on the reliable operation and maintenance of the distribution system.

B. Payment of up to \$35,000 for the cost of installing a new underground service, up to the main service disconnect, on public or private property that is normally the responsibility of the Customer under the provisions of Utility's Rules and Regulations, Initiation of Service, First Revised Leaf No. 9A.

C. Payment of up to \$25,000 for the cost of installing new, Customer-owned switchgear or related equipment, necessary to upgrade the qualifying obsolete service equipment and infrastructure.

D. In addition, reimbursable assistance to be paid back to the Utility of up to \$40,000 for the cost of installing new, Customer-owned switchgear or related equipment, necessary to upgrade the qualifying obsolete service equipment and infrastructure. Payments to be applied to the Customer's monthly electric bill for a period up to, but not to exceed 60 months. However, in the event the Customer's business operations cease at the facility within the Utility's service territory within the 60 month period set forth herein, then the Customer shall immediately reimburse the Utility with the full amount of any remaining monetary benefit provided.

E. This payment is limited to the availability of funds for this purpose in the "Business Development Fund".

F. Maximum payment on behalf of a single Customer, including reimbursable payment, under Section 3 of this Rider shall not exceed \$100,000.

4. Maximum Payment on behalf of a single Customer under this Rider, including both Sections 2 and 3 herein, shall not exceed \$200,000.

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SERVICE CLASSIFICATION NO. 6  
ECONOMIC DEVELOPMENT SERVICE  
INDIVIDUAL NEGOTIATED CONTRACT

PURPOSE:

The Utility will add to its portfolio of economic and business development tools and retain contested customers. Under this Flex Rate tariff framework, the Utility will be able to provide competitive and low-priced energy rates to those Rate 3 commercial and industrial customers who retain and/or add traded goods and services jobs. The Utility will encourage economic development and commerce through business relocation of potential Rate 3 commercial and industrial traded goods and services industry employers to Utility's service territory. Economic development allocations made by NYPA to commercial and industrial Rate 3 customers shall be served by this Flex Rate tariff framework.

CHARACTER OF SERVICE:

Continuous alternating current, 60 cycles, at any standard voltage and phase arrangement as specified in Section 2 (a) of the Rules and Regulations.

Customers taking service hereunder must contract for the location, quantity and character of service required. On Customer's application, Utility will specify the type or types of service available and appropriate for Customer's requirements.

RATES:

Rates will be paid as negotiated and as specified in each Individual Negotiated Contract. The Flex Rate itself will represent a floor of not less than the Utility's delivered cost of NYPA capacity and energy plus the cost of a hypothetical SC No. 3 unbundled delivery charge derived from the lesser of the Utility's embedded, or long-run incremental cost of service studies. In addition to the floor, the Flex Rate shall reflect an appropriate contribution to meeting common costs. The Flex Rate will include the following:

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SERVICE CLASSIFICATION No. 6  
ECONOMIC DEVELOPMENT SERVICE  
INDIVIDUAL NEGOTIATED CONTRACT

RATES: (cont.)

MONTHLY CUSTOMER CHARGE:	\$600.00
DEMAND: For qualifying load	As specified in customer's Individual Negotiated Contract
ENERGY: For qualifying load	As specified in customer's Individual Negotiated Contract
REACTIVE POWER: For each KVA of reactive demand in excess of 1/3 KVA per kW of measured demand, per R-KVA	\$0.29

TEMPORARY STATE ASSESSMENT: \$0.00000

FUEL ADJUSTMENT:

The charges set forth in this Service Classification shall not be subject to a fuel adjustment as explained in Rule 6.

APPLICABLE TO USE OF SERVICE FOR:

- a. Service under this Service Classification No. 6 is available to non-residential customers receiving or eligible to receive service under S.C. 3 provided that those customers meet the eligibility requirements established herein and have properly executed an Individual Negotiated Contract ("contract").
- b. Utility will pass through all savings realized via any county, state or other grant monies received in support of its economic development efforts to its Flex Rate customers. If any new or existing commercial or industrial Flex Rate customer receives a portion of their energy requirements from NYPA sources, the Utility's Flex Rates will work in conjunction with all such awarded NYPA contractual amounts to allow the realized savings to flow back to that Flex Rate customer.

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SERVICE CLASSIFICATION No. 6  
ECONOMIC DEVELOPMENT SERVICE  
INDIVIDUAL NEGOTIATED CONTRACT

ELIGIBILITY:

For existing and potential new Rate 3 customers, the offering of competitive flex rates will be contingent upon a showing of all five of the following criteria which, when taken individually, are necessary but not sufficient qualifiers. The Utility will recognize such a showing if:

1. An eligible customer applicant's business is: (a) a traded goods and services enterprise where over half of the value of the customer's output is exported outside of Chautauqua County, or (b) a traded goods and services enterprise, where its output is an intermediary component of an end-user product, and it is shown that over half of the value of the end-user output is exported outside of Chautauqua County.

Eligibility is generally limited to manufacturing and certain service sector businesses such as wholesale trade, warehousing and storage, professional-scientific-technical services and administrative support services. Thus, eligibility as a traded goods and services enterprise will be driven by the North American Industrial Classification System (NAICS) classification, or a future equivalent classification system. As such, qualifying customers must be classified as:

- Manufacturing (Sector 31-33)
- Wholesale Trade (Sector 42)
- Regional Warehousing or Storage (Sector 493)
- Information (Sector 51)
- Finance and Insurance (Sector 52)
- Real Estate, Rental and Leasing (Sector 53)
- Professional, Scientific or Technical Services (Sector 541)
- Management of Companies and Enterprises (Sector 55)
- Administrative or Support Services (Sector 561)

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SERVICE CLASSIFICATION No. 6  
ECONOMIC DEVELOPMENT SERVICE  
INDIVIDUAL NEGOTIATED CONTRACT

ELIGIBILITY: (cont.)

- 2.a. An eligible customer applicant demonstrates a product line expansion or an additional new product line or business and brings in 25 new local jobs per 1000 kW of demand, or lesser amount of jobs on a pro-rata basis down to a minimum of 400 kW of demand, to the Board's system over the life of the Contract. The Utility also may require that certain Mid-Contract milestones be met (such requirements will be dealt with on a case by case basis). This expansion or addition will be realized by the customer applicant: (a) constructing a new facility; (b) expanding an existing facility; (c) adding facilities (equipment) to an existing site; (d) refurbishing a facility that has been inactive/vacant for six months; or (e) purchasing or leasing an existing facility that has been vacant for at least six months, or
- 2.b. An eligible customer applicant demonstrates its business retains 25 local jobs per 1000 kW of demand, or lesser amount of jobs on a pro-rata basis down to a minimum of 400 kW of demand, to the Board's system over the life of the Contract. The BPU also may require that certain Mid-Contract milestones be met (such requirements will be dealt with on a case-by-case basis.) Retention of such local jobs will be documented by fulfilling the requirement of a facility study acceptable to the BPU ("Study") detailing the customer applicant's energy requirements including the customer applicant's ability to separately meter its affected product line(s) within the existing facility. Further, the Study needs to account for the level of personnel required to manage and operate the customer applicant's facility, or
- 2.c. An eligible customer applicant achieves a total of 25 newly created or retained local jobs per 1000 kW of demand, or lesser amount of jobs on a pro-rata basis down to a minimum of 400 kW of demand, to the Board's system through any combination of jobs newly created, as set forth above in (2.a.), or jobs retained, as set forth above in (2.b.) over the life of the Contract. The Utility also may require that certain Mid-Contract milestones be met (such requirements will be dealt with on a case-by-case basis), or

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SERVICE CLASSIFICATION No. 6  
ECONOMIC DEVELOPMENT SERVICE  
INDIVIDUAL NEGOTIATED CONTRACT

ELIGIBILITY: (cont.)

- 2.d. An eligible customer applicant can earn a credit towards local job creation or retention by making a single firm capital commitment of at least \$250,000 within their own facility. Such capital investment may encompass: (a) facility refurbishment, (b) facility expansion, (c) technological advances in system processes, (d) expansion of product or production lines, or (e) other capital investments deemed significant and appropriate by the Utility. This commitment must be evidenced by documentation of the planned capital investment; documentation must be reviewed prior to the Utility's granting approval of such Flex Rate. Each \$250,000 increment of investment committed during the term of the flex rate contract will be credited towards the creation or retention of one job.
3. An eligible customer applicant shows that energy costs represent a significant factor of its cost structure and that the customer applicant's business is considered "energy- intensive" based on meeting the following two tests:
  - i. Customer applicant shall impose or is likely to impose monthly electric metered peak demands in excess of 400 kW, and
  - ii. Customer applicant's projected average monthly load factor, over the contracted term, is at least 45%.
- 4.a. Eligible customer applicant supplies documentation of a viable, alternative, competitive energy supplier outside of Jamestown (either domestically or internationally), or
- 4.b. Eligible customer applicant exhibits that its product offerings would be less competitive within their relevant geographic market (local, national, international) but for the existence of the Flex Rate.

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SERVICE CLASSIFICATION No. 6  
ECONOMIC DEVELOPMENT SERVICE  
INDIVIDUAL NEGOTIATED CONTRACT

ELIGIBILITY: (cont.)

5. New or existing customer applicants receiving Flex Rates will provide telemetry support needed for the BPU's advanced electric metering, including remotely accessible interval hourly energy and demand measurement of qualifying usage.

DEFINITIONS:

Contested Customer - A customer that:

- a. Supplies documentation of a viable, alternative, competitive energy supplier outside of Jamestown (either domestically or internationally), or
- b. Exhibits that its product offerings would be less competitive within their relevant geographic market (local, national, international) but for the existence of the Flex Rate

Flex Rate - An individually negotiated and competitively priced service contract.

Local Jobs – Jobs within Jamestown service territory

Traded Goods and Services Job - A job in an industry that drives local economies. These industries are able to export their products and bring in revenues from outside the region. Eligibility as a traded goods and services enterprise will be driven by the North American Industrial Classification System (NAICS) classification. As such, qualifying customers must be classified as:

- Manufacturing (Sector 31-33)
- Wholesale Trade (Sector 42)
- Regional Warehousing or Storage (Sector 493)
- Information (Sector 51)
- Finance and Insurance (Sector 52)
- Real Estate, Rental and Leasing (Sector 53)
- Professional, Scientific or Technical Services (Sector 541)
- Management of Companies and Enterprises (Sector 55)
- Administrative or Support Services (Sector 561)

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SERVICE CLASSIFICATION No. 6  
ECONOMIC DEVELOPMENT SERVICE  
INDIVIDUAL NEGOTIATED CONTRACT

TERMS OF PAYMENT:

Bills are rendered as negotiated and specified in each Contract. As such, they are subject to a late payment charge as specified in Item 4 (b) (2) of the Rules and Regulations.

CONTRACT TERM AND REQUIREMENTS:

Contract Term

The term of any initial offering of a Individual Negotiated Contract shall be at least twelve months and shall be limited to a term of eight years, unless a longer term is approved by the New York State Public Service Commission. If a customer desires a fixed price contract with a term in excess of eight years and the Utility is willing to agree to this arrangement, the Utility will request authorization from the New York State Public Service Commission to enter into that arrangement. If the Commission grants the Utility the authority it requests on terms acceptable to the Utility, the Utility will then enter into the agreement.

Utility Requirements

- a. The Utility shall file information concerning each individually negotiated customer service contract within 30 days of the execution of that act.
- b. The Utility will file quarterly reports to the Commission detailing the following data:
  1. number of Flex Rate Contracts,
  2. amount of capacity included in and covered by each Flex Rate Contract, and
  3. the surcharge collected through the FAC.

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SERVICE CLASSIFICATION 1, 2, 3 OR 6 AMENDMENT  
PURCHASE OF RENEWABLE ENERGY  
FROM NEW DISTRIBUTED GENERATORS

ELIGIBILITY:

Residential or non-residential customers who receive service under Service Classification No. 1, 2, 3 or 6 and own or operate Solar or Wind Electric Generating Equipment with a rated capacity of no more than:

- twenty five kilowatts (25 kW) for Service Classification No. 1
- twenty five kilowatts (25 kW) for Service Classification No. 2 without demand meter
- one hundred kilowatts (100 kW) for Service Classification No. 2 with demand meter
- two hundred kilowatts (200 kW) for Service Classification No. 3 and No. 6

located and used at their premises may be eligible for service under this tariff. Service will be provided to eligible customers under this tariff on a first come, first served basis, until the total rated generating capacity of the individual facilities is equal to 500 kW, or 0.6% of the average system load.

REQUIREMENTS FOR INTERCONNECTION

**1.** The generating equipment must be designed, installed, interconnected, tested and operated in accordance with applicable government, industry and JBPU requirements and must comply with the New York State Standardized Interconnection Requirements which are available on the Commission website, Distributed Generation Information.

**2.** All electrical connections must be completed by an Electrical Contractor Licensed in the City of Jamestown and are subject to Inspection by an Electrical Inspector and JBPU staff prior to interconnection. All service connections shall comply with the JBPU Electric Tariff, unless otherwise specified in this Tariff Leaf, or in the Standardized Interconnection Requirements.

**3.** The JBPU may elect to install a dedicated transformer or transformers if necessary to protect the safety or adequacy of electric service provided to other Customers. Upon written explanation of the decision to require a dedicated transformer, the Customer taking service under this Classification shall pay all costs of installing such transformer.

**4.** System design output shall not exceed 100% of the prior 12 months of metered energy consumption.

METERING

JBPU will provide one revenue meter for the purpose of billing. This meter will have bidirectional energy flow capability to determine the net amount of energy delivered or received by the JBPU. The charge for this meter will be included in the applicable monthly service charge.

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### INTERCONNECTION COSTS:

Customers receiving service under this service classification will be responsible for necessary interconnection costs. These costs shall include the cost of installing any equipment deemed necessary by the JBPU to protect the safety and adequacy of electric service to other customers as required under Standard Interconnection Requirements.

### MONTHLY CHARGES & CREDITS:

#### **Basic Service Charge:**

A basic monthly service charge equivalent to 125% of the Service Classification basic service charge shall be billed to the Customer regardless of energy usage in lieu of the basic service charge normally applicable to the Service Classification.

#### **Energy Charge:**

**1. Charges to Customer:**

The Customer will pay the rates and charges for the Customer's applicable Service Classification for net energy supplied.

**2. Credits to Customer:**

- a.** If a Customer produces more energy than consumed during an individual billing cycle, a kWh credit will be carried forward until consumed, or the end of the March billing cycle, as described below.
- b.** If a Customer produces more energy than consumed during the twelve month period beginning in April of each year, the Customer will receive a monetary credit during the billing cycle that immediately follows the completion of this period. The credit will be calculated by multiplying the kWh credit balance times the average of the Average Cost of Fuel from the JBPU's monthly Statements of Fuel Adjustment Cost filed during the immediately prior 12 months, adjusted by the Factor of Adjustment. Upon payment of the credit, the kWh credit balance shall be reset to zero.

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