

PSC NO: 219 GAS
NIAGARA MOHAWK POWER CORPORATION
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GENERAL INFORMATION

17. ADJUSTMENT OF RATES IN ACCORDANCE WITH CHANGES IN THE COST OF PURCHASED GAS: (continued)

17.3 Monthly Cost of Gas:

- 17.3.1 The Monthly Cost of Gas shall be the sum of the Average Cost of Gas as computed herein multiplied by the Factor of Adjustment stated in Rule 17.1 as adjusted for Supplier Refunds as stated in Rule 17.6, the Annual Surcharge or Refund as stated in Rule 17.7 and any other adjustments approved by the Public Service Commission. This Monthly Cost of Gas shall be adjusted for Load Factors.
- 17.3.2 The Average Cost of Gas shall be equal to the sum of the Average Commodity Cost of Gas and the Average Demand Cost of Gas per therm.
- 17.3.3 The Average Commodity Cost of Gas shall be computed monthly by determining the total commodity cost of gas as defined in Rule 17.3.5, less the cost of gas for customers taking standby sales service under Service Classification No. 8, less supplemental service under Service Classification No. 9 dividing such cost by the forecasted Weather Normalization quantities of gas for delivery to the Company's own customers during the month in which the Monthly Cost of Gas will be in effect. Such quantity will exclude gas purchased for sale to Service Classification No. 8 standby sales customers, and Service Classification No. 9 supplemental service customers.
- 17.3.4 The Average Demand Cost of Gas shall be computed monthly by determining the Total Demand Cost of Gas as defined in Rule 17.3.6, less D1 demand charges applicable to Service Classification No. 8 customers, less 85% of margins and capacity release credits received from Off-System Transactions, less capacity release credits received . less peaking demand charge credit pursuant to Service Classification No. 11.
 - 17.3.4.1 The resulting demand charges shall be divided by the Weather Normalization quantities of gas taken for delivery to the Company's sales customers during the twelve calendar months immediately preceding the computation date.

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SERVICE CLASSIFICATION NO. 11 LOAD AGGREGATION

APPLICABLE TO USE OF SERVICE FOR:

Service Classification 11 defines the terms under which eligible customers may receive Daily Balancing Service or Monthly Balancing Service on the Niagara Mohawk system. A qualified entity may be eligible to act as a Marketer or Direct Customer under this Service Classification.

DEFINITIONS:

“Aggregator” - A non-utility entity that aggregates customers (including Direct Customers) for the purpose of obtaining natural gas supply for those customers. It does not sell natural gas supply to those customers.

“Base and Thermal Methodology” - "Daily Baseload" equals the customer's average daily usage in the two months of lowest daily usage during the period of June through September. Annual Baseload equals Daily Baseload multiplied by 365. Thermal usage equals total usage during the twelve-month period minus Annual Baseload. "Degree Day Usage" equals Thermal Usage divided by the total number of degree days during the twelve month period. The Maximum Peak Day Quantity equals the product of Degree Day Usage multiplied by 75 plus Daily Baseload. A negative thermal response will occur for customers whose Annual Baseload is greater than their annual usage.

“City Gate Swing Customer” (CSC) - Is a party who utilizes a specific City Gate Delivery Point established by a DPO, meets the requirements of DTI, and arranges for service on a no-notice basis from DTI.

“Delivery Point Operator” (DPO) - Is the Operator of the physical interconnection with DTI, at which point DTI may deliver shipper’s gas to the Operator.

“Direct Customer” (Customer Pool of One) - A customer that purchases and schedules delivery of natural gas to the Company’s City Gate for its own consumption from one or more supplier and not for resale under the Company’s Daily Balancing Program. Direct Customers do not have to file an application with the Department of Public Service to become eligible as a Marketer but must comply with certain operating requirements established by the Company. A Direct Customer may aggregate and schedule load for itself and other Direct Customers, each of whom would continue to be responsible individually for meeting requirements placed on Direct Customers. The Direct Customer must consume in excess of 3,500 Dekatherms annually.

“Discontinuance” - Refers to the customer’s loss of delivery service due to the non-payment of distribution utility charges.

“Entity” - Means a natural person, corporation, partnership, association, or other legally recognized form of business organization.

~~“General as Storage supply Service” (GSS) — DTI’s rate schedule governing the storage of gas. The furnishing of gas supply, including transportation to the Company’s City Gate, to meet a customer’s needs, exclusive of the delivery service provided by the Company under this tariff.~~

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**SERVICE CLASSIFICATION NO. 11
LOAD AGGREGATION (CONTINUED)**

DEFINITIONS: (continued)

“Supplier Select Program” - Is defined as the distribution and delivery by the Company to the customer of natural gas furnished by the customer or by a third party on the customer’s behalf pursuant to the provisions of this Service Classification and applicable provisions of this tariff schedule.

“Suspension” - Refers to the disconnection of delivery service by the Company upon the receipt of a request from a Marketer.

“Termination” - Refers to the termination by a Marketer of its commodity service.

LIMITATION OF AVAILABILITY:

1. The Company will continue to assign ~~DH~~ capacity as provided for in the Company’s Gas Rate and Restructuring Settlement Agreement dated June 12, 2000.
2. There is no limitation on participation in Daily Balancing Service Program.

ONE CUSTOMER – ONE MARKETER – ONE MARKETER SERVICE:

At any time, each customer may employ only one marketer and may participate in only one aggregation pool.

DIRECT CUSTOMER:

To be a Direct Customer, a customer must be eligible to participate in the Supplier Select Program as set forth in this Service Classification. A Direct Customer shall have all the rights and the obligations of a Marketer under this Service Classification except (1) for obligations imposed by the PSC with respect to regulatory oversight requirements as set forth in this Service Classification and (2) as otherwise expressly provided in this Service Classification.

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SERVICE CLASSIFICATION NO. 11
LOAD AGGREGATION (CONTINUED)

LOAD AGGREGATION SERVICE: (continued)

1. Minimum Delivery Requirements - Marketers with East gate customers will be required to deliver a designated percentage of their total East gate nominations via the Tennessee Gas Pipeline on days when the average Albany temperature is below a designated temperature. The percentage and temperature will be specified in the Company's Gas Transportation Operating Procedures Manual. The penalty for not meeting the TGP delivery requirement will be a per dekatherm charge of \$25 plus the Gas Daily TGP Zone 6 plus variables from Zone 6-5. The \$25 increases to \$50 during OFOs.

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**SERVICE CLASSIFICATION NO. 11
 LOAD AGGREGATION (CONTINUED)**

LOAD AGGREGATION SERVICE: (continued)

2. Monthly Balancing Service:

- A. Eligibility - Monthly Balancing Service is available to customers who have taken service under Service Classification Nos. 1, 2, 3, 5, 7, 12 and 13 who have met the term provisions of their respective service classifications and who have an approved Marketer. Service Classification No. 12 customers must have initially elected commodity service from the Company in order to participate in Monthly Balancing. To receive Monthly Balancing Service, an enrollment must be completed by the customer's approved Marketer and submitted to the Company electronically not later than 15 calendar days prior to the month service is to commence. For a 31 day month this will be on the 17th of the month, for a 30 day month this will be on the 16th of the month, for a 29 day month this will be on the 15th of the month and for a 28 day month on the 14th of the month. If the Company does not have access to the customer's meter, an estimated read may be used if the Company has an actual read within the last 150 days, otherwise, the enrollment will not occur.
- B. The Monthly Balancing Program is designed around and offered in conjunction with DTI's Delivery Point Operator (DPO) and Citygate Swing Customer (CSC) Program under DTI rate schedules FT, FTNNGSS and GSS. The Company reserves the right to allocate other upstream capacity, as needed in order to maintain the Company's system reliability.

3. Allocation of Upstream Capacity:

All Marketer loads must be served using a release of the Company's Upstream Capacity and Storage as set forth in Rules 3A, and 4A-C below. Marketers must accept all capacity releases or assignments.

- A. Release of Capacity - All capacity allocated to the Monthly Balancing Service customers of a single Marketer will be released by Niagara Mohawk to the Marketer on behalf of the customer in a prearranged capacity release transaction at maximum demand rates in accordance with the capacity release provisions of the tariff of the applicable pipeline. The term of each such release will be for one calendar month. All releases will occur in each month of the year and will be made subject to recall as further described in Rule 4C.~~the following conditions: (i) the capacity is recallable by Niagara Mohawk when a customer elects to change Marketers; (ii) the capacity is recallable by Niagara Mohawk when a Marketer fails to perform its obligations under this tariff; (iii) the capacity is recallable by Niagara Mohawk when a Marketer ceases to meet the credit or security requirements of this service classification and (iv) the capacity is recallable by Niagara Mohawk if the customer discontinues service.~~ DTI, TGP, IGT, Union, and TransCanada capacity is allocated to Monthly Balancing Service customers equal to percentages of their Maximum Peak Day Quantity as further defined in Leaf 171, provided the customer has a positive thermal response. The percentages are indicated in the Niagara Mohawk Gas Transportation Operating Procedure. The Company reserves the right to change the capacity and allocation, as needed, to maintain the Company's system reliability.

Minimum daily delivery requirements may apply on all released capacity as indicated in the Niagara Mohawk Gas Transportation Operating Procedure. Penalties will apply if daily requirements are not satisfied per leaf 185.-

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**SERVICE CLASSIFICATION NO. 11
LOAD AGGREGATION (CONTINUED)**

LOAD AGGREGATION SERVICE: (continued)

4. Release of GSS Storage:

- A. Release of GSS Storage - DTI Storage Demand and Storage Capacity will be released to Marketers participating in Monthly Balancing Service on behalf of customers in a prearranged storage release transaction at Maximum Demand Rates in accordance with the release provisions of the tariff of DTI. The term of each such release will be for one calendar month. The amount of DTI GSS storage demand released on behalf of a given customer will equal the percentage set forth on the Statement of Balancing Charges, updated each November 1, multiplied ~~by their~~by their Maximum Peak Day Quantity as further defined in Leaf 171. The customer's storage capacity will equal the percentage set forth on the Statement of Balancing Charges, updated each November 1, multiplied by their Maximum Peak Day Quantity times 52.3 days, provided the customer has a positive thermal response. The Company reserves the right to change the capacity and allocation, as needed, to maintain the Company's system reliability.
- B. Release of Storage Transportation - DTI FTNNGSS Transportation Capacity will be released to Marketers participating in Monthly Balancing Service on behalf of customers in a prearranged transportation release transaction at Maximum demand rates in accordance with the release provisions of the tariff of DTI. The term of each such release will be for one calendar month. ~~All releases will be made subject to the following conditions: (i) the capacity is recallable by Niagara Mohawk when a customer elects to change Marketers; (ii) the capacity is recallable by Niagara Mohawk when a Marketer fails to perform its obligations under this tariff; (iii) the capacity is recallable by Niagara Mohawk when a Marketer ceases to meet the credit or security requirements of this service classification and (iv) the capacity is recallable by Niagara Mohawk if the customer discontinues service under this service classification.~~ The amount of FTNNGSS transportation capacity to be released on behalf of a given customer will equal the percentage set forth on the Statement of Balancing Charges, updated each November 1, multiplied by their Maximum Peak Day Quantity as further defined in Leaf 171, provided the customer has a positive thermal response. The Company reserves the right to change the capacity and allocation, as needed, to maintain the Company's system reliability.
- C. Recall - All releases under Paragraph 3 and 4 will be made subject to the following conditions: (i) the capacity is recallable by Niagara Mohawk when a customer elects to change Marketers; (ii) the capacity is recallable by Niagara Mohawk when a Marketer fails to perform its obligations under this tariff; (iii) the capacity is recallable by Niagara Mohawk when a Marketer ceases to meet the

credit or security requirements of this service classification and (iv) the capacity is recallable by Niagara Mohawk if the customer discontinues service.

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**SERVICE CLASSIFICATION NO. 11
LOAD AGGREGATION (CONTINUED)**

LOAD AGGREGATION SERVICE: (continued)

8. Actual Daily Contract Quantity:

Niagara Mohawk will issue to each Marketer of a Monthly Balancing Pool a Daily Contract Quantity, based on actual heating degree days, the day following the delivery of the forecasted Daily Contract Quantity provided in accordance with paragraph 7 Leaf 182. The difference between the actual Daily Contract Quantity and the Marketer's nominations on non-DTI pipelines and Peaking will result in a change to the Marketer's GSS storage balance.

Peaking service will be provided on days when actual Daily Contract Quantity exceeds all other capacity released to the Marketers.

The Demand charge component associated with the Peaking asset will be applied during Winter (November through April) and will include supplier reservation charges for Ellisburg and Canajoharie supplies.

The Commodity charge component associated with the Peaking asset will only be applied if the Marketer uses Peaking supply and the applicable rate will be the straight average of the Gas Daily Dominion North Point common (mid-point) and South Point/Mid-Point indices plus variables to the city gate, the Gas Daily Iroquois Receipts index plus variables to the city gate and the Gas Daily Tennessee Zone 6 index plus variables to the city gate.

9. Storage Transfer for Customers:

Niagara Mohawk will transfer storage inventory to each Marketer participating in Monthly Balancing on behalf of customers migrating from sales service. The amount of storage gas to be transferred will represent one seventh of the winter storage requirement (based on the months November through March) for each month from April through October and then reduced by 10% effective December 1st, 24% effective January 1, February 1 and March 1 and 18% effective April 1. (See Table Below for Storage Inventory Transfers). The Storage Gas Transfer Rate for customers migrating will be the sum of (1) Niagara Mohawk's estimated average commodity cost of gas in storage, plus (2) the Demand Transfer Recovery Rate (DTR Rate). The Storage Gas Transfer Rate will be set forth on a statement and filed with the Public Service Commission not less than two business days prior to the date on which the statement is proposed to be effective. As an example, if a customer selects a Marketer on September 10 of any year, the Marketer will pay the Storage Gas Transfer Rate which is equal to the effective DTR Rate for each September plus Niagara Mohawk's estimated average cost of gas in storage as of September 30 on six sevenths of the storage inventory transfer. The storage transfer would take place and the Marketer would begin serving the customer as of October 1st. If the storage capacity release percentage set forth on the Statement of Balancing Charges increases from October to November, these rules will also apply to the incremental storage capacity released.

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**SERVICE CLASSIFICATION NO. 11
LOAD AGGREGATION (CONTINUED)****LOAD AGGREGATION SERVICE: (continued)****10. Calculation of DTR Rate:**

The DTR Rate shall be equal to the System Average Unrecovered ~~DTH~~ Demand Charge revenue per therm beginning in the month of April through the initial month that storage capacity is released to the Marketer. ~~All~~The demand charges will be included in this calculation ~~include DTFT, FTNNGSS and GSS~~. The System Average Unrecovered ~~DTH~~ Demand Charge revenue shall equal the sum of the differences between the ~~DTH~~ Demand Charge revenues collected and the average ~~DTH~~ Fixed Demand costs incurred beginning the month of April through the initial month that storage capacity is released to the Marketer. The DTR Rate will be set forth on the Storage Transfer Rate Statement to be filed with the Public Service Commission not less than two business days prior to the date on which the statement is proposed to be effective.

11. Customers Returning to Sales Service:

In the event a customer participating in Monthly Balancing Service switches from transportation service to sales service, storage inventory shall be returned to Niagara Mohawk unless mutually agreed upon between Niagara Mohawk and the Marketer. The storage inventory amount will be calculated on the same basis as the storage transfer clause as referenced in Storage Transfer for Customers Migrating. Niagara Mohawk will pay the Marketer the average commodity cost of gas in Niagara Mohawk's storage account as stated on the effective Storage Transfer Rate Statement. In the event the Marketer transfers insufficient storage volumes to Niagara Mohawk, the Company will bill the Marketer the difference between the required amount and the amount actually transferred times the peak forecasted NYMEX price for the remainder of the winter (during November through March) or summer (April through October) months plus the effective demand cost of gas in accordance with Rule 17.3.4 of this rate schedule. The Marketer shall be responsible for all taxes and pipeline fees associated with moving or transferring the storage gas to Niagara Mohawk. If the storage capacity release percentage set forth on the Statement of Balancing Charges decreases from October to November, these rules will also apply to the amount of storage capacity returned to the Company.

12. Customers Switching Marketers:

In the event a customer participating in Monthly Balancing Service switches Marketers, storage inventory volumes shall be returned to Niagara Mohawk by the previous Marketer, and in turn, Niagara Mohawk will transfer same storage inventory volume to the customer's new Marketer. The storage inventory amount will be calculated on the same basis as the storage transfer clause as referenced in Storage Transfer for Customers Migrating. Niagara Mohawk will pay the previous Marketer and receive from the current Marketer the average commodity cost of gas in Niagara Mohawk's storage account as stated on the effective Storage Transfer Rate Statement. In the event the Marketer transfers insufficient storage volumes to Niagara Mohawk, the Company will bill the Marketer the difference between the required amount and

the amount actually transferred times the peak forecasted NYMEX price for the remainder of the winter (during November through March) or summer (April through October) months plus the effective demand cost of gas in accordance with Rule 17.3.4 of this rate schedule. The Marketer shall be responsible for all taxes and pipeline fees associated with moving or transferring the storage gas to Niagara Mohawk.

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**SERVICE CLASSIFICATION NO. 11
LOAD AGGREGATION (CONTINUED)**

LOAD AGGREGATION SERVICE: (continued)

13. True Up of Actual Usage to Nominations:

Actual usage for each Monthly Balancing Pool will be trued up to nominations by billing cycle. The difference between the actual usage and the Actual DCQ deliveries will be cashed out using the average of the daily cashout rates described in Rule 29.3.1.2.

14. Minimum Delivery Requirements:

Tennessee Gas Pipeline: Marketers with East gate customers will be required to deliver the lesser of a designated percentage of their East gate forecasted DCQ or their Tennessee Gas Pipeline capacity release volume via Tennessee Gas Pipeline on days when the average Albany temperature is below a designated temperature. The percentage and temperature will be specified in the Company's Gas Transportation Operating Procedures Manual. The penalty for not meeting the Tennessee Gas Pipeline delivery requirement will be a per dekatherm charge of \$25 plus the Gas Daily Tennessee Gas Pipeline Zone 6 plus variables from Zone 6-5 or \$50 plus the Gas Daily Tennessee Gas Pipeline Zone 6 plus variables from Zone 6-5 during Company-issued OFOs.

Iroquois Gas Transmission System: All Marketers will be required to deliver the lesser of a designated percentage of their total forecasted DCQ or their Iroquois Gas Transmission System released capacity volume via Iroquois Gas Transmission System each day during November through April. The percentage will be specified in the Company's Gas Transportation Operating Procedures Manual. The penalty for not meeting the Iroquois Gas Transmission System delivery requirement will be a per dekatherm charge of \$25 plus the Gas Daily Iroquois Receipts plus variables within Zone 1 or \$50 plus the Gas Daily Iroquois Receipts plus variables within Zone 1 during Company-issued OFOs.

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