

P.S.C. NO. 3 ELECTRICITY
ORANGE AND ROCKLAND UTILITIES, INC.
INITIAL EFFECTIVE DATE: April 1, 2012

LEAF: 123
REVISION: 0
SUPERSEDING REVISION:

GENERAL INFORMATION

10. LIABILITY (Continued)

10.1 COMPANY LIABILITY (Continued)

(E) Competitive Metering

For the purposes of this provision, "damages" shall mean and include all losses (including, but not limited to, economic loss), damages (including, but not limited to, direct, indirect, incidental, punitive, special and consequential damages), costs, expenses, judgments, claims, and attorneys' fees.

The Company shall not be liable to a customer taking Competitive Metering Services from a Meter Service Provider ("MSP") or Meter Data Service Provider ("MDSP"), or purchasing or owning the meter(s) used to measure the Company's service, for any damages caused by the Company's conduct in compliance with, or as permitted by, the Company's rate schedules, the Operating Agreement between the Company and the MSP or MDSP or any legal or regulatory requirements related to Competitive Metering Services or customer ownership of meters.

The Company shall not be liable to a customer taking Competitive Metering Services from an MSP or MDSP for any damages caused to the customer by any failure of the MSP or MDSP to comply with the Company's rate schedules, the Operating Agreement between the Company and the MSP or MDSP or for any damages caused by equipment installed or actions taken by the MSP or MDSP.

The Company shall not be liable to a customer for any damages caused by an MSP's or MDSP's failure to perform any commitment to the customer, including, but not limited to the MSP's or MDSP's obligation to provide metering services or meter data services to the customer.

The Company shall not be liable to any customer for any damages resulting from any acts, omissions, or representations made by an MSP or MDSP in connection with soliciting customers for Competitive Metering Services or performing any of its functions in rendering Competitive Metering Services.

Issued By: William Longhi, President, Pearl River, New York