

PSC NO: 10 – Electricity
Consolidated Edison Company of New York, Inc.
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SERVICE CLASSIFICATION NO. 11
BUY-BACK SERVICE

Special Provisions - Continued

(H) Sellers of capacity pursuant to Special Provision (C) must elect one of the following options:

- (1) The capacity seller will, in accordance with NYISO rules, sell capacity that would otherwise have been delivered to the Company, directly to the NYISO capacity market, and the capacity payment rate received by the Customer from the NYISO for any period shall be deemed to be the SC 11 Buy-Back capacity rate applicable to such Customer for such period.
- (2) Alternatively, a capacity seller may elect to continue to sell its capacity to the Company under its existing sales agreement with the Company and to receive payments based upon the NYISO market price applicable to such capacity.

The sales agreement for the sale of capacity shall include a provision requiring the capacity to satisfy all of the requirements applicable to installed capacity established by the NYISO, as well as the seller's agreement to assume sole responsibility for any penalties, including payments for capacity deficiencies, imposed by the NYISO on the seller or on the Company as a result of the seller's failure to satisfy all such requirements.

After making an election as to whether to sell directly to the NYISO or to the Company, a capacity seller will be ineligible to change its election for one year from the date of any election. A capacity seller that elects to discontinue selling capacity under this Service Classification will be ineligible to resume sales under this Service Classification for one year from the date of such election.

An initial election shall be made by a capacity seller no later than April 1, 2000, if such seller is selling capacity to the Company as of April 1, 2000. A seller commencing capacity sales at a later date shall make an election prior to commencing service under a sales agreement.

Issued by: Robert Hoglund, Senior Vice President & Chief Financial Officer, New York, NY