

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

LEAF: 460
REVISION: 0
SUPERSEDING REVISION:

SERVICE CLASSIFICATION NO. 12 (Continued)

4. PROGRAM ELIGIBILITY (Continued)

4.5 Growth: Business Attraction (Continued)

- 4.5.1 The prospective customer must bring a new business to the Company's service territory; and
- 4.5.2 The prospective customer must be a new customer as defined in Rule 1.5.1 of the Tariff and must not be an Affiliated Customer with respect to any existing customer in the Company's service territory; and
- 4.5.3 The prospective customer's loads at the new facilities must be eligible for service under rate schedule SC-2D, SC-3, SC-3A or SC-4; and
- 4.5.4 The prospective customer must demonstrate to the Company's satisfaction that the customer's ability to locate the new facility in the service territory of other utilities, or to forego construction of that facility in the Company's service territory, makes it a Contestable Customer.
- 4.5.5 The prospective customer may be required by the Company to demonstrate that it has undertaken reasonable efforts to participate or be involved in economic development programs offered by the New York Power Authority ("NYPA"), the New York State Energy Research and Development Authority ("NYSERDA"), the Empire State Development Corporation ("ESD"), and other state and local programs for which it may be eligible.

4.6 Growth: Business Expansion

- 4.6.1 Eligibility Criteria:** This program is designed to respond to the competitive challenge that a business expansion either could occur at a customer's facility served by the Company, could occur at facilities served by other utilities, or could fail to occur at all. Customers shall be eligible for discounted rates for part or all of their loads if they meet all of the eligibility requirements specified below:

4.6.1.1 The customer must be a Manufacturing or Service Sector Customer, as defined in Section 3.3 and 3.5, or an Affiliated Customer as defined in Section 3.1 who is also a Manufacturing or Service Sector Customer, as defined in Section 3.3 and 3.5; and

4.6.1.2 The customer must commit to increase its usage of electricity as described in Section 4.6.2 of this service classification; and

Issued by Thomas B. King, President, Syracuse, NY