

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

LEAF: 463
REVISION: 0
SUPERSEDING REVISION:

SERVICE CLASSIFICATION NO. 12 (Continued)

4. **PROGRAM ELIGIBILITY (Continued)**

4.6 **Growth: Business Expansion (Continued)**

4.6.2.4 Although customers served under the Business Expansion program will not be penalized if the SC-12 Contract Load Quantities calculated above and memorialized in their respective Customer Service Agreements are not met, benefits under the Business Expansion program will only be realized when a customer's actual consumption (in kW and kWh) is in excess of the SC-12 Contract Load Quantities set forth in the Customer Service Agreement in each billing period.

4.7 **Customers Receiving a Portion of their Requirements from NYPA:** Customers receiving a portion of their requirements from NYPA shall be considered Contestable Customers and are eligible for electric service under Section 5.1.3 of this S.C. No. 12.

4.8 **Targeted Financial Incentives Program**

4.8.1 Eligibility Criteria:

Pursuant to the Joint Proposal in Case No. 01-M-0075, issued and effective December 3, 2001 and Order Adopting Economic Development Plan, issued and effective October 24, 2002, as corrected in an Errata Notice issued November 13, 2002, customers meeting the following criteria shall be eligible for targeted rate discounts and other financial assistance which may be utilized in conjunction with the above programs. Eligible customers must be defined as a Contestable Customer as defined in Rule 3.2 of this Tariff. New or existing customers must demonstrate to the Company a viable competitive opportunity or challenge as described in this Service Classification. Eligible customers must also demonstrate to the Company that energy costs are an important factor in the creation or retention of jobs in the Company's service territory and must be considered "energy intensive" based on at least one of the following tests:

- 4.8.1.1 Customer shall impose or is likely to impose monthly electric metered peak demands in excess of 5,000 kW; or
- 4.8.1.2 Customer shall have an average monthly load factor of at least seventy (70) percent; or
- 4.8.1.3 Customer's annual electricity bills represent at least eight (8) percent of the facility's annual gross revenue from sales.

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