

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

LEAF: 165
REVISION: 0
SUPERSEDING REVISION:

PROGRAM DESCRIPTIONS

34. ECONOMIC DEVELOPMENT PROGRAMS (Continued)

34.2 Program 1 - Economic Development Rider (EDR)

34.2.1 Eligibility Criteria:

The Company's EDR Program is closed to new subscribers. The Company, will, however, continue to honor its existing EDR arrangements according to their terms. Customers wishing to terminate an existing EDR arrangement may do so by providing the Company with not less than ninety (90) days prior written notice. Customers who terminate their EDR arrangements or whose EDR arrangements expire according to their terms shall no longer be eligible for the EDR discounts provided in this Rule 34.2. Notwithstanding the above, the Company will waive the minimum notification requirements in the event that a customer who receives service under EDR and who thereafter is awarded a Power For Jobs allocation and the benefits associated with such an allocation would be delayed due to the minimum notification requirements contained herein.

In order to remain eligible for these EDR discounts prior to the expiration or termination as provided herein, customers with existing EDR arrangements must continue to meet the following requirements:

34.2.1.1 Customer must continue to qualify to take service under and in accordance with the provisions of either Service Classification Nos. 3, 3-A, and 4 of P.S.C. 220 Electricity; and

34.2.1.2 Customers must continue to have a demand of at least 100 kW of permanent load supplied in full by the Company which was added as a result of the award of an EDR discount by: (a) constructing a new facility; or (b) purchasing or leasing an existing facility that has been vacant for at least six months; or (c) expanding an existing facility, and

34.2.1.3 Customer's facilities must continue to be classified by the Standard Industrial Classification Manual (1987 edition or supplements thereto) as Manufacturing (Division D), Transportation Communication (All of Major Group 42, S.I.C. 4513-Air Courier Services of Major Group 45, all of Major Group 47, and S.I.C. 4812-Radiotelephone Communications, S.I.C.-4813 Telephone Communications except Radiotelephone, and S.I.C. 4899-Communication Services not elsewhere classified of Major Group 48 of Division E), Wholesale Trade (Division F), Finance, Insurance, Real Estate (Division H - applicable to real estate offices or facilities, but not to real estate ventures such as apartment buildings, motels, hotels, etc.), and Business Services (Major Group 73 of Division I).

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