

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

LEAF: 207
REVISION: 0
SUPERSEDING REVISION:

GENERAL INFORMATION

38. RENEWABLE ENERGY MARKETING PROGRAM (Continued)

38.9 SWITCHING

38.9.1 Customers participating in the Renewable Energy Marketing Program may choose to change Green ESCos subsequent to their initial Green ESCo selection.

38.9.2 Customers may discontinue participation in the Renewable Energy Marketing Program at any time provided the Company is notified at least fifteen (15) calendar days before the customer's regular meter reading date. The change will occur on the regular scheduled meter reading date.

38.9.3 There are no restrictions on the frequency of switches except as may result from the notice period requirements or as may be specified in agreements between Green ESCos and customers.

38.10 DISCONTINUANCE OF GREEN ESCo PARTICIPATION

38.10.1 The Company may discontinue a Green ESCo's participation in the Renewable Energy Marketing Program if the following conditions exist:

38.10.1.1 The Green ESCo fails to arrange for Conversion Transactions Agreements for the Company in an amount of renewable kWh equal to the renewable kWh billed by the Company for the renewable energy service provided by the Green ESCo over the current and prior three quarters unless such a deficiency is cured within the following quarter.

38.10.1.2 The Green ESCo fails to comply with the terms and conditions of the Tariff or with any agreements entered into by the Company with the Green ESCo in connection with the Renewable Energy Marketing Program.

38.11 LIMITATION OF LIABILITY

38.11.1 The Green ESCo agrees to indemnify and hold the Company harmless for all costs, penalties, fines, or other expenses associated with its failure to arrange for Conversion Transaction Agreements equal to its billings to the Company's customers, including without limitation, claims by the Green ESCos customers, or by the Commission associated with the compliance with the Commission's environmental disclosure requirements.

38.11.2 Any discontinuance or termination of a Green ESCo's participation in the Renewable Energy Marketing Program shall be without any liability to the Company.