

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

LEAF: 211  
REVISION: 0  
SUPERSEDING REVISION:

## GENERAL INFORMATION

### 39. RETAIL ACCESS PROGRAM (Continued)

#### 39.4 CREDITWORTHINESS (Continued)

39.4.2.4.1 The information in the notice and revised disclosure statements and/or contracts would include the following:

- 1) A description of the credit evidence, escrow account, or letter of credit evidence submitted by the ESCo as set forth in Rules 39.4.2.1 and 39.4.2.2;
- 2) Applicable interest rate, if any;
- 3) Conditions of use of customer funds;
- 4) Circumstances that allow the use of funds for payment of customer bills;
- 5) Conditions for return of funds to customers.

39.4.2.5 Any transfers obtained by the Company Under Rule 2.3 will be prohibited. The Company will continue to administer its deposit policy in accordance with Rule 2.3 of the Tariff.

#### 39.5 LOAD BALANCING

The ESCo/Direct Customer shall be responsible for compliance with all of the provisions of the NYISO Tariff that are applicable to Load Serving Entity's ("LSE").

#### 39.6 CHANGES IN SERVICE PROVIDERS

39.6.1 Appendix A, Section 5 of the UBP establishes practices for receiving, processing and fulfilling requests for changing a customer's ESCo and for obtaining a customer's authorization for such a change.

#### 39.7 CUSTOMER INQUIRIES

Appendix A, Section 6 of the UBP establishes requirements for responses by an ESCo or the Company to retail access customer inquiries.

#### 39.8 RATES TO BE PAID BY CUSTOMERS PARTICIPATING IN THE RETAIL ACCESS PROGRAM

39.8.1 All customers participating in the Retail Access Program will pay unbundled Transmission and Distribution charges and non-bypassable Competitive Transition Charges (CTC) to the extent applicable. Each customer is subject to the above mentioned unbundled rates and charges as set forth in the customer's otherwise applicable Service Classification or Agreement.

39.8.2 Commercial farms who participated in the Company's Farm and Food Processor Pilot Program as of March 31, 2001 are eligible to receive an interim backout credit of \$.007 per kWh through their first meter reading after October 31, 2001. The backout credit will be reduced to \$.004 per kWh for subsequent meter readings. This rate will remain in effect until modified by Order of the New York State Public Service Commission.

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