

PSC NO: 12 GAS
COMPANY: THE BROOKLYN UNION GAS COMPANY
INITIAL EFFECTIVE DATE: 10/01/10
STAMPS:

LEAF: 202.1
REVISION: 4
SUPERSEDING REVISION: 3

SERVICE CLASSIFICATION No. 6C - Continued

With regard to the inadequate fuel situation and/or equipment failure, Customers who have not supplied the Company with such proof shall be subject to the higher of the variable rate equal to the greater of 130% of the No. 2 oil gas equivalent price (as published in the Journal of Commerce) or 130% of their otherwise applicable variable sales rate (“non-compliance charge”). Such non-compliance charge, which will be subject to all applicable utility taxes and surcharges, shall be in lieu of their otherwise applicable variable rate and shall be effective for the billing period during which non-compliance becomes known, and for any subsequent periods until the Customer provides the Company with satisfactory proof that the violation has been corrected. Customers subject to this higher variable rate continue to be subject to all terms and conditions of this service classification. If a non-compliance charge is assessed in the same period that an “Additional Charge” is assessed, the Customer’s bill will not include consumption charged under the “Additional Charge.”

- d. The Customer expressly agrees to be solely responsible for the service, maintenance, repair and upkeep of all dual-fuel equipment and all associated control devices. The Company assumes no responsibility for the adequacy of standby facilities and shall not be liable for any loss, damage or expense, direct or indirect, which may be incurred by the customer or others in connection with or as a result of any curtailment or discontinuance of gas service.

Issued by: Andrew F. Sloey, Chief Financial Officer, Brooklyn, NY