

PSC NO: 12 GAS  
COMPANY: CENTRAL HUDSON GAS & ELECTRIC CORPORATION  
INITIAL EFFECTIVE DATE: 04/01/08  
Issued in compliance with Order in C.07-G-0299 dated March 28, 2008

LEAF: 115  
REVISION: 8  
SUPERSEDING REVISION: 7

#### **41. RETAIL ACCESS PROGRAM** (Cont'd)

##### **G. NATURAL GAS SUPPLY REQUIREMENT**

###### **Capacity Assignment**

Where upstream capacity is available for assignment, the Company will determine the specific upstream capacity to be released to the Retail Supplier and will release that capacity, in minimum increments of 1 dekatherm, at the applicable upstream pipeline(s) maximum rate in accordance with the Company's Gas Transportation Operating Procedures, and in accordance with the terms and conditions of the interstate pipeline's FERC gas tariff and the rules and regulations of the FERC. The Retail Supplier shall be directly billed by the pipeline(s) for such capacity and will be responsible for paying the pipeline(s) for such charges.

Once the capacity is released, Central Hudson is not responsible for any actions by the Retail Supplier. The capacity is resalable by the Retail Supplier subject to the provisions contained in the upstream pipeline rules and regulations, and is subject to recall by Central Hudson under the following conditions: (1) when required to preserve the integrity of the system, (2) the customer returns to Central Hudson as a core sales service customer, (3) the customer leaves the system or the meter is locked, or (4) the Retail Supplier serving the customer defaults on delivery obligations. A Retail Supplier will be considered to be in default when the predetermined delivery requirements have ceased for a forty-eight (48) hour period.

Issued by: Michael L. Mosher, Vice President, Poughkeepsie, New York