

PSC NO: 219 GAS  
NIAGARA MOHAWK POWER CORPORATION  
INITIAL EFFECTIVE DATE: 08/01/03

LEAF: 212  
REVISION: 0  
SUPERSEDING REVISION:

**SERVICE CLASSIFICATION NO. 11  
LOAD AGGREGATION (CONTINUED)**

**DISPUTE RESOLUTION PROCESS: (continued)**

6. If the dispute involves the accuracy of invoiced charges, the invoiced charges must be paid, subject to refund with the applied interest of 1.5% per month. This interest is only payable when associated with a finding of deficiency on the part of the party holding the funds determined to be due the other party.
7. If any reasonable resolution between a Marketer (including the Company's affiliate) or Direct Customer and the Company results in generic competitive benefits, those benefits will be made available to all other Marketers (including the Company's affiliate) and Direct Customers, where applicable.
8. All correspondence or documents to be delivered from one party to another under the process set forth in this Service Classification will be sent in a manner that provides verification that it has been received within the time periods specified in this Service Classification.
9. Except as otherwise expressly provided in this Service Classification neither the filing of a complaint with the PSC or DPS, nor the PSC's or DPS's involvement in the dispute will operate to stay any action the respondent would otherwise be entitled to take under this Tariff, under applicable laws, orders, policies or regulations, or under any agreements between the parties.
10. The parties agree to be bound by the initial determination of the dispute that may be made by the PSC or DPS until, and unless, such initial determination is reversed by the PSC or a court of competent jurisdiction.

**LIMITATION OF LIABILITY:**

1. The Company shall not be liable to a customer or a Marketer/Direct Customer for any damages or losses of any nature (including economic losses), or for any costs or expenses (including attorneys' fees), or for any judgments or claims, directly or indirectly caused by, arising out of, or resulting from the Company's acts or omissions under this Service Classification, or from its supply of data and information, or under any legal or regulatory requirements related to the Supplier Select Program, except for any damages or losses caused by the gross negligence or intentional misconduct of the Company.
2. The Company shall not be liable to a customer for any damages or losses of any nature (including economic losses), or for any costs or expenses (including attorneys' fees), or for any judgments or claims, directly or indirectly caused to the customer by any act or omission of a Marketer/Direct Customer.
3. The Company shall not be liable to a Marketer/Direct Customer for any damages or losses of any nature (including economic losses), or for any costs or expenses (including attorneys' fees), or for any judgments or claims, directly or indirectly caused to the Marketer/Direct Customer by any act or omission of a customer.

Issued By: William F. Edwards, President, Syracuse, New York