

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

LEAF: 211  
REVISION: 0  
SUPERSEDING REVISION:

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

**DISPUTE RESOLUTION PROCESS:**

The dispute resolution process set forth in this Service Classification is expected to be followed to address all Supplier Select disputes/complaints between Marketers/Direct Customers and the Company with respect to the Supplier Select Program issues. Disputes involving customers, of either the Marketer or the Company, are not addressed by this process. The Marketer/Direct Customer and the Company will designate specific personnel to be responsible for responding to complaints and disputes under this process. Any dispute that cannot be resolved in the normal course by the respective representatives of the parties shall be referred to the responsible officers of the parties for resolution. The parties may agree to use alternative dispute resolution techniques with mutually agreed upon time frames that may differ from those defined in the Service Classification. The parties may also pursue other legal mechanisms to address complaints and disputes.

1. The Marketer/Direct Customer or the Company may initiate the dispute resolution process by presenting a written complaint to the other party (parties) involved in the dispute, sent in a manner that will verify its receipt.
  - A. The complaint shall include a concise statement of the question or dispute, the relevant facts and data (including any applicable contract or Tariff provisions) which support the complaint, and a proposed resolution.
2. The other party (parties) shall, as soon as possible, but in no case more than 15 calendar days following receipt of the complaint, provide a written response to the complaining party (parties), with an alternative resolution proposal if the complaining party's (parties) proposed resolution is deemed unacceptable; or, with the results of any informal resolution that may have been reached with the other party (parties) prior to that date.
3. If the initial exchange of written material (and perhaps verbal discussions) does not resolve the dispute, the complaining party (parties) may request a meeting (s) to discuss the matter further. The responding party (parties) must agree to such a meeting (s) to be held within 15 calendar days following the request.
4. If a resolution is not obtained with 45 calendar days after the initial complaint letter, or the mutually agreed-upon time frame, either party may file the complaint with the DPS for resolution.
5. If the Marketer/Direct Customer or the Company believes that special circumstances (such as but not limited to an emergency involving safety or system reliability, or significant financial risk) exist that would require more expeditious resolution of a dispute or complaint than might be expected under the process described in this Service Classification, it may submit its complaint to the DPS with a copy provided to the other party (parties) involved in the dispute.
  - A. The DPS will respond to such a filing by expeditiously resolving the dispute or advising that the dispute resolution process described in the Service Classification be followed.

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