

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

LEAF: 207
REVISION: 0
SUPERSEDING REVISION:

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

**INVOLUNTARY DISCONTINUANCE OF A MARKETER'S PARTICIPATION IN THE SUPPLIER
SELECT PROGRAM: (continued)**

9. Failure to comply with other applicable requirements of the PSC, including those in Opinion No. 97-5, "Opinion and Order Establishing Regulatory Policies for the Provision of Retail Energy Services", issued May 19, 1997, in Case 94-E-0952; and in the Order Clarifying consumer Protections, issued October 25, 1996, in Cases 93-G-0932, et. al.
- F. Where the Marketer fails to pay a bill for an imbalance charge (including special interim imbalance charge) when due, does not pay the bill within 10 calendar days after notification of non-receipt of payment, and the available security is or will be insufficient to cover the amount of default.
3. The Company may initiate the process to discontinue a Marketer by providing the Marketer a notice (with a copy to the PSC) that advises the Marketer that its right to switch additional customers is suspended immediately and that the discontinuance process is being initiated.
 - A. The notice will state that unless the stated cause of the discontinuance is corrected within 10 calendar days from the Marketer's receipt of the notice, or the PSC or the DPS requires otherwise, the Marketer's existing customers will be notified that the Marketer will be discontinued.
4. Any suspension or termination shall be effective upon the date designated in the written notice provided by the Company to the Marketer, as follows:
 - A. For problems other than the non-payment of invoices, the discontinuance will take place at any time up to 15 calendar days after the end of the 10-day cure period.
 - B. In cases of non-payment of invoices, the discontinuance will take place at the end of the 10 day cure period.
5. The discontinuance process will stop if the Marketer corrects the problem within the 10 day period unless otherwise directed by the PSC.
6. If a more expeditious discontinuance process is judged to be needed in a specific situation, the Company may request such expedited treatment upon a showing of need to the PSC or DPS, who shall have the authority to grant such a request. The PSC or DPS may also, for good cause, initiate an expeditious discontinuance process without a request by the Company. The Marketer shall have standing in any such process.

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