

PSC NO: 9 GAS
COMPANY: CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
INITIAL EFFECTIVE DATE: 11/01/04

LEAF: 302
REVISION: 5
SUPERSEDING REVISION: 4

SERVICE CLASSIFICATION No. 9 - Continued
TRANSPORTATION SERVICE - Continued

Rates - Continued

(J) Other Rates, Charges and Adjustments - Continued

(4) Charges for Unauthorized Use:

For each therm of Unauthorized Usage, Customer shall pay one of the following applicable Charges for Unauthorized Use:

for an Interruptible or Off-Peak Firm Customer, a charge equal to the higher of: (i) Two times the sum of the market gas price as determined in accordance with the Company's Operating Procedures plus the applicable Interruptible or Off-Peak Firm transportation rate; (ii) Nine times the applicable Interruptible or Off-Peak Firm sales rate; or (iii) \$4.50 per therm;

for a Power Generation Customer, a charge equal to the higher of (i) 120% of the applicable wholesales electric market price; (ii) \$4.50 per therm; or (iii) \$2.50 per therm plus a market gas price, as determined in accordance with the Company's Operating Procedures; and

for a Contract Interruptible or Off-Peak Firm Industrial Customer, a charge equal to two times the Unauthorized Use Charge applicable to an Interruptible or Off-Peak Firm Customer.

Unauthorized Usage shall consist of:

- (a) all gas consumed by an Interruptible or Off-Peak Firm Customer in excess of 2 therms per hour during the hours of interruption when transportation is interrupted.
- (b) all gas consumed by a Power Generation Customer during a period when transportation is interrupted and any gas consumed in excess of the Daily Transportation Quantity, exclusive of the allowance for losses, on a day when the Company declares an OFO.

The payment of this amount shall not constitute liquidated damages nor impair the Company's right to any remedy to which it may be entitled for injury caused by a Customer's unauthorized overrun. Charges for Unauthorized Use shall not be recognized in the calculation of the minimum charge. Once an Interruptible or Off-Peak Firm Customer is transferred to firm service or terminates its gas service all unauthorized use charges will cease.

Charges for Unauthorized Use shall be increased by the applicable percentage for the Increase in Rates and Charges, in accordance with General Information Section VIII.

(Service Classification No. 9 - Continued on Leaf No. 303.0)

Issued By: ~~Joan S. Freilich, Executive Vice President & Chief Financial Officer, 4 Irving Place, New York, N.Y. 10003~~

(Name of Officer, Title, Address)