

**PSC NO: 9 GAS****COMPANY: CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.****INITIAL EFFECTIVE DATE: 11/01/04****LEAF: 316.3****REVISION: 0****SUPERSEDING REVISION:****SERVICE CLASSIFICATION NO. 9 – Continued****TRANSPORTATION SERVICE - Continued****Miscellaneous Provisions – Continued**

the second violation occurs (unless the Company has received written notification that the Customer has chosen instead to have its gas service terminated at that time). Customers transferred to Firm service due to having committed two violations will not be permitted to return to Interruptible or Off-Peak Firm service for the remainder of the current Winter Period plus the next twelve succeeding months. For periods thereafter, the Customer may reapply for Interruptible or Off-Peak Firm service not less than 90 days prior to the proposed commencement date, except that the Customer may not request a commencement date that falls within the period from November 1 through March 31.

A Customer's failure to interrupt its use of gas due to inoperable dual-fuel facilities (including associated Customer-installed phone lines) counts as a violation towards the above-described two-violation rule with one exception for each Winter Period. On one occasion during each Winter Period, a Customer's failure to interrupt the use of gas due to documented inoperable dual-fuel facilities will not be counted as a violation provided that the Customer (i) notifies the Company within one hour of the failure of its equipment; (ii) repairs and makes operable its dual-fuel equipment within forty-eight (48) hours of the equipment's failure; and (iii) provides the Company with an affidavit or other sufficient documentation that it has repaired and made operable its dual-fuel equipment and immediately complies with the earlier of the ongoing interruption or a separate planned interruption. All three conditions must be satisfied for this exception to the two-violation rule to apply. During the 48-hour repair period, the Customer will be subject to other applicable penalties set forth in the Company's Schedule for Gas Service, including the applicable Service Classification and the Company's Operating Procedures (including the Unauthorized Use Charge but excluding the non-compliance charge set forth in (D)(3) above).

A Customer who was sent written notice of its failure to comply with interruptions on two or more occasions during the 2003-2004 Winter Period must fully interrupt its gas usage during every one of the Company's interruptions during the 2004-2005 Winter Period. Failure of such a Customer to comply with even one interruption (except for one documented case of equipment failure, as described above) will result in the Company transferring that Customer to the otherwise applicable Firm Service Classification commencing with the next billing month (unless the Company has received written

**Service Classification No. 9 - Continued on Leaf No. 316.4)****Issued By: ~~Joan S. Freilich, Executive Vice President & Chief Financial Officer, 4 Irving Place, New York, N.Y. 10003~~****(Name of Officer, Title, Address)**