

PSC NO: 219 GAS
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: 08/15/04
STAMPS: Issued in Compliance with Order of PSC in Case 98-M-1343 dated 07/15/04.

LEAF: 186
REVISION: 2
SUPERSEDING REVISION: 1

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

SPECIAL CONDITIONS:

1. Calculation of MPDQ:

A. MPDQ will be calculated according to the following methodology:

“Daily Baseload” equals the customer’s total usage in the two months of lowest usage during the period of June through September, divided by the number of days in the two months. “Annual Baseload” equals Daily Baseload multiplied by 365. “Thermal Usage” equals total usage during the twelve month period minus Annual Baseload. “Degree Day Usage” equals Thermal Usage divided by the total number of degree days during the twelve month period. Maximum Peak Day Quantity equals Degree Day Usage times 75 plus Daily Baseload.

For accounts with a negative thermal response is normal, an alternate formula will be used to calculate the MPDQ.

2. Electronic Filing:

If an electronic version of any required Form set forth in this tariff is utilized, the Marketer’s electronic submittal of such Form will have the full legal force and effect as if a signed document had been delivered to the Company. A Marketer waives any and all rights to challenge the legality of the electronically submitted Form on the grounds that the Company does not have an enforceable written agreement signed by the Marketer.

TRANSFER OF HISTORICAL USAGE, BILLING AND CREDIT INFORMATION:

The transfer of historical usage, billing and credit information is set forth in the currently effective UBP Addendum, Section 4.

1. A fee of \$15.00 will be charged for each year of data (customer contact information, billing determinant information, and credit information) beyond the most recent 24 month period, or for detailed interval data per account for any length of term.
2. Information will be provided “as is”, “where is”. No warranty of any kind is offered or provided (including any warranties of merchantability and fitness for a particular purpose).
3. All historic customer information obtained from the Company by a Marketer shall be kept confidential and not disclosed to others, including subcontractors and successors, unless otherwise authorized by the customer. All other customer information, such as account numbers (and any passwords used, if applicable), telephone numbers and service addresses shall also be kept confidential and not disclosed to others, unless otherwise authorized by the customer. These provisions shall survive the Marketer’s/Direct Customer’s participation in the Supplier Select Program.

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