

**PSC NO: 9 GAS****LEAF: 390****CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.****REVISION: 5**

INITIAL EFFECTIVE DATE: 02/19/04

**SUPERSEDING REVISION: 4**

Issued in Compliance with Order of the Public Service Commission dated December 19, 2003 in Case Nos. 98-M-1343, 99-M-0631, and 03-M-0017

**SERVICE CLASSIFICATION NO. 20 - Continued****TRANSPORTATION RECEIPT SERVICE (TRS) - Continued****Operational Matters - Continued****(D) Failure to Deliver:**

If Seller at any time fails to deliver the required quantities during an OFO period, in addition to the charges due for its failure to make deliveries, the Company may require Seller as a condition to the continuation of service to Seller Customer(s), and in addition to payment of the required charges, to reimburse the Company in full for the cost of purchasing and installing equipment necessary to:

- (1) monitor daily consumption by the Customer(s), and
- (2) be in a position to take the action necessary to preserve system integrity if the marketer should fail again to make full deliveries during an OFO period.

In addition, the Company may terminate service to a Seller for Seller's failure to deliver the required quantities for Transportation Service in accordance with SC Nos. 9 and 20 of this Rate Schedule, the UBP and applicable orders of the Commission.

If a Seller fails to maintain the requisite firm non-recallable primary delivery point capacity, as stated in its Affidavit of Firm Transportation, at any time throughout the winter season (November through March), Seller shall pay the Company a charge equal to \$50.00 per dekatherm times the required daily volume of pipeline capacity that the Seller failed to maintain. For a Seller serving Customers taking the Company's Load Following and/or Daily Delivery Services, the required daily volume will be the sum of the average daily quantities of each of its Customers during the Customer's winter peak month. For a Seller serving Customers taking Daily Cashout Service, the required daily volume will be the sum of the peak day quantities of each of its Customers during the winter season. The above-described charge is in addition to any charges that may be levied on Seller for its failure to deliver the required quantities of gas on any given day and any and all other remedies the Company may have in law or equity.

**(E) Measurement of Receipts and Heating Value Adjustment:**

Quantities of gas received by the Company at the Receipt Point for the Customer's account shall be measured in accordance with the measurement provisions of the tariff of the interstate natural gas pipeline company which delivers the gas to the Receipt Point. Volumes of gas delivered by the Company and registered at the Customer's meter in Ccf will be converted to therms, in accordance with General Information Section III 8.

**(Service Classification No. 20 - Continued on Leaf No. 391)****Issued By: Joan S. Freilich, Executive Vice President & Chief Financial Officer, 4 Irving Place, New York, N. Y. 10003****(Name of Officer, Title, Address)**