

PSC No: 120 - Electricity  
New York State Electric and Gas Corporation  
Initial Effective Date: December 1, 2003

Leaf No. 97  
Revision: 0  
Superseding Revision:

#### GENERAL INFORMATION

16. Customer Advantage Program - General Retail Access: (Cont'd.)

E. ESCO/DC Participation: (Cont'd.)

10. Discontinuance of Service (Cont'd.)

(a) Voluntary Discontinuance of ESCO Operations (Cont'd.)

- iv. If the ESCO does not give notice to its Eligible Customers and to NYSEG in accordance with the above requirements prior to discontinuing operations, the ESCO may be determined ineligible by the Commission to sell electricity to Eligible Customers in New York State and/or may be assessed a monetary penalty by the Commission.
- v. Upon the discontinuance of an ESCO, the ESCO shall remain responsible for payment or reimbursement of any and all sums owed under the Program Tariff or under any tariffs on file with the PSC or FERC, and service agreements relating thereto, or under any agreements between the ESCO and NYSEG. The ESCO shall also remain obligated to Eligible Customers to the extent provided for in any contracts with them.
- vi. Upon receipt of a switch request from a subsequent ESCO following the discontinuance notice, NYSEG will verify the intended switch with the Eligible Customer in accordance with the Changes in Supplier Process as set forth in Section 16.D.10 of this Program Tariff.
- vii. If a more expeditious discontinuance process is needed in a specific situation, the ESCO may request such expedited treatment upon a showing of need to the PSC or its designee, who shall have the authority to grant such a request. The Commission or its designee may also, for good cause, initiate an expeditious discontinuance process on its own motion. NYSEG shall also have standing in any such processes. The ESCO shall make a deposit into an escrow account for NYSEG's estimated costs to cover this expedited process, and the ESCO shall pay all amounts then due and owing to NYSEG.

(b) Discontinuance of Sales by ESCO to Individual Eligible Customer

If the current ESCO independently chooses to cancel an Eligible Customer's agreement for Electric Power Supply, the following procedures must be used:

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