

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

Leaf No. 107  
Revision: 0  
Superseding Revision:

#### GENERAL INFORMATION

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

I. Indemnity and Limitation on Liability: (Cont'd.)

2. Limitation on Liability: (Cont'd.)

Without limiting the generality of the foregoing, NYSEG may, without liability therefor, interrupt, reduce or impair service to any ESCO, its Eligible Customers, or the DC, in the event of an emergency threatening the integrity of NYSEG's system, or any other systems with which it is directly or indirectly interconnected, if in NYSEG's sole judgment or that of the NYISO, such action will prevent, alleviate or reduce the emergency condition, for such period of time as NYSEG or the NYISO deems necessary.

NYSEG shall not be liable for any special, incidental, indirect, exemplary, punitive or consequential damages, including, but not limited to, lost profits, purchased power costs, or amounts owed by a DC or an Eligible Customer to its ESCO, suffered by an ESCO, its Eligible Customers, or a DC or to any other persons or entities caused by, arising from or related to the performance of or failure to perform any of the services or obligations of NYSEG under the Program as set forth in NYSEG's tariff or the Supplier Manual, even if NYSEG has been advised of the possibility of such damages.

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