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COMPANY: NIAGARA MOHAWK POWER CORPORATION REVISION: 0  
INITIAL EFFECTIVE DATE: 06/01/99 SUPERSEDING REVISION:  
STAMPS:  
Cancelled by 1 Rev. Leaf No. 197.34 Effective 10/01/1999  
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SERVICE CLASSIFICATION NO. 11  
LOAD AGGREGATION (continued)

Special Provisions (continued)

2. Any and all data and information furnished to the Marketer/Direct Customer by or on behalf of the Company is solely for the internal use of the Marketer/Direct Customer in connection with participation in the Company's Supplier Select Program. No other use is authorized.
  - a. Under no circumstances shall the Marketer/Direct Customer commercialize, market, sell, transfer, pledge, or assign the data and information to any third party.
  - b. The Marketer/Direct Customer shall not disclose any current billing data or credit information to any third party without the prior written consent of the Company. This restriction shall not apply to data or information (1) in the public domain at the time of receipt; (2) independently acquired by the Marketer/Direct Customer; or (3) required by a governmental or judicial authority to be disclosed, in which event the Marketer/Direct Customer shall give the Company reasonable advance notice of the disclosure that is sufficient to allow the Company to attempt to secure confidential treatment of the data or information by the subject authority.
  - c. In the event the Marketer/Direct Customer breaches these confidentiality provisions set forth in the Service Classification, the Company shall have available to it all remedies at law and in equity. In addition, the Marketer/Direct Customer shall reimburse the Company for all losses suffered as a result of the breach of this Service Classification.
  - d. The obligations of the Marketer/Direct Customer under this Service Classification shall survive the Marketer/Direct Customer's participation in the Supplier Select Program.

Issued By: Darlene D. Kerr, Executive Vice President, Syracuse, New York