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35. RETAIL ACCESS PROGRAM (Cont'd)

J. ELECTRIC POWER SUPPLY REQUIREMENT (Cont'd)

resources adequate to meet its installed capacity requirements. The Retail Supplier must notify Central Hudson of changes to installed capacity under contract to the Retail Supplier. All of the foregoing shall be performed in accordance with applicable NYPP/ISO procedural rules.

At the end of each capability period, Central Hudson will determine, based on NYPP/ISO procedural rules, the Retail Supplier's installed capacity requirements, adjusted for applicable losses coincident with Central Hudson's system peak.

For each capability period Central Hudson will determine any capacity deficiency and assess a capacity deficiency charge on any Retail Supplier having a capacity deficiency. The charge will be equal to the Capacity Deficiency Charge set forth in Schedule B of the New York Power Pool Agreement dated July 6, 1991, as the same may be amended from time to time.

Retail Suppliers must have firm transportation service available from the installed capacity sources to the Central Hudson System. In order for Central Hudson to verify that such transportation service is available, the Retail Supplier must provide the Company with the appropriate Open Access Sametime Information System reservation number.

K. BALANCING AND SETTLEMENT

The following definitions will apply for transactions with Retail Access Suppliers:

Load Profile - the hourly pattern of electrical usage by a customer or group of customers over the course of day; based upon load research sampling or direct hourly metering.

Aggregated Load Profile - the total, collective, loss-adjusted, hourly load (either forecast or actual) of a Retail Supplier's particular portfolio of customers based upon load profiles, usage factors and/or telemetered data.

Issued by: Arthur R. Upright, Senior Vice President, Poughkeepsie, New York