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35. RETAIL ACCESS PROGRAM (Cont'd)

Q. RESOLUTION OF DISPUTES BETWEEN A RETAIL SUPPLIER AND CENTRAL HUDSON
(Cont'd)

(a) (Cont'd)

The parties may agree to use alternative dispute resolution techniques with mutually agreed-upon time frames that may differ from those defined in the dispute solution process.

If resolution is not reached within 45 calendar days after the initial complaint letter, or a mutually agreed-upon deadline, either party may file the complaint with the Department of Public Service for resolution.

(b) If a Retail Supplier/Direct Customer or Company believes that special circumstances (such as an emergency involving public safety, system reliability or significant financial risk) exist that would require speedier resolution of a dispute or complaint than might be expected under the process described here, it may submit its complaint to the Department of Public Service, with a copy provided to the other party involved in the dispute. The Department will respond to such a filing by:

1. quickly resolving the dispute; or,
2. advising that the standard dispute resolution process described above be followed.

(c) If a dispute involves the accuracy of invoiced charges, the invoiced charges must be paid, subject to refund with the applied interest (1.5% per month). This interest is only payable when associated with a finding of deficiency on the part of the party holding the funds determined to be due the other party.

(d) If any reasonable resolution between a Retail Supplier/Direct Customer, including Central Hudson's affiliate, and Central Hudson results in generic competitive benefits, those benefits should also be available to other Retail Suppliers/Direct Customers, including the affiliate of that utility, where applicable.

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