

..DID: 5343

..TXT: PSC NO: 12 GAS

LEAF: 417

COMPANY: THE BROOKLYN UNION GAS COMPANY

REVISION: 1

INITIAL EFFECTIVE DATE: 10/01/98

SUPERSEDING REVISION: 0

STAMPS: Issued in compliance - C.98-G-0824 (8/27/98) and C.95-G-0761 (9/22/98)

RECEIVED: 09/25/98 STATUS: Effective EFFECTIVE: 10/01/98

SERVICE CLASSIFICATION No. 19 - Continued

- (c) The Seller warrants that it will have good and marketable right and title to all gas he or it tenders or causes to be tendered to the Company hereunder and such gas shall be free and clear of all liens, encumbrances and claims whatsoever. The Seller shall hold harmless and indemnify the Company against any adverse claim by a third party, and against any loss or cost incurred by the Company on account of any such liens, encumbrances and claims of third parties. In addition to any other rights the Company may have, in the event any adverse claim is asserted against the Company by a third party, the Company may, at its sole option, suspend the transportation of gas hereunder, until such claim is resolved to the Company's satisfaction.
- (d) The Seller shall use its best efforts to keep the hourly quantities delivered to the Company for the Seller's account, adjusted for system use and losses, equal to the Seller's ADDQ, divided by 24.
- (e) All gas transported to the Company's point(s) of receipt for the Seller's account shall conform to all of the quality specifications set forth in 16NYCRR Part 229. The Company shall notify the Seller of any deficiencies in such quality specifications and may, at its option, refuse to accept delivery pending correction by the Seller.
- (f) The Company will provide Transportation Aggregation Service only to the extent that a Seller enters into an agreement with each Customer in a Pool, and the Seller meets the following requirements:

- 1) If the Customer is a residential customer:

The contract between the Customer and the Seller must contain specific language advising the Customer of protection that have been waiver under the Home Energy Fair Practices Act and Part 11 of the Commission's Regulations, 16 NYCRR§§11.1 et seq. The Seller must file its standard contract with the staff of the Consumer Service Division of the Public Service Commission.

Issued by: Steven L. Zelkowitz, Sr. Vice President and General Counsel, Brooklyn, NY