

..DID: 4749  
..TXT: PSC NO: 1 GAS LEAF: 169  
COMPANY: MARKETSPAN GAS CORPORATION DBA BROOKLYN UNION REVISION: 0  
INITIAL EFFECTIVE DATE: 12/01/98 SUPERSEDING REVISION:  
STAMPS:  
CANCELLED effective 06/29/99  
RECEIVED: 07/31/98 STATUS: Cancelled EFFECTIVE: 07/01/99

**Service Classification No. 12**  
**Temperature-Controlled Service - Non-Residential (continued)**  
**(Rate Codes: 330, 331, 332)**

**Rate 1 and Rate 2 (per meter, per month)(continued):**

**Determination of Rate 1 and 2:**

1. The Company will, at its sole discretion, set the rate per therm above three therms at a level which is no less than the Company's average cost of gas plus a capacity cost of \$0.01/therm plus \$0.01/therm. The rate will not be higher than the lesser of:
  - a. 115% of the No. 2 oil gas-equivalent price, including any petroleum related taxes applicable to commercial or industrial use, or
  - b. the appropriate tail-block rate of Service Classification No. 2 including the average monthly cost of gas.
2. A separate rate will be determined for customers who demonstrate to the Company's satisfaction, that they are exempt from paying the New York State Petroleum Business Tax (PBT) for fuel oil use.
3. The Company will determine the gas-equivalent prices for No. 2 oil, from the Journal of Commerce on the date of the computation of the rate, by:
  - a. multiplying the average of the New York Harbor Barge Consumer Price per gallon of No. 2 oil by a per therm of .72, and then
    - 1) adding any petroleum related taxes applicable to commercial and industrial use.
4. The monthly rate per therm for Rate 1 and 2 will not be lower than the monthly rate per therm for Rate 3, below.

**Rate 3 (per meter, per month):**

1. Available to any non-residential customer, including multi-dwelling, whose gas-fueled equipment is capable of using at least 100,000 Dth annually. The customer needs to demonstrate to the Company's satisfaction that it:

Issued by Kathleen A. Marion, Secretary  
175 East Old Country Road, Hicksville, NY