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41. RETAIL ACCESS PROGRAM (Cont'd)

P. **TERMINATION OF SERVICE** (Cont'd)

(c) Involuntary Termination of a Retail Supplier/Direct Customer's Right to Provide Service to Retail Customers

1. The Company will have the right to initiate a process to terminate a Retail Supplier/Direct Customer's participation in Central Hudson's Retail Access Program:

- (a) where Central Hudson determines that it is necessary or desirable for safety or for system reliability reasons (including, but not limited to, the proper scheduling and delivery of natural gas supplies to meet the needs of customers), which will include an understanding that:
 - (1) actual scheduled deliveries must not deviate consistently and unreasonably beyond the customer's ADCQ and,
 - (2) actual scheduled deliveries must not cease for periods greater than 48 hours;
- (b) where the Retail Supplier/Direct Customer fails to comply with the terms and conditions of Central Hudson's tariff or distribution operating agreement;
- (c) where there is a continued pattern of attempts to transfer retail customers without proper customer authorization (slamming) or,
- (d) where the FERC issues an order authorizing termination of participation by the Retail Supplier/Direct Customer under Central Hudson's open access transmission tariff;
- (e) where a court of competent jurisdiction issues an order authorizing termination of the Retail Supplier/Direct Customer; or,

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