

..DID: 13053
..TXT: PSC NO: 9 GAS LEAF: 302
COMPANY: CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. REVISION: 2
INITIAL EFFECTIVE DATE: 10/01/00 SUPERSEDING REVISION: 1
STAMPS: Issued in compliance with order in Case 00-G-0996 dated August 24, 200
Cancelled by 3 Rev. Leaf No. 302.0 Effective 10/01/2000
RECEIVED: 09/05/00 STATUS: Cancelled EFFECTIVE: 10/01/00

SERVICE CLASSIFICATION No. 9 - Continued
TRANSPORTATION SERVICE - Continued

Rates - Continued

(J) Other Rates, Charges and Adjustments - Continued

(4) Unauthorized Use Charges and Penalty Surcharge:

For each therm of Unauthorized Usage, the Customer shall pay a charge equal to the higher of: \$4.50 per therm; or \$2.50 per therm plus a market gas price, as set forth in the Company's Sales and Transportation Operating Procedures. Unauthorized Usage shall consist of:

- (a) all gas consumed by the Customer during a period when transportation is interrupted, and
- (b) any gas consumed by an Interruptible or Off-Peak Firm Customer or Power Generation Customer in excess of the Daily Transportation Quantity, exclusive of the allowance for losses, on a day when the Company declares an OFO or the Company is curtailing or interrupting its Interruptible sales, Off-Peak Firm sales, or Power Generation Customers.

The payment of this amount shall not constitute liquidated damages nor impair the Company's right to any remedy to which it may be entitled for injury caused by a Customer's unauthorized overrun. Charges for Unauthorized Use shall not be recognized in the calculation of the minimum charge.

If a Customer is unable to switch from gas to its alternate fuel or energy source in accordance with this Service Classification and related Operating Procedures, and notifies the Company of such situation prior to or within one hour of implementation of the curtailment, the Customer shall be billed at one-half of the Charge for Unauthorized Use during the first four hours of curtailment. Thereafter, the Customer shall be billed at the full charge. In addition to the full unauthorized use charge and any other charges and surcharges, the Company shall have the right to impose a Penalty Surcharge on a Customer after the Customer uses gas during two or more interruption periods in any heating season (November 1 - March 31). The Penalty Surcharge shall commence with the billing month following the month in which the second or subsequent violation occurs and continue for a twelve-month period. The Penalty Surcharge will result in the Customer's paying a rate equal to the otherwise applicable firm service rate and apply to the lesser of (a) all usage in the applicable billing month or (b) the maximum daily amount used by the Customer during the second or any subsequent interruption period, where the Customer reduced its gas usage during the interruption period but not to zero. If a Customer is billed a Penalty Surcharge based on the daily amount used during the last interruption period, the volumes used by a Customer in excess of that quantity in any billing month shall be billed in accordance with the otherwise applicable interruptible and off-peak firm base rates set forth in this Service Classification. Customers paying the Surcharge shall remain Interruptible or Off-Peak Firm Customers and be subject to all terms and conditions of Interruptible or Off-Peak Firm Service.

Charges for Unauthorized Use shall be increased by the applicable percentage for the Increase in Rates and Charges, in accordance with General Information Section VIII.

(Service Classification No. 9 - Continued on Leaf No. 303.0)

Issued By: Joan S. Freilich, Executive Vice President & Chief Financial Officer, 4 Irving Place, New York, N. Y. 10003
(Name of Officer, Title, Address)