

PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
Initial Effective Date: December 1, 2012

Leaf No. 50  
Revision: 4  
Superseding Revision: 3

#### GENERAL INFORMATION

16. General Retail Access:

A. Introduction:

1. This Section contains the terms and conditions pertaining to General Retail Access. The rate options under which customers may take retail access are detailed in Rule 25, Supply Service Options.

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

A. Introduction: (Cont'd.)

2. All transmission service within New York State is obtained through the New York Independent System Operator (“NYISO”) pursuant to the NYISO Tariffs. This General Retail Access tariff may be revised, modified, clarified, supplemented, amended or superseded as may be necessary as a result of the NYISO Tariffs. The Company may seek to revise the terms and conditions of the tariff, the Electric Supplier Manual and the Operating Agreement (including any pricing terms) as necessary to comply with the requirements of the NYISO Tariffs.

#### GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

B. Definitions:

As used herein, the following terms shall have the meanings set forth below. Additionally, other terms used within this Schedule are defined in the Uniform Business Practices ("UBPs") (UPB Addendum).

**Ancillary Services:** Those services necessary to support the transmission of energy from generation resources to loads while maintaining reliability of the electric system. Ancillary Services are described and provided for in the NYISO (defined below).

**Auction:** the Company's auction of coal-fired generation assets as set forth in the Agreement approved in the Settlement Order.

**Balancing and Settlement:** Load Balancing and Settlement is the process of reconciling (1) scheduled deliveries of Electric Power Supply by an ESCO/DC to serve their own needs or those of Eligible Customers, to (2) total actual customer load of the ESCO or a DC's load, on an hourly basis. The NYISO provides energy imbalance service (also known as Balancing and Settlement) in accordance with the NYISO Market Services Tariff.

**Business Days:** As defined in the Company's Tariff, P.S.C. No. 119 - Electricity, as the same may be revised, modified, amended, supplemented, clarified or superseded.

**Combination Account:** A common account for both gas and electric service for the purpose of combined gas and electric billing by the Company. A Combination Account is served under P.S.C. No. 87 - Gas or P.S.C. No. 88 - Gas, and under this Schedule.

**Commission or PSC:** Public Service Commission of the State of New York, or any successor agency thereto.

## GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

B. Definitions: (Cont'd.)

**Customer:** A customer that takes service through an account that meets the customer eligibility criteria set forth in Section 16.D.

**Department of Public Service ("DPS"):** The Public Service Commission Staff which is responsible for developing and implementing New York State regulatory and energy policies; receiving, investigating, and resolving complaints on billing, services, or other utility practices; and administering regulations issued by the Commission. (For example, ESCOs must file their initial eligibility application with the Commission's Consumer Services Division, a part of DPS.)

**Electric Power Supply:** The electricity required to meet the Eligible Customer's needs, including energy, Energy Losses, Unaccounted for Energy ("UFE"), Capacity, Capacity Reserves, Capacity Losses, ancillary services, NYPA Transmission Access Charges ("NTAC"), transmission project costs allocated to the Company under the NYISO tariff as approved by FERC, and Supply Adjustment Charge. ESCOs/DCs are responsible for providing the full Electric Power Supply requirements of their eligible customers.

**Energy Losses:** The unusable energy that results from the generation, transformation, transmission and distribution of Electric Power Supply to an Eligible Customer's meter. Unaccounted For Energy ("UFE") is also included.

**Industrial Customer:** An account of a customer which is coded Revenue Class 30 as defined by Division "D" of the Standard Industrial Classification ("SIC") Manual that is engaged in manufacturing (SIC Codes 20-39) or Division "B" mining (SIC Major Codes 10-14) and which does not qualify for the Industrial/High Load Factor provision within S.C. Nos. 2, 3, and 7 of this tariff as more particularly described herein.

**FERC:** Federal Energy Regulatory Commission, or any successor agency thereto.

#### GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

B. Definitions: (Cont'd.)

**Interruptible Service:** Special Provision (c) of S.C.7 sets forth the terms under which the Company will provide a monthly billing credit to customers who agree to reduce their demand to a specified level when service interruption is requested by the Company.

**Involuntary Switch:** A process or situation where an Eligible Customer's ESCO is changed from one provider e.g., ESCO or utility, to another without the Eligible Customer's authorization. An involuntary switch that is not in accord with the "Discontinuance of Service" provision set forth in this tariff is referred to as "slamming." Examples of involuntary switches include, but are not limited to, situations where a customer returns to the Company's service as a result of an ESCO's failure to deliver, the ESCO going out of business, or the termination of the ESCO's participation in the Company's Program.

**New York Independent System Operator ("NYISO"):** An organization formed under FERC approval to provide equal access to the transmission system of New York State and to maintain system reliability, and any successor organization thereto.

**NYISO Open Access Transmission Tariff ("NYISO OATT"):** The tariff filed with and approved by FERC as the same may be revised, modified, amended, clarified, supplemented or superseded, that sets forth the rates, terms and conditions under which the NYISO provides open access transmission service.

**NYISO Tariffs:** The NYISO OATT (defined above) and the NYISO Market Services Tariff, as well as NYISO technical bulletins, procedures and any other guidelines issued by the NYISO that set forth the rates, terms and conditions under which the NYISO provides open access transmission services.

#### GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

B. Definitions: (Cont'd.)

Operating Agreement: The standard form agreement between the Company and the ESCO or the DC setting forth the duties, responsibilities and obligations of the Company and the ESCO or the DC, which agreement must be executed and delivered by the ESCO or the DC as a condition to participate in the Program.

Opinion No. 97-5: The Commission's Opinion and Order Establishing Regulatory Policies for the Provision of Retail Energy Services, issued and effective May 19, 1997, in Case No. 94-E-0952, as the same may be revised, modified, amended, clarified, supplemented or superseded.

Opinion No. 99-3: The Commission's Opinion and Order concerning Uniform Business Practices, in Case 98-M-1343, issued February 16, 1999 (the "UBP Order") as the same may be revised, modified, amended, clarified, supplemented or superseded.

Order: The Commission's Order Establishing Retail Access Pilot Programs, issued and effective June 23, 1997, Case No. 96-E-0948, as the same may be revised, modified, amended, clarified, supplemented or superseded.

Partial Requirements Customers: Those customers that are taking service for a portion of their load under the Company's economic incentives, Interruptible Service or NYPA service.

POLR: The Provider Of Last Resort as defined in Section 16.D.15 of this General Retail Access tariff.

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

B. Definitions: (Cont'd.)

Segment Load Profiles: The electric power consumption (kWh) as measured in one hour intervals, statistically valid for a specified group of Eligible Customers.

Standard Load: Load served at the Company's standard tariff rates, terms and conditions.

## GENERAL INFORMATION

### 16. General Retail Access:

#### B. Definitions: (Cont'd.)

**Supplier Manual:** The Customer Advantage Supplier Manual dated August 1, 1998, as the same may be revised, modified, amended, supplemented, clarified or superseded.

**Uniform Business Practices (UBPs)** shall mean those practices set forth in the UBP Addendum, which are incorporated herein by reference.

**Unforced Capacity ("UCAP"):** power supply resources (maximum realizable generator capabilities adjusted for forced outage rates, also may include special case resources) obtained by an ESCO/DC to meet the peak load the ESCO/DC will serve in a given Obligation Procurement Period.

**Unforced Capacity Losses ("UCAP Losses"):** The unusable energy and associated capacity that results from the generation, transformation, transmission and distribution of energy to meet peak load.

**Unforced Capacity Reserves ("UCAP Reserves"):** power supply resources (maximum realizable generator capabilities adjusted for forced outage rates, also may include special case resources) in excess of the system peak load required by the NYISO. The UCAP Reserves amount is set annually by the New York State Reliability Council ("NYSRC") or the NYISO.

**Voluntary Switch:** A process or situation where an Eligible Customer's ESCO is changed from one provider to another with the customer's authorization or where an Eligible Customer returns to the Company on its own initiation. A Voluntary Switch is any switch authorized by the Eligible Customer. An ESCO may act as the customer's authorized designee in a voluntary switch situation.

#### C. Implementation

1. See Rule 25 of this Schedule, Supply Service Options, to elect a Retail Access Rate Option.



#### GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation:

1. Eligibility Requirements:

Eligibility to participate in General Retail Access is open to all customers subject to requirements set forth in Rule Nos. 16 (General Retail Access) and 25 (Supply Service Options.)

- (a) For customers taking service under an economic incentive provision, *i.e.*, EJ, the Company shall bill such incentivized or discounted load at the applicable rate option as specified in the applicable Special Provision for Economic Incentives of the respective service classifications, subject to Rule 25, Supply Service Options. The customer shall select the same Supply Service Option for all of their load, including the portion of their load receiving the incentive.
- (b) Customers whose entire load is served under Service Classification Nos. 13 or 14 may be eligible for retail access after their contracts expire, unless their contracts with the Company permit such customer to become eligible earlier. Upon expiration of such S.C. 13 or S.C. 14 contracts, customers may be eligible to select any Supply Service Option in accordance with Rule 25, Supply Service Options.

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation: (Cont'd.)

1. Eligibility Requirements: (Cont'd.)

- (d) Customers who receive a portion of their Electric Power Supply from NYPA, (Expansion, EDP, HLFM, Replacement or Preservation Power, Recharge NY Power), with Standard Load (non-NYPA load), shall be permitted to take General Retail Access service for their Standard Load.. The NYPA load will continue to be billed at the appropriate NYPA rate as specified in General Information Rule 11 or the Special Provision of Service Classification No. 7. If the NYPA allocation expires or is terminated, the customer will have 30 days to elect a Supply Service option for that load, subject to the provisions of Section 25, Supply Service Options.

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation: (Cont'd.)

1. Eligibility Requirements: (Cont'd.)

(e) The following customer eligibility requirements also apply:

- i. A Customer, whose Electric Power Supply and delivery would otherwise be provided by the Company, under S.C. Nos. 1, 2, 3, 5, 6, 7, 8, 9, 11 or 12, may arrange for Electric Power Supply only from an ESCO that meets the requirements set forth herein.
- ii. A Customer may select only one ESCO at a time per customer account, regardless of the number of meters.

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16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation: See UBP Addendum

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GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

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#### GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation:

1. Customer Information - Current:

All information to be furnished by the Company shall be provided electronically via EDI to ESCOs/DCs when the data is acceptable to the Company for the purposes of billing its Customers for service provided by the Company. Where estimated meter readings are used, the estimated usage must be provided to ESCOs/DCs when the data is acceptable by the Company to bill its Customers for service provided by the Company. All subsequent changes or corrections and adjustments to previously supplied data shall be made available to the ESCOs/DCs when the data is acceptable to be used for its Customers.

2. Historical & Current Information Available Free of Charge:

For usage and billing information, the Company shall provide up to 24 months of the most recent historic usage and billing information except as provided for in paragraph 3 below. For credit information, the Company shall provide information on whether the Customer had late payments and/or disconnections due to non-payment during the immediately preceding 24 months or life of the account, whichever is shorter.

3. Historical & Current Information Available For A Fee:

For historical usage and billing information, see UBP Addendum, Section 4.E. Should a Customer and/or its designee request historical usage and billing information for more than 24 consecutive months, the Company shall provide this information (if available) for a fee of \$15 for each additional 12 month period or portion thereof. Should a Customer or its authorized designee request historical interval data in special customized formats, a fee shall apply for data in excess of 24 months. Detailed interval data for an account, if available, shall be provided at a fee of \$40 per meter, per request, for data in excess of to 24 months. The fees detailed in this section shall be payable by the requestor. Information not identified in this paragraph shall be supplied, if available, at the Company's incremental cost. All information shall be provided via a non-EDI method. The Company reserves the right not to be required to provide data in any special customized format.

#### GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation: (Cont'd.)

4. Sending Customer Information:

Usage and billing information shall be sent to the requestor via EDI. ESCOs shall be required to obtain and retain proper customer authorization for such information. Credit information shall be mailed to the Customer's address unless the Company receives the proper written customer authorization from the ESCO in which case it shall be provided to the ESCO.

5. Confidentiality:

The ESCO must keep confidential any customer information (usage and billing and credit information) obtained from the Company. This information shall not be disclosed to any party, unless otherwise authorized by the Customer in writing. All other customer information, such as account numbers (and any passwords used, if applicable), telephone numbers and service addresses, shall also be kept confidential and not disclosed to others, unless otherwise authorized in writing by the Customer.

The Company shall not disclose a customer's usage and billing and credit information to an ESCO unless the Customer has notified the Company, in writing, that such information may be disclosed.

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D. Eligible Customer Participation: (Cont'd.)

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GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation: (Cont'd.)

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GENERAL INFORMATION

- 16. General Retail Access: (Cont'd.)
  - D. Eligible Customer Participation: (Cont'd.)

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GENERAL INFORMATION

- 16. General Retail Access: (Cont'd.)
  - D. Eligible Customer Participation: (Cont'd.)

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GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation: (Cont'd.)

6. Changes in Supplier:

(a) Voluntary Switch Back to the Company Service

If a Customer voluntarily chooses to switch back to the Company service for Electric Power Supply, such Customer must notify the Company at least five business days before the Customer's next scheduled meter reading date, interim estimated meter reading date or a requested Special Meter Reading date.

(b) Involuntary Switch

An involuntary switch is a process or situation where a Customer's ESCO is changed from one provider e.g., ESCO or utility, to another without the Customer's authorization. An involuntary switch that is not in accord with the "Discontinuance of Service" provisions set forth in the UBP Addendum, Section 2.F. is referred to as "slamming." Examples of involuntary switches include, but are not limited to, situations where a customer returns to the Company service as a result of an ESCO's failure to deliver, the ESCO going out of business, or the termination of the ESCO's participation in the Company's General Retail Access Program.

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- 16. General Retail Access: (Cont'd.)
  - D. Eligible Customer Participation: (Cont'd.)
    - 6. Changes in Supplier: (Cont'd.)

RESERVED FOR FUTURE

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation: (Cont'd.)

6. Changes in Supplier: (Cont'd.)

(c) Special Meter Reading Fees

A \$20 fee per customer location, per meter, per read attempt, shall be charged to the party requesting a Special Meter Reading. A Special Meter Reading is a meter reading performed on a date other than the Customer's regularly scheduled meter reading date. Requests for Special Meter Reading dates must be made not less than five business days in advance of the requested meter reading date.

(d) Budget Billing Adjustments

The Company Budget Billings, as set forth in the Company's tariff, P.S.C. No. 119 - Electricity, at Rule 4.O, may be adjusted at the switch dates as required to reflect changes in the Company's service and, if adjusted, shall be reflected in the Customer's next bill.

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation: (Cont'd.)

7. Metering:

- (a) The metering requirements set forth in the Company's Tariff, P.S.C. No. 119 - Electricity, General Information Section 3 - Service Connections, apply here. Eligible Customers shall continue to use existing meters.
- (b) An Eligible Customer that does not take service under an economic incentive provision that requests a meter other than that provided by the Company, commensurate with the Eligible Customer's Service Classification, is subject to the additional requirements set forth in the above referenced tariff. Meter upgrades, subject to the availability of equipment, shall be installed and operated by the Company at the Eligible Customer's expense.
- (c) The Company shall continue to own, install, maintain, and read Eligible Customers' meters used for billing purposes, with the exception of large commercial and industrial time-of-use customers who have the option of owning a Commission-approved meter as set forth in P.S.C. No. 119, with the Company retaining sole control of that meter.

Eligible large commercial and industrial time-of-use customers, or their designees, shall be allowed to receive meter data on a real-time or other basis, without incurring a fee, provided that such customers install and maintain, at their own expense, the necessary ancillary equipment required to receive such data. Such access may require the installation by the Company of a different type of meter/recorder that shall allow multiple access, with the cost responsibility of such meter/recorder and installation to be borne by the customer and with the Company retaining sole control of the meter and responsibility for the installation and maintenance of the meter and compliance with applicable Commission regulations.

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation: (Cont'd.)

7. Metering: (Cont'd)

(c) (Cont'd.)

A schedule of meter upgrade charges shall be provided by the Company upon the request of the customer or its authorized designee. The Company maintains a schedule of meter upgrade charges that covers standard metering options, and such schedule is available upon request.

(d) The Company shall perform meter readings in accordance with established reading cycles and current practices and provide relevant meter reading information to the ESCO. Information provided to an ESCO may be used solely by the ESCO for the purpose of billing the customer.

8. Reserved for Future Use

9. Reserved for Future Use

10. Reserved for Future Use

11. Reserved for Future Use



GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation: (Cont'd.)

12. Billing

- (a) Except as specified in Rule J. of this Schedule, Consolidated Billing and Payment Processing, the Company will bill a Customer only for the delivery of Electric Power Supply and other services provided by the Company. The ESCO is responsible for billing its Customer for the Electric Power Supply and other services the ESCO provides to the Customer.
- (b) The Company bill will be issued to a Customer in accordance with established billing cycles and practices applicable to such Customer.
- (c) A DC, ESCO or NYPA acting as an agent for Customers, is responsible for: (i) obtaining and scheduling Electric Power Supply with the NYISO, and (ii) complying with the provisions herein relating to Scheduling, Balancing and Settlement as specified in Rule 16.E.9 of this Schedule, with respect to its or an Customer's Electric Power Supply requirements.

13. Reserved for Future Use

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GENERAL INFORMATION

- 16. General Retail Access: (Cont'd.)
  - D. Eligible Customer Participation: (Cont'd.)
    - 13. Reserved for Future Use (Cont'd.)

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ISSUED BY: James A. Lahtinen, Vice President Rates and Regulatory Economics, Binghamton, New York

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

D. Eligible Customer Participation: (Cont'd.)

14. Customer's Agent:

- (a) Participation by an Customer in the General Retail Access Program shall be deemed an election by such customer for the ESCO selected by the Customer, to act as such customer's agent and attorney-in-fact for all matters relating to acquisition of Electric Power Supply, power scheduling, and transmission service (including, but not limited to, designation by such customer's ESCO or another ESCO to take responsibility for Scheduling, Balancing and Settlement), and Customers shall be bound by any determinations, decisions, understandings or agreements reached by such ESCO with respect to Scheduling, Balancing and Settlement.

15. Provider of Last Resort ("POLR"):

- (a) The Company will be the POLR for those customers: (i) for whom competition is not a viable option, (ii) who choose not to participate in retail access, (iii) who terminate their agreements with an ESCO and fail to designate a substitute ESCO, (iv) who are acting as a DC, or (v) who are impacted by an ESCO's discontinuance of service.
- (b) As a POLR, the Company will:
  - i. Accept customers, subject to Commission consumer protection rules, and provide related customer services;
  - ii. Obtain and deliver Electric Power Supply for such customers, consistent with the then-current NYISO Tariffs and retail tariffs; and
  - iii. Provide for any programs, as approved by the Commission to assist low-income customers.

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#### GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

E. ESCO/DC Participation:

1. Eligibility Criteria:

(a) To be eligible to participate in General Retail Access, an ESCO/DC must meet the requirements specified in the UBP Addendum.

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#### GENERAL INFORMATION

16. General Retail Access: (Cont'd.)
  - E. ESCO/DC Participation: (Cont'd.)
    2. ESCO or DC Requirements:
      - (a) ESCOs and DCs must sign and deliver to the Company an Operating Agreement.

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

E. ESCO/DC Participation: (Cont'd.)

2. ESCO or DC Requirements: (Cont'd.)

- (b) ESCOs and DCs are responsible for meeting the scheduling requirements of the NYISO as specified in the NYISO Transmission Tariffs and any applicable NYISO operating manuals. Electric Power Supply is defined as the electricity required to meet the Customer's needs, including energy, Energy Losses, Unaccounted for Energy, Capacity, Capacity Losses, Capacity Reserves, ancillary services, NTAC, transmission project costs allocated to the Company under the NYISO tariff as approved by FERC, and Supply Adjustment Charge. It is the responsibility of the ESCOs/DCs to schedule enough Electric Power Supply to account for Energy Losses, Unaccounted For Energy ("UFE"), and UCAP Losses associated with their load on the Company's distribution system. The Loss and UFE factors are as set forth below.

<u>Voltage Level</u>	<u>Service Classification</u>	<u>Energy Loss Factor</u>	<u>Capacity Loss Factor</u>
Transmission	7-4	1.0000	1.0000
Subtransmission	3S, 7-3	1.0150	1.0200
Primary	3P, 7-2	1.0377	1.0480
Secondary	1, 2, 6, 7-1, 8, 9, 12, Outdoor/Street Lighting	1.0728	1.0738

In the event there is a material change or an anticipated substantial increase in the Electric Power Supply requirement of a Customer or Customers, ESCO or DC shall notify the Company of such change prior to such change or increase according to the details set forth in the Supplier Manual, and shall cooperate with the Company, as reasonably required by the Company, to accommodate such change or increase.

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

E. ESCO or DC Participation: (Cont'd.)

2. ESCO or DC Requirements: (Cont'd.)

- (c) ESCOs must provide Home Energy Fair Practices Act (HEFPA) protections to residential customers, in compliance with the Commission's Order Relating to Implementation of Chapter 686 of the Laws of 2003 and Pro-Ration of Consolidated Bills, Case Nos. 99-M-0631 and 03-M-0017, issued June 20, 2003, together with the rules and regulations implementing the same, as may be revised, modified, amended, clarified, supplemented or superseded. Further information is available at the New York Public Service Commission's website (<http://www.dps.ny.gov/hefpa.htm>).

3. Reserved for Future Use

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  - E. ESCO or DC Participation: See UBP Addendum

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Superseding Revision: 1

GENERAL INFORMATION

- 16. General Retail Access: (Cont'd.)
  - E. ESCO or DC Participation: (Cont'd.)

RESERVED FOR FUTURE USE

PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
Initial Effective Date: May 1, 2017

Leaf No. 92  
Revision: 3  
Superseding Revision: 2

GENERAL INFORMATION

- 16. General Retail Access: (Cont'd.)
  - E. ESCO or DC Participation: (Cont'd.)
    - Reserved for Future Use

PSC No: 120 - Electricity  
New York State Electric and Gas Corporation  
Initial Effective Date: May 1, 2017

Leaf No. 93  
Revision: 2  
Superseding Revision: 1

GENERAL INFORMATION

- 16. General Retail Access: (Cont'd.)
  - E. ESCO or DC Participation: (Cont'd.)
    - Reserved for Future Use

PSC No: 120 - Electricity  
New York State Electric and Gas Corporation  
Initial Effective Date: May 1, 2017

Leaf No. 94  
Revision: 2  
Superseding Revision: 1

GENERAL INFORMATION

- 16. General Retail Access: (Cont'd.)
  - E. ESCO or DC Participation: (Cont'd.)
    - Reserved for Future Use

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

E. ESCO or DC Participation: (Cont'd.)

9. Scheduling, Balancing and Settlement:

(a) The following applies to scheduling, balancing and settlement with the NYISO:

- i. ESCOs/DCs shall schedule Electric Power Supply directly with the NYISO.
- ii. The Company shall calculate customer load including the Company System Losses and UFE, by hour, and combine accounts by ESCO/DC and by subzone.
- iii. The Company shall adjust the sum of all ESCO/DC load so that the hourly usage equals the NYISO-supplied subzone loads.
- iv. The Company shall communicate the hourly load calculations to the NYISO, in accordance with the NYISO's Billing Schedule requirements for true-ups.
- v. The NYISO shall balance those hourly load calculations with the ESCO/DC bulk power deliveries, price the imbalance, and invoice or credit the ESCO/DC for the cost of the imbalance.

(b) When calculating wholesale hourly electric load allocations per ESCO/DC for reporting to the NYISO, the Company shall not allocate any portion of the subzonal UFE to Hourly Pricing customer load. The load assigned to ESCO/DCs for Hourly Pricing customers shall be the Hourly Pricing customer's metered hourly load plus the tariff voltage level / service class energy loss factor for that customer. All subzonal UFE shall be allocated to ESCO/DCs based on each ESCO/DCs share of non-Hourly Pricing load in a given hour.

F. Reserved for Future Use

G. Reserved for Future Use

H. Reserved for Future Use

PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
Initial Effective Date: May 1, 2017

Leaf No. 96  
Revision: 2  
Superseding Revision: 1

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

See UBP Addendum

PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
Initial Effective Date: May 1, 2017

Leaf No. 97  
Revision: 2  
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GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

RESERVED FOR FUTURE USE



PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
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GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

RESERVED FOR FUTURE USE

PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
Initial Effective Date: May 1, 2017

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Revision: 2  
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GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

RESERVED FOR FUTURE USE

PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
Initial Effective Date: May 1, 2017

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Revision: 2  
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GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

RESERVED FOR FUTURE USE

PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
Initial Effective Date: May 1, 2017

Leaf No. 101  
Revision: 2  
Superseding Revision: 1

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

RESERVED FOR FUTURE USE

PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
Initial Effective Date: May 1, 2017

Leaf No. 102  
Revision: 2  
Superseding Revision: 1

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

RESERVED FOR FUTURE USE

PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
Initial Effective Date: May 1, 2017

Leaf No. 103  
Revision: 2  
Superseding Revision: 1

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

RESERVED FOR FUTURE USE

PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
Initial Effective Date: May 1, 2017

Leaf No. 104  
Revision: 2  
Superseding Revision: 1

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

RESERVED FOR FUTURE USE

PSC No: 120 - Electricity  
New York State Electric & Gas Corporation  
Initial Effective Date: May 1, 2017

Leaf No. 105  
Revision: 2  
Superseding Revision: 1

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

RESERVED FOR FUTURE USE



## GENERAL INFORMATION

### 16. General Retail Access: (Cont'd.)

#### I. Indemnity and Limitation on Liability:

##### 1. Indemnification:

ESCO and DC, as applicable, agree to indemnify, defend and save harmless the Company from and against any and all liabilities, losses, damages, costs, expenses, causes of action, suits, judgments and claims, including, but not limited to, reasonable attorneys fees and the costs of investigation, (collectively "claims"), in connection with any action, suit or proceeding by or on behalf of any person, firm, corporation or other entity arising from, caused by or relating to the (i) curtailment or interruption of services to the ESCO or its Customers, or a DC, as applicable, due to causes beyond the control of the Company (including, without limiting the generality of the foregoing, executive or administrative rules or orders issued from time to time by State or Federal officers, commissions, boards or bodies having jurisdiction) or (ii) interruption, irregularity, failure or defective character of services to the ESCO, its Customers, or a DC, as applicable, due to causes beyond the control of the Company (including, without limiting the generality of the foregoing, executive or administrative rules or orders issued from time to time by State or Federal officers, commissions, boards or bodies having jurisdiction) or (iii) failure by ESCO or DC, as applicable, to perform any of the agreements, terms, covenants or conditions of the General Retail Access Program to be performed by ESCO or DC, as applicable, or (iv) failure of ESCO to perform any agreement between ESCO and its Customers.

##### 2. Limitation on Liability:

The Company shall endeavor at all times to provide regular and uninterrupted service to the ESCO, its Customers, or a DC, as applicable, but in case the service shall be interrupted or irregular or defective or shall fail, from causes beyond the control of the Company (including, without limiting the generality of the foregoing, executive or administrative rules or orders issued from time to time by State or Federal officers, commissions, boards, or bodies having jurisdiction) or because of the ordinary negligence of the Company or its employees, contractors, subcontractors, servants or agents, the Company shall not be liable to the ESCO, its Customers, or a DC, as applicable, therefor.

Compliance with directives of the NYISO shall, without limitation by reason of specification, constitute a circumstance beyond the control of the Company for which the Company shall not be liable; provided, however, that the Company shall not be absolved from any liability to which it may otherwise be subject for gross negligence or intentional wrong doing in the manner in which it carries out the NYISO instructions.

#### GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

I. Indemnity and Limitation on Liability: (Cont'd.)

2. Limitation on Liability: (Cont'd.)

Without limiting the generality of the foregoing, the Company may, without liability therefor, interrupt, reduce or impair service to any ESCO, its Customers, or the DC, in the event of an emergency threatening the integrity of the Company's system, or any other systems with which it is directly or indirectly interconnected, if in the Company's sole judgment or that of the NYISO, such action shall prevent, alleviate or reduce the emergency condition, for such period of time as the Company or the NYISO deems necessary.

ESCOs serving Customers who require service which is uninterrupted, unreduced or unimpaired on a continuous basis should ensure that the Customers provide their own emergency or back-up capability the Company shall not be liable for any special, incidental, indirect, exemplary, punitive or consequential damages, including, but not limited to, lost profits, purchased power costs, or amounts owed by a DC or an customer to its ESCO, suffered by an ESCO, its Eligible Customers, or a DC or to any other persons or entities caused by, arising from or related to the performance of or failure to perform any of the services or obligations of the Company under the General Retail Access Program as set forth in the Company's tariff or the Electric Supplier Manual, even if the Company has been advised of the possibility of such damages.

GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

J. Consolidated Billing and Payment Processing

1. Description:

A Customer may elect Consolidated Billing and Payment Processing, consistent with the Commission's Order Establishing Uniform Retail Access Billing and Payment Processing Practices, Case 99-M-0631, issued May 18, 2001, as the same may be revised, modified, amended, clarified, supplemented or superseded. Further information is available at the New York Public Service Commission's website (<http://www.dps.ny.gov/ubr.htm>)

Company specific terms and conditions regarding Consolidated Billing and Payment Processing are detailed in the Billing Services Agreement and Supplier Manual.

2. Customer Eligibility:

- (a) Once EDIC for Consolidated Billing and Payment Processing is operational, Customers taking service under this Schedule, Service Classification Nos. 1, 2, 3, 5, 6, 7, 8, 9, or 12; or P.S.C. No. 121 - Electricity, may elect a Consolidated Billing and Payment Processing option, consistent with the above-referenced PSC Order.
- (b) Customers taking service under the NYPA Program, Rule 45, are not eligible for Consolidated Billing and Payment Processing.

3. Bill Issuance Charge:

A Customer electing Consolidated Billing and Payment Processing pursuant to this Section shall not be billed the monthly Bill Issuance Charge for the electric service for which Consolidated Billing and Payment Processing has been elected. All other customers receiving electric, gas, or combination service shall be billed one Bill Issuance Charge per bill.

4. Bill Processing Charges:

ESCOs shall be assessed a bill processing charge of \$0.89 per bill for a Company rendered consolidated bill for those customers with electric-only or gas-only service. ESCOs shall be assessed a bill processing charge of \$0.45 for electric service and \$0.44 for gas service for a Company rendered consolidated bill for those customers with a combination of electric and gas service.

5. Purchase of ESCO Accounts Receivable Program (POR):

- (a) ESCOs that elect the Company's consolidated billing option for all or a portion of their customers shall be required to sell their accounts receivable for such customers to the Company under the terms of the POR. ESCOs continue to have the right to issue their own bill using dual billing for all or a portion of their customers. Such ESCOs shall be precluded from participating in the POR for customers receiving dual billing.
- (b) The POR obviates the need for the Company to prorate partial customer payments among ESCOs that are participating in the POR.

## GENERAL INFORMATION

16. General Retail Access: (Cont'd.)  
J. Consolidated Billing and Payment Processing (Cont'd)

6. Account Separation Fee

In accordance with Section 9.C.4 of the UBP addendum to this schedule, an ESCO desiring to issue the Consolidated Bill for a customer with a Combination Account may request the Company to establish a separate account for the electric or gas service to be supplied by the ESCO. A fee of \$18.00 shall be charged to the ESCO requesting establishment of a separate electric or gas account.

K. Purchase of ESCO Accounts Receivable Program (POR):

In accordance with the Joint Proposal on Purchase of Accounts Receivable ("POR JP") dated October 28, 2005, in Case 05-M-0453, as approved by the Public Service Commission's Order Adopting the Terms and Conditions of the Joint Proposal for the Purchase of Accounts Receivable, issued December 27, 2005, as amended with the Joint Proposal dated July 14, 2010 in Cases 09-E-0715, 09-G-0716, 09-E-0717, and 09-G-0718, and as further amended by the Joint Proposal dated February 19, 2016, in Cases 15-E-0283, 15-G-0284, 15-E-0285, and 15-G-0286. The Company shall purchase accounts receivable at a discount and without recourse for commodity sales by ESCOs that provide commodity service in the Company's territory.

Eligibility Requirements:

ESCOs that elect the Company's consolidated billing option for all or a portion of their customers shall be required to sell their accounts receivable for such customers to the Company under the terms of the POR. ESCOs continue to have the right to issue their own bill using dual billing for all or a portion of their customers. Such ESCOs shall be precluded from participating in the POR for customers receiving dual billing.

Purchase Price:

Electric accounts receivable shall be purchased at a discount off face value of the ESCO receivable. The discount rate shall be sufficient to compensate the Company for its financial risk in purchasing electric receivables, and be comprised of the following components:

- a) Commodity-related Uncollectible percentage based on total Company uncollectible costs for the most recent available 12-month period divided by the sum of the total retail, retail access, and purchased ESCO receivables revenue for the same 12-month period.
- b) Financial Risk Adder set at 20% of the applicable uncollectible percentage;
- c) Commodity-related credit and collections and call center percentage.

Discount rates shall be adjusted each year to reflect the Company's most recent 12-month experience for uncollectible expense. Additionally, the credit and collections and call center allocation included in the discount rate shall be reconciled annually, with any under- or over-collections included in the following year's discount rate.

Beginning with the statement to be effective May 1, 2017, a POR Discount (DISC) Statement setting forth the electric discount and the gas discount shall be filed with the Public Service Commission 60 days prior to the May 1, effective date of each annual update.

## GENERAL INFORMATION

### 16. General Retail Access: (Cont'd.)

#### **K. Purchase of ESCO Accounts Receivable Program (POR): (Cont'd.)**

##### Payments:

As specified in Appendix B of the POR JP, payments to ESCOs shall be made, via ACH (Automated Clearing House), 20 days after acceptance of the EDI 810 transaction.

##### Other Considerations:

The POR shall be subject to modifications based upon Commission orders, rules, and regulations applicable to retail access, including, but not limited to, the Uniform Business Practices, proration of customer payments under a single bill, and provisions of Home Energy Fair Practices Act. The POR obviates the need for the Company to prorate partial customer payments among ESCOs that are participating in the POR.

#### **L. Community Choice Aggregation (“CCA”) Program**

1. A CCA Program allows municipalities (villages, towns and cities) to aggregate the usage of eligible CCA customers (residential and small non-residential customers) within a defined jurisdiction in order to secure an alternative energy supply contract on a community-wide basis.
  - i. In accordance with the Orders issued April 21, 2016 and December 14, 2017, in Case 14-M-0224, designee (CCA Administrator or ESCO):
    - (a) must sign a Data Security Agreement acceptable to the Company, and
    - (b) must have an approved implementation and data protection plan and certification of local authorization approved by the NYS PSC.
  - ii. Upon fulfilling the requirements in Rule 1, the Company will provide the following information to the municipality or their designee in accordance with the terms stated herein.
    - (a) Aggregated customer data, including the number of customers by service class, the aggregated peak demand (kW) by month for the past 12 months by service class if applicable, and the aggregated energy (kWh) by month for the past 12 months by service class. This information will be provided to the municipality or CCA Administrator within twenty days of a request. The Company will notify the requesting party if data for any service class that the Company contains so few customers, or in which one customer makes up a large portion of the load, such that the aggregated information does not pass the relevant aggregation privacy standard. The Company will work with the requestor to revise the request in order to address the identified reason(s) such as expanding the geographic area included in the request or combining customer classes or other means.

#### GENERAL INFORMATION

16. General Retail Access: (Cont'd.)

**L. Community Choice Aggregation (“CCA”) Program (Cont'd)**

ii. (Cont'd)

(b) After each municipality has entered into a CCA contract with an ESCO, the Company shall transfer customer-specific data to the municipality or CCA Administrator within five days of receipt of a request to support the mailing of opt-out notices. The data shall include all customers in the municipality eligible for opt-out treatment based on the CCA and the requirements of the April 21, 2016, and January 29, 2023, Orders issued in Case 14-M-0224. The data should include:

- 1) Customer of record's name
- 2) Mailing Address
- 3) Primary Language (if available from the Company's billing system)
- 4) Any customer-specific alternate billing name and address
- 5) Bill cycle and period code
- 6) Tax-exempt Status
- 7) Net metered/VDER/solar account indicator
- 8) Dual-meter indicator

(c) After the opt-out process has been completed, the Company shall transfer account numbers for eligible customers that did not opt-out to the ESCO providing service within five days of receipt of a list of customers that opted out. These account numbers may be transmitted via electronic mail in secured, encrypted spreadsheets, through access to a secure website, or through other secure methods of transfer.

(d) Upon request by the municipality or CCA Administrator the Company will transfer the customer data in (b) to the requestor within five days of the request for newly eligible customers that became customers of the Company since the last eligible customer list was provided and were not on a previous eligible for out-out list. The Company will distinguish between new accounts and customers that are now opt-out eligible for other reasons. After the opt-out process has been completed for those customers, the Company will provide account numbers for customers that did not opt-out as described in (c).

2. Dispute Resolution

For disputes arising in relation to a CCA, the Company, CCA Administrators, and Energy Service Entities may utilize the dispute resolution process specified in the January 19, 2023, Order issued in Case No. 14-M-0224.

17. Reserved for Future Use