

GENERAL INFORMATION

6. LIABILITY

6.1 CONTINUITY OF SUPPLY

- 6.11 The Company shall endeavor at all times to provide a regular and uninterrupted supply of service but in case the supply of service shall be interrupted for the purpose of making changes in or repairs to the Company's transmission or distribution system, or should fail, in whole or in part, from causes beyond the Company's control (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, its employees, contractors, subcontractors, servants or agents, the Company shall not be liable therefore. The Company shall be bound in good faith to resume service as soon as reasonably possible.
- 6.12 Compliance with directives of the New York Independent System Operator ("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 negligence in the manner in which it carries out the NYISO's instructions. (See Rule 6.11)
- 6.13 Without limiting the generality of the foregoing, the Company may, without liability therefor, interrupt, reduce or impair service to any customer or customers in the event of an emergency threatening the integrity of its system, or any other systems with which it is directly or indirectly interconnected, if in its sole judgment or that of the NYISO (Rule 6.12), such action shall prevent, alleviate, or reduce the emergency condition, for such period of time as the Company, or said NYISO, deems necessary.

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6. LIABILITY (Cont'd)

6.2 CUSTOMER'S EQUIPMENT

Neither by inspection nor non-rejection, nor in any other way, does the Company give any warranty, expressed or implied, as to the adequacy, safety or other characteristics of any facilities owned, installed or maintained by the customer or leased by the customer from third parties.

6.3 COMPANY EQUIPMENT AND USE OF SERVICE

The Company shall not be liable for any injury, casualty or damage resulting in any way from the supply or use of electricity or from the presence or operation of the Company's facilities in connection with the street lighting system, except injuries or damages resulting from the negligence of the Company (subject to Rule 6.11).

The Company shall only install those facilities requested by the customer and accepted by the Company; and, therefore, the customer shall indemnify and hold harmless the Company from any and all claims, demands and liability which may be asserted against the Company for failure to meet the recommended illumination values set forth in the American National Standard Practice for Roadway Lighting.

6.4 INTEGRATED ENERGY DATA RESOURCE

The Company has provided non-anonymized and non-aggregated customer specific data to the State's Integrated Energy Data Resource ("IEDR") pursuant to the New York Public Service Commission's Order Addressing Integrated Energy Data Resource Matters issued on October 13, 2023 in Case 20-M-0082. If such data is improperly released from the IEDR as the result of a cyber-related incident, or inadvertently disclosed by the IEDR administrator or its agents or contractors due to an operational error, the Company will not be liable for such release or disclosure. Consistent with the Commission's policies regarding data ownership, the customer (not the utility), is the owner of the customer's data.