

ORANGE AND ROCKLAND UTILITIES, INC.

2nd REVISED LEAF NO. 107  
SUPERSEDING 1st REVISED LEAF NO. 107

**SERVICE CLASSIFICATION NO. 24**

**APPLICABLE TO USE OF SERVICE FOR:**

Service hereunder is available to and governs participation of Energy Service Companies ("ESCOs") and Direct Retail Customers, as determined eligible under the Company's and the UBP's Eligibility Criteria, as providers of electric power supply to customers participating in the Company's Retail Access Program. The term "ESCO", when used herein, shall include Direct Retail Customers unless otherwise specified.

**CHARACTER OF SERVICE:**

Continuous receipt of ESCOs' electric power supply for subsequent delivery by the Company to customers participating in the Company's Retail Access Program as described in Rider I.

**RATE:**

Rates and charges pursuant to this Service Classification are as specified in Special Provisions A through I. Applicable revenue tax surcharges will be assessed as necessary.

**ELIGIBILITY CRITERIA:**

To be eligible to take service hereunder, an ESCO must execute an ESCO Operating Agreement with the Company and meet the eligibility and creditworthiness requirements set forth in the UBP.

Service is provided in accordance with the provisions of the Service Classification and the provisions of the UBP. In the event of any conflict between the provisions of this Service Classification and the provisions of the UBP, the UBP shall control.

An ESCO must comply with the UBP for all customers it serves. An ESCO providing services to residential customers must comply with the Public Service Commission orders issued in Case Nos. 99-M-0631 and 03-M-0017 implementing Chapter 686 of the Laws of 2002.

(Continued)

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## ORANGE AND ROCKLAND UTILITIES, INC.

2nd REVISED LEAF NO. 108  
 SUPERSEDING 1st REVISED LEAF NO. 108

**SERVICE CLASSIFICATION NO. 24 (Continued)**

**ESCO OPERATING AGREEMENT:**

Upon meeting the eligibility and creditworthiness criteria of the UBP, each ESCO taking service hereunder will execute an ESCO Operating Agreement with the Company which identifies the specific ESCO and outlines both parties' obligations. The ESCO Operating Agreement provides the ESCO's consent to abide by the contract provisions contained therein, the guidelines and procedures contained in this Service Classification and the Retail Access Plan, and the pertinent FERC and Commission opinions, orders and approved tariff provisions. After execution of the ESCO Operating Agreement, the ESCO may proceed with customer enrollment as described in Rider I and the Retail Access Plan.

**OPERATING PROCEDURES:**

Operating procedures concerning power scheduling, transmission scheduling, transmission allocation, system reliability, service interruptions, installed generation capacity requirements and sales thereof, ancillary services, and ESCO participation through a scheduling coordinator and the load balancing and settlement process will be administered in accordance with the Retail Access Plan.

**BILLING:**

Invoices shall be issued monthly for balancing services, requests for customer data in addition to information provided without charge, special meter reading charges, adjustments to prior invoices, and other services provided. Services requested directly by customers will be billed directly to the customers unless ESCOs request that those charges be billed to them.

**TERM:**

The term of service shall be as specified in the ESCO Operating Agreement.

(Continued)

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## ORANGE AND ROCKLAND UTILITIES, INC.

2nd REVISED LEAF NO. 109  
 SUPERSEDING 1st REVISED LEAF NO. 109

### SERVICE CLASSIFICATION NO. 24 (Continued)

#### SPECIAL PROVISIONS:

A) Balancing and Settlement

The Company will determine hourly imbalances by comparing the ESCO's actual aggregated customer usage to the ESCO's scheduled deliveries on an hourly basis and the associated charges, credits, and/or penalties as detailed in the Retail Access Plan.

1) Charges/Credits for Under/Over-Deliveries:

The ESCO will be assessed a charge for under-deliveries and a credit for over-deliveries, each equal to 100% of the Company's marginal cost of energy during the hour in which the under or over-delivery occurred.

2) Determination of Penalties:

The terms and conditions of this provision shall commence on September 1, 1999.

Imbalances outside a deviation band of 10% of an ESCO's hourly aggregate customer load or 2 MW, whichever is greater, will be subject to a penalty determined as follows:

- a) Deviations between scheduled and actual power deliveries will be settled through the NYPP's inadvertent procedure except with respect to deviations resulting from curtailments imposed by the NYPP, PJM or other transmission providers. The ESCO will not be assessed a penalty on deviations between scheduled and actual power deliveries resulting from curtailments if the cause of the curtailment is beyond the control of the ESCO. Note: the type of transmission service contracted for (firm or interruptible) by the ESCO is considered an act within the control of the ESCO.
- b) The ESCO will not be assessed a penalty if its imbalance, subject to penalty provisions, is contrary to the net aggregate imbalance of all other ESCOs during that hour.

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## ORANGE AND ROCKLAND UTILITIES, INC.

2nd REVISED LEAF NO. 110  
 SUPERSEDING 1st REVISED LEAF NO. 110

**SERVICE CLASSIFICATION NO. 24 (Continued)**

**SPECIAL PROVISIONS: (Continued)**

- A) Balancing and Settlement (Continued)
- 2) Determination of Penalties: (Continued)
- c) The Company will apply a proportional allocation of the total contrary imbalances of all other ESCOs (within and outside the deviation band) to the ESCO's imbalance. The proportional allocation will be based on the ratio of the ESCO's imbalance outside the deviation band to the aggregate of all ESCOs' imbalances outside the deviation band excluding contrary imbalances.
- d) The ESCO will be assessed a penalty if it still has an imbalance after application of any contrary imbalances.

The penalty assessed will be determined by multiplying the kW imbalance subject to penalty by a rate equal to 35 percent of the Company's marginal cost of energy for that hour for over-deliveries up to 125 percent of the ESCO's actual load.

The penalty for an over-delivery imbalance in excess of 125 percent is 70 percent of the Company's marginal cost of energy for that hour. The penalty for all deficiency imbalances is 35 percent of the Company's marginal cost of energy for that hour.

The monthly invoice for the balancing and settlement month is the sum of (a) the hourly cost of under-deliveries; plus (b) any penalties imposed for imbalances; minus (c) any credits for the hourly cost of over-deliveries.

At its request, an ESCO will be provided access to the detailed data and calculations used to prepare the balancing and settlement invoices.

The above monthly process will be performed for each Settlement month by the 5th day after all usage for a calendar month becomes metered.

After the NYISO assumes responsibility for providing balancing services, the Company will provide necessary data to the NYISO in accordance with the NYISO retail access settlement process.

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## ORANGE AND ROCKLAND UTILITIES, INC.

1st REVISED LEAF NO. 111  
SUPERSEDING ORIGINAL LEAF NO. 111**SERVICE CLASSIFICATION NO. 24 (Continued)****SPECIAL PROVISIONS: (Continued)**B) Charge for Installed Capacity

Each ESCO must provide the Company with documentation that it has obtained and will maintain capacity resources adequate to meet its installed capacity requirements. Installed generation capacity must meet NYPP requirements and procedural rules. In accordance with current NYPP requirements, all ESCOs must provide installed generation capacity equal to 118 percent of their participating customers' aggregated projected peak loads including transmission and distribution system losses.

For each capability period, prior to the NYISO assuming responsibility for determining the adequacy of each ESCO's capacity, the Company will determine, based on NYPP procedural rules, any capacity deficiency and assess a charge to any ESCO having a capacity deficiency. The charge will be equal to the Deficiency Charge set forth in Schedule B of the NYPP Agreement dated July 6, 1991, as the same may be amended from time to time.

Should a customer purchasing its electric power supply from the Company switch to an ESCO after the installed capacity requirements for the current capability period have been established, the ESCO shall purchase from the Company the capacity requirement for that customer for the remainder of the capability period at the Company's average capacity cost. If a customer leaves an ESCO and returns to the Company's service, the Company will purchase from the ESCO, and the ESCO will be required to sell to the Company, the capacity applicable to that customer at the Company's average system capacity cost for the remainder of the capability period.

(Continued)

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## ORANGE AND ROCKLAND UTILITIES, INC.

1st REVISED LEAF NO. 112  
SUPERSEDING ORIGINAL LEAF NO. 112**SERVICE CLASSIFICATION NO. 24 (Continued)****SPECIAL PROVISIONS: (Continued)**C) Ancillary Services

For the period that the Company owns its existing electric generation plants and prior to the time the NYISO is established, the Company will provide and charge for ancillary services as follows:

Reactive Supply and Voltage Control - the management of reactive power in a manner that maintains voltages on the bulk power transmission system within acceptable equipment and stability limits. The Company's combined rate for Reactive Supply and Voltage Control is \$0.719/MWh for all energy transmitted.

Frequency Regulation and Response - the continuous balancing of supply resources with load to maintain the electric system at sixty cycles per second (60 Hz). The combined rate for Regulation and Frequency Response Service is \$0.383/MWh for all energy transmitted.

Operating Reserve - (Spinning and Supplemental Reserve Service) needed to serve load in the event of a system contingency. The rate for Spinning and Supplemental Reserve Service is \$1.116/MWh for all energy transmitted.

D) Customer Usage Information

The requesting party, either the customer or ESCO, will be charged for customer information according to the provisions of General Information Section 11.C.

E) Account Separation

The Company will assess the requesting party, either the ESCO or customer, a fee of \$32.50 to separate a dual-service electric and gas account into two individual accounts.

(Continued)

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## ORANGE AND ROCKLAND UTILITIES, INC.

1st REVISED LEAF NO. 113  
SUPERSEDING ORIGINAL LEAF NO. 113**SERVICE CLASSIFICATION NO. 24 (Continued)****SPECIAL PROVISIONS: (Continued)**F) Charges for Metering and Metering Information

The Company will assess the requesting party, either the ESCO or customer, a fee to obtain an unscheduled meter reading in accordance with General Information Section 7.D.(1)(a)(vi). Also, for any metering services or information requested that the Company does not provide, the Company will, at its sole discretion, provide the service or information at its cost.

G) Retail Access Billing Options

An ESCO may choose to offer one or more of the following billing arrangements to its Retail Access Customers: Utility Single Bill, ESCO Single Bill or Two Separate Bills. The ESCO must comply with the requirements of General Information Section No. 7.E.(2) regarding these arrangements.

H) ESCO Deposit and Prepayment Requirements

1. Energy Services Companies (ESCOs) shall provide evidence to the Company of creditworthiness as required by order of the Public Service Commission in Case 00-M-0504, issued and effective May 9, 2002, before requesting or accepting deposits and/or prepayments from their small commercial customers. The evidence relating to deposits shall be in the form of:

- a) A minimum bond rating of "BBB" from S&P, "Baa 2" from Moody's, or "BBB" from Fitch, for either the ESCO or its parent, if the parent agrees to act as guarantor for the ESCO, or
- b) Letter of Credit or Escrow account with an "A" rated financial institution.

The evidence relating to prepayments shall be in the form of a minimum bond rating of "BBB" from S&P, "Baa 2" from Moody's, or "BBB" from Fitch, for either the ESCO or its parent, if the parent agrees to act as guarantor for the ESCO.

This evidence shall be submitted annually to the Company August 1.

(Continued)

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**SERVICE CLASSIFICATION NO. 24 (Continued)**

**SPECIAL PROVISIONS: (Continued)**

H) ESCO Deposit and Prepayment Requirements (Continued)

- 2. Deposits will not be transferred from the Company to an ESCO.
- 3. An ESCO will maintain records of deposits and prepayments made by customers to the ESCO in a manner to be readily available for inspection upon request by the Department of Public Service Staff. An ESCO shall file a report with the Commission regarding such customer deposits and prepayments in the manner and form required by the Commission.
- 4. ESCOs will provide notice of these requirements to a new customer before the customer makes a deposit or prepayment.
- 5. The Company shall not be liable to customers for an ESCO's failure to refund or return prepayments and/or deposits.

I) ESCO Charges

The Company shall charge the following charges, as applicable, to an ESCO that requests suspension of residential service or the calculation of a bundled bill. The charge set forth in 1) below is applicable each time the Company suspends service at the request of an ESCO. For purposes of this special provision, the term "suspend" or "suspension" shall mean the disconnection of delivery service at the request of an ESCO, pursuant to Section 32, subdivision 5, of the Public Service Law. If the Company physically terminates electric service or the gas and electric services of an account simultaneously on behalf of the Company and an ESCO or ESCOs, all parties requesting such suspension shall equally share the suspension charge set forth below.

- 1. Charge to Suspend Service: \$27.00 to suspend service at the request of the ESCO
- 2. Charge to Calculate Bundled Bill: To enable an ESCO to determine the lowest amount that a customer must pay to end suspension of delivery service, the Company shall charge the ESCO \$3.75 for each residential account on which the ESCO requests the Company to calculate what it would have charged had the customer purchased its electric supply service from the Company. The Company will calculate the total bill amount that the customer would have been billed if the electric supply had been purchased from the Company; subtract the amount of the bill issued under the Company's Retail Access Program for the same period; and provide the difference to the ESCO.

ISSUED: July 31, 2008

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ORANGE AND ROCKLAND UTILITIES, INC.

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SUPERSEDING 1st REVISED LEAF NO. 115

**SERVICE CLASSIFICATION NO. 24 (Continued)**

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SUPERSEDING 1st REVISED LEAF NO. 116

**SERVICE CLASSIFICATION NO. 24 (Continued)**

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**ORANGE AND ROCKLAND UTILITIES, INC.**

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SUPERSEDING 4th REVISED LEAF NO. 117

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**ORANGE AND ROCKLAND UTILITIES, INC.**

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SUPERSEDING 1st REVISED LEAF NO. 118

**SERVICE CLASSIFICATION NO. 24 (Continued)**

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ORANGE AND ROCKLAND UTILITIES, INC.

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SUPERSEDING 2nd REVISED LEAF NO. 119

**SERVICE CLASSIFICATION NO. 24 (Continued)**

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**ORANGE AND ROCKLAND UTILITIES, INC.**

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SUPERSEDING 2nd REVISED LEAF NO. 120

**SERVICE CLASSIFICATION NO. 24 (Continued)**

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**ORANGE AND ROCKLAND UTILITIES, INC.**

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ORANGE AND ROCKLAND UTILITIES, INC.

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ORANGE AND ROCKLAND UTILITIES, INC.

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ORANGE AND ROCKLAND UTILITIES, INC.

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ORANGE AND ROCKLAND UTILITIES, INC.

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**ORANGE AND ROCKLAND UTILITIES, INC.**

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**ORANGE AND ROCKLAND UTILITIES, INC.**

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