

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE

3.1 APPLICATIONS

(A) Residential Application Procedure:

- (1) An application for residential service may be made by any residential applicant at any office of the Company. Such an application may be made either orally or in writing. An oral application for service shall be deemed completed when the residential applicant provides his name, address, telephone number and address of prior account (if any) or prior account number (if any).
- (2) The Company may require a residential applicant to complete a written application if:
 - (a) there are arrears at the premises to be served and service was terminated for nonpayment or is subject to a final notice of termination; or
 - (b) there is evidence of meter tampering or theft of service; or
 - (c) the meter has advanced and there is no customer of record; or
 - (d) the application is made by a third party on behalf of the person(s) who would receive service.
- (3) Whenever a written application for residential service is required the Company shall so notify the residential applicant as soon as practicable after the request for service is made, and in no event more than two business days after such request, and shall state the basis for requiring a written application. A written application may require the submission of information required in an oral application and reasonable proof of the residential applicant's identity and responsibility for service at the premises to be served. A written application containing the required information shall be deemed completed when received by the Company.
- (4) The Company will not be obligated to provide service to a residential applicant who owes the Company money for residential service provided to a prior account in his name unless:

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.1 APPLICATIONS (Continued)

(A) Residential Application Procedure: (Continued)

- (4) (Continued)
 - (a) the residential applicant makes full payment for residential service provided to any such prior account in his name; or
 - (b) the residential applicant agrees to make payments under a deferred payment plan of any amounts due for service to a prior residential account in his name; or
 - (c) the residential applicant has pending a billing dispute with respect to any amounts due for service to a prior residential account in his name and has paid any amounts required to be paid; or
 - (d) the residential applicant is a recipient of, or an applicant for, public assistance, supplemental security income benefits or additional state payments pursuant to the Social Services Law, and the Company receives from an official of the social services district in which the residential applicant resides, or is notified by such an official that it is entitled to receive, payment for services due to a prior account in the residential applicant's name together with a guarantee of future payments to the extent authorized by the social services law; or
 - (e) the Commission or its authorized designee directs the provision of service.
- (5) The Company shall not be obligated to provide seasonal or short-term service to a residential applicant who fails to post a lawfully required deposit.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.1 APPLICATIONS (Continued)

(A) Residential Application Procedure: (Continued)

- (6) The Company shall be obligated to provide service to any residential applicant who meets the requirements of these residential application procedures within five business days of receipt of a completed oral or written application for service or at such later time as specified by the residential applicant except as provided by 16 NYCRR §11.3.
- (7) Any denial of an application shall be in writing and delivered personally to the residential applicant or sent to the residential applicant's current address or any other mailing address. The written notice of denial shall: (a) state the reason(s) for the denial; (b) specify what must be done to qualify for service; and (c) advise the residential applicant of his right to an investigation and review of the denial by the Commission.

(B) Non-Residential Application Procedure:

- (1) An application for non-residential service may be made by any non-residential applicant at any office of the Company. The Company may require that such application be in writing on the applicable form set forth in this Tariff.
- (2) The Company will require a non-residential applicant to make full payment for all amounts due and payable which are neither the subject of a pending billing dispute nor an existing deferred payment arrangement that is in good standing, including:
 - (a) Service provided and billed to prior non-residential account(s) in the non-residential applicant's name or for which the non-residential applicant is legally responsible;

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.1 APPLICATIONS (Continued)

(B) Non-Residential Application Procedure: (Continued)

- (2) (Continued)
 - (b) other Tariff fees, charges or penalties;
 - (c) reasonably chargeable material and installation costs;
 - (d) special services billable under the Company's Tariff; and
 - (e) security deposit in accordance with the Company's Tariff.
- (3) The Company may require the submission of appropriate types of documents to substantiate the information provided in the application.
- (4) The application shall contain a section for determining the non-residential applicant's service classification.
- (5) The application shall contain a notice that the non-residential applicant may request an inspection of the meter to ensure its accuracy; provided, however, that such notice is not required if the Company has a written policy of not backbilling previously unbilled service which resulted from the faulty operation of the meter.
- (6) The Company shall be obligated to either provide or deny service to any non-residential applicant as soon as reasonably possible, but no later than 10 calendar days after receipt of a completed application, or such later time as specified by the non-residential applicant, except as provided by 16 NYCRR § 13.2.
- (7) Any denial of an application shall be in writing and shall either be delivered personally to the non-residential applicant or sent to the non-residential applicant's current business address or any alternate mailing address.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.1. APPLICATIONS (Continued)

(B) Non-Residential Application Procedure: (Continued)

(7) (Continued)

The written notice of denial shall: (a) state the reason(s) for denial; (b) specify what must be done to qualify for service; and (c) advise the non-residential applicant of its right to an investigation and review of the denial by the Commission.

- (8) The Company shall advise any non-residential applicant, who submits an incomplete application, in writing and within three business days after receipt of the application, of the information and/or documents that must be submitted in order for the application to be considered complete.

(C) General Application Procedure:

- (1) An application or agreement for service shall not be modified or affected by any promise or representation, oral or written, by any unauthorized agent or employee of the Company. Applications for service shall not be transferable or assignable.
- (2) Upon acceptance by the Company of a customer's application for service and in each case upon the customer's compliance with all applicable rules, regulations, terms and conditions, as required for the availability and beginning of service under Service Classification applied for, the Company will supply service as may be required for the building or premises for which service is required.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.2 DEPOSITS

(A) Residential:

- (1) The Company may require a cash deposit from seasonal or short-term residential customers.
- (2) The Company may also require a deposit from a residential customer as a condition of receiving utility service if that customer is delinquent in payment of his utility bills. A current residential customer is delinquent for the purpose of a deposit assessment if such residential customer:
 - (a) accumulates two consecutive months of arrears without reasonable payment, which is defined as one-half of the total arrears of such charges before 20 days after the second payment was due, or fails to make a reasonable payment; or
 - (b) had utility service terminated for nonpayment during the preceding six months.
- (3) The Company shall provide any residential customer, from whom it intends to require a deposit under subparagraph (A)(2)(a), written notice, at least 20 days before it may assess a deposit, that the failure to make timely payment will permit the Company to collect a deposit from such customer.
- (4) If the Company requires a deposit from a current residential customer who is delinquent by virtue of his or her failure to make a reasonable payment of arrears, as provided in subparagraph (A)(2)(a), the Company shall permit such customer to pay the deposit in installments over a period not to exceed 12 months.
- (5) The Company shall not require a deposit from any current residential customer who it knows to be a recipient of public assistance, supplemental security income, or additional state payments. The Company shall also not demand or hold a deposit from any new or current residential customer it knows is 62 years of age or older unless such customer has had service terminated by the Company for non-payment of bills within the preceding six months.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.2 DEPOSITS (Continued)

(A) Residential: (Continued)

- (6) In any case where the Company may require a deposit from a new or current residential customer, said deposit shall not be greater than two times the average monthly bill for a calendar year, except in the case of space heating customers where deposits may not exceed two times the estimated average monthly bill for the heating season.
- (7) The Company shall extend service to any new residential applicant for service who has initiated a complaint on a deposit requested by such company and shall continue to supply service during the pendency of such complaint, provided that such applicant keep current on bills for service rendered and pay a reasonable amount as a deposit if the complaint challenges only the amount requested.
- (8) The Company shall not require of an existing residential customer a new security deposit where such customer was not required to post a security deposit or has a security deposit returned pursuant to this section and such customer establishes a new residence and continues service with the Company.

(B) Non-Residential:

- (1) The Company may require a deposit from:
 - (a) a new non-residential customer; or
 - (b) an existing non-residential customer (i) who is delinquent, (ii) who may default in the future provided the Company has reliable evidence, (iii) who has filed for reorganization or bankruptcy, or (iv) who has been rendered a backbill within the last 12 months for previously unbilled charges for service that came through tampered equipment.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.2 DEPOSITS (Continued)

(B) Non-Residential: (Continued)

(1) (Continued)

- (c) a current non-residential customer is delinquent for the purposes of a deposit assessment if such customer has made two or more late payments in the previous 12 months.
- (2) The Company shall offer an existing customer from whom a deposit is required under paragraph (B)(1)(b)(i) or (ii) above, the opportunity to pay 50 percent of the deposit initially and the balance in two monthly payments.
- (3) The Company shall issue to every non-residential customer from whom a deposit is obtained, a receipt showing the date, account number, amount received, form of the payment, and an explanation of the manner in which interest will accrue and be paid, as well as a notice that the receipt is neither negotiable nor transferrable.
- (4) In any case where the Company may require a deposit from a non-residential customer, the deposit shall not be greater than two times the average monthly bill for a calendar year, except when customer's usage varies widely, in which case the deposit shall not exceed the cost of twice the average monthly usage for the peak season.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.2 DEPOSITS (Continued)

(B) Non-Residential: (Continued)

- (5) On the first anniversary of the receipt of a full deposit and at least biennially thereafter, the Company shall review the amount of the deposit. If such review shows the deposit falls short of the amount that the Company may lawfully require by 25 percent or more, the Company may require the payment of a corresponding additional amount from the non-residential customer. If such review shows that the deposit held exceeds the amount that the Company may lawfully require by 25 percent or more, the Company shall refund the excess deposit to the customer. If a non-residential customer has requested a downward revision of the deposit and such request is substantiated both by the customer's billing history and a permanent documented change in the customer's load and consumption, the Company shall refund any portion of the deposit in excess of the amount lawfully required.
- (6) The Company shall accept in lieu of deposits, irrevocable bank letters of credit or surety bonds. The Company may, at its discretion, also accept from a non-residential customer in lieu of deposit a written promise to pay bills on receipt and a written waiver of the customer's right not to be sent a Final Disconnect Notice until twenty days after payment is due.

(C) Residential Refunds:

- (1) The Company shall promptly refund to a residential customer the deposit plus the amount of unpaid interest accrued thereon to the date of refund, when:
 - (a) A residential customer has not been delinquent in the payment of bills during the one year period from payment of a full deposit; or
 - (b) service is discontinued.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.2 DEPOSITS (Continued)

(D) Non-Residential Refunds:

- (1) The Company shall promptly refund to a non-residential customer the deposit plus the amount of unpaid interest accrued thereon to the date of refund, when:
 - (a) a non-residential customer has not been delinquent in the payment of bills rendered for a three-year period from the payment of a full deposit; or
 - (b) service is discontinued; or
 - (c) a review pursuant to subdivision (B)(5) shows that a deposit reduction is warranted.
 - (2) The Company may return a non-residential customer's deposit or portion thereof plus the applicable interest by:
 - (a) crediting to the account it secured in the amount of any outstanding charges;
 - (b) crediting to the account it secured in the amount of the next projected cycle bill, if applicable; and
 - (c) crediting to any other account of the non-residential customer not secured by a deposit, in the amount on the arrears of that account.
 - (3) If a balance remains after the Company has credited the customer's account(s) in accordance with paragraph (D)(1) of this subdivision, a refund check shall be issued to the non-residential customer.
- (E) The Company may withhold or discontinue service for failure of the customer to pay the required deposit.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.2 DEPOSITS (Continued)

- (F) Interest at the rate established by the New York Public Service Commission from time to time will be accrued on all deposits. Such interest shall be paid to the customer upon the return of the deposit, or, for nonresidential customers, will be credited on the next bill for service after October 1, and subsequently on the next bill for service after each following October 1.
- (G) Deposits shall be deemed as security for the payment of unpaid service bills or other claims of the Company against the customer upon termination of service.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.3 PERMITS

The Company will make application for any necessary highway permits for installing its service facilities and shall not be required to furnish service until a reasonable time after such permits are granted. The customer, at his expense, must obtain and present to the Company for registration satisfactory easements, rights of way, permits (except highway permits), consents or certificates necessary to give the Company access to his installation and equipment and to enable its service to be connected therewith, or for other purposes in connection with the supply of service. Also, the customer, at his expense, must secure all permits, municipal and otherwise, required by law for the installation and operation of equipment utilizing the service on his premises.

3.4 TEMPORARY SERVICE

When service is to be used at a site where the needed facilities will not be used for permanent supply, such as for entertainments, construction purposes or other activities of limited duration, the cost of installation and removal of all facilities, less salvage value, shall be borne by the customer, and a sufficient amount to cover this cost shall be paid in advance.

3.5 UNUSUAL CONDITIONS

Where the Company cannot be assured that the customer to be served will be permanent or where unusual expenditures are necessary to supply service because of the location, size, or character of the customer's installation, facilities will be constructed only when the customer makes an adequate contribution toward the cost of such facilities, or makes other satisfactory arrangements which would be sufficient to warrant the Company to undertake the investment and expense involved.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES

(A) Company Obligations

When a written request for electric service is made to the Company by an applicant whose property abuts on or has access to any public right-of-way (other than a controlled access highway) in which the governmental authority having jurisdiction will permit the utility to install and maintain facilities, the Company shall:

- (1) Render the service requested in accordance with the provisions in parts 98, 99 and 100 of the Rules of the Public Service Commission and this Tariff.
- (2) Furnish, place, construct, operate, maintain and (when determined to be necessary by the Company or the Commission) reconstruct, or replace all electric facilities within the public right-of-way and other right-of-way when the Company elects to use such right-of-way in lieu of constructing facilities within the public right-of-way, at its own cost and expense, subject to the provisions of the Rules of the Public Service Commission parts 98, 99 and 100, which cost and expense shall include the amounts paid to governmental authorities for permits to do the work required and any additional amounts paid for the right(s) to make such elective use of other right-of-way. If an applicant installs distribution facilities beyond the public right-of-way pursuant to the Company's Tariff, and in accordance with the Company's construction specifications, or if the Company installed distribution facilities beyond the public right-of-way, the Company shall maintain, repair and if necessary replace, at its own expense, such distribution facilities, provided that any necessary easements are provided by the applicant or customer. In the case where facilities are damaged, destroyed, caused to be replaced or reconstructed by an act or omission by any customer, person, corporation or other entity, the Company may recover its costs and expenses for such replacement or reconstruction from the party responsible for such act or omission.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(A) Company Obligations (Continued)

- (3) Grant the appropriate footage allowance(s) as set forth in General Information Section No. 3.7. For each line extension for which a footage allowance is granted, the portion of the line extension cost to be borne by the Company shall be calculated as follows:

(a) Overhead Distribution Line Extensions

The Company will estimate the total material and installation cost of the extension. This cost will be divided by the total footage to determine the average cost per foot of the extension. The applicable footage allowance will be multiplied by the calculated average cost per foot to determine the portion of the distribution line extension cost to be borne by the Company.

(b) Overhead Service Line Extensions

The portion of the cost to be borne by the Company shall be equal to the Company's labor cost to install a service drop of the capacity required by the applicant plus the product of the Company's per foot material cost and the footage allowance. For the purposes of this Section, the following costs are established:

<u>Service Capacity</u>	<u>Labor Cost</u>	<u>Material Cost Per Foot</u>
100 Amp	\$127.85	\$0.61
200 Amp	127.85	1.19
300 Amp	575.91	1.64
400 Amp	575.91	3.28

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(A) Company Obligations (Continued)

(3) (Continued)

(c) Mandatory Residential Underground Extensions Within Subdivisions

For residential subdivision applicants granted footage allowances as set forth in General Information Section No 3.7(A), the portion of the distribution line cost to be borne by the Company shall be calculated in accordance with the charges contained in 3.8(B)(1)(b). Any remaining footage allowances for service lines shall be calculated in accordance with the costs contained in 5.1(B)(2).

(d) Mandatory Residential Underground Extensions Outside of Subdivisions

For residential applicants requiring mandatory underground line extensions outside of subdivisions, and granted footage allowances as set forth in 3.7(A) of this Schedule, the portion of the line extension cost to be borne by the Company shall be calculated as follows.

The Company will estimate the total material and installation cost of the distribution line extension. This cost will be divided by the total footage of the distribution line extension to determine the average cost per foot of the extension. The applicable distribution footage allowance will be multiplied by the calculated average cost per foot to determine the portion of the distribution line extension cost to be borne by the Company. Any remaining footage allowances for service lines shall be calculated in accordance with the costs contained in 5.1(B)(2).

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(A) Company Obligations (Continued)

(3) (Continued)

(e) Non-Residential or Non-Mandatory Residential Underground Extensions

When non-residential underground service or non-mandatory residential underground service is requested by an applicant, the Company will estimate the total material and installation cost of the extension. The cost to be borne by the Company shall be the cost borne by the Company for an equivalent overhead extension as calculated in (a) and (b) above. The applicant shall bear the remainder of the cost.

- (4) To the extent practicable, underground electric, communication and CATV facilities shall be installed in a common trench when new construction is, or can without undue difficulty, be made simultaneously. Every reasonable effort shall be made to use joint occupancy utility poles to accommodate the installation of electric, communication and CATV facilities when new overhead construction occurs.

(B) Obligations of all Applicants

When a written request for service is made to the Company by an applicant whose property abuts on, or has access to, any public R/W (other than a controlled access highway) in which the governmental authority having jurisdiction will permit the Company to install and maintain facilities, and no electric line exists appropriate to the service requested by the applicant, the Company shall furnish, place and construct such lines to serve said property provided that the applicant either:

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(B) Obligations of all Applicants (Continued)

- (1) Deliver to the Company free from cost, any necessary easement(s) or right(s)-of-way or pay or agree in writing to pay any charge relating to the Company's acquisition of the necessary easement(s) or right(s)-of-way. The applicant must indicate to the Company in writing that he or she has been unable to obtain such easement(s) or right(s)-of-way;
- (2) Pay or agree in writing to pay the material and installation costs relating to any portion of distribution line, service line and appurtenant facilities that exceeds the portion which the Company is required to provide without contribution as set forth in General Information Section No. 3.7 and calculated in accordance with paragraph (A)(3) above; and
- (3) Furnish reasonable security as to the performance of his or her agreement.

(C) Additional Obligations of Residing Applicants

Obligations of residing applicants in addition to those set forth in paragraph (B) above before service is provided, the applicant shall first have:

- (1) Assured the Company that he or she will be a reasonably permanent customer; and
- (2) Agreed to pay the Company the rates charged like customers; and

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(C) Additional Obligations of Residing Applicants (Continued)

- (3) Paid or agreed in writing to pay the Company for the material and installation costs of any distribution lines, service lines, right-of-way and appurtenant facilities in excess of any allowances as set forth in General Information Section No. 3.7, prior to the commencement of construction. If the Company estimates that in each of the first two years after service to the applicant is begun the total revenue from all customers served from the new distribution line extension will exceed 1.5 times the reasonable actual capital costs of the total distribution line extension, then no payment for costs in excess of any allowances will be required of the applicant. In the case where a contribution toward costs in excess of any allowances is required and such contribution is less than \$1,000, a residing applicant must pay a lump sum charge as described in (a) below. In the case where such contribution exceeds \$1,000, a residing applicant may elect to either:
 - (a) Pay a lump sum charge for such facilities. As new customers are added to a distribution line extension, the Company shall recalculate the contribution obligation of the applicant, as set forth in paragraph (C)(4) below for a period of ten years. If, within a period of ten years, the total revenue in each of any two consecutive calendar years from all customers served from the new distribution line exceeds 1.5 times the reasonable actual capital costs of the total distribution line a prorated refund of the lump sum payment will be calculated based on the number of years which elapsed before the revenue test was met. The Company shall refund without interest to the then current owner of the residence that portion of the applicant's contribution which such calculations indicate should be refunded. However, in no event will such refunds exceed the amount originally paid; or

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(C) Additional Obligations of Residing Applicants (Continued)

(3) (Continued)

- (b) Pay a surcharge for such facilities. The surcharge shall be applicable for ten (10) years, paid in equal installments either annually or rateably for each billing period at the applicant's option.

The surcharge shall be calculated as follows:

Cost of facilities in excess of allowances x interest factor

The interest factor shall be calculated as follows:

$$((C/M)/(1-(1+(C/M))^{-NM}))$$

where

C = the Company's weighted pre-tax cost of capital awarded in the prior rate proceeding,

N = 10, the number of years in the surcharge period, and

M = the number of surcharge payments to be made per year.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(C) Additional Obligations of Residing Applicants (Continued)

(3) (Continued)

(b) (Continued)

As new customers are added to distribution lines within 10 years of construction of said distribution lines, any surcharges shall be recalculated and prorated for the remaining years, as set forth in paragraph (C)(4) below. However, the interest factor shall remain constant for the life of the surcharge. At any time, the applicant may make a lump sum payment of the outstanding principal balance. Such lump sum payment shall be subject to refund for the remaining term as set forth in paragraph (C)(3)(a) above.

The surcharge shall terminate if at any time the number of customers added to the extension times the allowable footage equals or exceeds the applicable footage allowance for the total extension.

The surcharge shall cease if the total revenue from all the customers served from the distribution line extension exceeds, in each of any two consecutive calendar years within 10 years after the first applicant began receiving service from the extension, 1.5 times the reasonable actual capital cost of the total distribution extension.

No surcharge shall be imposed on a residing applicant if the total estimated revenue in each of any two consecutive calendar years from all customers served from a new distribution line exceeds 1.5 times the reasonable actual capital costs of the total distribution line.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(C) Additional Obligations of Residing Applicants (Continued)

(3) (Continued)

(b) (Continued)

Within ten (10) years of the commencement of service any new applicants for service are subject to either a lump sum payment or 10 year surcharge.

The applicant shall inform any subsequent owner of the premises served of any remaining surcharge. The remainder of any surcharge shall be collectible from such prospective owner contingent on the Company's having included the bold-face notice required by Part 98.3(f) of the Rules of the Public Service Commission in its surcharge agreement.

Customers currently paying a perpetual surcharge may at their option convert to either a lump sum or ten (10) year surcharge with years and prior payments credited.

If a customer has paid a perpetual surcharge for 10 years or more, the surcharge shall cease.

- (4) In the case of multiple initial residing applicants for service from the same distribution line extension, or for additional residing applicants who require service from an existing distribution line extension within 10 years of the date such distribution extension first began providing service to the initial customer, the surcharges and/or lump sums of applicants and/or customers (representing their cost responsibility for distribution line costs) will be calculated or recalculated according to the following rules:

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(C) Additional Obligations of Residing Applicants (Continued)

(4) (Continued)

- (a) No applicant will incur any cost for footage which is within the aggregate free allowances of all applicants who are connected to the distribution extension within the first 10 years of its rendering service.
- (b) The aggregate free footage allowance for all applicants and customers served by the extension within the first 10 years of its rendering service will be determined as set forth in General Information Section No. 3.7 except that, if the portion of the extension necessary to provide service to an applicant is less than the allowance as set forth in General Information Section No. 3.7, then the utility shall credit only the lesser actual footage needed beyond other customers' aggregate free allowance toward the aggregate free allowance for all customers/applicants.
- (c) No applicant will incur any cost for footage of a distribution extension which is beyond the portion of the extension necessary to serve the applicant. Each applicant is responsible for the cost of any footage (beyond the aggregate free allowance) which serves only that applicant, and for a pro rata share of the cost of any footage (beyond the aggregate free allowance) which serves both that applicant and (an)other applicant(s). A pro rata share shall be calculated based upon the costs and expenses for each shared portion of distribution line divided by the number of customers that are supplied by that portion of the line.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(C) Additional Obligations of Residing Applicants (Continued)

(4) (Continued)

- (d) The value of additional free footage allowances for applicants requiring additional footage beyond any portion of an existing extension for which service commenced within ten years, shall be first applied to the existing extension. The value of any remaining free footage allowances will be applied to the footage required beyond the original extension. The required lump sum or surcharge amounts for the additional extension will be calculated as set forth in Section (C)(3) above.
- (e) When additional customers are added to an existing extension, the value of the free footage allowance for each additional applicant shall be calculated at the average cost per foot of the original extension.
- (f) A surcharge will cease if a customer has paid the principal owed based on a recalculation in accordance with (a) through (e) above. Any overpayment of principal will be refunded. A new surcharge will be calculated to recover any principal owed by an existing customer for the balance of the initial 10 year period. Interest will be calculated at the same rate applied in the initial surcharge.
- (g) Any lump sum overpayment determined as a result of a recalculation in accordance with (a) through (e) above shall be refunded without interest to the then current owner of the residence.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(D) Additional Obligations of Non-Residing Applicants

Obligations of non-residing applicants in addition to those set forth in paragraph (B) above. Before service is provided, the applicant shall first have:

- (1) Cleared any right-of-way conveyed to the Company of tree stumps, brush and other obstructions and graded such right-of-way to within six inches of final grade at no charge to the Company where electric distribution lines, service lines, or appurtenant facilities are required to be installed underground or will be placed underground at the request of the applicant; such clearance and grading must be maintained by applicant during construction; and
- (2) Provided a survey map certified by a licensed professional engineer or land surveyor and certified to as final by the applicant, showing the location of each dwelling (if known), lot, sidewalk and roadway; and
- (3) Placed and agreed to continue to maintain survey stakes indicating grade and property lines; and
- (4) Furnished to the utility a map showing the location of all existing and proposed underground facilities, as soon as the location of such facilities is known; and
- (5) Install all sewer, water, and drainage facilities, and curbs before the Company commences construction; and
- (6) The applicant shall cooperate with the Company in an effort to keep the cost of construction and installation of the distribution lines as low as possible, consistent with requirements for safe and adequate service, including reasonable provision for load growth; and
- (7) Paid a lump sum charge for the installation of any facilities in excess of any footage allowances as set forth in General Information Section No. 3.7.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(E) Form of Agreement for Electric Line Extension Surcharge

ORANGE AND ROCKLAND UTILITIES, INC.

AGREEMENT FOR ELECTRIC LINE EXTENSION SURCHARGE

Date _____ 20 __

THE UNDERSIGNED, (hereinafter called "Customer") hereby agrees with ORANGE AND ROCKLAND UTILITIES, INC. (hereinafter called "Company") to make annual or rateable surcharge payments to the Company for electric service provided to the premises owned by _____ located at _____ under the terms and conditions pertaining to "Extensions of Lines and Facilities" and "Allowances for the Provision of Electric Service" set forth in the Company's Tariff, P.S.C. Number 3 – Electricity, Sections 3.6 and 3.7.

TERMS OF THIS AGREEMENT:

- (1) This surcharge constitutes a repayment with interest by the Customer, in equal installments, over a ten-year period of the Customer's share of the cost of the installation and materials for the distribution and/or service line extension required to provide electric service to the above premises. In addition this surcharge may include the costs of rights-of-way obtained by the Company to provide electric service.
- (2) The surcharge payments are in addition to the payment each billing period of the Company's charges for residential electric service in accordance with the applicable service classification.
- (3) The Customer may elect to convert the surcharge to a lump-sum payment and pay it off at any time during the ten-year surcharge period. The Company shall credit, against the lump sum payment, the amount of principal previously paid (amortization schedule attached). The Customer will be required to pay the remaining principal amount without any further interest charge.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(E) Form of Agreement for Electric Line Extension Surcharge (Continued)

- (4) The surcharge will cease if, in each of any two consecutive calendar years within ten years of the initial applicant's taking service from the extension, the total revenue from all customers served by the distribution line extension exceeds 1.5 times the reasonable actual capital costs of the extension.
- (5) If additional customers subsequently take service from the line extension within ten years of the initial applicant's taking service from it, this surcharge shall be recalculated and prorated for the remaining years as set forth in Section 3.6(C)(4) of the Company's Tariff P.S.C. Number 3 - Electricity.
- (6) If the premises is sold during the surcharge period, the Customer shall inform any subsequent owner of any remaining surcharge. The subsequent owner shall be responsible for payment of the surcharge and will be entitled to any adjustments or credits, if applicable, resulting from recalculations as described in (5) above.

THE APPLICANT HEREBY AGREES TO INFORM ALL PROSPECTIVE PURCHASERS OF THIS PROPERTY OF ANY UTILITY SURCHARGE WHICH MAY BE IN EFFECT AT THE TIME OF THE PURCHASE.

SURCHARGE CALCULATION

Costs of Line Extension:

	<u>Total Cost of Extension</u>	<u>Customer Entitlement</u>	<u>Customer Obligation</u>
Supply and Distribution Lines	_____	_____	_____
Service Lines	_____	_____	_____
Rights-of-way	_____	_____	_____
Totals	_____	_____	_____*

* Payable as a lump sum prior to construction of the extension

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.6 EXTENSIONS OF LINES AND FACILITIES (Continued)

(E) Form of Agreement for Electric Line Extension Surcharge (Continued)

Surcharge Amounts:

Total cost over ten years, including interest _____

Payment Options (check one)

Monthly _____

Bi-Monthly _____

Annually _____

The annual or rateable surcharge is the Customer's total obligation times an interest factor computed from the following formula:

$$\text{Interest Factor} = (C/M)/(1-(1+(C/M))^{-NM})$$

where C = the Company's weighted pre-tax cost of capital awarded in the prior rate proceeding; N = 10, the number of years in the surcharge period; and M = the number of surcharge payments to be made per year.

ACCEPTED:

ORANGE AND ROCKLAND UTILITIES, INC.

CUSTOMER

By _____

By _____

Date _____

Date _____

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.7 ALLOWANCES FOR THE PROVISION OF ELECTRIC SERVICE

(A) Allowance for Mandatory Residential Underground Service

Where the Company is required, by the Commission or a governmental authority having jurisdiction to do so, to provide residential underground service, the cost and expense which the Company must bear, except as otherwise provided in the Rules of the Public Service Commission parts 98, 99 and 100, or as set forth in General Information Section No. 5 shall include the material and installation costs for up to a total of 100 feet of single phase underground distribution line (including supply line) and underground service line per dwelling unit served, measured from the Company's existing electric system (from the connection point on the bottom of the riser pole for overhead to underground connections) to each applicant's meter or point of attachment with respect to each residential building. For multiple occupancy buildings the footage allowance for each building shall be up to 100 feet of single phase underground line times the average number of dwelling units per floor of each building. The average number of dwelling units per floor is calculated as follows:

total # of units/# floors = number of allowances.

If the Company receives an application for underground residential service outside a subdivision, and a governmental authority having jurisdiction to do so has required that the facilities be installed underground, the Company may, if the per-foot cost of installing the necessary facilities will be greater than two times the charges per foot set forth in General Information Section No. 3.8(B), petition the Secretary of the Commission to allow a greater contribution to the cost of installation of the facilities than would otherwise be required.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.7 ALLOWANCES FOR THE PROVISION OF ELECTRIC SERVICE (Continued)

(B) Allowance for Non-Mandatory Residential Underground Service

Where an applicant requests a residential underground service line in situations other than those as set forth in paragraph (A) above, the cost and expense which the Company must bear shall include the material and installation costs equivalent to those relating to the length of overhead service line which the applicant would otherwise be entitled as set forth in paragraph (C) below, measured from the Company's existing electric system (from the connection point on the bottom of the riser pole for overhead to underground connections) to each applicant's meter or point of attachment with respect to each residential building.

(C) Allowance for Residential Overhead Service

Where permitted to provide residential overhead service, the cost and expense which the Company must bear shall include the material and installation costs for up to 500 or 300 feet of overhead distribution line, for single-phase and three-phase service respectively, and up to 100 feet of overhead service line, measured from the Company's existing electric system to each applicant's meter or point of attachment with respect to each residential building, except as otherwise provided in the Rules of the Public Service Commission parts 98, 99 and 100 or as set forth in General Information Section No. 5.

(D) Allowance for Company Elected Residential and Non-Residential Underground Service

Where the Company chooses to provide residential or non-residential underground service, the cost and expense which the Company must bear shall include the material and installation costs relating to the necessary Company facilities that exceed the amount which the applicant would be required to pay if such facilities were installed overhead.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.7 ALLOWANCES FOR THE PROVISION OF ELECTRIC SERVICE (Continued)

(E) Allowance for Mandatory or Non-Mandatory Non-Residential Underground Service

When non-residential underground service is requested by an applicant, or where a governmental authority having jurisdiction to do so requires underground service, the cost and expense which the Company must bear except as otherwise provided in the Rules of the Public Service Commission parts 98, 99, and 100, shall include the material and installation costs equivalent to those as set forth in paragraph (F) below.

(F) Allowance for Non-Residential Overhead Service

Where permitted to provide non-residential overhead service, the cost and expense which the Company must bear shall include the material and installation costs for up to 500 or 300 feet of overhead distribution line, for single-phase and three-phase service, respectively except as otherwise provided in the Rules of the Public Service Commission parts 98, 99, and 100 or as set forth in General Information Section No. 5.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS

For permanent electric service to new residential buildings within a residential subdivision in which it is planned to build five or more residential buildings or one or more new multiple-occupancy buildings containing four or more individual dwelling units and upon compliance by the applicant with the requirements of this Tariff, the Company shall install, operate and maintain underground electric distribution lines with sufficient capacity, including reasonable provision for load growth, reliability and suitable material which, in its judgment, will assure that the applicant will receive safe and adequate electric service if (a) the residential subdivision will require no more than 200 trench feet of facilities per dwelling unit planned within the residential subdivision, (b) a government authority having jurisdiction to do so has required undergrounding or (c) an applicant requests undergrounding. Such installation shall be undertaken by the Company as soon as reasonably possible after receipt of a proper application (including receipt of any required permits) and shall be made at a time appropriate to render service. Construction will not be delayed by the Company so that the applicant will be delayed in the sale or other disposal of the buildings, or lots, except where such delay is caused by strikes, fire, flood, inclement weather, unavailability of materials, civil disorders or other conditions beyond the control of the Company. No overhead circuits, including street lighting circuits, shall thereafter be installed by the Company within a residential subdivision having underground electric distribution lines.

Under certain conditions as set forth in this section, the Company may install overhead distribution lines in new residential subdivisions.

(A) Pre-conditions

Prior to construction, the applicant shall:

- (1) Execute the Application for Underground Extensions of Lines and Facilities to New Residential Subdivisions as prescribed in General Information Section No. 3.8(G).
- (2) Comply with any applicable provisions set forth in General Information Section No. 3.6.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

(B) Installation of Underground Distribution System Within Subdivisions

(1) Contribution by the Applicant

For purposes of this section the following construction charges per trench foot are established:

(a) Underground Supply Circuit

The charge including labor, material and trenching is set forth in the Statement of Underground Residential Distribution Contribution;

(b) Underground Distribution Line Within Perimeter of Development

The charge for labor, material and trenching for single phase service is set forth in the Statement of Underground Residential Distribution Contribution.

In the event the Company determines, in its sole discretion, that three-phase service is required, or an applicant requests three-phase service, within a residential subdivision, the Company shall provide such service in accordance with any applicable order(s) of the Commission or, if none, the applicant shall be assessed an additional charge for three-phase line at a rate set forth in the Statement of Underground Residential Distribution Contribution for all three phase trench footage, and a charge equal to the Company's incremental costs for appurtenant facilities required to supply the three-phase service.

Applicant may elect to excavate the trench necessary for an underground installation of distribution lines. In the case where the Company would be otherwise responsible for the excavation of this trench, the Company shall reimburse the applicant a credit set forth in the Statement of Underground Residential Distribution Contribution for the trenching, consistent with the footage allowance set forth in General Information Section No. 3.7.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

(B) Installation of Underground Distribution System Within Subdivisions (Continued)

(1) Contribution by the Applicant (Continued)

The above charges per trench foot, as set forth in the Statement of Underground Residential Distribution Contribution, are subject to change annually based on the Company's experienced average cost of all underground lines installed under this tariff for the 12 months ended December 31 of the previous year. Revised charges will be filed with the Commission prior to May 1 of each year, to become effective on not less than 30 days notice.

If the Company receives an application for service within a residential subdivision and the per-foot cost of installing the necessary underground facilities will be greater than two times the charge per foot set forth above and in General Information Section No. 5, the Company or the applicant may petition the Secretary of the Commission to allow overhead installation, which petition shall set forth the relevant economic, engineering, or environmental factors.

If, after the underground system construction is completed, the development of the subdivision is modified by the addition of dwelling units, as defined on the map submitted pursuant to Section 3.6., which then take service from the distribution line within the boundaries of the subdivisions the Company will recalculate the contribution as if the additional dwelling(s) was constructed at the time of the utility's original construction within the subdivision, and make an appropriate refund, without interest, but in no case will the refund exceed the original contribution.

Any portion of the charge remaining unrefunded five years from the date the Company is first ready to render service shall be retained by the Company.

When the applicant is a land developer selling vacant lots and is not primarily engaged in the construction of dwelling units within the subdivision, the applicant may be required to contribute the total cost of the underground electric distribution lines. For each dwelling unit which is constructed and takes service from the distribution line within 5 years of the date the Company is first ready to render service, the Company will make an appropriate refund, with interest.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

(B) Installation of Underground Distribution System Within Subdivisions (Continued)

(1) Contribution by the Applicant (Continued)

Any footage allowances set forth in General Information Section No. 3.7 shall be first applied to the supply line (provided supply line is required to be placed underground by a governmental authority having jurisdiction to do so), then to the distribution line and then to any service lines. In cases where the supply line is installed overhead, any footage allowances set forth in General Information Section No. 3.7 shall be first applied to the distribution line, then to any service lines and then to the supply line.

(2) Deposit by the Applicant

In order to guarantee performance, the Company may require from the applicant before construction is commenced a deposit in a reasonable amount, but in no event shall such deposit exceed the estimated total cost of construction. The deposit is in addition to the applicant's payment of its share of costs for installation. This deposit shall be returned quarterly to the applicant on a pro rata basis, with interest, at the rate specified by the Commission for interest on deposits, based on the number of customers connected to the underground electric system during that quarter.

Any portion of the deposit remaining unrefunded five years from the date the Company is first ready to render service from the underground distribution line shall be retained by the Company. Upon mutual agreement of both the applicant and the Company, a bond may be posted in lieu of any deposit. The form of the bond shall be in the form prescribed in Section 3.8(G) and must be drawn by surety acceptable to the Company. The bond will be accepted by the Company only when it is accompanied by a properly executed agreement in the form prescribed in Section 3.8(H).

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

(C) Exceptions to the General Rule

The installation of overhead distribution facilities may be allowed under the following circumstances if no government authority having jurisdiction to do so has required undergrounding.

(1) Cul-de-sac

Overhead facilities may be installed when no more than 600 feet of overhead extension is required in a cul-de-sac and a portion of the street is served overhead within or at the entrance of the cul-de-sac.

(2) Connection of Existing Overhead Lines

When existing overhead distribution lines can be connected by no more than 1,200 feet of extension, overhead facilities may be installed.

(3) Service Lines

Overhead service lines may be installed in new subdivisions from existing overhead distribution lines.

(4) One-Pole Extension

Where a one pole extension, including but not limited to road crossing pole extensions, would enable an existing overhead distribution line to be connected to a proposed distribution line in a residential subdivision, such extension may be installed overhead.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

(D) Environmental Effects

When the Company or applicant believes the installation of overhead lines would be environmentally more desirable than underground facilities, the Company or applicant may petition the Public Service Commission to allow overhead lines.

(E) Overhead distribution lines may be installed in a residential subdivision or section thereof otherwise required to have underground distribution when:

- (1) The developer of the residential subdivision is not primarily engaged in the construction of dwelling units within the residential subdivision;
- (2) No governmental authority having jurisdiction to do so has required underground service; and
- (3) Either:
 - (a) Five years have elapsed from the sale of the first lot within the residential subdivision to the first application for installation and the Company has no indication that there will be other new applicants in the residential subdivision within six months, or
 - (b) Five years have elapsed from the time of final approval of the residential subdivision or section thereof and less than twenty five percent of the lots have been sold in the residential subdivision or section thereof except where ten percent or more of the lots in the residential subdivision or section thereof have been sold within the last two years.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

- (F) In unusual circumstances when the application of these rules appears impracticable or unjust to either party or discriminatory to other customers, the applicant or the Company may petition the Secretary of the Commission for a special ruling or for approval of special conditions which may be mutually agreed upon before construction is commenced, which petition shall set forth relevant economic, engineering, and environmental factors.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

(G) FORM OF APPLICATION FOR UNDERGROUND EXTENSION OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISION

ORANGE AND ROCKLAND UTILITIES, INC.

Application for Underground Extensions of
Lines and Facilities to New Residential Subdivision

1. Applicant

Name _____
dba _____
Address _____
Zip _____
Telephone _____

2. Subdivision Name, Section and Location

3. Check if Applicant is an Applicant for a Land Development Subdivision _____

4. Total Number of Approved Dwelling Units Proposed in Subdivision _____

5. Indicate Type and Number of Residential Dwelling Units

Single Family Homes _____
Multiple Occupancy Building Units _____
Row Home Units _____
Permanently Installed Mobile Homes _____

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

(G) FORM OF APPLICATION FOR UNDERGROUND EXTENSION OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISION (Continued)

6. Construction Schedule

Date Electric Service is Initially Required _____

7. Type Use (Check One or More)

<input type="checkbox"/> Electric Space Heating	<input type="checkbox"/> Electric Cooking
<input type="checkbox"/> Electric Water Heating	<input type="checkbox"/> Central Air Conditioning
<input type="checkbox"/> General Lighting & Appliances	<input type="checkbox"/> Other (Specify) _____

Attached is an approved map of the subdivision described above. I hereby make application to Orange and Rockland Utilities, Inc. for the supply of underground distribution and supply circuit to this subdivision. Underground distribution lines and supply circuits supplied under this application will be taken and paid for by the applicant in accordance with the rules and regulations, and at the charges, contained in the Company's tariff, as filed with the Public Service Commission of the State of New York, on the date of this application.

The applicant acknowledges receipt of the currently effective tariff leaves.

Failure to commence construction prior to the date of annual filing of revised tariff leaves by the Company will result in a revision of the charges to those included in any revised tariff leaves.

Applicant's
Signature _____

Date _____

Received by Orange and Rockland Utilities, Inc.

Area Manager _____

Date _____

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

(H) FORM OF SURETY BOND FOR UNDERGROUND EXTENSION OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS:

That we _____
of _____
_____ as Principal, and
of _____

as Surety, are held and firmly bound unto ORANGE AND ROCKLAND UTILITIES, INC. of ONE BLUE HILL PLAZA, PEARL RIVER, NEW YORK 10965 as Obligee in the penal sum of _____ Dollars (\$_____) (which sum is hereby agreed to be the maximum liability hereunder), lawful money of the United States of America, well and truly to be paid, and for the payment of which we and each of us hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Principal, doing business as _____ has entered into a certain contract in writing, bearing date _____ 20__, with the said Obligee for the construction of Underground Extensions of Lines and Facilities to New Residential Subdivision, a copy of which is attached hereto, and is hereby referred to and made part hereof.

NOW, THEREFORE, the condition of this instrument is such that if the Principal indemnifies the Obligee against loss or damage directly arising by reason of the failure of the Principal faithfully to perform the above mentioned contract, then this instrument shall be null and void; otherwise it shall remain in full force and effect.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

(I) FORM OF AGREEMENT TO ACCOMPANY A DEPOSIT OR SURETY BOND FOR UNDERGROUND EXTENSION OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISION

THIS AGREEMENT, made as of the _____ day of _____, 20___, by and between ORANGE AND ROCKLAND UTILITIES, INC. (Orange and Rockland), a New York corporation, having its principal office at One Blue Hill Plaza, Pearl River, New York and (Applicant – Builder), having its principal office at

W I T N E S S E T H:

WHEREAS, Applicant-Builder has made application in the form attached to this Agreement as Appendix A for the installation of underground distribution lines and facilities to serve the subdivision described in such application (the "Subdivision"); and

WHEREAS, pursuant to Part 100.3 of the Rules of the Public Service Commission and Section 3.8(B)(2) of the General Information Section of the Rate Schedule of Orange and Rockland Utilities, Inc.'s Tariff-P.S.C. No. 3 – Electricity, (a) Applicant-Builder has made a deposit, as hereafter detailed, or (b) Applicant-Builder has posted a bond in lieu of making a deposit.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties agree as follows:

- (1) A deposit of \$_____ for each single family home, each multiple occupancy building unit, each row home unit or each permanently installed mobile home (the "Deposit") and a total deposit of \$_____ for _____ such units (the "Total Deposit") are reasonable in amount, accurately reflect the incremental costs of the underground facilities to be installed above the equivalent cost for overhead facilities or the incremental costs of the underground facilities to be installed above the equivalent of the footage allowance for underground facilities whichever is greater and are in all respects proper deposits per home and in total under Part 100.3 of the Rules of the Public Service Commission and Section 3.8(B)(2) of the General Information Section of the Rate Schedule of Orange and Rockland Utilities, Inc.'s Tariff-P.S.C. No. 3 Electricity, and any amendments thereto.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

(I) FORM OF AGREEMENT TO ACCOMPANY A DEPOSIT OR SURETY BOND FOR UNDERGROUND EXTENSION OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISION (Continued)

- (2) Orange and Rockland shall return to Applicant-Builder, as of a date five years from the date Orange and Rockland is first ready to render service from any underground distribution line, that portion of the Deposit equal to a sum which is in the same proportion to the Total Deposit as (a) the number of single family homes, multiple occupancy building units, row home units or permanently installed mobile homes actually taking metered electric service from Orange and Rockland five years from the date the Company is first ready to render service from any of the underground distribution lines installed by it within such subdivision, bears to (b) the number of single family homes, multiple occupancy building units, row home units or permanently installed mobile homes planned, as of the date of this Agreement, for development as shown on the approved subdivision map of such subdivision attached to Appendix A of this Agreement.

Return of the Deposit described above shall be made quarterly to the Applicant-Builder in the manner as provided in Section 3.8(B)(2) of the General Information Section of the Rate Schedule of Orange and Rockland Utilities, Inc.'s Tariff-P.S.C. No. 3 - Electricity.

If Applicant-Builder delivers a bond in lieu of deposit hereunder to Orange and Rockland, Applicant-Builder agrees to pay to Orange and Rockland, as of a date five years from the date Orange and Rockland is first ready to render service from any underground distribution line, a sum equal to that portion of the Total Deposit which Orange and Rockland would have retained under the preceding sentence if Applicant-Builder has not delivered a bond in lieu of a deposit. For purposes of this Agreement, the date Orange and Rockland is first ready to render service from its underground distribution lines shall be the date when Orange and Rockland renders metered underground electric service to any single family home, multiple occupancy building unit, row home or permanently installed mobile home within such subdivision.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

(I) FORM OF AGREEMENT TO ACCOMPANY A DEPOSIT OR SURETY BOND FOR UNDERGROUND EXTENSION OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISION (Continued)

- (3) Applicant-Builder agrees that in any suit by Orange and Rockland or any agent thereof to collect from it or from any surety, under this Agreement or under a surety bond issued in lieu of a deposit hereunder (i) it shall not by way of defense, affirmative defense, counterclaims, crossclaim or in any other manner: (a) raise any issue as to its obligation under part 100.3 of the Rules of the Public Service Commission and (any amendments thereto, or Section 3.8(B)(2) of the General Information) Section of the Rate Schedule of Orange and Rockland Utilities, Inc.'s Tariff-P.S.C. No. 3 – Electricity and any amendment or amendments thereto; (b) raise any issue as to the reasonableness of the Deposit per home or the Total Deposit or its obligation to make payments as provided in paragraph (2) of this Agreement; (c) interpose any claim whatsoever it may have against Orange and Rockland on account of act or failure to act, including negligent acts or negligent failures to act whether or not such claim arose out of or in connection with the performance of any obligation Orange and Rockland may have to install underground distribution lines within the approved subdivision shown on the map attached to Appendix A, provided, however, that Applicant-Builder may raise in any proceeding other than a proceeding to collect on this Agreement any and all such claims: (d) plead failure of consideration, in whole or in part, for entering into this Agreement; nor shall it (ii) without the written consent of Orange and Rockland, become a party to any suit by Orange and Rockland against any aforesaid surety to collect on any surety bond.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.8 UNDERGROUND EXTENSIONS OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISIONS (Continued)

- (I) FORM OF AGREEMENT TO ACCOMPANY A DEPOSIT OR SURETY BOND FOR UNDERGROUND EXTENSION OF LINES AND FACILITIES TO NEW RESIDENTIAL SUBDIVISION (Continued)

ORANGE AND ROCKLAND UTILITIES, INC.

BY: _____
VICE PRESIDENT

ATTEST:

SECRETARY
(SEAL)

BY: _____

ATTEST:

SECRETARY
(SEAL)

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.9 EXTENSIONS OF LINES AND FACILITIES TO NON-RESIDENTIAL CUSTOMERS WITH NEW OR INCREASED CAPACITY FACILITIES

(A) Applicability:

(1) Overhead Distribution Line Extensions

The Company will install and own all overhead distribution line extensions within a public right of way or easement provided by the applicant. The Company shall maintain, repair and if necessary replace at its own expense such distribution facilities provided necessary easements are provided by the applicant.

(2) Overhead Service Line Extensions

The Company will install, own, maintain and if necessary replace all overhead service line extensions. The applicant shall be given the option of constructing these facilities, excluding transformers, at applicant's expense, along the applicant's private right of way. All installation work performed by the applicant shall be in accordance with the Company's specifications.

(3) Underground Distribution Line Extensions

The Company will install and own all underground distribution line extensions within a public right of way or easement provided by the applicant. The Company shall maintain, repair and if necessary replace at its own expense such distribution facilities provided necessary easements are provided by the applicant.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.9 EXTENSIONS OF LINES AND FACILITIES TO NON-RESIDENTIAL CUSTOMERS WITH NEW OR INCREASED CAPACITY FACILITIES (Continued)

(A) Applicability: (Continued)

(4) Underground Primary Voltage Service Line Extensions

The applicant shall either:

- (a) Request the Company to provide design and material specifications for the electric extension at no charge to the applicant, purchase the materials from the Company or a private supplier, and install the facilities according to the Company's specifications. The Company will guarantee maintenance capability on the applicant owned system. The applicant shall reimburse the Company for all associated maintenance costs; or
- (b) Design the electric system, purchase materials and install the electric system in accordance with all applicable codes and shall be subject to the Company's approval for compatibility with its system. The Company will provide the transformers and associated specifications for secondary service at no charge to the applicant. The Company will not guarantee any maintenance capability on the system should such system fail. If the Company does provide maintenance on such system, the applicant shall reimburse the Company for all associated maintenance costs.

(5) Underground Secondary Voltage Service Line Extensions

All underground secondary voltage service lines shall be installed, owned, maintained, and if necessary replaced by the applicant.

- (B) In order to guarantee performance, the Company may require from the applicant before construction is commenced a deposit in a reasonable amount, but in no event shall such deposit exceed the incremental cost above the equivalent of the footage allowance set forth in General Information Section No. 3.7. This deposit shall be returned to the applicant upon connection to the electric system.

Any portion of the deposit remaining unrefunded five years from the date the Company is first ready to render service from the distribution line shall be retained by the Company.

GENERAL INFORMATION

3. HOW TO OBTAIN SERVICE (Continued)

3.10 EXCESS FACILITIES

Upon written application of a Customer on the application form prescribed in General Information Section No. 14 of this Rate Schedule, and subject to the terms and conditions thereof and the provisions hereinafter set forth, the Company will provide, at the customer's expense, facilities in excess of those normally provided by the Company under the other provisions of this Rate Schedule for the supply of electric service to the customer's premises. For the purposes of this provision, Excess Facilities shall mean any additional distribution line and/or service line requested by the applicant to provide service to the premises, as those terms are defined in this Rate Schedule.

The Company reserves the right to determine the number and routing of services from its distribution and/or service facilities. The Company will furnish Excess Facilities only if, in the Company's judgment:

- (A) Such Excess Facilities will not adversely affect the Company's standard system of design;
- (B) Such Excess Facilities will conform with the Company's construction and installation;
- (C) The utilization of service by the customer through such Excess Facilities will not constitute a present or potential cause of interference with the supply of service to other customers;
and
- (D) Such Excess Facilities in no way will jeopardize the health and/or safety of customers of the Company.

The provision of Excess Facilities hereunder shall be subject in all respects to the limitations upon characteristics of service elsewhere set forth in this Rate Schedule, and shall be subject to the other provisions of this Rate Schedule, except as may be expressly provided above.