

SERVICE CLASSIFICATION NO. 11 (Cont'd)

PURPOSE:

This Service Classification is designed to attract business relocation or expansion to the Corporation's service territory by offering an Individual Electric Service, over a specified period, for new or additional load with a competitive viable alternative.

APPLICABLE TO THE USE OF SERVICE FOR:

Any new or existing Customer who meets all eligibility requirements stated below shall be eligible to take service in accordance with the rates, charges and provisions set forth under this Service Classification.

Requirements

- (1) Customer is eligible to take non-residential service under the Non-Retail Access Rate or the Retail Access Rate, and
- (2) Customer adds at least 50 kW of demand to the Corporation's system by (a) constructing a new facility; or (b) expanding an existing facility; or (c) adding facilities or equipment to an existing site; or (d) adding facilities (regardless of size) through the redevelopment of a vacant or inactive site, including land or buildings which have been previously developed and have been vacant or inactive for at least six months and which are proposed for reuse or redevelopment with the assistance of public financing; or (e) developing facilities or projects (regardless of size) which are located in area eligible to receive Urban Development Action Grants, and
- (3) Customer shall apply for service under this Service Classification prior to the addition of load as described in Requirement (2) above.

CHARACTER OF SERVICE

Alternating Current - 60 cycle, voltage and phase at the Corporation's option, as available and appropriate for the Customer's requirements, for new or additional load. The energy to be provided under this Service Classification will be determined by subtracting from the total metered energy a base amount to be determined using a historical period. The Corporation reserves the right to require submetering of the additional load.

SERVICE CLASSIFICATION NO. 11 (Cont'd)

INDIVIDUAL ELECTRIC SERVICE AGREEMENT:

Determination as to whether or not the Corporation will enter into an Individual Electric Service Agreement will be based on an assessment of the need to or attract a Customer's load or expand the Customer's usage and the demonstration of economic benefits to non-participating Customers.

Upon 30 days notice to the Corporation, and upon acceptance of the application by the Corporation, such a Customer's eligible load may qualify for an Individual Electric Service Agreement, pursuant to this Service Classification. The Individual Electric Service Agreement will be negotiated to avoid undue discrimination between similarly situated Customers.

The Individual Electric Service Agreement shall contain and specify all terms and conditions necessary for the Corporation to provide such service to the Customer, including but not limited to:

- (A) The term of service.
- (B) The characteristics of service in addition to Character of Service listed above.
- (C) A listing of the rates and charges to be paid for services rendered.
- (D) A statement that the Customer has met all of the requirements of this Service Classification, including the following:
 - (1) Customer must provide documentation as to its eligibility under the Applicable to the Use of Service For provision of this Service Classification. Customer must also demonstrate proof of the existence of a competitive viable alternative, and its planned procedure to disregard same.
 - (2) The documentation shall also include the results of a comprehensive production analysis and energy audit, including, but not limited to process usage, lighting, and HVAC requirements as presented by independent consultants, licensed in New York State as professional engineers, or as otherwise acceptable to the Corporation. The Customer agrees to evaluate and assess in good faith the resulting recommendations from the comprehensive production analysis and energy audit for inclusion in the Customer's facility.
- (E) The Customer will provide, in a form acceptable to the Corporation, its pricing objective needed to attract the Customer or expand its usage. The pricing objective shall specify the relief from the otherwise applicable standard tariff rate that is necessary to attract the Customer or expand the Customer's load, recognizing contributions towards achieving that objective from other economic development entities.
- (F) The documentation shall demonstrate the Customer's participation in, or efforts to participate in, available State and/or local economic development programs as reviewed and attested to by the appropriate agency(ies) and Economic Development staff employed by the Corporation. To that end, the Corporation will coordinate a comprehensive program of development initiatives that are available and applicable from the private and/or public sector(s). Each Individual Electric Service Agreement will identify billing procedures provided under the Corporation's economic development tariff, contracts, and programs (including NYPA economic development programs) as appropriate.

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SERVICE CLASSIFICATION NO. 11 (Cont'd)

INDIVIDUAL ELECTRIC SERVICE AGREEMENT (Cont'd)

(G) The **Individual Electric Service Agreement** must be accompanied by a sworn affidavit of the senior manager or officer at the Customer's facility, representing that the information submitted is true and that absent the Individual Electric Service Agreement, the Customer would not have commenced taking or increased the use of electric service from the Corporation. The affidavit submitted by the Customer shall also include a commitment to continue to assess in good faith the resulting recommendations from any comprehensive production analysis and energy audit for inclusion in the Customer's facility, throughout the term of the Individual Electric Service Agreement.

Each Individual Electric Service Agreement will be jointly filed with the Public Service Commission ("PSC" or "Commission") by the Corporation and the Customer pursuant to the PSC's Order Approving Guidelines For Flexible Rate Service Contracts, issued and effective April 14, 2005 in PSC Case 03-E-1761 (the "April 2005 Order"). The filing and any subsequent information requested by the PSC or its Staff regarding the Individual Electric Service Agreement will be subject to full confidentiality protection as a trade secret.

SERVICE CLASSIFICATION NO. 11 (Cont'd)

RATES:

The specific charges for service under this Service Classification will be stated in the Individual Electric Service Agreement executed for each Customer served hereunder.

DELIVERY RATE:

The rate contained in an Individual Electric Service Agreement will, at a minimum, recover the Corporation's marginal costs plus a contribution toward system costs ("Marginal Cost Floor").

The Marginal Cost Floor is defined as:

$$MC_{\text{trans}} + MC_{\text{dist}} + MC_{\text{ancillary}} + \text{NTAC} + \text{contribution toward system costs}$$

Where:

MC_{trans} is the Corporation's FERC-approved Transmission Service Charge

MC_{dist} is the Corporation's marginal distribution costs

$MC_{\text{ancillary}}$ is the Corporation's system load weighted average of the NYISO ancillary services charges for Schedules 1 (fixed and variable), 2, 3, 5, and 6,

NTAC is the NYPA Transmission Access Charge

Unless an updated marginal cost study is attached to the Individual Electric Service Agreement, the marginal costs that are approved by the PSC for use in the development of the Corporation's Empire Zone Rates ("EZR") rates will be used for determining the Marginal Cost Floor.

COMMODITY RATE:

Customer Options:

- The Corporation may provide electric commodity service at the rate for commodity available in the otherwise applicable Service Classification, as amended or superseded; or
- The Corporation will facilitate a Customer's access to market commodity options available from ESCOs by offering the Customer assistance with linking the Customer with an ESCO that will offer, at a minimum, fixed price commodity for a period of at least six months.

If the Customer's pricing objective, as demonstrated by the Customer, cannot be met by a combination of the above delivery and commodity offerings and other economic development offers, the Corporation will evaluate innovative solutions and pursue alternatives in an effort to achieve the Customer's pricing objective, provided that if the Corporation is the provider of the commodity, then the Corporation shall not be required to supply that commodity below cost, the commodity shall not be drawn from the Corporation's existing supply portfolio, and the pursuit of commodity service shall not result in an economic detriment to other Customers.

SERVICE CLASSIFICATION NO. 11 (Cont'd)

TERM

The term of delivery service shall be limited to no more than five years, unless a longer term is approved by the PSC. Prospective adjustments may be negotiated by the Corporation and the Customer, as defined within the Individual Electric Service Agreement.

The term of standard Corporation-offered commodity service supplied by the Corporation shall be reflected in the Individual Electric Service Agreement and shall remain in effect for the time periods established in the otherwise applicable Service Classification.

Other commodity options may provide for prospective price changes and term limitations, as defined within the Individual Electric Service Agreement.

If a Customer terminates or breaches an Individual Electric Service Agreement with the Corporation prior to the expiration of the term in which the price for a non-tariffed commodity option was to remain in effect, the Customer shall be responsible for compensating the Corporation for any obligations the Corporation has, or any damages the Corporation incurs, to a commodity supplier or a provider of a financial hedge relating to that price.

SYSTEM BENEFIT CHARGE

Per SBC Statement, as described in Rule 4. All kilowatt hours, per kWh.

RENEWABLE PORTFOLIO STANDARD:

Each customer bill for service under this Service Classification will be increased by multiplying all kilowatthours delivered by the applicable Renewable Portfolio Standard charge, as shown in the Renewable Portfolio Standard Charge statement as described in Rule 4.

MERCHANT FUNCTION CHARGE (MFC):

Per MFC Statement, as described in Rule 4. All kilowatt hours, per kWh.

POR ADMINISTRATION CHARGE

Per POR Statement, as described in Rule 4. All kilowatt hours, per kWh.

SURCHARGE TO COLLECT TEMPORARY STATE ASSESSMENT ("TSAS"):

A surcharge will be added to each customer bill for service under this Service Classification to collect the Temporary State Assessment (as explained in this Schedule, General Information Section 4.K.). See TSAS Statement.

MERCHANT FUNCTION CHARGE ("MFC"):

The Merchant Function Charge reflects the administrative costs of obtaining electricity supply. All customers taking supply service under this Service Classification with RG&E will be subject to a MFC charge (as explained in this Schedule, General Information Section 12.). See MFC Statement.

SERVICE CLASSIFICATION NO. 11 (Cont'd)

INCREASE IN RATES AND CHARGES

The rates and charges under this Service Classification will be increased by the applicable effective aggregate percentage shown in Rule 4.J for service supplied within the municipality where the Customer is taking service.

TERMS OF PAYMENT

All bills are rendered at the rates stated above. A late payment charge of one and one-half (1 1/2) percent per month shall become due and payable if payment is not made on or before the "last day to pay" date specified on the bill in accordance with the provisions of Rule 4.C.2. If an Individual Electric Service Agreement is in effect, the late payment charge will be stated in the Individual Electric Service Agreement, but shall not exceed the rate stated in Rule 4.C.2.

NYISO EMERGENCY DEMAND RESPONSE PROGRAM RIDER

Any Customer that is taking service under this Service Classification and is participating in the NYISO's Emergency Demand Response Program ("EDRP"), as provided in the NYISO's Services Tariff as an EDRP Load, is eligible for service under this rider. The Customer must submit to the Corporation an application for service under this Rider. The Corporation will process the Customer application in no more than seven (7) days after submission of a completed application, subject to any processing time required by the NYISO.

Participation in the EDRP is voluntary and no penalties will be assessed for the failure to curtail load.

- a) Term
The Corporation will notify Customers as to when their load may first be offered to the NYISO.
- b) Emergency Demand Response Period Notification

The Corporation will notify Customers served under this Rider when the NYISO declares an emergency, in accordance with Attachment G to NYISO's Services Tariff. Notice shall be provided by telephone, e-mail, facsimile and/or other electronic means, as agreed upon by the Corporation and the Customer. Notification will occur approximately 2 hours prior to the need for load reduction by Customers. The Corporation shall endeavor to provide earlier notification when possible, but shorter notification periods may be necessary. The Corporation will also notify Customers served under this Rider when the NYISO declares the emergency to be over. Reductions to the load served by the Corporation by Customers under this Rider in response to NYISO-declared emergencies will be voluntary. In order to receive payments under this Rider, Customers must be able to demonstrate that their load curtailment or operation of emergency generating equipment was in effect for the entire period of each NYISO-declared emergency. The Customer shall designate in writing an authorized representative and an alternate representative to receive the notice.

SERVICE CLASSIFICATION NO. 11

GENERAL SERVICE -ECONOMIC DEVELOPMENT (Cont'd)

NYISO EMERGENCY DEMAND RESPONSE PROGRAM RIDER (CONT'D)

c) Rates and Payments

Customers taking service under this Rider will pay the rates and charges that would otherwise be applicable under this service classification and will be subject to all other terms and conditions of this service classification. The Company will make payment for load reductions to a Customer taking service under this Rider and for which the Company can verify load reduction during the Emergency Demand Response Periods. Upon Company verification of load reduction, the Company shall pay the Customer at least 90% of the NYISO payment for each event. The NYISO payment will be the higher of \$500 per MWh or the zonal real-time Locational-Based Marginal Price (LBMP) per MWh of demand reduced. If NYISO activates the EDRP for four hours or less, the NYISO will pay the higher of \$500 per MWh or the zonal real-time LBMP per MWh of demand reduced, for the duration of the EDRP activation or two hours, whichever is greater.

The load reduction in each hour for which payment will be made under this Rider will be measured in accordance with the CBL methodology contained in the NYISO EDRP Operating Manual.

d) Metering and Meter Data Provision

The participating Customer must utilize interval metering. If the Customer does not currently have interval metering, the Customer will be responsible for all metering and communication costs not otherwise covered by the Company, New York State Energy Research and Development Authority (NYSERDA) or any other source.

If a customer has an on-site generator, the generator must have a certified interval meter. The meter must be ANSI standard and a professional engineer must certify the meter and installation.

SERVICE CLASSIFICATION NO. 11

GENERAL SERVICE -ECONOMIC DEVELOPMENT (Cont'd)

NYISO Incentivized Day-Ahead Economic Load Curtailment Program Rider

Any Customer that is taking service under this service classification and is participating in the NYISO's Incentivized Day-Ahead Economic Load Curtailment Program is eligible for service under this rider.

- a) Term
The Demand Reduction Incentive Payments offered under this rider will expire on October 31, 2003.
- b) Demand Reduction Provider
Customers taking service under this rider are responsible for enrolling with a NYISO approved Demand Reduction Provider ("DRP"). A DRP is an entity qualified pursuant to NYISO procedures that bids Demand Side Resources of at least 1 MW. The DRP shall aggregate the loads received from Demand Side Resources. The DRP shall, if necessary, pro-rate the demand reduction bids in order to submit bids in the whole MWs required by the NYISO.

RG&E will function as a DRP. Customers taking service under this rider will sign an agreement with RG&E.
- c) Demand Side Resources
Demand Side Resources ("DSR") are customers that are capable of reducing demand in a responsive, measurable and verifiable manner within time limits, are qualified to participate in the program, and have signed an agreement with RG&E.
- d) Registration Procedures
The DSR will enter into a signed agreement with RG&E specifying the terms under which the DSR will participate in the program. This agreement will include information needed by the NYISO for program administration. The data required will include at least the organization name, an administrative contact, 7x24 operations contacts, the LBMP zone and/or sub-zone, and billing meter number. RG&E will provide the DSR with the appropriate zonal designation.
- e) Metering and Meter Data Provision
DSRs taking service under the Demand Reduction Program will be required to have an interval-billing meter. If the DSR does not already have an interval meter, it must acquire one per general information section 3.E of this tariff. Customers will bear the cost of such metering equipment only to the extent that it is not covered by NYSERDA.

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SERVICE CLASSIFICATION NO. 11

GENERAL SERVICE -ECONOMIC DEVELOPMENT (Cont'd)

NYISO Incentivized Day-Ahead Economic Load Curtailment Program Rider (continued)

- f) Bidding by the DSR
- 1.) The DSR will submit its demand reduction bids to the DRP in accordance with the agreement.
 - 2.) Bids must be submitted to the DRP by 11:00 a.m. two days ahead of the curtailment day, (e.g. by 11:00 a.m. on Monday for Wednesday). However, bids for Saturday and Sunday must be submitted by 11:00 a.m. on Thursday, and bids for Monday and Tuesday must be submitted by 11:00 a.m. on Friday.
 - 3.) Bids must be submitted in blocks in accordance with the agreement between the DSR and the DRP.
 - 4.) Bids must be submitted in dollar and/or cents increments per KW for the desired block(s) of time in accordance with the agreement between the DSR and the DRP.
 - 5.) The DSR could include a curtailment initiation cost as an integral part of their bid.
 - 6.) The DSR will submit bids that the DRP will aggregate into whole MW increments.
 - i) DSRs must bid in 0.10 MW (100 KW) increments.
 - ii) The 0.10 MW (100KW) units will be inclusive of the appropriate loss factor.
 - iii) The 0.10 MW (100KW) units may include the curtailment initiation factor.
 - 7.) A bid can not be recalled or changed once it has been accepted by the DPR.
- g) Bidding by the DRP
- The DRP must submit its demand reduction bid to the NYISO in whole MW units. The DRP will aggregate the DSR bids, at each price level bid by the DSRs, into whole MW units. In the event that the total aggregated demand reduction bid by the DSRs does not total to a whole MW unit, the individual DSR demand reduction bids will be pro-rated downward so that the total DRP bid will total to the next lowest whole MW (e.g. DSR bids that totaled 2.3 MW would be pro-rated so that the total DRP bid was 2.0 MW). The DRP will aggregate bids from all of the service classifications at each price level. The DRP will be notified of the acceptance of the bid by the NYISO one day ahead. The DRP will notify the DSR upon receipt of notification of the acceptance of a bid by the NYISO on the day prior to the day of the curtailment.

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SERVICE CLASSIFICATION NO. 11

GENERAL SERVICE -ECONOMIC DEVELOPMENT (Cont'd)

NYISO Incentivized Day-Ahead Economic Load Curtailment Program Rider (continued)

h) DSR Customer Baseline Load and Actual Consumption

The DSR Customer Baseline Load ("CBL") is an average hourly energy consumption that is used to determine the level of curtailment for each individual DSR. The CBL will be calculated according to the NYISO Day-Ahead Response Program Manual that is posted on the NYISO's web-site.

The DRP shall submit demand reduction bids to the NYISO. All DSRs whose bids are included, in whole or in part, in the DRP's demand reduction bid that is scheduled and accepted by the NYISO, are expected to reduce their real-time energy consumption by the amount of the bid accepted by the DRP. The amount of actual real-time curtailment determined for a DSR will be equal to its CBL less its actual real-time consumption during the specified curtailment.

i) Payment by DSR

DSRs taking service under this rider will pay the rates and charges that would otherwise be applicable under this service classification and will be subject to all other terms and conditions of this service classification. Failure to pay any charges associated with service under this service classification, including any penalties charged per section (k) of this rider, will result in the rescinding the DSR's right to participate in this program.

j) Payment to DSR

The DRP will be paid by the NYISO in accordance with the NYISO Day-Ahead Demand Response Program Manual. The DSR will receive a rebate equal to 90% of the rate paid to the DRP by the NYISO for the amount of its demand reduction bid that was accepted by the DRP.

k) Non-Performance Penalties

For DSRs who fail to comply with a scheduled NYISO curtailment, non-conformance penalties, as described in the NYISO Day-Ahead Demand Response Program Manual, will apply. These penalties will initially be charged to the DRP by the NYISO, and will be passed along, in their entirety to the non-complying DSRs.

SERVICE CLASSIFICATION NO. 11 (Cont'd)

SPECIAL PROVISIONS:

1. Previous SC 11 Tariff

This provision is applicable to Individual Electric Service Agreements in effect prior to August 29, 2005.

ELIGIBILITY CRITERIA

Any new or existing Customer who meets all eligibility requirements stated below shall be eligible to take service in accordance with the rates, charges and provisions set forth under this Service Classification.

Requirements

- (1) Customer is eligible to take non-residential service under the Non-Retail Access Rate or the Retail Access Rate, and
- (2) Customer adds at least 50 kW of demand to the Corporation's system by (a) constructing a new facility; or (b) expanding an existing facility; or (c) adding facilities or equipment to an existing site; or (d) adding facilities (regardless of size) through the redevelopment of a vacant or inactive site, including land or buildings which have been previously developed and have been vacant or inactive for at least six months and which are proposed for reuse or redevelopment with the assistance of public financing; or (e) developing facilities or projects (regardless of size) which are located in area eligible to receive Urban Development Action Grants, and
- (3) Customer has a viable option to locate its facility or equipment outside the Rochester Gas and Electric service territory, and provides evidence to the Corporation's satisfaction of such an option, subject to an agreed-upon confidentiality agreement, and
- (4) Customer shall apply for service under this Service Classification prior to the addition of load as described in Requirement (2) above.

PRICING

The specific pricing for service under this Service Classification will normally be determined under Option A, described below. At the Corporation's option, the specific pricing may be determined under Option B.

Option A

The Customer will receive a discount of ten percent from the stated energy rates set forth under the Service Classification that would otherwise be applicable, for a period of five years from the date service commences.

or,

Option B

The specific pricing will be stated in an Individual Electric Service Agreement executed for each Customer. The charges contained in any Individual Electric Service Agreement shall be set at a level no lower than the incremental costs the Corporation incurs plus \$.01 per kWh. The specific charges for service under this Service Classification will be shown in the Individual Electric Service Agreement as stated below.

For contracts negotiated on or after the issuance of an order approving the Joint Proposal on Electric and Natural Gas Economic Development Incentive Programs in Cases 02-E-0198 and 02-G-0199, the minimum contribution to common costs will be equal to fifteen percent of the Customer's standard delivery rate, inclusive of the applicable standard non-bypassable charge (transition charge). The charges contained in any Individual Electric Service Agreement shall be set at a level no lower than the incremental costs the Corporation incurs plus this minimum contribution.

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SERVICE CLASSIFICATION NO. 11 (Cont'd)

1. Previous SC 11 Tariff (Cont'd)

INDIVIDUAL ELECTRIC SERVICE AGREEMENT

Upon 30 days notice to the Corporation, and upon acceptance of the application by the Corporation, a Customer may qualify for an Individual Electric Service Agreement pursuant to this Service Classification.

The Individual Electric Service Agreement shall contain all terms and conditions necessary for the Corporation to provide service to the Customer, including, but not limited to:

- A. The Term of Service. The negotiated term of the Individual Electric Service Agreement shall be at least 12 months. Individual Electric Service Agreements offering fixed prices are generally limited to a term of seven years, unless a longer term is approved by the PSC. Individual Electric Service Agreements offering prices linked to a particular price or cost index may have longer terms, at the option of the Corporation and its Customer.
- B. The Character of Service terms.
- C. The Rates and Charges to be paid for service rendered.

Service under this Service Classification may be terminated immediately at the Corporation's option for material breach of the provisions of their Individual Electric Service Agreement. Such Customer's load will be eligible for service under the otherwise appropriate Service Classification.

The first Individual Electric Service Agreement between the Corporation and a Customer will be submitted to the Public Service Commission for review. For the initial and subsequent Individual Electric Service Agreements, the Corporation shall file addenda pursuant to Commission Order Concerning Tariffs Authorizing Individually Negotiated Contracts, issued and effective May 8, 1992 in P.S.C. Case 91-M-0927.