



## DESIGNATION OF AGENT FOR SERVICE OF PROCESS

### RG&E General Retail Access Program

**Rochester Gas and Electric Corporation  
180 S Clinton Avenue  
Rochester, New York 14604-1825**

\_\_\_\_\_ (ESCO #1), a corporation duly organized pursuant to the laws of the State of \_\_\_\_\_, having its principal place of business at \_\_\_\_\_, does hereby appoint \_\_\_\_\_ (Agent), a corporation duly organized pursuant to the laws of the State of \_\_\_\_\_, having its principal place of business at \_\_\_\_\_ as its agent to act in any way in which ESCO #1 could act as provided herein in connection with the Rochester Gas and Electric Corporation (RG&E) Program.

ESCO #1 hereby designates Agent as its agent for service of process pursuant to CPLR s. 318, and Agent hereby consents to act as agent under CPLR s. 318 until a successor agent is designated by ESCO #1. Both parties irrevocably consent that any action or proceeding relating to this instrument or the powers conferred pursuant to this instrument, or actions taken by any third party in reliance on instructions from the parties hereto or the provisions of this instrument, shall be brought in a court in the State of New York, County of Monroe or a federal court of the United States of America located in the State of New York, County of Monroe. The parties hereto irrevocably waive any objection they may have now or in the future to the State of New York, County of Monroe as the proper and exclusive forum for any action or proceeding arising out of or relating to this instrument.

For purposes of service of process, Agent represents that he resides at \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, State of New York, and that service may be made upon Agent at such address.

Interpretation and performance of this instrument shall be construed in accordance with, and shall be controlled by, the laws of the State of New York, other than its conflict of laws provisions to the extent they would require the application of the laws of any other jurisdiction.

Dated: \_\_\_\_\_, 20\_\_

[ESCO #1]

\_\_\_\_\_

Secretary

By: \_\_\_\_\_

Witness:

Agent for Service of Process

\_\_\_\_\_

By: \_\_\_\_\_

STATE OF \_\_\_\_\_:

: SS:

COUNTY OF \_\_\_\_\_:

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally came \_\_\_\_\_

\_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he  
resides in \_\_\_\_\_, that he is the \_\_\_\_\_

\_\_\_\_\_ of [ESCO #1], the corporation described in and which executed the above  
Designation of Agent; and that he signed his name thereto by authority of the board of directors or by-laws of said  
corporation.

\_\_\_\_\_

Notary Public

STATE OF NEW YORK :

: SS:

COUNTY OF \_\_\_\_\_ :

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally came \_\_\_\_\_

\_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that  
he resides in \_\_\_\_\_, New York, that he is the person described in and  
who executed the Designation of Agent for purposes of service of process pursuant to CPLR s. 318; and that he  
signed his name thereto.

\_\_\_\_\_

Notary Public