

ROCHESTER GAS & ELECTRIC CORPORATION

Affidavit For ESCOs and Direct Customers

An ESCO supplying gas to Customers taking service under Service Classification (S.C.) 3 and/or S.C. 5, or a Direct Customer, must complete the following affidavit. The affidavit must be signed by a duly authorized officer of the Company, notarized, and returned to RG&E **no later than August 1, YEAR**. Unless the context requires otherwise, the capitalized terms used herein shall have the meanings ascribed to them in the RG&E gas transportation tariff, PSC No. 16, as the same may be amended or superseded. For purposes of this affidavit, references to Company and Customer without proven alternate fuel shall be deemed to include a Direct Customer, as appropriate.

AFFIDAVIT OF _____ REGARDING FIRM UPSTREAM CAPACITY

Name

STATE OF _____

COUNTY OF _____

_____, being duly sworn, says: I am _____

Name

Title of Officer

of _____, and

Company Name

I certify to the following:

1. The company named above is an ESCO acting on behalf of Customers without proven alternate fuels or a Direct Customer (the "Company") of Rochester Gas and Electric Corporation (RG&E), and
2. There is in place, for the period November 1, Year through March 31, Year, one or more executed contract(s) to meet the full requirements of the Company's S.C. 3 and/or S.C. 5 Customers on RG&E's system. These contracts are: 1) for non-recallable, firm primary point delivery capacity at the point(s) of interconnection designated by RG&E, and/or 2) for RG&E recallable, firm primary point delivery capacity at the point(s) of interconnection designated by RG&E, and/or 3) for firm supplies delivered at the point(s) of interconnection designated by RG&E, and
3. That sufficient capacity, of the type certified to above, will be retained by the Company to meet the requirements of current and future Customer without proven alternate fuels, as they may change from time to time, and
4. That copies of all contracts, excluding pricing provisions, sufficient in detail for RG&E to determine the adequacy of the contracts to satisfy the requirements of the Company's Customers without proven alternate fuels are attached, and that additional contracts will be provided to the extent necessary to satisfy the full requirements of the Company's Customers without proven alternate fuels' increased usage or for those customers enrolled after this date, and
5. That to accommodate for the difference in released assets between Empire and TCPL, the ESCO must demonstrate it has non-recallable primary point capacity from the Dawn Hub to the citygate for its customers, or a firm supply contract with a reliable counterparty for delivery to Empire on Chippawa or a point downstream of Chippawa, and
6. That S.C. 3 Customers for which the Company cannot demonstrate firm capacity, of the type described in paragraph 2, have been designated as secondary firm, and
7. That those S.C. 3 customers designated as secondary firm (S.C. 5 customer can not be designated as secondary firm) have been notified in writing by the Company that they are secondary firm and may be subject to interruption in the event the Company is not delivering sufficient quantities to meet their load requirements, and
8. That copies of the written notification sent to customers designated as secondary firm, as described in paragraph 6, are attached, and
9. That I have personal knowledge of all matters set forth in this Affidavit and am authorized to sign this Affidavit on behalf of the Company, and
10. That the foregoing in no way limits RG&E's ability to pursue all remedies as provided in the applicable tariff or authorized by law.

ROCHESTER GAS & ELECTRIC CORPORATION

RG&E Marketer Capacity Summary

Pooling Area	Pipeline	Contract #	Type	Term Begin Date	Term End Date	Receipt Pt.	Delivery Point
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DII

Total DII Pooling Area

Empire

Total Empire Pooling Area

TCPL

Total TCPL Pooling Area

Sworn to before me this ____ day

Notary Public
of _____

Officer's Signature

Date