

GENERAL INFORMATION

20. NON-PERFORMANCE AND MARKETER CONDITIONS OF SERVICE:

A. Non-Performance

ESCOs/Direct Customers/Pool Operators/Aggregation Pool Operators who fail to perform on the Company's system may be penalized. Penalties shall include, costs or penalties incurred by the Company as a result of the ESCO's/Direct Customer's/Pool Operator's/Aggregation Pool Operator's failure to perform. It may also include: suspension from being allowed to operate on the Company's system, monetary penalties such as forfeiture of security deposit and, permanent exclusion from doing business on the Company's system.

Non-performance is defined as the failure to comply with Operational Flow Orders (OFOs) nomination deadlines, nomination and delivery of gas supplies as directed by the Company for aggregated transportation services, or any other activity which might jeopardize the efficient operation of the Company's system.

B. ESCO Conditions of Residential Aggregation Transportation Service

- (1) Contracts between the ESCOs and customers contain specific language advising customers of protections that have been waived in the transaction. Each ESCO must file with the PSC a copy of its standard contract.
- (2) A system to handle customer complains is operational and that the PSC Help and Hotline numbers are provided to customers.
- (3) The bills rendered will be clear and in plain language, and the PSC shall receive a sample copy.

C. ESCO Conditions of Non-Residential Aggregation Transportation Service

- (1) Contracts between the ESCOs and customers contain a statement advising the customers of protections that have been waived in the transaction. Each ESCO will file with the PSC a copy of its standard contract.