

PROPOSED AGREEMENT – OCTOBER 2003

**POWER AUTHORITY OF THE STATE OF NEW YORK  
123 MAIN STREET, WHITE PLAINS, N.Y. 10601**

**APPLICATION FOR ELECTRIC SERVICE**

HUDSON RIVER PARK TRUST, (hereinafter called "Customer") hereby applies to POWER AUTHORITY OF THE STATE OF NEW YORK (hereinafter called "Authority") for firm power service under the Authority's applicable Service Tariff.

Customer understands:

(1) If this Application is accepted by Authority, firm power and energy will be supplied to Customer under the applicable Service Tariff(s) to the extent that Authority determines that it has capacity available to provide such power and energy. Customers who receive power and energy pursuant to such tariff shall not be entitled to receive such power and energy from any particular plants. The Authority shall have the right to furnish the power and energy from any source available to it.

(2) Delivery of power and energy to Customer will be made over the facilities of the utility company in whose franchise territory Customer's facilities are located pursuant to contractual arrangements entered into by such company and the Authority.

Customer further understands and agrees that this Application and the furnishing of electric services hereunder are subject in all respects to the provisions of Authority's Rules and Regulations for Power Service and to the applicable Tariff, both as they may be later amended from time to time.

Upon acceptance by Authority and approval of the Governor pursuant to Section 1009 of the Power Authority Act, this Application together with the applicable Service Tariff shall constitute a contract between the parties for electric service hereunder.

HUDSON RIVER PARK TRUST

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

Title: \_\_\_\_\_

Date: \_\_\_\_\_

(Attest)

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

Accepted:

POWER AUTHORITY OF THE STATE OF NEW YORK

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

Chairman and Chief Executive Officer

Date: \_\_\_\_\_

(Attest)

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

Executive Vice President, Secretary and General Counsel

ACKNOWLEDGEMENTS

State of New York ) ss:  
County of New York )

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_ before me personally came Louis P. Ciminelli and David E. Blabey, to me known, who each being by me duly sworn, did severally depose and say that they reside in \_\_\_\_\_, New York and in \_\_\_\_\_, New York, respectively, and that they are Chairman and Chief Executive Officer and, Executive Vice President, Secretary and General Counsel of Power Authority of the State of New York; that they executed the above instrument; that they know the seal of Power Authority of the State of New York aforesaid; that one of the seals affixed to said instrument is such seal; that it was so affixed by order of the Trustees of Power Authority of the State of New York, and that they signed their names thereto by like order.

Sworn to before me this  
\_\_\_ day of \_\_\_\_\_, 200\_

\_\_\_\_\_  
Notary Public

State of New York ) ss:  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_ before me personally came \_\_\_\_\_ and \_\_\_\_\_ to me known, who being duly sworn, did depose and say that reside in \_\_\_\_\_ and \_\_\_\_\_, respectively, and that they are \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_; that they executed the foregoing instrument; that they know the seal of said entity; that one of the seals affixed to said instrument is such entity's seal; that it was so affixed by order of the \_\_\_\_\_ of said entity and that they signed their names thereto by like order.

Sworn to before me this  
\_\_\_ day of \_\_\_\_\_, 200\_

\_\_\_\_\_  
Notary Public

POWER AUTHORITY OF THE STATE OF NEW YORK  
1633 BROADWAY, NEW YORK, N.Y. 10019

Service Tariff No. 55

Schedule of Rates for Firm Power Service

GENERAL PROVISIONS

A. Applicable:

To sale of firm power and energy to Authority Public Customers as described in the third unnumbered paragraph of Section 1005 of the Power Authority Act who receive delivery service through the utility company in whose franchise area such customers' facilities are located.

B. Character of Service:

Alternating current; 60 hertz; 3 phase

C. Rates:

I. Conventional Rates

Applicable to all accounts except those billed under Time-of-Day (TOD) Rates.

55-1 General Use - Small (SC 62)

Energy Charge 6.439 cents per kilowatt hour

55-2 General Use - Large (SC 69)

Demand Charge \$6.40 per month per kilowatt of  
billing demand

Energy Charge 3.581 cents per kilowatt hour

55-3 Public and Private Street Lighting (SC 66)

Energy Charge 5.413 cents per kilowatt hour

55-4 Multiple Dwelling - Redistribution (SC 68/82)

Demand Charge \$7.76 per month per kilowatt of  
billing demand

Energy Charge 3.420 cents per kilowatt hour

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Revision: 0

Date Effective: August 30, 1994

Issued by ROBERT A. HINEY, Executive Vice President

## 55-5 Commercial and Industrial Redistribution (SC 64)

Demand Charge \$8.78 per month per kilowatt hour  
billing demand

Energy Charge 3.315 cents per kilowatt hour

II. Time-of-Day (TOD) Rates

Applicable to:

- (a) any account whose monthly maximum demand exceeds 1,500 KW in any annual period ending September 30;
- (b) any new account whose monthly maximum demand in the Authority's estimate will exceed 1,500 KW during the first year of service; and
- (c) successors of accounts referred to above if eligible for Authority service.

An account billed under TOD Rates shall be transferred to and billed under Conventional Rates when the account's monthly maximum demand does not exceed 900 KW for 12 consecutive months.

## 55-2 General Use - Large (SC 69)

Demand Charge \$5.30 per month per kilowatt of  
on-peak demand

Energy Charge 5.110 cents per kilowatt hour  
on-peak

2.662 cents per kilowatt hour  
off-peak

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Revision: 0

Date Effective: August 30, 1994

Issued by ROBERT A. HINEY, Executive Vice President

## 55-4 Multiple Dwelling - Redistribution (SC 68/82)

Demand Charge	\$6.96 per month per kilowatt of on-peak demand
Energy Charge	4.941 cents per kilowatt hour on-peak
	2.706 cents per kilowatt hour off-peak

## 55-5 Commercial and Industrial Redistribution (SC 64)

Demand Charge	\$7.21 per month per kilowatt of on-peak demand
Energy Charge	4.779 cents per kilowatt hour on-peak
	2.643 cents per kilowatt hour off-peak

The billing periods selected for TOD Rates are:

Demand Charge:

On-peak: 8 a.m. to 6 p.m. weekdays (including holidays)  
Off-peak: All other times

Energy Charge:

On-peak: 8 a.m. to 10 p.m. weekdays (including holidays)  
Off-peak: All other times

For accounts transferring from Conventional Rates to TOD Rates, the first bill under TOD Rates shall be rendered when an account's entire usage for the billing period is subsequent to December 31 of the annual period ending September 30 in which the account becomes subject to TOD rates.

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Revision: 0

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D. Energy Charge Adjustment (Conventional and TOD):

The charges set forth herein shall be subject to a monthly adjustment per kilowatt hour provided hereunder when changes from the base cost of energy occur as described in Special Provision F.

E. Delivery Service:

A delivery service charge set forth in Appendices C, D, F, G and H of this Service Tariff and payable to Authority by Customer as reimbursement to the utility company providing delivery service for the use of its facilities and for services rendered in conjunction with the delivery of power and energy.

F. Billing Demand:

Except as otherwise agreed upon, for metered service the billing demand shall be the maximum 30-minute integrated demand established during the billing period and for unmetered service the billing demand shall be determined by Authority.

G. Billing Period:

Customer meters are generally scheduled to be read and bills rendered on a monthly basis (approximately thirty (30) days).

H. Payment:

Bills computed under this Service Tariff are due and payable at the office of the Authority within ten (10) days of the date of bill, subject to late payment in accordance with provision 454.6 (b) of the Rules and Regulations for Power Service. In the event that there is a dispute on any item of a bill rendered by Authority, Customer shall pay such bill in its entirety within the prescribed period and any necessary adjustments will be made thereafter.

I. Power Factor:

Authority may require Customer normally to maintain power factor not less than 90%, lagging or leading, at the point of delivery.

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J. Continuance and Termination of Service:

Initiation of service will be upon accepted application of Customer, under the procedure specified in the Rules and Regulations for Power Service.

Once initiated, service will continue until terminated by Authority pursuant to required notice as provided in the Rules and Regulations for Power Service. Customer may terminate service at any time after one year's service on written notice to Authority at least thirty-six months in advance.

Customer may effect a partial termination or reduction of service, only if such partial termination or reduction results from (a) account turn-offs, load management, energy conservation, Customer supplied generation or (b) partial transfer of service to another utility, provided that any such transfer in any given calendar year does not exceed 3 percent of the total annual sales to Customer in that calendar year. Such transfer may occur at any time after one year's service on written notice to Authority not less than 120 days in advance, or sooner, if mutually agreeable.

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SPECIAL PROVISIONS

Special provisions for service supplementing or modifying the Rules and Regulations for Power Service are as follows:

A. Installments:

Initial service may be in installments as Customer may require the power and energy or as Authority can make it available.

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B. Notice of Adjustments in Charges:

Whenever Authority has determined that the rates for power and energy sold hereunder, exclusive of delivery service charges and Energy Charge Adjustment, should be revised pursuant to the Rules and Regulations for Power Service, it will notify Customer in writing of the revised charges not less than thirty (30) days in advance of the effective date thereof.

Authority shall notify Customer in writing within thirty (30) days following the date it receives written notice of adjustments in rates, terms and conditions related to delivery service and shall provide to Customer amended delivery service Appendices. Changes in the Energy Charge Adjustment will be indicated on the monthly bill without prior notice.

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C. Apportionment of Charges When Customer is  
Delivered Power and Energy Provided by Authority  
and Power and Energy Provided by Utility Company:

If the total firm power and energy delivered to the Customer is provided partly by the Authority and partly by the utility furnishing delivery service the total charges to the Customer will be partly at the Authority's rates and partly at the utility's rates.

D. Customer Requirements for Delivery and Service:

1. Provision of Power Service -

From time to time, the Authority will accept applications for power service from Authority Public Customers. The Authority will notify the utility furnishing delivery service when the Authority has accepted any such Customer or associated accounts and will notify the utility of the order and time in which it will initiate power service to such Customers. The utility will transfer service of such Customers who are the utility's customers to the Authority, free of any limitations on termination of contract which would apply in the absence hereof, except that the utility shall not be required to deliver Authority power to any such Authority Public Customer which is not current on its payment for service from the utility, which

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does not pay promptly its final bill for service, and which has not paid its outstanding financial obligations to the utility. New Authority Customer accounts who were not customers of the utility shall be required to meet the utility's prerequisites for initiation of service as set forth in the utility's applicable tariffs.

Customer shall attempt to notify the Authority not less than 120 days in advance of any transfer of service from the utility to the Authority or initiation of service for a new account that it desires to be made, but in any event shall give at least 30 days notice of any such transfer or initiation; provided, however, that initiation or modification of service by the utility providing delivery service shall be subject to compliance with all applicable service connection and other requirements concerning initiation or modification of service as would apply to a similarly situated utility customer under the utility's applicable tariffs.

2. Provision of Delivery Service

The utility furnishing delivery service will accept power and energy from the Authority and will deliver such power and energy to Authority Public Customers designated by the Authority at such delivery points as the utility will specify within its franchise area, utilizing the utility's transmission and distribution facilities as available for the purpose, and

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installing new or enlarged facilities within its Franchise Area when required.

Customer will coordinate directly with the utility furnishing delivery service for each requirement for a new delivery point or for enlarged or altered service at any existing delivery point including reinforcement, maintenance or removal applicable thereto. Any new, enlarged or altered service or facilities which the utility supplies to its own customers under its effective service schedule or schedules without compensation additional to the standard rate for service shall be similarly available to Authority Public Customers without payment of compensation beyond the standard rate for delivery service provided for that class of Authority Public Customers. When the delivery service requires facilities for which the utility normally would make a special charge to its own customers or would require the customer to make the installation, the utility shall specify, after discussion with the Authority, the additional compensation the Customer shall pay which shall not exceed the compensation which would be payable by a customer of the utility in comparable circumstances; or the Customer shall install the needed facilities which shall conform to the utility's specifications and the utility shall permit their connection to its system in accordance with its specifications.

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3) Temporary Service

Temporary service, if provided to customers or premises that may become Authority Public Customers, will be the responsibility of the utility providing delivery service. Upon installation of the permanent service connection to such Customer or premises, service to the Customer will be the responsibility of the Authority.

4) Preparation of Annual Resource Plan

Pursuant to the terms of the Planning and Supply Agreement dated March 10, 1989 between the Authority and the utility furnishing delivery service, the Authority is required to prepare an annual Resource Plan by April 1 for the succeeding twenty year period. Customer agrees to cooperate with the Authority in the preparation of such plans by providing information on power and energy requirements as the Authority will specify including, but not limited to, the following:

- (i) projections of annual peak demand and energy requirements;
- (ii) the forecasted effects of Customer's demand-side management and load control programs;
- (iii) new construction activities and the anticipated peak demand and energy requirements associated therewith; and
- (iv) identification of new accounts whose loads are expected to exceed three megawatts by name, account location, load and expected service date.

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E. Transfer of Service:

In the event that Customer desires to discontinue Authority electric service in accordance with the provision of this Service Tariff entitled "Continuance and Termination of Service", or Authority should find it necessary to discontinue electric service to Customer, transfer of such service from Authority to the utility in whose franchise area Customer is located shall be effected, provided such Customer meets the utility's prerequisites for service, as set forth in the utility's filed Schedule for Electricity Service.

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F. Energy Charge Adjustment:

The charge for electric service hereunder will be subject each month to an addition or a deduction when the "average cost of energy" for the previous two months as stated herein increases or decreases from the specified base cost.

The base cost of energy expressed in cents per kilowatt hour billed is 1.8643 cents. Such base cost may be amended from time to time.

The "average cost of energy" shall be equal to the sum of (i) the fuel and fuel related charges associated with the operation of the Power Authority's thermal generating units normally furnishing energy under this tariff and the value of energy as determined by Authority from other Authority Projects in generation of energy for its Customers supplied under this tariff and (ii) the amount paid by the Authority for power and energy purchased from other suppliers, including transmission charges and additional capacity charges, if any, associated with such deliveries, less credits from sales of non-firm energy; all divided by the total 60 cycle scheduled firm sales to such Customers for such previous two months'.

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The "average cost of energy" as determined hereinabove will be adjusted from time to time as determined by the Authority to permit reconciliation of revenues derived from Energy Charge Adjustments billed to Customer in prior billing periods with energy-related costs applicable to such billing periods. Effective January 1, 1994, such energy-related costs shall include revenue requirements as determined by the Authority associated with expenses incurred in connection with energy conservation programs which benefit Customers supplied under this tariff, where such expenses are not recovered directly from Customers participating in such programs.

The difference between the "average cost of energy", including adjustments, and the base cost of energy shall be added to or subtracted from the charges per kilowatthour for energy specified in this Service Tariff, provided, however, that effective with the September 1993 billing period amounts normally charged or credited each month to Customers on account of such difference will be deferred and any resulting net accumulated deferred charges will be offset against Customer's estimated bill payments as provided in Special Provision "L". If the net accumulated deferred charges have been fully offset against Customer's estimated bill payments, thereafter, a stabilized energy charge adjustment per kilowatthour ("Stabilized ECA") will apply, which is inclusive of (i) costs of Authority energy conservation programs for the benefit of customers served under this tariff, and (ii) the cost of the U.S. Department of Energy uranium enrichment plant decontamination and

decommissioning charges associated with the Indian Point 3 Nuclear Power Plant. The Stabilized ECA will be adjusted from time to time as determined by the Authority to permit reconciliation of revenues billed to the Customers in prior billing periods with energy-related costs applicable to such billing periods.

G. Additional Regulations:

The supply of service hereunder to Customer is subject to the provisions of the Service Agreement For The Delivery of Power and Energy and the Planning And Supply Agreement dated March 10, 1989 between the Authority and the utility providing delivery service and the Schedule for Electricity Service and/or supplements to the Rate Schedule of the utility providing delivery service as filed with the Public Service Commission and the Federal Energy Regulatory Commission, respectively, and as each may be amended and supplemented from time to time, provided that in the event of any inconsistency, conflict or difference between the provisions of this Service Tariff, the annexed delivery service Appendices or the Authority's Rules and Regulations for Power Service, all as may be amended from time to time, and those contained in such Schedule for Electricity Service, and/or Supplement, the Service Agreement For The Delivery of Power And Energy, and the Planning And Supply Agreement, the provisions of this Service Tariff, Appendices and the Authority's Rules and Regulations shall govern.

#### H. Redistribution of Electric Service:

Customer may resell, remeter (or submeter), or redistribute electric service to its tenants or occupants, in the premises supplied by Authority, only if and to the extent that such is authorized by the Authority and not violative of any statutes, laws, rules or regulations of any body having jurisdiction in the premises.

#### I. Supplementary Provision:

Section 454.6 (d) of Authority's Rules and Regulations for Power Service shall not be applicable to service hereunder.

#### J. Transmission and Distribution Losses:

The determination of the Demand Charge, Energy Charge and Energy Charge Adjustment shall account for transmission and distribution losses, which losses represent the difference between the power and energy supplied by Authority and the power and energy received by Customers.

#### K. Notices:

Customer shall notify Authority and the utility in writing in advance when service is to be discontinued at existing premises. Customer shall provide the name and address, if known, of the successor in occupancy of such premises or portion thereof. If Customer desires service from Authority at another location Customer shall file a request for such service pursuant to Authority's requirements.

L. Payment of Estimated Bill:

Approximately twenty (20) days after initial service, Authority will render to Customer an estimated bill for service during the first monthly billing period. This bill will be due and payable within ten (10) days in accordance with the payment provision of this Service Tariff. Thereafter, Authority will render to Customer a final bill approximately twenty (20) days after the conclusion of each billing period. Authority will also render to Customer, at the same time, a new estimated bill for the current billing period. Any overpayment or underpayment by Customer for a previous estimated bill, as determined by the final bill for such billing period, will be treated as a credit or charge towards the new estimated bill. The new estimated bill, reflecting any such credit or charge, will be due and payable within ten (10) days of submission in accordance with the payment provision of this Service Tariff.

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Revision: 0

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The foregoing paragraph concerning payment of estimated bills shall not apply to entities that become Customers after July 1, 1994 or to Customers whose estimated bill payments are fully offset pursuant to Special Provision F. For such customers approximately twenty (20) days after the end of the preceding monthly billing period the Authority will render to Customer a final bill for service provided during such billing period. Such final bill will be due and payable in accordance with the payment provisions of the Authority's Rules and Regulations for power service.

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Revision: 0

Date Effective: August 30, 1994

Issued by ROBERT A. HINEY, Executive Vice President

DELIVERY SERVICE CHARGE  
SMALL GENERAL SERVICE

APPLICABLE:

To Power Authority Service Tariff Nos. 11, 12, 13, 14, 15, 16, 17, 18 and 55 as to use of service for light, heat and power for general uses where the Customer's requirements do not exceed 10 kilowatts.

RATE: (SC 62)

Energy Charge (per month)

For the first 10 kwhr..... 86.65 cents per kwhr  
For the next 890 kwhr..... 7.86 cents per kwhr  
For the excess over 900 kwhr ..... 6.64 cents per kwhr

Surcharges For Direct-Current Service

Applicable to any account served by direct-current service. The following surcharges apply in addition to the rates and charges stated else where in this appendix:

*Customer Charge per month (applicable to customers with demand-billed service)*

For the period April 1, 1998 through March 31, 1999	\$100.00
For the period April 1, 1999 through March 31, 2000	\$200.00
For the period April 1, 2000 through March 31, 2001	\$300.00
For the period beginning April 1, 2001	\$385.00

*Customer Charge per month (applicable to customers with non-demand billed service)*

For the period April 1, 1998 through March 31, 1999	\$2.50
For the period April 1, 1999 through March 31, 2000	\$5.00
For the period April 1, 2000 through March 31, 2001	\$7.50
For the period beginning April 1, 2001	\$10.00

*Distribution Charge per kilowatthour of direct-current service per month*

For the period April 1, 1998 through March 31, 1999	3.0 cents
For the period April 1, 1999 through March 31, 2000	6.0 cents
For the period April 1, 2000 through March 31, 2001	9.0 cents
For the period beginning April 1, 2001	11.0 cents

PROVISIONS APPLICABLE TO THIS APPENDIX:

1. Service under this Appendix is subject to the rules, regulations, terms, Common, General and Special Provisions of the Delivery Service Rate Schedule (PASNY No. 4) of the utility providing delivery service, on file with the New York State Public Service Commission and the Federal Energy Regulatory Commission, all as may be amended from time to time; provided, however, that service hereunder shall not be subject to either the rate provisions of said Delivery Service Rate Schedule entitled "Delivery Service Rate I" and "Delivery Service Rate II - Time-of-Day" or such other provisions thereof as shall be deemed not to apply to the service hereunder in accordance with paragraph "G" of Customer's respective Power Authority service tariff entitled Additional Regulations.
2. The delivery service charges hereunder shall be subject periodically to an addition or deduction to reconcile the difference between the charges rendered to the Power Authority by the utility providing delivery service for such service for all Authority Customers utilizing such service and the charges billed by the Authority to its Customers. The amounts of any such additions or deductions will be determined and reflected in the Customer's bills for delivery service in a manner specified by the Power Authority.
3. The delivery service charge shall be increased by the applicable percentage rate of the taxes imposed by the state and/or the municipality where service is supplied on the revenues of the utility providing such delivery service.
4. This Appendix shall be subject to a charge representing the Power Authority's share of the cost of the savings passed on to Madison Square Garden in accordance with Section 3, Chapter 459, 1982 N.Y. Laws.

5. The charges rendered under this Appendix shall be subject to adjustment as the Authority deems necessary to recover from the Customer any rates, charges, taxes or assessments charged to the Authority by the utility providing delivery service (including any such rates, charges, taxes or assessments lawfully charged for any period from commencement of service to Customer by Authority) if and to the extent such rates, charges, taxes or assessments are not recovered by the Authority pursuant to another provision of this Appendix.
  
6. The current Special Provision (2.A.) included in the Delivery Service Rate Schedule (PASNY No. 4) of the utility providing delivery service, applicable to this Appendix, is as follows:

The following Riders of the Company's Schedule for Electricity may be applied to the delivery of power and energy under this Service Classification: B, C, D and G.

GENERAL PROVISION:

Nothing in this agreement is intended to change, alter or diminish any of the rights, privileges or benefits enuring to the Customer by virtue of any heretofore or presently existing independent agreements or arrangements which may have given rise to a course of conduct or relationship as between Customer and Consolidated Edison Company of New York, Inc. and/or any other public utility which has heretofore supplied the power requirements of Customer in whole or in part; and nothing herein shall be occasion for the enlargement of wheeling charges for delivery service provided by Consolidated Edison Company of New York, Inc. or any other public utility by virtue of any impairment or curtailment or attempted impairment or curtailment of any privilege or service heretofore enjoyed by Customer.

DELIVERY SERVICE CHARGE  
COMMERCIAL AND INDUSTRIAL - REDISTRIBUTION

APPLICABLE:

To Power Authority Service Tariff Nos. 15 and 16 and 55 as to use of service for light, heat and power for multiple-tenanted commercial or industrial buildings where the Customer's requirements are in excess of 10 kilowatts.

RATE I: (SC 64)

Demand Charge (per month)	Low Tension Service	High Tension Service
For the first 100kw of maximum demand	\$15.31 per kw	\$13.78 per kw
For the next 200kw of maximum demand	\$13.45 per kw	\$12.11 per kw
For the next 9,700kw of maximum demand	\$12.05 per kw	\$10.84 per kw
For the next 15,000kw of maximum demand	\$11.03 per kw	\$ 9.93 per kw
For excess over 25,000kw of maximum demand	\$ 8.77 per kw	\$ 7.90 per kw

RATE IA: Time-of-Day (TOD) (SC 64)

Applicable to:

- (a) any account whose monthly maximum demand exceeds 1,500 KW in any annual period ending September 30;
- (b) any new account whose monthly maximum demand in the Authority's estimate will exceed 1,500 KW during the first year of service; and
- (c) successors of accounts referred to above if eligible for Authority service.

An account billed under TOD Rates shall be transferred to and billed under Conventional Rates when the account's monthly maximum demand does not exceed 900 KW for 12 consecutive months. TOD Rates are not applicable to traction accounts.

APPENDIX D

Transmission Demand Charge: (per month)

	Summer		Winter	
	<u>Low Tension</u>	<u>High Tension</u>	<u>Low Tension</u>	<u>High Tension</u>
For each on-peak KW of billing demand	\$27.36	\$19.16	\$5.73	\$4.03

The billing periods selected for TOD Rates are:

On-peak: 8 a.m. to 6 p.m. weekdays (including holidays)

Summer: The summer billing period is the four month period from June 1 to September 30.

Winter: The winter billing period is the balance of the year.

When a bill includes periods during both the summer billing period and the winter billing period, the rates and charges applicable will be prorated based on the number of days in the summer billing period and the number of days in the winter billing period related to the total number of days in the billing period.

For accounts transferring from Conventional Rates to TOD Rates, the first bill under TOD Rates shall be rendered when an account's entire usage for the billing period is subsequent to December 31 of the annual period ending September 30 in which the account becomes subject to TOD rates.

RATE IB: Time-of-Day (TOD) Electrotechnologies Billing Option

Applicable to any account and/or portion thereof:

- (a) billed or eligible to be billed at Rate IA and;
- (b) that includes participating load in the Authority's Electrotechnologies Program (EP).

The customers' selection of this option must be made no later than the execution of the Customer Installation Commitment (CIC) and the rate will be effective upon completion of the electrotechnologies project.

APPENDIX D

Transmission Demand Charge: (per month)

	<u>Low Tension</u>	<u>High Tension</u>
For each on-peak KW of billing demand	\$11.52	\$8.42

The annual billing periods selected for the TOD electrotechnologies billing option are on peak: 8 a.m. to 6 p.m. weekdays (including holidays).

PROVISIONS APPLICABLE TO THIS APPENDIX:

1. Service under this Appendix is subject to the rules, regulations, terms, Common, General and Special Provisions of the Delivery Service Rate Schedule (PASNY No. 4) of the utility providing delivery service, on file with the New York State Public Service Commission and the Federal Energy Regulatory Commission, all as may be amended from time to time; provided, however, that service hereunder shall not be subject to either the rate provisions of said Delivery Service Rate Schedule entitled "Delivery Service Rate I" and "Delivery Service Rate II – Time-of-Day" or such other provisions thereof as shall be deemed not to apply to the service hereunder in accordance with paragraph "G" of Customer's respective Power Authority service tariff entitled Additional Regulations.
2. The delivery service charges hereunder shall be subject periodically to an addition or deduction to reconcile the difference between the charges rendered to the Power Authority by the utility providing delivery service for such service for all Authority Customers utilizing such service and the charges billed by the Authority to its Customers. The amounts of any such additions or deductions will be determined and reflected in the Customer's bills for delivery service in a manner specified by the Power Authority.
3. The delivery service charge shall be increased by the applicable percentage rate of the taxes imposed by the state and/or the municipality where service is supplied on the revenues of the utility providing such delivery service.

APPENDIX D

4. This Appendix shall be subject to a charge representing the Power Authority's share of the cost of the savings passed on to Madison Square Garden in accordance with Section 3, Chapter 459, 1982 N.Y. Laws.
5. The charges rendered under this Appendix shall be subject to adjustment as the Authority deems necessary to recover from the Customer any rates, charges, taxes or assessments charged to the Authority by the utility providing delivery service (including any such rates, charges, taxes or assessments lawfully charged for any period from commencement of service to Customer by Authority) if and to the extent such rates, charges, taxes or assessments are not recovered by the Authority pursuant to another provision of this Appendix.
6. The current Special Provisions (4.A. and 4.B.) included in the Delivery Service Rate Schedule (PASNY No. 4) of the utility providing delivery service, applicable to this Appendix, are attached hereto as Exhibit III.

GENERAL PROVISION:

Nothing in this agreement is intended to change, alter or diminish any of the rights, privileges or benefits enuring to the Customer by virtue of any heretofore or presently existing independent agreements or arrangements which may have given rise to a course of conduct or relationship as between Customer and Consolidated Edison Company of New York, Inc. and/or any other public utility which has heretofore supplied the power requirements of Customer in whole or in part; and nothing herein shall be occasion for the enlargement of wheeling charges for delivery service provided by Consolidated Edison Company of New York, Inc. or any other public utility by virtue of any impairment or curtailment or attempted impairment or curtailment of any privilege or service heretofore enjoyed by Customer.

DELIVERY SERVICE CHARGE  
WESTCHESTER COUNTY  
PUBLIC STREET LIGHTING

APPLICABLE:

To Power Authority Service Tariff Nos. 11, 13 and 18 and 55 as to use of service for lighting of public streets, thoroughfares, parks and parkways; operation of traffic control signals, fire alarm signals, warning and directional signs.

RATE: (SC 66)

- 1. Supplying Electric Energy - Per Calendar Month  
for each kilowatt hour ..... 7.36 cents
- 2. Furnishing and Maintaining Control Equipment -- Per Calendar Month  
For each point of service termination, where controlled  
period service is supplied from the circuits of the utility providing  
delivery service..... \$2.03

PROVISIONS APPLICABLE TO THIS APPENDIX:

- 1. Service under this Appendix is subject to the rules, regulations, terms, Common, General and Special Provisions of the Delivery Service Rate Schedule (PASNY No. 4) of the utility providing delivery service, on file with the New York State Public Service Commission and the Federal Energy Regulatory Commission, all as may be amended from time to time; provided, however, that service hereunder shall not be subject to either the rate provisions of said Delivery Service Rate Schedule entitled "Delivery Service Rate I" and "Delivery Service Rate II - Time-of-Day" or such other provisions thereof as shall be deemed not to apply to the service hereunder in accordance with paragraph "G" of Customer's respective Power Authority service tariff entitled Additional Regulations.
- 2. The delivery service charges hereunder shall be subject periodically to an addition or deduction to reconcile the difference between the charges rendered to the Power Authority by the utility providing delivery service for such service for all Authority Customers utilizing such service and the charges billed by the Authority to its Customers. The amounts of any such additions or deductions will be determined and reflected in the Customer's bills for delivery service in a manner specified by the Power Authority.

3. The delivery service charge shall be increased by the applicable percentage rate of the taxes imposed by the state and/or the municipality where service is supplied on the revenues of the utility providing such delivery service.
4. This Appendix shall be subject to a charge representing the Power Authority's share of the cost of the savings passed on to Madison Square Garden in accordance with Section 3, Chapter 459, 1982 N.Y. Laws.
5. The charges rendered under this Appendix shall be subject to adjustment as the Authority deems necessary to recover from the Customer any rates, charges, taxes or assessments charged to the Authority by the utility providing delivery service (including any such rates, charges, taxes or assessments lawfully charged for any period from commencement of service to Customer by Authority) if and to the extent such rates, charges, taxes or assessments are not recovered by the Authority pursuant to another provision of this Appendix.
6. The current Special Provision (6.A.) included in the Delivery Service Rate Schedule (PASNY No. 4) of the utility providing delivery service, applicable to this Appendix, are attached hereto as Exhibit II.

GENERAL PROVISION:

Nothing in this agreement is intended to change, alter or diminish any of the rights, privileges or benefits enuring to the Customer by virtue of any heretofore or presently existing independent agreements or arrangements which may have given rise to a course of conduct or relationship as between Customer and Consolidated Edison Company of New York, Inc. and/or any other public utility which has heretofore supplied the power requirements of Customer in whole or in part; and nothing herein shall be occasion for the enlargement of wheeling charges for delivery service provided by Consolidated Edison Company of New York, Inc. or any other public utility by virtue of any impairment or curtailment or attempted impairment or curtailment of any privilege or service heretofore enjoyed by Customer.

DELIVERY SERVICE CHARGE  
MULTIPLE DWELLING - REDISTRIBUTION

APPLICABLE:

To Power Authority Service Tariff Nos. 13, 16, 17 and 55 as to use of service for light, heat and power for multiple dwellings when Customer's requirements are in excess of 10 kilowatts

RATE I: (SC 68)

Demand Charge (per month)

	<u>Low Tension</u> <u>Service</u>	<u>High Tension</u> <u>Service</u>
For each kilowatt of demand	\$13.16 per kw	\$11.83 per kw

RATE IA: Time-of-Day (TOD) (SC 68)

Applicable to:

- (a) any account whose monthly maximum demand exceeds 1,500 KW in any annual period ending September 30;
- (b) any new account whose monthly maximum demand in the Authority's estimate will exceed 1,500 KW during the first year of service; and
- (c) successors of accounts referred to above if eligible for Authority service.

An account billed under TOD Rates shall be transferred to and billed under Conventional Rates when the account's monthly maximum demand does not exceed 900 KW for 12 consecutive months. TOD Rates are not applicable to traction accounts.

Transmission Demand Charge: (per month)

	<u>Summer</u> <u>Low Tension</u>	<u>Winter</u> <u>Low Tension</u>
For each on-peak KW of billing demand	\$28.83	\$6.05

The billing periods selected for TOD Rates are:

On-peak: 8 a.m. to 6 p.m. weekdays (including holidays)

Summer: The summer billing period is the four month period from June 1 to September 30.

Winter: The winter billing period is the balance of the year.

When a bill includes periods during both the summer billing period and the winter billing period, the rates and charges applicable will be prorated based on the number of days in the summer billing period and the number of days in the winter billing period related to the total number of days in the billing period.

For accounts transferring from Conventional Rates to TOD Rates, the first bill under TOD Rates shall be rendered when an account's entire usage for the billing period is subsequent to December 31 of the annual period ending September 30 in which the account becomes subject to TOD rates.

PROVISIONS APPLICABLE TO THIS APPENDIX:

1. Service under this Appendix is subject to the rules, regulations, terms, Common, General and Special Provisions of the Delivery Service Rate Schedule (PASNY No. 4) of the utility providing delivery service, on file with the New York State Public Service Commission and the Federal Energy Regulatory Commission, all as may be amended from time to time; provided, however, that service hereunder shall not be subject to either the rate provisions of said Delivery Service Rate Schedule entitled "Delivery Service Rate I" and "Delivery Service Rate II – Time-of-Day" or such other provisions thereof as shall be deemed not to apply to the service hereunder in accordance with paragraph "G" of Customer's respective Power Authority service tariff entitled Additional Regulations.
2. The delivery service charges hereunder shall be subject periodically to an addition or deduction to reconcile the difference between the charges rendered to the Power Authority by the utility providing delivery service for such service for all Authority Customers utilizing such service and the charges billed by the Authority to its Customers. The amounts of any such additions or deductions will be determined and reflected in the Customer's bills for delivery service in a manner specified by the Power Authority.

3. The delivery service charge shall be increased by the applicable percentage rate of the taxes imposed by the state and/or the municipality where service is supplied on the revenues of the utility providing such delivery service.
4. This Appendix shall be subject to a charge representing the Power Authority's share of the cost of the savings passed on to Madison Square Garden in accordance with Section 3, Chapter 459, 1982 N.Y. Laws.
5. The charges rendered under this Appendix shall be subject to adjustment as the Authority deems necessary to recover from the Customer any rates, charges, taxes or assessments charged to the Authority by the utility providing delivery service (including any such rates, charges, taxes or assessments lawfully charged for any period from commencement of service to Customer by Authority) if and to the extent such rates, charges, taxes or assessments are not recovered by the Authority pursuant to another provision of this Appendix.
6. The current Special Provisions (8.A.) included in the Delivery Service Rate Schedule (PASNY No. 4) of the utility providing delivery service, applicable to this Appendix, is as follows:

The following Riders of the Company's Schedule for Electricity may be applied to the delivery of power and energy under this Service Classification: B, C, D and G.

GENERAL PROVISION:

Nothing in this agreement is intended to change, alter or diminish any of the rights, privileges or benefits enuring to the Customer by virtue of any heretofore or presently existing independent agreements or arrangements which may have given rise to a course of conduct or relationship as between Customer and Consolidated Edison Company of New York, Inc. and/or any other public utility which has heretofore supplied the power requirements of Customer in whole or in part; and nothing herein shall be occasion for the enlargement of wheeling charges for delivery service provided by Consolidated Edison Company of New York, Inc. or any other public utility by virtue of any impairment or curtailment or attempted impairment or curtailment of any privilege or service heretofore enjoyed by Customer.

DELIVERY SERVICE CHARGE

LARGE GENERAL SERVICE

APPLICABLE:

To Power Authority Service Tariff Nos. 11, 12, 13, 14,15, 16, 17, 18 and 55 as to use of service for light, heat and power for general uses where the Customer's requirements are in excess of 10 kilowatts.

RATE : (SC 69)

<u>Demand Charge</u> (per month)	<u>Low Tension Service</u>	<u>High Tension Service</u>
For the first 1,300kw of maximum demand	\$13.58 per kw	\$12.23 per kw
For excess over 1,300kw of maximum demand	\$12.33 per kw	\$11.11 per kw

RATE IA: Time-of-Day (TOD) Rates (SC69).

Applicable to:

- (a) any account whose monthly maximum demand exceeds 1,500 KW in any annual period ending September 30;
- (b) any new account whose monthly maximum demand in the Authority's estimate will exceed 1,500 KW during the first year of service; and
- (c) successors of accounts referred to above if eligible for Authority service.

An account billed under TOD Rates shall be transferred to and billed under Conventional Rates when the account's monthly maximum demand does not exceed 900 KW for 12 consecutive months. TOD Rates are not applicable to traction accounts.

Transmission Demand Charge: (per month)

	<u>Summer</u>		<u>Winter</u>	
	<u>Low Tension</u>	<u>High Tension</u>	<u>Low Tension</u>	<u>High Tension</u>
For each on-peak KW of billing demand	\$30.34	\$21.25	\$6.27	\$4.39

The billing periods selected for TOD Rates are:

On-peak: 8 a.m. to 6 p.m. weekdays (including holidays)

Summer: The summer billing period is the four month period from June 1 to September 30.

Winter: The winter billing period is the balance of the year.

When a bill includes periods during both the summer billing period and the winter billing period, the rates and charges applicable will be prorated based on the number of days in the summer billing period and the number of days in the winter billing period related to the total number of days in the billing period.

For accounts transferring from Conventional Rates to TOD Rates, the first bill under TOD Rates shall be rendered when an account's entire usage for the billing period is subsequent to December 31 of the annual period ending September 30 in which the account becomes subject to TOD rates.

RATE IB: Time-of-Day (TOD) Electrotechnologies Billing Option

Applicable to any account and/or portion thereof:

- (a) billed or eligible to be billed at Rate IA and:
- (b) that includes participating load in the Authority's Electrotechnologies Program (EP). The customers' selection of this option must be made no later than the execution of the Customer Installation Commitment (CIC) and the rate will be effective upon completion of the electrotechnologies project.

Transmission Demand Charge: (per month)

	<u>Low Tension</u>	<u>High Tension</u>
For each on-peak KW of billing demand	\$11.52	\$8.42

The annual billing periods selected for the TOD electrotechnologies billing option are on peak: 8 a.m. to 6 p.m. weekdays (including holidays).

Surcharges For Direct-Current Service

Applicable to any account served by direct-current service. The following surcharges apply in addition to the rates and charges stated else where in this appendix:

*Customer Charge per month (applicable to customers with demand-billed service)*

For the period April 1, 1998 through March 31, 1999	\$100.00
For the period April 1, 1999 through March 31, 2000	\$200.00
For the period April 1, 2000 through March 31, 2001	\$300.00
For the period beginning April 1, 2001	\$385.00

*Customer Charge per month (applicable to customers with non-demand billed service)*

For the period April 1, 1998 through March 31, 1999	\$2.50
For the period April 1, 1999 through March 31, 2000	\$5.00
For the period April 1, 2000 through March 31, 2001	\$7.50
For the period beginning April 1, 2001	\$10.00

*Distribution Charge per kilowatthour of direct-current service per month*

For the period April 1, 1998 through March 31, 1999	3.0 cents
For the period April 1, 1999 through March 31, 2000	6.0 cents
For the period April 1, 2000 through March 31, 2001	9.0 cents
For the period beginning April 1, 2001	11.0 cents

PROVISIONS APPLICABLE TO THIS APPENDIX:

1. Service under this Appendix is subject to the rules, regulations, terms, Common, General and Special Provisions of the Delivery Service Rate Schedule (PASNY No. 4) of the utility providing delivery service, on file with the New York State Public Service Commission and the Federal Energy Regulatory Commission, all as may be amended from time to time; provided, however, that service hereunder shall not be subject to either the rate provisions of said Delivery Service Rate Schedule entitled "Delivery Service Rate I" and "Delivery Service Rate II – Time-of-Day" or such other provisions thereof as shall be deemed not to apply to the service hereunder in accordance with paragraph "G" of Customer's respective Power Authority service tariff entitled Additional Regulations.
2. The delivery service charges hereunder shall be subject periodically to an addition or deduction to reconcile the difference between the charges rendered to the Power Authority by the utility providing delivery service for such service for all Authority Customers utilizing such service and the charges billed by the Authority to its Customers. The amounts of any such additions or deductions will be determined and reflected in the Customer's bills for delivery service in a manner specified by the Power Authority.

3. The delivery service charge shall be increased by the applicable percentage rate of the taxes imposed by the state and/or the municipality where service is supplied on the revenues of the utility providing such delivery service.
4. This Appendix shall be subject to a charge representing the Power Authority's share of the cost of the savings passed on to Madison Square Garden in accordance with Section 3, Chapter 459, 1982 N.Y. Laws.
5. The charges rendered under this Appendix shall be subject to adjustment as the Authority deems necessary to recover from the Customer any rates, charges, taxes or assessments charged to the Authority by the utility providing delivery service (including any such rates, charges, taxes or assessments lawfully charged for any period from commencement of service to Customer by Authority) if and to the extent such rates, charges, taxes or assessments are not recovered by the Authority pursuant to another provision of this Appendix.
6. The current Special Provisions (9.A. and 9.B.) included in the Delivery Service Rate Schedule (PASNY No. 4) of the utility providing delivery service, applicable to this Appendix, are attached hereto as Exhibit V.

GENERAL PROVISION:

Nothing in this agreement is intended to change, alter or diminish any of the rights, privileges or benefits enuring to the Customer by virtue of any heretofore or presently existing independent agreements or arrangements which may have given rise to a course of conduct or relationship as between Customer and Consolidated Edison Company of New York, Inc. and/or any other public utility which has heretofore supplied the power requirements of Customer in whole or in part; and nothing herein shall be occasion for the enlargement of wheeling charges for delivery service provided by Consolidated Edison Company of New York, Inc. or any other public utility by virtue of any impairment or curtailment or attempted impairment or curtailment of any privilege or service heretofore enjoyed by Customer.