

FORM 1

APPLICATION FOR AUTHORIZATION TO ACT AS AN
ENERGY SERVICE COMPANY (ESCO) FOR THE RETAIL ACCESS PROGRAM

Applicant hereby requests authorization from Niagara Mohawk Power Corporation to offer retail electricity supply service under Rule 39, "Retail Access Program", as may be amended from time to time, of the Schedule for Electric Service.

Applicant Name _____

Mailing Address _____

Billing Address _____

Contact Name _____

Telephone _____ Fax _____ E-mail Address _____

Senior Debt Rating: _____ Rating Agency: _____

Dun & Bradstreet No. _____

Applicant elects the following options: **(Please Check All Applicable)**

_____ Applicant will provide service to Residential Customers

_____ Applicant will provide service to Non-Residential Customers

_____ Niagara Mohawk will issue the bill on behalf of the Applicant (One-Bill Option)

_____ The Applicant will issue a separate bill for electricity supply service only. Niagara Mohawk will issue the bill for transmission and delivery service. (Two-Bill Option)

I, _____, _____, am authorized to state that Applicant has
(Name) (Title)

read, understands and agrees to abide by all provisions of Rule 39 of Schedule for Electric Service, "Retail Access Program", as may be amended from time to time, which is incorporated fully herein by reference.

Applicant represents and warrants that he/she is in, and will continue to be in, full compliance with the following:

1. Opinion No. 97-5 "Opinion and Order Establishing Regulatory Polices for the Provision of Retail Energy Services" in Case 94-E-0952 as may be amended from time to time.
2. New York Independent System Operator Market Administration and Control Area Services Tariff and the New York Independent System Operator Open Access Transmission Tariff and all terms and conditions of said tariff, as may be amended from time to time.

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Applicant further represents/warrants that he/she:

3. Has been approved and will continue to be approved as a Load Serving Entity or Guest by the New York Independent System Operator.
4. Has been deemed an eligible Energy Services Company by the New York State Department of Public Services.

The Applicant understands and agrees that no authorization will be granted by Niagara Mohawk until the ESCo has established its qualifications as described above. Applicant further understands and agrees that this Form 1 is an agreement legally binding on the Applicant. Subject to the jurisdiction of the State of New York Public Service Commission and the Federal Energy Regulatory Commission, the Applicant consents to the personal jurisdiction of the courts in the State of New York for purposes of enforcement and interpretation of this Form 1 and of all agreements and requirements incorporated herein.

ESCO Representative Signature

Date

ESCO Representative Title