

PSC NO. 220 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: JUNE 1, 2019
STAMPS: Issued in Compliance with Order in Case 15-E-0751 issued April 18, 2019.

LEAF: 263.16
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SUPERSEDING REVISION: 5

GENERAL INFORMATION

62. COMMERCIAL SYSTEM RELIEF PROGRAM

Purpose: The Commercial System Relief Program is being offered by the Company in response to the Commission's order in Case 14-E-0423. This Program will enable participating eligible customers to be compensated for reducing their load under certain conditions when called upon by the Company to do so.

62.1 Contracting for Commercial System Relief Program Service

Eligible customers must be served under Service Classification Nos. 1, 1C, 2, 3, 3A, 4, 7, and 12. Customers must install interval metering in accordance with Rule 62.5 or have existing interval metering that conforms to the requirements of Rule 62.5 to participate in this Program.

There are two options under this Program through which a Direct Participant or Aggregator may participate to provide Load Relief during Load Relief Periods designated by the Company: 1) the Voluntary Participation Option and, 2) the Reservation Payment Option. This Program is applicable to Direct Participants and Aggregators who apply and are accepted by the Company under either the Voluntary Participation or Reservation Payment Option, during all Contracted Hours required whenever the Company designates Planned Events during the Capability Period. Direct Participants and Aggregators may also agree to voluntarily provide Load Relief if an Unplanned Event is called.

A Direct Participant must contract to provide at least 50 kW of Load Relief. An Aggregator must contract to provide at least 50 kW of Load Relief.

If other requirements for service under this Program are met, Electric Generating Equipment may be used to participate under this Program subject to the provisions set forth in Rule 62.3 below. The participating Direct Participant or Aggregator is responsible for determining that the operation of the Electric Generating Equipment under this Program will be in conformance with any governmental limitations on such operation.

Customers who take service under Rule 36 and Rule 37 are not eligible to participate in this Program. However, Customer-Generators that qualify for DRV and/or LSRV of the Value Stack compensation under Rule 40.2 are permitted to participate in this Program in lieu of receiving the DRV and/or LSRV compensation. Value Stack Customer-Generators that opt-into this Program will be compensated for their injections using the same load reduction calculation methodology and at the same rate as compensation for load reductions as described in Rules 62.8, 62.9, and 62.10. This voluntary election is a one-time, irreversible decision that may be made at any point during the project's Value Stack compensation term. The Customer-Generator must notify the utility of its intention opt in to this Program consistent with Rule 62.3.1.

62.2 Definitions - the following terms are defined for purposes of this Program only:

"Aggregator" refers to a party other than the Company that represents and aggregates the load of eligible customers who collectively have a Load Relief potential of 50 kW or greater and is responsible for the actions of the customers it represents, including performance and, as applicable, performance adjustments, penalties, and repayments to the Company.

"Capability Period" under this Program refers to the period during which the Company can request Load Relief. The Capability Period shall be from May 1 through September 30.

"CBL" means the customer baseline load as calculated under the Company's Customer Baseline Load methodology. The Customer Baseline Load methodology is described in the Company's baseline operating procedure, which is published on the Company's website. Customers or Aggregators may propose alternate CBL methodologies to the Company by December 1 each year, with specific details and documentation as to how the proposed calculation will be performed. The Company will review the process and methodology by January 1 of the subsequent year and notify the Customer or Aggregator if the proposed methodology is acceptable. Following acceptance, the proposed alternate CBL will be used for the Customers or Aggregators demand response calculations beginning May 1.

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62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

“CBL Verification Methodology” means the methodology used by the Company to verify the actual Load Relief provided (kW and kWh) during each hour of each designated Load Relief Period and Test Event. Actual load levels are compared to the customer baseline loads to verify whether the Direct Participant or Aggregator provided the kW of contracted Load Relief; provided, however, that the Company may estimate the data pursuant to the Company's operating procedure if data is not available for all intervals. When the weather-adjusted CBL methodology is used and the calculated weather adjustment falls outside of Company defined ranges (i.e., the Company deems the weather to be atypical on the day of a Load Relief Period or Test Event when compared to the baseline period), the Company may review and revise a participant's baseline based on the customer's historical load data. When the weather-adjusted CBL methodology is used, or an approved alternate CBL methodology, the Company, at its own discretion, may select alternate hours for the adjustment period to calculate the weather adjustment factor in order to accurately reflect the customer's typical usage

“Contracted Hours” refers to the four-hour period within a weekday, Monday through Friday, during the Capability Period, excluding Holidays, during which the Direct Participant or Aggregator contracts to provide Load Relief whenever the Company designates a Planned Event.

“Direct Participant” is a customer who enrolls under this Program directly with the Company for a single account and agrees to provide at least 50 kW of Load Relief. If the customer wishes to enroll multiple customer accounts within the Company's service territory that collectively have a Load Relief potential of 50 kW or greater, each account must meet the terms of service under this Program. Performance of multiple customer accounts will be measured on a portfolio basis.

“Electric Generating Equipment” is the: (a) electric generating equipment, including technologies that can be exported, at the premises of an eligible customer used to provide Load Relief under this Program; or (b) emergency electric generating equipment that is interconnected and operated in compliance with the Company's Standard Interconnection Requirements and used to provide Load Relief under this Program.

“Load Relief” is the demand (kW) and energy (kWh): (a) ordinarily supplied by the Company that is displaced by use of Electric Generating Equipment and/or reduced by the Direct Participant or Aggregator at the customers' premises; or (b) produced by use of Electric Generating Equipment at the premise of an eligible customer and delivered by that customer to the Company's delivery system during a Load Relief Period.

“Load Relief Period” refers to the hours for which the Company requests Load Relief when it designates a Planned Event or an Unplanned Event.

“Lost Reservation Payment” is the payment the Company will make to the Direct Participant or Aggregator when the Company misses the installation timeframe for the Reservation Payment Option, unless the meter delay was caused by a reason outside the Company's control.

“Performance Factor” is the ratio of: (i) the average hourly kW of Load Relief provided by the Direct Participant or Aggregator during the requested hours, up to the kW of contracted Load Relief to (ii) the kW of contracted Load Relief when a Planned Event or Test Event is called. The Performance Factor will be rounded to two decimal places, and in no event will be greater than 1.00. If the Performance Factor as calculated is below 0.25, then it will be set to 0.00. If, during the prior Capability Period, an Aggregator did not participate in this Program or if a Direct Participant either did not participate in this Program or participated in this Program through an Aggregator, the Performance Factor will be set to 0.50 in the current Capability Period and will remain at that level until the first month in which a Load Relief Period or Test Event is called. The Performance Factor determined for that month will be applied retroactively, starting with the enrollment month, to true-up the Reservation Payments for the prior month(s).

“Planned Event” is the Company's request, on not less than 21 hours' advance notice, for Load Relief during the Contracted Hours. Planned Events may be called when the Company's day-ahead forecasted load level is at least 92 percent of the Company's forecasted summer system-wide peak.

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62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

“Test Event” refers to the Company’s request under the Reservation Payment Option specified in Rule 62.9 for Direct Participants and Aggregators to provide one hour of Load Relief, within the four-hour span of Contracted Hours, on not less than 21 hours’ advance notice.

“Reservation Payment Option” customers who enroll under this option agree to provide a specified amount of load reduction during demand response events, and will receive a set dollar per kilowatt (kW) payment per month for the summer capability period, regardless of whether or not the utility calls its demand response program.

“Unplanned Event” is the Company’s request for Load Relief: (a) on less than 21 hours’ advance notice; or (b) for hours outside of the Contracted Hours.

“Voluntary Participation Option” is the payment option the customer will be enrolled in if they do not elect to participate under the “Reservation Payment Option.” Customers will only receive payment for actual load reductions during demand response events under this option.

62.3 Applications and Term of Service

62.3.1 Customers must enroll by completing Form CSRP to participate in this Program. Direct Participants and Aggregators may participate after the Company’s receipt of a completed application and written notification from the Company of application acceptance. The Company will accept applications by April 1 for a May 1 commencement date, and by May 1 for a June 1 commencement date. If the Company does not bill the participant monthly using interval metering at the time of application, participation in the Reservation Payment Option will not commence unless both interval metering and communications are operational. If the Company receives a completed application by April 1, service can commence on May 1 if the interval metering is installed by April 1 and meter communications are operational by April 30. If the Company receives a completed application by May 1, service can commence on June 1 if the interval metering is installed by May 1 and meter communications are operational by May 31. If the application is received by May 1, but the above deadlines for installation of interval metering and meter communications are not met, service will commence on July 1 provided the interval metering is installed by June 1 and meter communications are operational by June 30.

62.3.1.1 The desired commencement month must be specified in the application.

62.3.1.2 Applications will not be accepted after the specified date for participation during the current Capability Period. Where the first of the month falls on a weekend or holiday applications will be accepted until the first business day thereafter.

62.3.1.3 The Company will accept applications for participation in the Voluntary Participation Option at any time provided the metering and communications requirements specified in 62.5 are met.

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62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.3.2 A Direct Participant or Aggregator may apply in writing to change the CBL Verification Methodology, to change the kW of pledged Load Relief, or to terminate service under this Program for the upcoming Capability Period provided the request is received prior to commencing participation for that Capability Period.

62.3.2.1 An Aggregator may increase its kW of pledged Load Relief during a Capability Period only if it enrolls customers whose Aggregator either exists the Program or is suspended from enrollment in the Program for noncompliance with Aggregator eligibility requirement or the Company's operating procedures. In such case, the Aggregator may increase its pledged Load Relief up to the amount of the transferred Customers' existing kW of pledged Load Relief.

62.3.3 Each application must state the kW of Load Relief that the Direct Participant or Aggregator contracts to provide for the Contracted Hours. The weather-adjusted CBL will be used as the CBL Verification Methodology for each account enrolled, unless the application specifies that the average-day CBL, or an alternate proposed CBL, is to be used for verification of performance. A single CBL Verification Methodology will be used for each customer to assess both energy (kWh) and demand (kW) Load Relief.

62.3.4 If a Direct Participant or Aggregator requests to operate Electric Generating Equipment for Load Relief purposes under this Program, the application must state generator information, including the unit's nameplate rating, manufacturer, date of manufacture, fuel type or energy source, the kW enrolled using this equipment, and identification as to whether the unit incorporates three-way catalyst emission controls (natural gas-fired rich-burn engine), a natural gas lean-burn engine of model year vintage 2000 or newer, or a diesel-fired engine of model year vintage 2000 or newer, or whether it has a NOx emission level of no more than 2.96 lb/MWh.

62.3.4.1 If the generating equipment has a NOx emission level of no more than 2.96 lb/MWh, but is not natural gas-fired rich-burn generating equipment that incorporates three-way catalyst emission controls, a natural gas lean-burn engine of model year vintage 2000 or newer, or a diesel-fired engine of model year vintage 2000 or newer, written certification by a professional engineer registered in the State of New York must be attached to the application attesting to the accuracy of all generation-related information contained in the application, including the NOx emission level.

62.3.4.2 A copy of the required New York State Department of Environmental Conservation ("DEC") permit or registration must be included with the application or provided to the Company within seven days of applying for participation in this Program. If the permit or registration has not yet been issued, a copy of the application to the DEC for the required permit or registration may instead be submitted; provided, however, that a copy of the actual DEC permit or registration must be submitted before commencing service under this Program Rider.

62.3.4.3 By applying for service under this Program, Direct Participants and Aggregators (on behalf of their customers) agree to permit the Company to provide information regarding the Electric Generating Equipment to the DEC for its review, subject to the DEC's agreement to keep this information confidential.

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62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.3.4.4 Participants enrolled in a NYISO market-based program offered by the Company, NYPA, or other entity, must provide the Company with their NYISO generator identification number, subject to entering into a confidentiality agreement with the Company, and give the Company the ability to view their market participation activity. This information will be used to verify the times of participation in these other programs to prevent double-payment during concurrent events.

62.3.4.5 Participation by diesel-fired Electric Generating Equipment will be permitted only if the engine for the equipment is model year 2000 or newer. Participation by diesel-fired Electric Generating Equipment will be limited to 20 percent of the total enrolled under this Program for the Capability Period. Enrollment by such generators will be accepted on a first-come, first-served basis. No limit or cap will be placed on the following: natural gas-fired rich burn Electric Generating Equipment that incorporates three-way catalyst emission controls; natural gas lean-burn Electric Generating Equipment with an engine of model year vintage 2000 or newer; or Electric Generating Equipment that has a NOx emissions level of no more than 2.96 lb./MWh.

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62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.3.5 Participation under this Program is permitted to participants in other programs that provide payment for capacity, such as the NYISO's Special Case Resources ("SCR") Program, (or any successor Company program to the NYISO's SCR Program), NYPA's Peak Load Management Program, or the Company's demand response program offerings in Rule 55 and 56 of this Tariff.

62.3.6 Direct Participants and Aggregators must meet the metering requirements specified in Rule 62.5 of this Program.

62.4 Notification by the Company and Required Response

62.4.1 The Company will notify Direct Participants and Aggregators by phone, e-mail, or machine-readable electronic signal, or a combination thereof, in advance of the commencement of a Load Relief Period or Test Event. The Direct Participant or Aggregator shall designate in writing an authorized representative and an alternate representative, and include an electronic address, if applicable, to receive the notice. If an Aggregator is served under this Program, only the Aggregator will be notified of the Load Relief Period or Test Event. The Aggregator is responsible for notifying all of the customers within its respective aggregation group.

62.4.2 If the Company designates a Planned Event or a Test Event, the Company will provide advance notice at least 21 hours in advance of the event. The Company will again provide, on the day of the event, advance notice of confirmation or cancellation of the event, no less than two hours before the start of the event.

62.4.3 If the Company designates an Unplanned Event, notice will be given as soon as practicable. Participants are requested to provide Load Relief as soon as they are able.

62.4.4 Participants in the Reservation Payment Option are required to participate during:

62.4.4.1 All Contracted Hours for all Planned Events called by the Company during the Capability Period, and

62.4.4.2 Test Events called by the Company. The Test Event period will not exceed one hour. Participants in the Voluntary Participation Option will not be tested.

62.5 Metering

62.5.1 All electricity load measurement for this program shall utilize the Company's interval based meter at the customers' premises. The customer is responsible for paying the metering and installation costs. The metering and installation costs are available from Company representatives.

62.5.2 Metering communications are necessary for program administration. Where meter reading communications must be installed, the Company shall provide the necessary communications equipment to the customer's meter which records the electric requirements delivered to the customer's premise. The customer agrees to pay the Company an Incremental Customer Charge in the amount of \$12.42 per month to cover the incremental cost of metering communications.

62.5.3 The customer shall be responsible for all metering and communication devices and associated costs as prescribed above and in accordance with Rule 25 of the Tariff.

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62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.5.4 The Company will install interval metering within 21 business days of the later of the Company's receipt of an applicant's payment for an upgrade to interval metering and: (i) evidence that a request has been made to the telephone carrier (e.g., receipt of a job number) to secure a dedicated phone line for a meter with landline telecommunications capability or (ii) the active Internet Protocol ("IP") address that the wireless carrier has assigned to the modem's ESN for a meter with wireless capability. If the Company misses the installation time frame for the Reservation Payment Option, it will make a "Lost Reservation Payment" to the Direct Participant or Aggregator, unless the meter delay was caused by a reason outside the Company's control, such as the telephone company's failure to install a landline or, if, at the Company's request, the Commission grants the Company an exception due to a condition such as a major outage or storm. A Lost Reservation Payment will be calculated by determining the number of months between the earliest month in which the customer could have begun participation had the meter been installed within the required timeframe (assuming the Company's acceptance of a completed application and receipt of payment for the meter upgrade) and the first month following the completed installation, and multiplying that number by the pledged kW and associated per-kW Reservation Payment Rate.

62.6 Administrative Review

62.6.1 The Company reserves the right to review records and/or operations of any Direct Participant, Aggregator, or customer of an Aggregator to verify enrollment information and performance associated with any designated Load Relief Period or Test Event called by the Company. Once the Company initiates a data review, all payments will be suspended pending the outcome of the review. The Company will make reasonable efforts to complete its review within 30 days of receipt of all requested data, but no later than December 31 of the calendar year of the Capability Period under review. Any suspended payments will be reinstated if the Company's review of the data results in a finding that the enrollment and performance information are correct.

62.6.2 If the Company determines that a Direct Participant, Aggregator, or customer of an Aggregator failed to cooperate fully and promptly with the review and/or did not fully comply with the provisions of this Program and/or provided inaccurate data, the Direct Participant or the customer of the Aggregator will be deemed ineligible to participate in the Program until the issue is rectified. In addition, the Direct Participant or Aggregator will be required to make prompt repayment to the Company of any overpayments that were made to such Direct Participant or Aggregator, on behalf of its customer, for the Capability Period that was reviewed as well as the current Capability Period, if different.

62.7 Aggregation

62.7.1 All customers of an Aggregator must meet the metering and telecommunications requirements of this Program and the requirements of Rule 25 and Rule 62.5.

62.7.2 An Aggregator is responsible for the compliance of all customers it enrolls and will be liable for performance, including, if applicable, repayments to the Company.

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62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.8 Payments Made Under Both Options

62.8.1 Payments will be made pursuant to Rules 62.9 and 62.10 of this Program, except as specified below:

62.8.1.1 Performance Payments will not be made under this Program if the Direct Participant or Aggregator (on behalf of its customers) receives payment for energy during concurrent Load Relief hours under Rule 61, Distribution Load Relief Program, or any other Company, third party, or NYISO demand response program (e.g., NYISO's Emergency Demand Response Program, NYISO's Day-ahead Demand Reduction Program or NYISO's SCR Program, or any successor Company program to the NYISO's SCR Program).

62.9 Reservation Payment Option

62.9.1 Reservation Payments

62.9.1.1 Direct Participants and Aggregators will receive a Reservation Payment for each Capability Period month in which they are enrolled. The Reservation Payment rate per kW is based on the number of cumulative Planned Events for which the Direct Participant or Aggregator was asked to provide Load Relief during the Capability Period, as follows:

62.9.1.1.1 The payment rate is calculated in dollars per kW per month in months in which, as of the last day of such month, the Company asked the Direct Participant or Aggregator to provide Load Relief for four or fewer cumulative Planned Events since the current Capability Period commenced.

62.9.1.1.2 The payment rate is calculated in dollars per kW per month commencing in the month in which, as of the last day of such month, the Company asked the Direct Participant or Aggregator to provide Load Relief for five or more cumulative Planned Events since the Capability Period commenced.

62.9.1.1.3 The Reservation Payment per month is equal to the applicable Reservation Payment rate per kW per month multiplied by the kW of contracted Load Relief multiplied by the Performance Factor.

62.9.1.2 Performance Payments for Participation during Planned Events and Test Events

62.9.1.2.1 Except as specified in Rule 62.8, the Company will make a payment to a Direct Participant or Aggregator who provides Load Relief during the Contracted Hours of a Planned Event or Test Event.

62.9.1.2.2 The Performance Payment amount paid per event is equal to the Performance Payment rate in dollars per kWh multiplied by the average hourly kWh of Load Relief provided during the event multiplied by the number of event hours in the Planned or Test Event.

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62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.9.1.3 Performance Payment for Participation during Unplanned Events

62.9.1.3.1 Except as provided in Rule 62.8, a Direct Participant or Aggregator will receive payment for performance during each Unplanned Event, provided the Company can verify that the Direct Participant or Aggregator provided Load Relief.

62.9.1.3.2 The performance payment amount paid is equal to the performance payment rate in dollars per kWh multiplied by the sum of the actual load relief provided for the hours of the Unplanned Event.

62.9.1.3.3 Performance Factor

62.9.1.3.3.1 When more than one Planned Event and/or Test Event is called during the month, the average of the Performance Factors of all events for a Direct Participant or Aggregator is the Performance Factor for that month.

62.9.1.3.4 Application of Payments

62.9.1.3.4.1 Reservation Payments, Performance Payments, and Penalties under this Rule 62.9 will be calculated on a monthly basis. Payments will be made by bill credit, check, or wire transfer. Payments will be made within seventy-five(75) days following the end of the applicable Load Relief month.

62.9.1.3.5 Testing

62.9.1.3.5.1 The Company may require a Direct Participant or Aggregator to participate in one or more Test Events, each for a period not to exceed one hour, commencing at a time determined solely at the Company's discretion, but within the Contracted Hours.

62.9.1.3.5.2 The Company will make a payment for one hour of energy for the Load Relief achieved up to the contracted amount, as specified above in Rule 62.9.1.2.

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62. COMMERCIAL SYSTEM RELIEF PROGRAM (Continued)

62.10 Voluntary Participation Option

62.10.1 Performance Payments

62.10.1.1 Except as specified in Rule 62.8, the Company will make Performance Payments to a Direct Participant or Aggregator participating in the Voluntary Participation Option for Load Relief provided during a Load Relief Period.

62.10.1.2 The payment rate for Load Relief is as follows:

62.10.1.2.1 Dollars per kWh for Load Relief provided during a Planned Event;
or

62.10.1.2.2 Dollars per kWh for Load Relief provided during an Unplanned Event.

62.10.1.2.3 The Performance Payment amount paid per event is equal to the applicable Payment Rate multiplied by the average hourly kWh of Load Relief provided during the event multiplied by the number of event hours.

62.10.2 Application of Payments

62.10.2.1 The Company will make payment to a Direct Participant or Aggregator, for payments under this Rule 62.10, after the end of the Program year, for the sum of the payments due for all Load Relief Periods in the Capability Period. Payments will be made by bill credit, check, or wire transfer.

62.11 Rate Statements

62.11.1 The Commercial System Relief Program rates shall be shown on the Demand Response Incentive Statement filed with the Public Service Commission not less than 60 days before their effective date.