

January 31, 2011

Rosemary Chiavetta, Secretary Pennsylvania Public Utility Commission Room B-20, North Office Building Harrisburg, Pennsylvania 17120

Re:

National Fuel Gas Distribution Corporation

Docket No. L-2008-2069115; Supplement No.115 to Tariff Gas Pa. P.U.C. No. 9

Dear Secretary Chiavetta:

Enclosed, for filing, is one (1) copy of Supplement No. 115 to National Fuel Gas Distribution's Tariff Gas - Pa. P.U.C. No. 9. Supplement No. 115 is being filed under Ordering Paragraph 9 of the Final Rulemaking Order published January 1, 2011 (PA Bulletin, Doc. No. 11-5). Supplement No. 115 has an issue date of January 31, 2011 and an effective date of February 1, 2011. This filing is being electronically filed.

National Fuel's tariff has historically included the security rules, formulas and standards that it uses to calculate and adjust security amounts however, some changes were found to be necessary to conform with §62.111.

As shown on the enclosed certificate of service, copies have been served on natural gas suppliers licensed in our service territory as listed on the Commission's website as of January 19, 2011. Notification of the filing will also be made on our website.

Please direct any questions concerning this filing to the undersigned at (716) 857-7805 or Tom Clark at (716) 857-7008.

Respectfully submitted,

Eric H. Meinl

General Manager, Rates

m H. Man

And Regulatory Affairs

tc/ehm Enclosure

# **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in the manner indicated, in accordance with the requirements of §1.54 (relating to service by a participant).

# FIRST CLASS MAIL

John H. Isom, Esquire Post & Schell, P.C. 17 North Second Street 12 <sup>th</sup> Floor Harrisburg, PA 17101	John Simms, Esquire Office of Trial Staff Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2nd Floor West Harrisburg, PA 17120
Irvin Popowsky, Esquire Barrett C. Sheridan, Esquire Office of Consumer Advocate 555 Walnut Street Forum Place 5th Floor Harrisburg, PA 17101	William L. Lloyd, Esquire Steven C. Gray, Esquire Office of Small Business Advocate Suite 1102, Commerce Building 300 North Second Street Harrisburg, PA 17101
Belden & Blake Corporation 22811 Titusville Road Pleasantville, PA 16341	Center Point Energy Services, Inc. 800 Lasalle Avenue Suite 1725 Minneapolis, MN 55402
Chautauqua Energy Management, Inc. PO Box 100 8850 West Route 20 Westfield, NY 14787	Columbia Energy Services Corp. 13880 Dulles Corner Lane Herndon, VA 20171
Compass Energy Services, Inc. 1200 Smith Street Suite 900 Houston, TX 77002	Conectiv Energy Supply, Inc. P.O. Box 6066 Newark, DE 19714-6066

Con Edison Solutions, Inc. 100 Summit Lake Drive Valhalla, NY 10595	Conoco Phillips Company 600 North Dairy Ashford Houston, TX 77079
Constellation New Energy- Gas Division, LLC 9960 Corporate Campus Drive Suite 2000 Louisville, KY 40223	Crown Energy Services Inc. P.O. Box 260 West Seneca, NY 14224-0260
D & L Gas Marketing LLC 2761 Salt Springs Road Youngstown, OH 44509	Direct Energy Services LLC 12 Greenway Plaza Suite 600 Houston, TX 77046
Dominion Retail Incorporated Peoples Plus 501 Martindale Street Suite 500 Pittsburgh, PA 15212-5817	Employers' Energy Alliance Of Pennsylvania, Inc. 2171 West 38 <sup>th</sup> Street Erie, PA 16508
Energymark, LLC 300 Corporate Parkway Suite 140N Amherst, NY 14226-1295	Equitable Energy 110 Allegheny Center Mall Pittsburgh, PA 15212
Equitable Gas Company 200 Allegheny Center Mall Pittsburgh, PA 15212-5352	Exelon Energy Company 10 S Dearborn St. 37 <sup>th</sup> Floor Loor P.O. Box 805398 Chicago, IL 60680-5398
First Energy Solutions Corp. 341 White Pond Drive Akron, OH 44320	Gateway Energy Services Corp. 400 Rella Boulevard Suite 300 Montebello, NY 10901
Green Mountain.com Company 3815 Capital of Texas Hwys Suite 100 Austin, TX 78704	Hess Corporation One Hess Plaza Woodbridge, NJ 07095-0961

	I.C. Thomasson Associates, Inc. 2950 Kraft Drive Suite 500 Nashville, TN 37204	Iberdrola USA Solutions, Inc. 31 Lewis Street Suite 401 Binghamton, NY 13901-3058
	IDT Energy, Inc. 20 West Third Street Suite 10 Jamestown, NY 14702-0400	Integrys Energy Services, Inc. 600 Superior Avenue Suite 1300 Cleveland, OH 44114
	Interstate Gas Supply, Inc. 6100 Emerald Parkway Dublin, OH 43016-3248	Major Energy Services, LLC 100 Dutch Hill Road Suite 310 Orangeburg, NY 10962-2198
	Markwest Hydrocarbon Inc. 1515 Arapahoe Street Tower Two, Suite 700 Denver, CO 80202	Metromedia Energy Inc. 6 Industrial Way Eatontown, NJ 07724
	Mid American Natural Resources, LLC 2501 Palermo Drive Suite A Erie, PA 16506-7210	National Fuel Resources Inc. PO Box 9074 Williamsville, NY 14231-9072
: :	NOCO Energy Corp. 2440 Sheridan Drive Suite 202 Tonawanda, NY 14150	On-Demand Energy Inc. PO Box 869 300 Corporate Drive Suite 50 Moon Township, PA 15108
	Open Flow Gas Supply Corp. 90 Beaver Dr. PO Drawer J DuBois, PA 15801-0297	Patriot Energy Group, Inc. 10 Tower Office Park Suite 317 Woburn, MA 01801
	Pennsylvania Gas & Electric 290 North West 165 <sup>th</sup> Street PH5 North Miami Beach, FL 33169	PPL Energy Plus, LLC Two North Ninth Street Allentown, PA 18101-1179

Prospect Resources, Inc. 8170 McCormick Blvd. Suite 107 Skokie, IL 60076	Provident Energy Consulting LLC 70 Palmers Mill Road Media, PA 19063
Service Technology & Resources Corp. T/A Starcorp Int'l PO Box 1086 DuBois, PA 15801	Snyder Brothers Inc. One Glade Park East P.O. Box 1022 Kittanning, PA 16201
South Jersey Energy Company	Sprague Energy Corp
1 South Jersey Plaza	Two International Drive
Route 54	Suite 200
Folsom, NJ 08037	Portsmouth, NH 03801
Stand Energy Corporation	Texaco Natural Gas Inc.
1077 Celestial Street	6225 Sheridan Drive
Rookwood Bldg. #3 Suite 110	Suite 208
Cincinnati, OH 45202-1629	Williamsville, NY 14221

Tiger Natural Gas Inc. PO Box 702437 Tulsa, OK 74170	UGI Energy Services Inc. One Meridian Blvd. Suite 2C01 Wyomissing, PA 19610
Unitil Resources Inc. T/A Usourc	Valusource Energy Services, LLC
6 Liberty Lane West	One North Shore
Hampton, NH 03842-1720	Pittsburg, PA 15230
Vineyard Oil & Gas Co.	Volunteer Energy Services, Inc.
P.O. Box 391	790 Windmiller Drive
North East, PA 16428	Pickerington, OH 43147
Williams Energy Marketing & Trading Co. One Williams Center PO Box 3448 Tulsa, OK 74101	

Dated this 31st day of January 2011.

Eric H. Meinl

General Manager, Rates And Regulatory Affairs

# NATIONAL FUEL GAS DISTRIBUTION CORPORATION BUFFALO, NEW YORK

# RATES, RULES AND REGULATIONS

GOVERNING THE FURNISHING

OF

NATURAL GAS SERVICE

IN
TERRITORY DESCRIBED HEREIN

Issued: January 31, 2011 Effective: February 1, 2011

A. M. CELLINO, PRESIDENT BUFFALO, NEW YORK

Supplement No. 115 to
Gas - Pa. P.U.C. No. 9
Ninety-Seventh Revised Page No. 2
Canceling Ninety-Fourth Revised Page No. 2

# LIST OF CHANGES MADE BY THIS TARIFF

# CHANGE:

- 1. Natural gas replaces the words SATS and MMNGS suppliers under Docket No. L-2008-2069115 published January 1, 2011.
  Pages 32, 34, and 34A.
- The Supplier Qualification Criteria section changes for 52 Pa. Code Chapter 62.
   Pages 118G and 137.

Effective: February 1, 2011

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Seventh Revised Page No. 32
Canceling Sixth Revised Page No. 32

RULES AND REGULATIONS APPLYING TO ALL TERRITORIES SERVED (Cont'd)

### 27. FINANCIAL FITNESS REQUIREMENTS FOR NATURAL GAS SUPPLIERS

(C)

Dun & Bradstreet reports will be utilized as the primary source of credit information to determine the creditworthiness of Natural Gas Supplier applicants for service. The following Dun & Bradstreet standards will be used: a credit risk rating of 1 through 5 and "uncoded", noted on the report (the continuum range is 1 to uncoded). The values for these rating are:

(C)

- "1" assets, liabilities and payment history indicate little or no risk to creditors.
- $\ensuremath{\text{``2''}}$  assets, liabilities and payment history indicate some risk to creditors.
- $^{"}3"$  assets, liabilities and payment history indicate a moderate risk to creditors.
- $^{``4"}$  assets, liabilities and payment history indicate a greater than moderate risk to creditors.
- 5 assets, liabilities and payment history indicate a severe risk to creditors.

"Uncoded" indicates that there is insufficient historical credit data available to make a reliable credit assessment of the applicant (such as the applicant being in business less than 14 months, change of ownership, etc.)

Upon receipt of the properly completed Credit Application, the company will obtain various Dun & Bradstreet reports for initial review and assessment. The reports will include, but not be limited to: Payment Analysis Report, Business Information Report, Comprehensive Report and Credit Score

(C) Indicates Change

(C)

### RULES AND REGULATIONS APPLYING TO ALL TERRITORIES SERVED (Cont'd)

Changes indicating that a credit review may be necessary include, but are not limited to: (1) significant changes in Dun & Bradstreet credit reports; (2) credit related information obtained from reliable sources; (3) a change in the number of end-users; (4) a change from the established payment history; as well as any other information received regarding the financial standing of the Supplier or Aggregator. Security deposits will be refunded to the Supplier or Aggregator when it is determined that the Supplier or Aggregator meets the level of creditworthiness criteria that no longer requires a security deposit.

Determination of Security Deposits:

The amount of a security deposit will be determined under the following formula:

- (1) For Natural Gas Suppliers during the winter period (C)
  - a. Using historical data, for (1) transportation service shall be the sum of the two highest months of consumption in the last twelve months. This volume will be multiplied by 60 and divided by the actual amount of billing days, and (2) the commodity volumes shall be determined by taking the highest consumption between November 1 through March 31. This volume will be multiplied by 10 and divided by the actual number of billing days. The consumption for each customer anticipated to be served by the applicant Natural Gas Supplier will be multiplied by (3) the applicable transportation rate; and (4) the corresponding cost of gas.
  - b. The "corresponding cost of gas" shall be the Natural Gas Supply Charge.

Monthly reviews will be provided, based upon any changes which may affect the Company's risk exposure.

(C) Indicates Change

Supplement No. 115 to
Gas - Pa. P.U.C. No. 9
Second Revised Page No. 34A
Canceling First Revised Page No. 34A

(C)

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# RULES AND REGULATIONS APPLYING TO ALL TERRITORIES SERVED (Cont'd)

- (2) For Natural Gas Suppliers during the summer period
  - a. Using historical data, for (1) transportation service shall be the sum of the two highest months of consumption in the last twelve months. This volume will be multiplied by 60 and divided by the actual amount of billing days, and (2) the commodity volumes shall be determined by taking the highest consumption between April 1 through October 31. This volume will be multiplied by 10 and divided by the actual number of billing days. The consumption for each customer anticipated to be served by the applicant Natural Gas Supplier will be multiplied by (3) the applicable transportation rate; and (4) the corresponding cost of gas.
  - b. The "corresponding cost of gas" shall be the Natural Gas Supply Charge.

Monthly reviews will be provided, based upon any changes which may affect the Company's risk exposure.

(C) Indicates Change

# RATE SCHEDULE MMNGS MONTHLY METERED NATURAL GAS SUPPLIER SERVICE (Cont.)

- H. Termination of Service for Failure to Deliver Daily Quantity
- 1. The Company shall have the right to terminate service under this rate schedule to any Supplier that fails for any three (3) days to deliver at least ninety-five (95) percent of the applicable ADDQ for the Supplier's MMNGS Pool, measured during a single thirty day period ("Terminated Supplier") or one day of zero delivery. The terminated Supplier, at the Company's option, may be prohibited from receiving service under this rate schedule for 6 months if the MMT Customer does not take service from another qualified MMNGS Supplier. Such Terminated Supplier's MMT Customers will be served by the Company pursuant to the terms of the Standby Rate Schedule.
- 2. Supplier's MMT customers may be notified by the Company as to the impending transfer to Company service, together with a statement that the transfer is the result of the Supplier's failure to perform as required. The Company shall recover the cost of such notice from the Supplier by drawing down the Supplier's security deposit or other security instrument.
- I. Supplier Qualification Criteria
- 1. Pursuant to 52 Pa. Code Chapter 62, Company may request and adjust security from Supplier and service under this Rate Schedule is contingent upon (C) the MMNGS Supplier meeting and maintaining the creditworthiness standards.

  Applicants for service hereunder will be required to complete a Credit Application for evaluation by the Company based on the criteria set forth in this tariff. The results of the creditworthiness checks performed by the Company will be communicated to the applicant within two weeks of the Company's receipt of the properly completed application.
- 2. The MMNGS Supplier's application shall include a description of the MMNGS Supplier's operational capability for meeting the requirements of its MMT Pool. The Company shall then make a determination as to whether this capability is sufficient.

(C) Indicates Change

Supplement No. 115 to
Gas - Pa. P.U.C. No. 9
Second Revised Page No. 137
Canceling First Revised Page No. 137

# RATE SCHEDULE SATS SMALL AGGREGATION TRANSPORTATION SUPPLIER SERVICE (Cont.)

- a. Upon notice by the Company to the Terminated Supplier, the Company at its option may recall the capacity that it has released to the Terminated Supplier; and or require release of the Supplier's capacity as provided under section C.4.
- b. Inventory remaining in storage shall be sold to the Company at a price equal to the Company's lowest monthly weighted average commodity cost experienced over the last twelve months.
- c. The Terminated Supplier shall be responsible for any and all fees and taxes associated with moving or transferring the storage inventory to the Company.
- d. Any failure to comply with the provisions under Sections H.1.a., H.1.b., H.1.c., and C.4. will result in the permanent ineligibility to receive service under this Rate Schedule.
- e. Supplier's SATC customers may be notified by the Company as to the impending transfer to Company service, together with a statement that the transfer is the result of the Supplier's failure to perform as required. The Company shall recover the cost of such notice from the Supplier by either, (1) adjusting the inventory sales price described in Section H.1.b., or (2) drawing down the Supplier's security deposit (or other security instrument.

# I. Supplier Qualification Criteria

1. Pursuant to 52 Pa. Code Chapter 62, Company may request and adjust security from Supplier and service under this rate schedule is contingent upon the SATS Supplier meeting and maintaining the creditworthiness standards.

Applicants for service hereunder will be required to complete a Credit application for evaluation by the Company based on the criteria set forth in this tariff. The results of the creditworthiness checks performed by the Company will be communicated to the applicant within two weeks of the Company's receipt of the properly completed application.

- 2. The SATS Supplier's application shall include a description of the SATS Supplier's operational capability for meeting the requirement of its SATC Customer Group. The company shall then make a determination as to whether this capability is sufficient.
- 3. SATS Suppliers shall also describe in the application the means by which they will handle marketing and billing for 50 or more customers. Alternatively, SATS Suppliers may identify a third party, including the Company, in the case of the NGS' use of POR billing, and describe how such party will handle such tasks. Suppliers or their third party representative included in the Company's Purchase of Receivable Program must abide by the Company's Marketing Standards. The Company shall then make a determination as to whether this capacity is sufficient.

Suppliers serving customers with annual consumption less than 1,000 Mcf/year participating in the Company's POR program will be required to use the Company's Utility Consolidated Billing System and enter into the Billing Services Agreement.

(C) Indicates Change

# RED LINED VERSION

Supplement No. 63 115 to Gas - Pa. P.U.C. No. 9

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Sixth SeventhRevised Page No. 32

Canceling Fourth and Fifth Sixth Revised Page No. 32

RULES AND REGULATIONS APPLYING TO ALL TERRITORIES SERVED (Cont'd)

# 27. FINANCIAL FITNESS REQUIREMENTS FOR SATS AND MMNGS NATURAL GAS SUPPLIERS (C)

Dun & Bradstreet reports will be utilized as the primary source of credit information to determine the creditworthiness of <u>Natural Gas</u> Supplier applicants for service <u>under Rate Schedule SATS and Rate Schedule MMNGS</u>. The following Dun & Bradstreet standards will be used: a credit risk rating of 1 through 5 and "uncoded", noted on the report (the continuum range is 1 to uncoded). The values for these rating are:

- $^{\rm n}$ 1" assets, liabilities and payment history indicate little or no risk to creditors.
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"Uncoded" indicates that there is insufficient historical credit data available to make a reliable credit assessment of the applicant (such as the applicant being in business less than 14 months, change of ownership, etc.)

Upon receipt of the properly completed Credit Application, the company will obtain various Dun & Bradstreet reports for initial review and assessment. The reports will include, but not be limited to: Payment Analysis Report, Business Information Report, Comprehensive Report and Credit Score.

(C) Indicates Change

Issued: July 31, 2006 January 31, 2011 Effective: February 1, 2011 August 1,

# RULES AND REGULATIONS APPLYING TO ALL TERRITORIES SERVED (Cont'd)

Changes indicating that a credit review may be necessary include, but are not limited to: (1) significant changes in Dun & Bradstreet credit reports; (2) credit related information obtained from reliable sources; (3) a change in the number of end-users; (4) a change from the established payment history; as well as any other information received regarding the financial standing of the Supplier or Aggregator. Security deposits will be refunded to the Supplier or Aggregator when it is determined that the Supplier or Aggregator meets the level of creditworthiness criteria that no longer requires a security deposit.

Determination of Security Deposits:

The amount of a security deposit will be determined under the following formula:

- (1) For SATS and MMNCS Natural Gas Suppliers during the winter period (C)
  - a. Using historical data, for (1) transportation service shall be the sum of the two highest months of consumption in the last twelve months. This volume will be multiplied by 60 and divided by the actual amount of billing days, and (2) the commodity volumes shall be determined by taking the highest consumption between November 1 through March 31. This volume will be multiplied by 10 and divided by the actual number of billing days. The consumption for each customer anticipated to be served by the applicant SATS or MMNGS—Natural Gas—Supplier will be multiplied by (3) the applicable transportation rate; and (4) the corresponding cost of gas.

b. The "corresponding cost of gas" shall be the Natural Gas Supply Charge.

Monthly reviews will be provided, based upon any changes which may affect the Company's risk exposure.

(C) Indicates Change

Issued: <del>July 31, 2006</del> January 31, 2011

Effective: February 1, 2011 August 1,

Supplement No. 63 115 to Gas - Pa. P.U.C. No. 9
Second First Revised Page No. 34A

Canceling First RevisedOriginal Page No. 34A

# RULES AND REGULATIONS APPLYING TO ALL TERRITORIES SERVED (Cont'd)

- (2) For <del>SATS and MMNCS</del> Natural Gas Suppliers during the summer period (C)
  - a. Using historical data, for (1) transportation service shall be the sum of the two highest months of consumption in the last twelve months. This volume will be multiplied by 60 and divided by the actual amount of billing days, and (2) the commodity volumes shall be determined by taking the highest consumption between April 1 through October 31. This volume will be multiplied by 10 and divided by the actual number of billing days. The consumption for each customer anticipated to be served by the applicant SATS or MMNCS Natural Gas Supplier will be multiplied by (3) the applicable transportation rate; and (4) the corresponding cost of gas.
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Issued: <del>July 31, 2006</del> January 31, 2011

Effective: August 1, 2006February 1,

Third FourthRevised Page No. 118G

Canceling ThirdFirst and Second Revised Page No. 118G

# RATE SCHEDULE MMNGS MONTHLY METERED NATURAL GAS SUPPLIER SERVICE (Cont.)

### H. Termination of Service for Failure to Deliver Daily Quantity

- 1. The Company shall have the right to terminate service under this rate schedule to any Supplier that fails for any three (3) days to deliver at least ninety-five (95) percent of the applicable ADDQ for the Supplier's MMNGS Pool, measured during a single thirty day period ("Terminated Supplier") or one day of zero delivery. The terminated Supplier, at the Company's option, may be prohibited from receiving service under this rate schedule for 6 months if the MMT Customer does not take service from another qualified MMNGS Supplier. Such Terminated Supplier's MMT Customers will be served by the Company pursuant to the terms of the Standby Rate Schedule.
- 2. Supplier's MMT customers may be notified by the Company as to the impending transfer to Company service, together with a statement that the transfer is the result of the Supplier's failure to perform as required. The Company shall recover the cost of such notice from the Supplier by drawing down the Supplier's security deposit or other security instrument.

### I. Supplier Qualification Criteria

1. Pursuant to 52 Pa. Code Chapter 62, Company may request and adjust
security from Supplier. and sService under this Rate Schedule is contingent
upon the MMNGS Supplier meeting and maintaining the Company's creditworthiness
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Applicants for service hereunder will be required to complete a
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forth in this tariff. The results of the creditworthiness checks performed by
the Company will be communicated to the applicant within two weeks of the
Company's receipt of the properly completed application.

2. The MMNGS Supplier's application shall include a description of the MMNGS Supplier's operational capability for meeting the requirements of its MMT Pool. The Company shall then make a determination as to whether this capability is sufficient.

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Issued: January 31, 2011 July 31, 2006 Effective: February 1, 2011 August 1,

# RATE SCHEDULE SATS SMALL AGGREGATION TRANSPORTATION SUPPLIER SERVICE (Cont.)

- a. Upon notice by the Company to the Terminated Supplier, the Company at its option may recall the capacity that it has released to the Terminated Supplier; and or require release of the Supplier's capacity as provided under section C.4.
- b. Inventory remaining in storage shall be sold to the Company at a price equal to the Company's lowest monthly weighted average commodity cost experienced over the last twelve months.
- c. The Terminated Supplier shall be responsible for any and all fees and taxes associated with moving or transferring the storage inventory to the Company.
- d. Any failure to comply with the provisions under Sections H.1.a., H.1.b., H.1.c., and C.4. will result in the permanent ineligibility to receive service under this Rate Schedule.
- e. Supplier's SATC customers may be notified by the Company as to the impending transfer to Company service, together with a statement that the transfer is the result of the Supplier's failure to perform as required. The Company shall recover the cost of such notice from the Supplier by either, (1) adjusting the inventory sales price described in Section H.1.b., or (2) drawing down the Supplier's security deposit (or other security instrument.

# I. Supplier Qualification Criteria

- 1. Pursuant to 52 Pa. Code Chapter 62, Company may request and adjust security from Supplier and service under this rate schedule is contingent upon the SATS Supplier meeting and maintaining the Company's creditworthiness standards.
- —Applicants for service hereunder will be required to complete a Credit application for evaluation by the Company based on the criteria set forth in this tariff. The results of the creditworthiness checks performed by the Company will be communicated to the applicant within two weeks of the Company's receipt of the properly completed application.
- 2. The SATS Supplier's application shall include a description of the SATS Supplier's operational capability for meeting the requirement of its SATC Customer Group. The company shall then make a determination as to whether this capability is sufficient.
- 3. SATS Suppliers shall also describe in the application the means by which they will handle marketing and billing for 50 or more customers. Alternatively, SATS Suppliers may identify a third party, including the Company, in the case of the NGS' use of POR billing, and describe how such party will handle such tasks. Suppliers or their third party representative included in the Company's Purchase of Receivable Program must abide by the Company's Marketing Standards. The Company shall then make a determination as to whether this capacity is sufficient.

Suppliers serving customers with annual consumption less than 1,000~Mcf/year participating in the Company's POR program will be required to use the Company's Utility Consolidated Billing System and enter into the Billing Services Agreement.

(C) Indicates Change

(C)

Issued: <u>January 31, 2011</u><u>July 14, 2010</u> Effective: <u>February 1, 2011</u><u>July 15, 2010</u>