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| SCHEDULE 449 |
| **RETAIL WHEELING SERVICE** (Continued) |

complies with all applicable legal requirements and nothing in this Schedule shall be interpreted as changing the application of environmental laws, energy facilities siting requirements, OATT provisions regarding system upgrades, or regulatory requirements. If Customer constructs and relies upon self-generation as described in this Section, then Customer shall be subject to applicable charges for Back-Up Distribution Service under Schedule 459.

3.2 Back-up Energy for Self-generation. If Customer’s self-generation fails to operate as scheduled, Company has no obligation to replace such Energy using its own generation resources, but shall make commercially reasonable efforts to obtain in the market replacement Energy for such failure. Any difference between Customer Metered Energy and the Supplied Power over a single hour as a result of failure of a Customer’s self-generation to operate as scheduled will be subject to the Imbalance Energy charge using the Load Aggregation Point price under Schedule 4R of the OATT.

3.3 Delivery of Self-generation. If self-generation is not at the Location of the Load it is serving, Customer must specify such generation in its Schedule 449 Service Agreement and pursuant to the OATT. Delivery on the Distribution System shall be provided for in the Schedule 449 Service Agreement to this Schedule.

3.4 Remarketing of Self-generation. Subject to applicable legal requirements, a Schedule 449 Customer may arrange with its Power Supplier(s), or other purchasers, suitable arrangements for remarketing of self-generation. If Customer operates its self-generation so that it is producing more power than needed to serve Load, or to meet any scheduled deliveries to any entity other than the Company from such generation, the Company will purchase or remarket such excess power, subject to the OATT any applicable legal and operational requirements. The Company will credit Customer for any such power that is purchased or remarketed at the Imbalance Energy Rate or such other rates as the Company and Customer may mutually agree consistent with applicable legal or operational requirements. Energy that is purchased or remarketed under this Section shall not be subject to transmission or distribution charges for use of the Company’s electric system, unless the Company determines pursuant to a system impact study that such purchase or remarketing will require system Upgrades, in which case applicable charges, including charges for such system impact study, shall be determined pursuant to the OATT.