

RATE RIDER RN NIGHTTIME CAPACITY

By order of the Alabama Public Service Commission dated January 9, 2004 in Informal Docket # U-4553.

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AVAILABILITY

Available in all areas served from the interconnected system of the Company.

APPLICABILITY

Applicable (as a rider modifying the determination of billing capacity under Rates LPSE, LPM, LPME, XLPEM, LPL, LPLE, XLPEL and LPLM) for any Consumer so requesting, whose nighttime capacities exceed those established during the day due to the fact that a significant and identifiable portion of its electric load will be operated only during nighttime hours. The Company shall not be required to furnish additional facilities, at its expense, to supply nighttime capacity.

DETERMINATION OF BILLING CAPACITY

Capacity established at night and capacity established during Saturday, Sunday and certain holidays are defined as nighttime demands. At the Consumer's option, night capacity will be defined as:

- a.) Between the hours of 7:00 p.m. to 11:00 a.m.
- b.) Between the hours of 8:00 p.m. to 12:00 noon.
- c.) Between the hours of 7:00 p.m. to 11:00 a.m. during the billing months of June through September, and 9:00 a.m. to 5:00 p.m. and 9:00 p.m. to 5:00 a.m. during the billing months of October through May.
- d.) Between the hours of 8:00 p.m. to 12:00 noon during the billing months of June through September, and 9:00 a.m. to 5:00 p.m. and 9:00 p.m. to 5:00 a.m. during the billing months of October through May.

For the purpose of this Rate Rider RN the following days are considered as holidays: New Year's Day (January 1), Independence Day (July 4), Labor Day (first Monday of September), Thanksgiving Day (fourth Thursday of November), Christmas Day (December 25). When any of the foregoing holidays fall on Sunday, the Monday following shall be treated as a holiday. Nighttime demands will be disregarded, provided however, that the Consumer's maximum integrated fifteen (15) minute capacity for the then current month shall never be taken for the purpose of determining the billing capacity under the Consumer's contract at less than any of the following:

- (a) Fifty percent (50%) of the maximum integrated fifteen (15) minute nighttime capacity established during such service period;
- (b) The maximum integrated fifteen (15) minute daytime (in periods not defined above as nighttime capacity) capacity established during such service period;

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- (c) Ninety percent (90%) of the maximum integrated fifteen (15) minute daytime capacity during the months of June through September falling within the eleven (11) months preceding the billing period except Rate LPLM;
- (d) Rate LPLM will be seventy-five percent (75%) of the maximum integrated fifteen (15) minute daytime capacity during the months of June through September falling within the eleven (11) months preceding the billing period;
- (e) Forty-five percent (45%) of the maximum integrated fifteen (15) minute nighttime capacity during the months of June through September;
- (e) Seventy-five percent (75%) of the Consumer's contracted capacity (based on the Consumer's daytime capacity requirements), but in no case less than forty-five percent (45%) of the Consumer's nighttime capacity required to be maintained.

GENERAL

The Company reserves the right to revise the schedule of hours during which capacities are thus disregarded, when and if changes in capacities and operating conditions make such revisions necessary to avoid the creation of peak loads on the system during these periods. The Consumer will pay any additional cost of special metering. A charge of ten dollars (\$10.00) may be added to the Consumer's monthly bill to cover administrative costs. Service under this rider is subject to rules and regulations approved or prescribed by the Alabama Public Service Commission. This Rate Rider RN may be made a part of contracts for electric power, which incorporate interruptible power under Rates XLPEL, LPL, LPLE and LPLM. Under such contracts when suspensions of interruptible power occur, the provisions for the determination of Firm Power during a suspension period shall apply, the provisions of this Rate Rider RN notwithstanding.