

RATE SCHEDULE NO.165

SPECIAL TRANSPORTATION RATE

This Rate Schedule is available to any Rate Schedule No. 180 Customer that has installed and operable alternate fuel capability on those occasions when Company determines that available transportation Service is not needed to provide Service under its other Rate Schedules containing fixed rates and that Customer's equivalent alternate fuel cost is less than the combined cost of Gas received from Customer's independent supply and the Transportation Charge under Rate Schedule No. 165. Customer must maintain separately metered Accounts for each type of alternate fuel. Company may require Customer to demonstrate that its alternate fuel capability is able to operate prior to providing Service under this Rate Schedule. All sales under this Rate Schedule are provided only in accordance with Company's guidelines as may be revised from time to time.

All transportation Service purchased under this Rate Schedule shall be measured separately from Gas purchased or transported under any other Rate Schedule. Service under this Rate Schedule is temporary and Company has the right to discontinue such Service on two hours' notice. Service under this Rate Schedule will be provided at Company's sole discretion.

In order to receive Service under this Rate Schedule, Customer must maintain separately metered Accounts for each type of alternate fuel. On any given Account, all equipment must be able to accept 100% curtailment on two hours' notice and be capable of burning the same type of alternate fuel. Customer must be capable of being 100% curtailed on two hours' notice. In case of non-compliance with a curtailment order, Company shall have the right to valve off Service when it is necessary in Company's sole opinion to protect Service to higher margin Customers.

Service under this Rate Schedule is subject to review and possible reclassification to a different Rate Schedule pursuant to Rider B of this Tariff.

Rate

Customer shall pay Company for all Service provided under this Rate Schedule at a rate agreed to by Customer and Company prior to delivery, plus the Facilities Charge set forth on the currently effective Summary of Rates and Charges of this Tariff and incorporated herein by reference. Bills under this Rate Schedule are subject to the Integrity Management Tracker set forth in Rider E of this Tariff.

Payment of Bills

Bills are due and payable upon receipt and become past due 15 days after the billing date. Late payment charges will be added to the total balance in arrears on the next billing date. A charge will be imposed for checks and drafts returned to Company. Reconnection charges will be made to restore Service for: (a) Customers whose Service was discontinued for nonpayment of bill or (b) Customers whose Service was discontinued and reconnected at the request of Customer at the same Premises within 12 months after discontinuance.

The charges above are set forth in the currently effective Summary of Rates and Charges of this Tariff under the heading of Miscellaneous Fee Schedule and are described in the Service Regulations.

Curtailment

Customer exclusively bears all business, operational, mechanical, or other risks associated with the interruption or curtailment of Service. Company may require curtailment of Service for any reason it deems necessary or appropriate.

Notice of a curtailment is effective when issued and posted on Company's electronic bulletin board. Customer shall provide Company with the names, titles, telephone numbers, and email addresses of at least two representatives authorized by Customer to receive curtailment notices and shall promptly notify Company of any changes to such information.

RATE SCHEDULE NO. 165 (Continued)

Unauthorized Gas

At Company's sole discretion, and upon prior written notification and approval, Emergency Service under Rider A of this Tariff may be available to Customers served during any billing period when Customer is served under this Rate Schedule. If Company does not authorize Emergency Service, and in the event a Customer fails to discontinue the use of Gas after two hours' notice that Service under this Rate Schedule is not available, all Gas so used shall be paid for by Customer at the rate for Unauthorized Gas set forth in the currently effective Summary of Rates and Charges of this Tariff plus the cost of Gas used, as calculated under Rider A of this Tariff. In addition, Customer shall reimburse Company for any expenses and liabilities imposed on Company caused by Customer's failure to discontinue use of Gas, including but not limited to any incremental charges, assessments, or penalties imposed by an upstream interstate pipeline and the cost of any Gas used or purchased by Company during the day of Customer's failure to the extent that the cost of such Gas per Dekatherm exceeds the cost of Gas calculated under Rider A.

Rules and Regulations

Service under this Rate Schedule is subject to all lawful orders, rules, and regulations of duly constituted governmental authorities having jurisdiction over either Company or Customer, or both, including any orders of the Commission requiring Company to curtail or discontinue Service hereunder or setting priorities for such curtailment or discontinuance of Service. Company shall not be liable for any damages that may result to Customer or any other person, firm, or corporation by reason of Company's curtailing Service in accordance with any order by a duly constituted governmental authority or in accordance with any order of priorities which may be deemed practicable under existing conditions by Company. Service under this Rate Schedule is subject to the Service Regulations, which are incorporated herein by reference.