

ENERGY TEXAS, INC.

Electric Service

SCHEDULE LIPS-TOD

Sheet No.: 27

Effective Date: 1-28-09

Revision: 2

Supersedes: LIPS-TOD Effective 3-1-99

Schedule Consists of: Two Sheets

LARGE INDUSTRIAL POWER SERVICE - TIME OF DAY**I. APPLICABILITY**

This Schedule is applicable on a voluntary basis under the regular terms and conditions of the Company to Customers who contract for not less than 2,500 kW of electric service. The availability of this rate for new or additional business is subject to Customers having appropriate metering and the required capacity in generating and transmission facilities to supply the load. Considerations of availability will take into account location on Company's system, time required to make service available, amount of remaining annual eligible load and other controlling factors.

II. NET MONTHLY BILL

<u>Billing Item</u>	<u>Per Month</u>
A. Billing Load Charge: ⁽¹⁾	
May-October All kW	\$7.54 per kW
November-April All kW	\$5.47 per kW
B. Energy Charge: ⁽²⁾	
1 st 584 kWh/kW of Billing Load	\$0.005490 per kWh
Additional kWh	\$0.003682 per kWh

⁽¹⁾ See § V below for definition of on-peak and off-peak hours.

⁽²⁾ Plus the Fixed Fuel Factor per Schedule FF and all applicable riders.

C. Delivery Voltage Adjustment

The Delivery Voltage below represents the voltage of the line from which service is delivered or, if applicable, the voltage used in determining the facilities charge under Schedule AFC. When service is metered at a voltage other than the Delivery Voltage, metered quantities will be adjusted by 1.5% for each transformation step to the Delivery Voltage.

<u>Delivery Voltage</u>	<u>Adjustment</u>
Less than Transmission (69kV)	\$1.19 per kW of Billing Load
Transmission (69kV)	\$0.05 per kW of Billing Load
Transmission (138kV)	(\$0.25) per kW of Billing Load
Transmission (230kV)	(\$0.63) per kW of Billing Load

D. Minimum Charge

The monthly minimum charge will be the sum of the Billing Load Charge and the Delivery Voltage Adjustment. Where the installation of excessive new facilities is required or where there are special conditions affecting the service, Company may require, in the Contract, a higher minimum charge and/or Facilities Agreement pursuant to Schedule AFC, to compensate for additional costs.

III. **METERING**

Appropriate metering facilities required for this tariff shall be of the interval data recorder type currently utilized by Company on its larger Customers. Should Customer requesting service under this rider not have appropriate metering for time of use, then service under this schedule will not be available until such metering can be installed by Company.

Where the available line voltage is Transmission (69kV) or higher, metering will be at such Transmission Voltage or at Company's option, metering may be on the low side of the transformer. In such case the metered quantities will be adjusted pursuant to § II. C and Customer will receive an applicable Delivery Voltage Adjustment as though metering were at Transmission Voltage.

Where the available line voltage is less than Transmission (69kV), the metered quantities will be adjusted pursuant to § II. C.

Where service is taken at multiple voltage levels and Customer requests totalizing arrangements for billing purposes, the Delivery Voltage Adjustment will be computed based upon demand, but weighted by kWh consumption, at each voltage level.

Where service is of extremely fluctuating or intermittent type, Company may specify shorter intervals of load measurement than 30-minute intervals.

IV. **POWER FACTOR ADJUSTMENT**

Where Customer's power factor of total service supplied by Company is such that 90% of measured monthly maximum kVA used during any 30-minute interval exceeds corresponding measured kW, Company will use 90% of such measured maximum kVA as the number of kW for all purposes that measured maximum kW load is specified herein. However, where Customer's power factor is regularly 0.9 or higher, Company may at its option omit kVA metering equipment or remove same if previously installed.

Where monthly off-peak power factor is less than monthly on-peak power factor, for purposes of this section, such off-peak power factor will be utilized to compute the on-peak maximum kVA as discussed above.

V. **OFF-PEAK PROVISIONS**

In case the monthly maximum measured 30-minute demand occurs during an off-peak period and is greater than Contract Power, such monthly maximum kW load will be reduced by 80% but will not be thereby reduced to a smaller number of kW than Contract Power, nor less than stipulated in §§ VI (C) or (D). Where the maximum kW load during off-peak periods does not exceed Contract Power, no reduction in off-peak maximum load will be made for billing purposes.

Off-peak hours, for purposes of this schedule, are all hours of the year not specified as on-peak hours.

Summer on-peak hours, for purposes of this schedule, are 1:00 p.m. to 9:00 p.m. Monday through Friday, except that Memorial Day, Labor Day and Independence Day (July 4 or the nearest weekday if July 4 is on a weekend) are not on-peak.

Winter on-peak hours for purposes of this schedule are 6:00 a.m. to 10:00 a.m. and 6:00 p.m. to 10:00 p.m. Monday through Friday, except that Thanksgiving Day, Christmas Day and New Year's Day (or the nearest weekday if the holiday should fall on a weekend) are not on-peak.

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SCHEDULE LIPS-TOD (Cont.)

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Company may at its sole discretion change the on-peak hours and season from time to time.

VI. DETERMINATION OF BILLING LOAD

The kW of Billing Load will be the greatest of the following:

- (A) The Customer's maximum measured 30-minute demand during any 30-minute interval of the current billing month, subject to §§ III, IV and V above; or
- (B) 75% of Contract Power as defined in §§ VII, or
- (C) 60% of the Highest Contract Power as defined in § VII, or
- (D) 2,500 kW

VII. DETERMINATION OF CONTRACT POWER

Unless Company gives Customer written notice to the contrary, Highest Contract Power and Contract Power will be as defined below:

Highest Contract Power - the greater of (i) the highest Billing Load established under the currently effective contract, or (ii) the kW specified in the currently effective contract.

Contract Power - the highest load established under § VI (A) above during the 12 months ending with the current month. For the initial 12 months of Customer's service under the currently effective contract, the Contract Power shall be the kW specified in the currently effective contract unless exceeded in any month during the initial 12-month period.

VIII. PHASE AND VOLTAGE OF SERVICE

At the option of the Company, service will be delivered at the Customer's utilization voltage or at available Transmission line voltage (69kV or higher). Service will be metered at, or corrected to, the Transmission line voltage at the point of delivery, or at Company's option, at the nearest Transmission station supplying Customer's load.

IX. USE OF SERVICE

Electric service furnished under this rate shall not be used by the Customer as an auxiliary or supplementary service to engines or other prime movers or to any other source of power. Customer shall not resell nor share any energy purchased under this rate.

X. **AMOUNT DUE AND PAYMENT**

The past due amount for service furnished for which payment is not made within sixteen (16) days of the billing date shall be the monthly bill, including all adjustments under the rate schedule and applicable riders, plus 5% of the first \$50.00 and 2% of any additional amount of such monthly bill above \$50.00. If the amount due when rendered is paid prior to such date, the monthly bill shall apply. If providing service to the state of Texas, Company shall not assess a fee, penalty, interest or other charge to the state for delinquent payment of a bill.