

SOUTH DAKOTA GAS RATE SCHEDULE

**NORTHWESTERN ENERGY
HURON
SOUTH DAKOTA**

Section No. 3
Original **Sheet No. 6.13**
Canceling **Sheet No. 6.13**

CLASS OF SERVICE: Gas Transportation Tariffs **Rate No. 87**

1.4 Suspension and/or Termination of Gas Transportation Service:

NorthWestern may suspend transportation service if:

- a. The Marketer/Customer is required to post security for transportation services in accordance with section 1.3, fails to provide such security, and such failure to post security is not corrected within five (5) business days following NorthWestern's notification to the Marketer/Customer of the need to cure such failure. Upon the occurrence of such a default, NorthWestern may initiate a proceeding to terminate service; or
- b. The Marketer/Customer fails, for any reason other than a billing dispute, to make payment to NorthWestern for the previous month's invoice, on or before the date specified on the invoice and such failure of payment is not cured within three (3) business days, then such an occurrence of default, will allow NorthWestern to terminate service.
- c. In the event of a billing dispute between NorthWestern and the Marketer/Customer, NorthWestern will continue to provide service under the Service Agreement as long as the Marketer/Customer: (1) continues to make all payments not in dispute, and (2) pays into an independent escrow account the portion of the invoice in dispute, pending resolution of such dispute. If the Marketer/Customer fails to meet these two requirements for the continuation of service, then NorthWestern may initiate a proceeding to terminate service.
- d. In the event a termination occurs with a Marketer/Customer, it is the sole responsibility for the end user of the Marketer/Customer to select and secure the services of an approved Marketer/Customer. Northwestern has no responsibility to a third party end user in the event that a particular marketer/customer is terminated pursuant to this policy

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NORTHWESTERN ENERGY
HURON
SOUTH DAKOTA

Section No. 5
Original Sheet No. 6.6B
Canceling Sheet No.

CLASS OF SERVICE: Gas Transportation Tariffs
RATE DESIGNATION: General Terms and Conditions
(Con't)

OFO call by a marketer, agent, group of customers, or specific customer.
The Company will call a Short or Long Critical Day on a marketer, agent, group of customers or specific customer when, in the Company's judgment, the OFO is necessary to maintain or restore operational integrity when a marketer, agent, group of customers, or specific customer is significantly delivering long or short during periods of significant gas price changes.

- 13. **Provisions Applicable to Third Party Suppliers:** If a Gas Transportation Customer wishes to utilize brokers, marketers, or other third party suppliers ("Third Party Suppliers") either as agents or as suppliers of gas into the Company's system, the Customer must notify the Company in writing of the Third Party Supplier that will be used in any particular gas month and whether the Third Party Supplier will be acting as agent for Customer for making nominations. If the Customer is using a Third Party Supplier, Customer agrees that as between Company and Customer, the Company shall be entitled to rely upon information concerning deliveries of natural gas on behalf of Customer provided by Third Party Supplier.
- 14. **Failure to Comply:** If the Customer fails to comply with or perform any of the obligations on its part to be complied with or performed under a Schedule, the Company shall have the right to give Customer written notice of the Company's intention to terminate the Transportation on account of such failure. The Company shall have the right to terminate such Transportation at the expiration of five days after the giving of said notice, unless within five days the Customer shall make good such failure. Termination of such Transportation for any such cause shall be a cumulative remedy as to the Company, and shall not release the Customer from its obligation to make payment of any amount or amounts due or to become due from the Customer to the Company under the applicable Schedule. In order to resume Transportation after termination of service hereunder, it shall be necessary for Customer to file a new request for service.

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