

17. Procedures if the Distribution Provider is Unable to Complete New Distribution Facilities for Distribution Service

17.1 Delays in Construction of New Facilities

If any event occurs that will materially affect the time for completion of new facilities, or the ability to complete them, the Distribution Provider shall promptly notify the Distribution Customer. In such circumstances, the Distribution Provider shall within thirty (30) days of notifying the Distribution Customer of such delays, convene a technical meeting with the Distribution Customer to evaluate the alternatives available to the Distribution Customer. The Distribution Provider also shall make available to the Distribution Customer studies and work papers related to the delay, including all information that is in the possession of the Distribution Provider that is reasonably needed by the Distribution Customer to evaluate any alternatives.

17.2 Alternatives to the Original Facility Additions

When the review process of Section 17.1 determines that one or more alternatives exist to the originally planned construction project, the Distribution Provider shall present such alternatives for consideration by the Distribution Customer. If, upon review of any alternatives, the Distribution Customer desires to maintain its Completed Application subject to construction of the alternative facilities, it may request the Distribution Provider to submit a revised Service Agreement for Distribution Service. In the event the Distribution Provider concludes that no reasonable alternative exists and the Distribution Customer disagrees, the Distribution Customer may seek relief under the dispute resolution procedures pursuant to Section 9 or it may refer the dispute to the Commission for resolution.

17.3 Refund Obligation for Unfinished Facility Additions

If the Distribution Provider and the Distribution Customer mutually agree that no other reasonable alternatives exist and the requested service cannot be provided out of existing capability under the Tariff, the obligation to provide the requested Distribution Service shall terminate and any deposit made by the Distribution Customer shall be returned with interest pursuant to Commission regulations 35.19a(a)(2)(iii). However, the Distribution Customer shall be responsible for all prudently incurred costs by the Distribution Provider through the time construction was suspended.