

SECTION III
RELATIONSHIPS AMONG CUSTOMER CHOICE PROGRAM PARTICIPANTS

3.1. End-use Customer to Company

The End-use Customer purchases delivery services from the Company under P.U.C.O. Electric No. 19 or other applicable tariffs of the Company.

3.2. Certified Supplier to End-use Customer

Certified Suppliers sell electric energy to the End-use Customer pursuant to contractual arrangements that are not part of the Company's tariffs. The Company is not a party to such sale of electric power and energy to the End-use Customer taking service from a Certified Supplier and shall not be bound by any term, condition, or provision of agreement for such sale.

By purchasing electric energy from a Certified Supplier, an End-use Customer authorizes the Certified Supplier to arrange for transmission services and appropriate Ancillary Services with the Cinergy Control Area or an alternate third party provider to be used in the transmission and distribution of electric power and energy to the End-use Customer. In arranging for such transmission services and Ancillary Services, the Certified Supplier will act as a Transmission Customer, if eligible, and otherwise will retain a TSA, under the applicable tariffs on file with the FERC in connection with such transactions.

3.3. Certified Supplier to the Company

Certified Suppliers and their designated TSAs are not agents of the Company and shall have no authority to enter into any agreement on behalf of the Company or to amend, modify, or alter any of the Company's tariffs, contracts, or procedures, or to bind the Company by making any promises, representations, acts or omissions.

3.4. Certified Supplier or its Designated TSA to Cinergy Services

Cinergy Services shall bill the entity acting as the TSA for transmission services and the appropriate Ancillary Services, and the TSA shall agree to pay such amounts in accordance with the terms of the OATT.