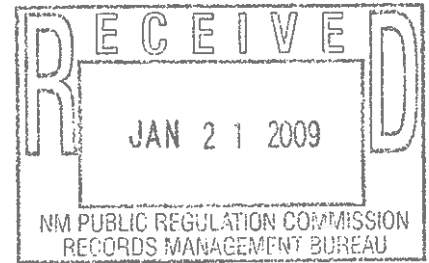


NEW MEXICO GAS COMPANY

ORIGINAL RULE NO. 6

RESPONSIBILITY FOR GAS EQUIPMENT



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- (a) The Company shall be responsible for the safe conduct and handling of the gas until it passes the point of delivery specified in Rule No. 5 of these Rules. The Company shall also be responsible (except to the extent installed by the customer pursuant to Rule No. 10(b) of these Rules) for the safe installation of its meter, service cock, regulator and related fittings and shall be responsible for the safe maintenance of all property of the Company. Except as stated herein, the entire responsibility for the safe conduct, handling and utilization of the gas after it passes the point of delivery shall be that of the customer. In case of loss or damage to the Company's property from the acts or negligence of the customer, the customer shall pay to the Company the costs of repairing or replacing such property.
- (2) Except as stated herein, the entire responsibility for the safe conduct, handling and utilization of the gas after it passes the point of delivery shall be that of the Customer. The Customer assumes full responsibility for the gas, and for the piping, fixtures, appliances, apparatus and appurtenances used in connection therewith, upon the Customer's property and at and from the point of delivery. It is particularly understood that all piping, fixture, appliances, apparatus and appurtenances at and from the point of delivery will be installed, operated, and maintained by the Customer at all times in conformity with applicable codes, good gas utilization practice, and the requirements for the appropriate authorities. Customer agrees to fully protect, indemnify and save Company harmless from all claims for injury or damage to persons or property, occurring upon Customer's premises, or at and from the point of delivery, if such point of delivery is located off the Customer's premises, unless caused by the sole negligence of the Company. For purposes of this provision the point of delivery referenced is defined in Rule No. 5 of these Rules. In no event shall Company be liable to Customer for consequential or economic damages. In case of loss or damage to the Company's property from the acts, omissions, or negligence of the Customer, the Customer shall pay to the Company the costs of repairing or replacing such property.
- (3) Before initiating gas service to the Customer's premises, the Customer shall provide proof to the Company that all of the Customer's pipes, fixtures, appliances, apparatus and appurtenances have been tested and found to be tight, safe and free from leaks and in good, safe operating condition. At times other than the initiation of service, the Company may request such proof at its sole discretion. Such proof shall be in the form of a certificate executed by a licensed plumber or by the local municipal gas inspector, certifying that such pipes, fixtures, appliances, apparatus and appurtenances have been tested and found to be tight, safe, free from leaks and ready for use through the conduct of a leakage test by a method at least equal to that described in Section "Leakage Check after Gas Turn On" in the American Standard Installation of Gas Appliances and Gas Piping, ASA Z21.30-1964 and a pressure test as set forth in the American Standard Installation of Gas Appliances and Gas Piping, ASA Z21.30-1964. The Customer will install and maintain all piping, fixtures, apparatus, appliances and equipment on the Customer's side of the Point of Delivery at Customer's expense and in accordance with all laws, local ordinances, applicable codes and the Company's Service Rules and Regulations. In the event of a conflict between the applicable codes and an applicable local law or ordinance, the stricter shall govern. Whenever leakage is found, the Company reserves the right to refuse or discontinue service until any detected leakage is properly corrected.

EFFECTIVE

JAN 30 2009

REPLACED BY NMPRC
BY F10 08-00078-ut

Advice Notice No. 1

A handwritten signature in black ink that reads "Ryan Shell".

Ryan Shell
V.P. Controller & Treasurer
New Mexico Gas Company

NEW MEXICO GAS COMPANY

ORIGINAL RULE NO. 6

RESPONSIBILITY FOR GAS EQUIPMENT

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- (4) The Customer shall install and maintain such protective devices as are required or appropriate to protect the Customer's appliances or equipment during abnormal service conditions or the interruption or failure of all or a part of the utility service provided by the Company.
- (e) Immediate notice shall be given to the Company by the customer of any gas escaping on the customer's premises. Under no circumstances shall the Company be charged with constructive notice of defects in piping, equipment and/or appliances (other than the meter, service cock, regulator and other facilities installed by the Company) downstream from the Point of Delivery specified in Rule No. 5 of these Rules. Upon receipt of notice of escaping gas, the Company shall, as promptly as may be feasible under the circumstances, send one of its representatives to investigate the matter. If the leakage is found to be caused by any of the Company's facilities, the Company shall have the right temporarily to discontinue service until the leakage can be corrected. In the event the leakage is found to be caused by facilities for the upkeep of which the customer is responsible, the Company shall have the right to discontinue service until such time as the leakage is corrected through proper changes, adjustments and/or repairs.
- (6) As to the Company's employees or agents upon the Customer's premises for any purpose, the Company shall not be liable for any claims for damages or injury to persons or property, unless due to the Company's sole negligence, based upon such employees or agents failing to discover, or if discovered, their failure to report, correct, or terminate service to any unsafe or improper structures, piping, equipment, appliances, or devices owned, installed, leased or maintained by the Customer. In addition, in no event shall the Company be liable to the Customer for consequential or economic damages.

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JAN 30 2009

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BY F/0 08-00078-41

Advice Notice No. 1



Ryan Shell
V.P. Controller & Treasurer
New Mexico Gas Company