

PSC NO: 12 GAS LEAF: 427.49  
COMPANY: THE BROOKLYN UNION GAS COMPANY REVISION: 0  
INITIAL EFFECTIVE DATE: 11/03/06 SUPERSEDING REVISION:  
STAMPS:

Form of Facilities Construction and Reimbursement Agreement  
For Electric Generation – Third Party (continued)

- 1.6 “Standards” means (a) the gas one-line diagram attached hereto as Exhibit “A”; (b) KeySpan’s design and construction specifications and requirements attached hereto as Exhibit “B”; (c) all applicable manufacturer’s specifications; and (d) all applicable federal, state and local laws, rules, regulations and ordinances including, but not limited to: (1) New York State Public Service Law Part 255 of Title 16 NYCRR (PSC) Transmission & Distribution of Gas (2) Title 49 CFR Part 192 (DOT regulations for transportation of natural gas) and (3) as per ASME B 31.8 for underground piping.

**Article 2**  
**KeySpan Designed/Constructed Facilities**

- 2.1 Facilities to be constructed by KeySpan. Subject to the receipt of all necessary governmental authorizations and permits, KeySpan shall design and construct approximately \_\_\_\_’ of \_\_” wrapped steel gas main in accordance with the Standards. KeySpan shall use commercially reasonable efforts to complete the construction of such facilities referenced on or before \_\_\_\_\_, 200\_. KeySpan, however, does not, and cannot guarantee or ensure that such facilities will be operational by such date, and KeySpan will not be liable to Customer or otherwise in the event that such facilities are not completed by such date.

**Article 3**  
**Metering Facilities**

- 3.1 Design. KeySpan shall design the mechanical and electrical facilities required for measuring the quantities of natural gas to be delivered to the Plant pursuant to the Gas Transportation Agreement (the “Metering Facilities”). Such design shall be in accordance with the Standards.
- 3.2 Procurement. KeySpan shall procure the materials and equipment necessary for the construction of the Metering Facilities.

Issued by: John J. Bishar, Jr., Executive Vice President, General Counsel, and Secretary, Brooklyn, NY