Received: 10/03/2006
Status: CANCELLED
Effective Date: 01/01/2008

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

Article 4
Customer Designed/Constructed Facilities

4.1 Design and Construction. Except as otherwise specifically set forth herein, all other Facilities shall be designed and constructed by Customer in accordance with the Standards.

4.2 Plant In-Service Date. Customer shall use commercially reasonable efforts to complete its construction so that the Plant will be fully operational and capable of accepting natural gas deliveries on or before _____, 200_. Customer, however, does not, and cannot guarantee or ensure that such construction will be completed or that the Plant will be operational by such date and Customer will not be liable to KeySpan or otherwise in the event that its construction is not completed and/or the Plant is operational by such date.

Article 5
Approval of Plans and Certification of Facilities

5.1 Approval of Plans. For the facilities to be constructed and designed by Customer pursuant to this Agreement, prior to commencement of construction, Customer shall furnish all drawings, plans and specifications to KeySpan for KeySpan's approval. Within _____ (__) days of receipt, KeySpan shall either approve the drawings, plans and specifications or notify Customer of any required changes provided that such changes are not inconsistent with this Agreement.

5.2 As Built Plans. Upon completion of construction by either Party under this Agreement, such Party shall provide the other Party with "as built" reproducible drawings and all other construction records which shall comply with the Standards.

5.3 Monitoring of Customer Construction. At least _____ (__) days prior to its commencement of construction under this Agreement, Customer shall provide written notice to KeySpan so that KeySpan, at its option, may assign a construction project engineer to monitor Customer's construction. The construction project engineer shall have access to the construction site as necessary to perform his duties.

Cancelled by supplement No. 44 effective 01/01/2008
Suspended to 01/01/2008 by order in Case 06-G-1185. See Supplement No. 43. Th e supplement filing date was 08/30/2007
Suspended to 09/03/2007 by order in Case 06-G-1185. See Supplement No. 42. Th e supplement filing date was 02/27/2007
Suspended to 03/03/2007 by order in Case 06-G-1185. See Supplement No. 41. Th e supplement filing date was 11/01/2006