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..TXT: PSC NO: 12 GAS LEAF: 254  
COMPANY: THE BROOKLYN UNION GAS COMPANY REVISION: 1  
INITIAL EFFECTIVE DATE: 10/01/98 SUPERSEDING REVISION: 0  
STAMPS: Issued in compliance - C.98-G-0824 (8/27/98) and C.95-G-0761 (9/22/98)  
RECEIVED: 09/25/98 STATUS: Effective EFFECTIVE: 10/01/98

**FORM OF SERVICE AGREEMENT - Continued**

The charges for gas transportation under TS-5n shall be specified in a special contract between the Company and the customer, a copy of which shall be appended to this executed Form of Service Agreement. The special contract also shall be filed with the Public Service Commission.

Customer shall comply with all applicable provisions of said transportation rate schedule, Service Classification and Schedule for Gas Service, as revised from time to time by filing of the Company or by order of the Public Service Commission, all of which are by reference made a part hereof.

**6. Miscellaneous.**

- (a) No modification of the terms and provisions of this Agreement shall be or become effective except by the execution of written contracts.
- (b) No waiver by any party of any one or more defaults by the other in the performance of any provisions of this Agreement shall operate or be construed as a waiver of any other default or defaults.
- (c) Any company which shall succeed by purchase, merger or consolidation to the properties, substantially as an entirety, of Company or of Customer, as the case may be, shall be entitled to the rights and shall be subject to the obligations of its predecessor in title under this Agreement. Either party may, without relieving itself of its obligations under this Agreement, assign any of its rights hereunder to a Company with which it is affiliated, but otherwise no assignment of this Agreement or any of the rights or obligations hereunder shall be made unless there first shall have been obtained the consent thereto in writing of the other party.
- (d) This Agreement and the respective obligations of the parties hereunder are subject to valid laws, orders, rules and regulations of duly constituted authorities having jurisdiction.

Issued by: Steven L. Zelkowitz, Sr. Vice President and General Counsel, Brooklyn, NY