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Article 11
Indemnification and
Limitation of Liability

11.1 Except as specifically provided herein, each Party shall indemnify, save harmless, and defend the other Party or the other Party's directors, trustees, agents, officers, and employees against all claims, demands, losses, damages, judgments, and associated costs and expenses for property damage, personal injuries, bodily injuries, or death suffered by third parties (including but not limited to government agencies) arising out of such Party's performance under this Agreement.

11.2 Neither KeySpan nor Customer, nor their directors, trustees, agents, officers or employees shall be liable to the other Party, its directors, trustees, agents, officers or employees for incidental, special, indirect or consequential damages of any nature connected with or resulting from their performance of this Agreement.

11.3 Customer shall bear the risk of damage to or loss of the Facilities.

11.4 KeySpan, its officers, directors, employees and agents shall not be liable to Customer, or its contractors or subcontractors for any claims, costs, expenses, losses, damages, or judgments arising out of, or in connection with KeySpan's review of Customer design documents or monitoring by KeySpan of the construction activities of Customer or its subcontractors. Customer shall indemnify and hold KeySpan, its officers, directors, employees and agents, harmless from any such claims, costs, expenses, losses, damages or judgments in connection therewith. This indemnification and hold harmless obligation shall be separate from and independent of any other obligations of Customer to indemnify and hold harmless KeySpan, its officers, directors, employees and agents.

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