

PSC NO: 12 GAS

LEAF: 427.29

COMPANY: THE BROOKLYN UNION GAS COMPANY

REVISION: 3

INITIAL EFFECTIVE DATE: 11/03/06

SUPERSEDING REVISION: 2

STAMPS:

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

NOW THEREFORE, for and in consideration of the premises and mutual covenants herein contained, Customer and KeySpan hereby agree as follows:

Article 1  
Definitions

- 1.1 “Facilities” means the natural gas and ancillary facilities necessary for the transportation of natural gas pursuant to the Gas Transportation Agreement and constructed in accordance with this Agreement.
- 1.2 “Gas Transportation Agreement” has the meaning ascribed to it in the recitals above.
- 1.3 “O&M Agreement” is the agreement to be entered into between the Parties for the post construction operation and maintenance of certain of the Facilities by KeySpan.
- 1.4 “Premises” means the site on which the Plant and/or the Facilities are to be located including all areas to which access may be required in order for the Parties to perform their respective obligations under this Agreement.
- 1.5 “Plant” has the meaning ascribed to it in the recitals above.
- 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.

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