

PSC NO: 12 GAS

LEAF: 427.28

COMPANY: THE BROOKLYN UNION GAS COMPANY

REVISION: 2

INITIAL EFFECTIVE DATE: 11/03/06

SUPERSEDING REVISION: 1

STAMPS:

Form of Facilities Construction and Reimbursement Agreement

For Electric Generation

(Service Classification No. 20)

This Facilities Construction and Reimbursement Agreement (this "Agreement") is made and entered into as of the ____ day of _____, 20__, by and between _____, a _____ company, located at _____, _____, _____ ("Customer"), and The Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York, a New York Corporation with offices at One MetroTech Center, Brooklyn, New York 11201 ("KeySpan"). Customer and KeySpan may be collectively referred to hereinafter as the "Parties" or individually as a "Party".

WITNESSETH:

WHEREAS, Customer intends to construct, own and operate an electric generation plant located at _____, _____ (the "Plant"); and

WHEREAS, the Parties intend to enter into an agreement for the transportation of natural gas on a [non]/ interruptible basis by KeySpan to the Plant (the "Gas Transportation Agreement"); and

WHEREAS, the construction of certain natural gas facilities to provide [non]/ interruptible gas transportation service is required prior to the commencement of service under the Gas Transportation Agreement; and

WHEREAS, Customer has requested that KeySpan design and construct certain of the facilities necessary for the [non]/ interruptible transportation of natural gas to the Plant as more fully described herein; and

WHEREAS, KeySpan has agreed to design and construct certain of the facilities in accordance with the provisions of this Agreement; and

WHEREAS, the Parties intend to enter into an Operation and Maintenance Agreement (the "O&M Agreement") for the operation and maintenance by KeySpan of certain of the facilities during the term of the Gas Transportation Agreement.

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