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

Form of Facilities Construction and Reimbursement Agreement
For Electric Generation – Third Party
(Service Classification No. 20)

This Facilities Construction and Reimbursement Agreement (this "Agreement") is made and entered into as of the ___ day of _____, 200_, 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".

W I T N E S S E T H :

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

WHEREAS, Customer and _____ ("Third Party") have entered into an agreement addressing their respective rights and obligations in connection with the transportation of natural gas to the Plant and the sale of Plant output as more fully described in the letter attached hereto as Exhibit "D"; and

WHEREAS, in reliance on the representations of Customer and Third Party as set forth in Exhibit "D", KeySpan is willing to negotiate and enter into an agreement with Third Party for the transportation of natural gas 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

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