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

Form of Operations and Maintenance Agreement
For Electric Generation – Continued

9.2 Limitation of Liability. Neither Party, nor their parents, subsidiaries, affiliates, directors, trustees, agents, officers or employees shall be liable to the other Party, its parent, subsidiaries, affiliates, directors, trustees, agents, officers or employees for incidental, special, indirect, punitive, or consequential damages of any nature connected with or resulting from their performance of this Agreement.

Article 10 - Miscellaneous

10.1 Entire Agreement. This Agreement and its attachments shall be construed together and shall constitute the entire full and complete agreement among the Parties and shall supersede all prior agreements concerning the subject matter hereof.

10.2 Waivers. No delay or failure to enforce any provision of this Agreement shall constitute a waiver or limitation of rights enforceable under this Agreement.

10.3 Titles. The Article titles are only for the purposes of convenience and do not form a part of nor will they be construed to qualify, explain, or affect any provision of this Agreement.

10.4 Binding Effect. This Agreement inures to the benefit of and is binding upon the Parties and their respective permitted successors and assigns.

10.5 Invalidity. If any Article, section, phrase, provision or portion of this Agreement is, for any reason, held or adjudged to be invalid, illegal or unenforceable by reason of any law, rule, regulation, judicial decision, public policy, such Article, phrase, provision or portion so adjudged will be deemed separate, distinct and independent and the remainder of such Article will be and remain in full force and effect and will not be invalidated or rendered illegal or unenforceable or otherwise affected by such adjudication. The Parties will endeavor to promptly negotiate a revised term or condition to replace that which was deemed illegal or unenforceable.

Issued by: Joseph F. Bodanza, Senior Vice President, Hicksville, NY

Cancelled by supplement No. 33 effective 01/01/2008
Suspended to 01/01/2008 by order in Case 06-G-1186. See Supplement No. 32. Th e supplement filing date was 08/30/2007
Suspended to 09/03/2007 by order in Case 06-G-1186. See Supplement No. 31. Th e supplement filing date was 02/27/2007
Suspended to 03/03/2007 by order in Case 06-G-1186. See Supplement No. 30. Th e supplement filing date was 11/01/2006