

6. S.C. No. 12 Upstream Capacity Assignment Application Form: (Cont'd).

or at such other address as either party shall designate by formal written notice. Routine communications, including monthly statements and bills, shall be considered as duly delivered when mailed by either registered, certified, or ordinary mail.

- i. No presumption shall operate in favor of or against either party hereto as a result of any responsibility either party may have had for drafting this Contract.
- j. The interpretation and performance of this Contract shall be in accordance with the laws of the State of New York, without recourse to the law regarding the conflict of laws.
- k. Unless First Assignee at the time of execution of the Capacity Assignment has a satisfactory credit history with Corning Natural Gas Corporation, the following items must be submitted prior to the execution of the Capacity Assignment Application Form.
 1. A copy of First Assignee's most recent audited Financial Statement. These statements should include a Balance Sheet, Profit and Loss Statement, Supporting Schedules, Comments and Footnotes.
 2. A list of all corporate affiliates, parent companies and subsidiaries.
 3. A list of bank and trade creditor references.
 4. Authorization for the release of credit information.
 5. Confirmation in writing that the First Assignee is not subject to any pending lawsuits, judgments or regulatory proceedings in state or federal courts which could cause a deterioration of its financial condition or ability to discharge its financial obligations.
 6. Publicly traded companies will provide filings with regulatory agencies including 10-K and 10-Q reports covering the last fiscal year.