(b) that the issue of the bonds, the authentication and delivery of which are requested in such resolution, has been duly authorized by the Company and by any and all governmental authorities the consent of which is requisite to the legal issue of such bonds, specifying any duly certified documents by which such consent is or may be evidenced, or that no consent of any governmental authorities is requisite, and specifying the certificate or other evidence which will be sufficient to show compliance with the requirements, if any, of any mortgage recording tax law or other tax law applicable to the issue of the bonds applied for, or stating that there are no such legal requirements; and

(5) the duly certified documents, if any, specified in the opinion of counsel provided for in subdivision (4) of this Section.

Section 3.09. All cash deposited with the Trustee under the provisions of Section 3.08 shall be held by the Trustee as a part of the mortgaged property, but whenever (subject to the provisions of Section 4.17) the Company shall become entitled to the authentication and delivery of bonds under any of the provisions of this Indenture (other than those contained in Section 3.08), the Trustee, upon the application of the Company evidenced by a certified resolution, and upon compliance by the Company with all the provisions of this Indenture (except as hereinafter in this Section provided, and with such omissions and variations as may be appropriate by reason of the fact that the withdrawal of Deposited Cash rather than the authentication and delivery of bonds is being applied for) with which it would have to comply to obtain such authentication and delivery, shall pay over to the Company or upon its order, in lieu of each bond or fraction thereof to the authentication and delivery of which the Company shall then be entitled, a sum, in cash equal to the principal amount of each such bond or fraction thereof; *provided, however,* that for the purpose of withdrawing Deposited Cash pursuant to the provisions of this Section, it shall in no case be necessary for the Company to deliver to the Trustee the resolution

and certificate described in subdivisions (1) and (5) of Section 3.06, or the net earnings certificate provided for in Section 3.05, or such parts of the opinions described in subdivision (6) of Section 3.06 and in subdivision (3) of Section 3.07 and in subdivision (d) of Section 3.11 as relate to the authorization of the issuance of bonds by governmental authorities and by the Company and as relate to tax laws applicable to the issue of bonds, or to comply with any earnings requirements. Any withdrawal of Deposited Cash under this Section shall be in lieu of the right of the Company to the authentication and delivery of the bonds on the basis of which such Deposited Cash is withdrawn.

Section 3.10. Any sums deposited with the Trustee under the provisions of Section 3.08 in respect of which no application under the provisions of Section 3.09 shall have been made within three (3) years from the date of the deposit thereof and in respect of which notice in writing of intention to make such application upon the basis of property additions being constructed by or on behalf of the Company and then in progress and uncompleted shall not have been given to the Trustee by the Company within such three-year period, or in respect of which the Company shall at any time notify the Trustee that no application is to be made under Section 3.09, shall be used for or applied to the purchase or (at the election of the Company) to the redemption of bonds in the manner and subject to the conditions provided in subdivisions (3) and/or (4) of Section 8.09. Bonds so purchased or redeemed shall not thereafter be made the basis for the issue of bonds, or the withdrawal of cash or the taking of a credit under any of the provisions of this Indenture.

Section 3.11. At any time after the amount of any outstanding prior lien bonds shall have been deducted in connection with any application for authentication and delivery of bonds on the basis of property additions or for the release of property, or for the withdrawal of cash, or have been the cause of a waiver of the authentication and delivery of bonds pursuant to the provisions of subdivision (A) of Section 4.15,