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appurtenant to the Company's pipe line system installed by the Company on, over or under the property covered by easements, rights-of-way or leases;

(e) pipe lines and other equipment or structures of the character referred to in paragraph (d) above located on, over, on, over or under public highways or other public property provided that the Company shall, in the opinion of counsel, have the lawful right having jurisdiction in the premises, or by the law of the State in which such property is located to maintain and operate such lines, equipment or structures for an unlimited, indeterminate or indefinite period of time or for the period, if any, specified in such permit or franchise or at the expiration of the term of such permit or franchise or structures at the expiration of the term of such permit or franchise or law, or that the permit or franchise or structures covered by such permit or franchise or law require any public authority having the right to take over such lines, equipment or structures to pay fair consideration therefor; and

(f) any property constituting part of the Pipe Line which shall not have been necessary to the completion of the Pipe Line and which shall not have been made the basis for the withdrawal of cash pursuant to § 4.02 or § 4.04, and which shall otherwise meet the requirements of this definition of property additions.

"Property additions" as so defined shall not include:

- (1) good will or going concern value;
- (2) any contracts or operating agreements or franchises or governmental permits, granted or acquired, as such, separate and distinct from the property operated thereunder or in connection therewith or incident thereto;
- (3) any shares of stock or certificates or evidences of interest therein, or any bonds, notes or other evidences of indebtedness or certificates of interest therein or any other securities;
- (4) any materials, merchandise, appliances or supplies acquired for the purpose of resale or leasing to its customers in the ordinary course of and conduct of the business of the Company or any of its subsidiaries or supplies held for consumption in operation or held in advance of use thereof for fixed capital purposes;

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of the foregoing (including separate and distinct plants, units and systems of properties), located in the States of New Mexico, Texas, Oklahoma, Kansas, Nebraska, Iowa, Minnesota, Missouri, Illinois and Wisconsin, and in any other State if such property is physically connected with or adjacent and auxiliary to any fixed property of the Company located in the said named States, either directly or through other property of the Company (other than exempted property), in every case purchased, constructed or otherwise acquired by the Company, in every case not subject to any lien, charge or encumbrance except permitted liens, construction liens and judgment liens, and in every case used or useful in or to be used in connection with the business of treating, transporting, transmitting, distributing or supplying petroleum products for any purpose and in every case charged and properly chargeable to fixed property account under the regulations, rules and orders, if any, with respect to such matters, in force at the time of the public body or authority having jurisdiction or supervisory authority over the accounts of the Company or, if there are no such regulations, rules and orders, in the opinion of the signers of a certificate of the nature required by § 5.02(a), § 10.01(b) or § 10.02.

"Property additions" as so defined, without limitation of the general import of such terms, shall include:

- (a) subject to Article 14, property acquired by the Company or by a successor corporation as a result of any consolidation or merger to which the Company or any successor corporation may be a party;
- (b) permanent improvements, extensions or additions to or alterations of the properties of the Company in the process of construction or partially completed, in so far as actually constructed or completed;
- (c) property purchased, constructed or otherwise acquired to replace property retired;
- (d) easements and rights-of-way upon, and leases of, private property for pipe line purposes; and pipe lines, telephone lines, power lines, water lines, metering stations, regulating stations, pumping stations, valves, meters, regulators, poles, conductors, conduits, ducts, cathodic protection units, pipe line suspension bridges, river crossings and similar facilities forming part of or