

(1) (a) The aggregate net amount of additional property, if any, included in the additional property certificate accompanying such application to the Trustee pursuant to § 3.03, not theretofore funded; (b) the aggregate net amount of additional property, if any, included in all additional property certificates delivered to the Trustee pursuant to § 3.03 prior to the filing of such application, not theretofore funded; and (c) the aggregate principal amount of Bonds issuable pursuant to § 3.03 on the basis of the sum of such net amount of additional property set forth in (a) and (b) of this paragraph (1).

(2) (a) The aggregate principal amount, if any, of Bonds and/or refundable debt, the retirement or provision for the retirement of which is being evidenced to the Trustee pursuant to § 3.04 with such application, not theretofore funded; (b) the aggregate principal amount (or any fractional part thereof), if any, of Bonds and/or refundable debt included in the evidence delivered to the Trustee pursuant to § 3.04 prior to the filing of such application not theretofore funded; and (c) the aggregate principal amount of Bonds issuable pursuant to § 3.04 on the basis of the sum of the aggregate principal amount of Bonds and/or refundable debt set forth in (a) and (b) of this paragraph (2).

(3) The amount of cash, if any, being deposited with the Trustee pursuant to § 3.05 with such application;

(4) The principal amount of Bonds applied for (a) pursuant to § 3.03 (b) pursuant to § 3.04, and/or (c) pursuant to § 3.05;

(5) The principal amount of additional Bonds which, after giving effect to such application, will remain available for issuance (a) pursuant to § 3.03 and/or (b) pursuant to § 3.04; and

(6) That the Company is not in default in the payment of interest on any of the Bonds outstanding nor does an event of default exist;

(d) The officially authenticated certificates or other documents evidencing action by governmental authorities, if any, specified in such opinion of counsel or other evidence satisfactory to the Trustee that such consent or approval has been given and that the certificates or documents have been forwarded to the Trustee.

Nothing in this Indenture, however, shall be construed to require the Company to furnish instruments and/or other evidence each time the authentication and delivery of Bonds is requested, if and to the extent that the matters required to be shown thereby are adequately covered by similar instruments and/or evidence already on file with the Trustee. The Company may furnish resolutions, certificates and/or opinions supplementary to those originally filed with respect to any additional property or other matters certified to the Trustee for the purpose of evidencing subsequent changes in respect thereof or in the availability thereof as a basis for the issue of Bonds or for other purposes hereunder or to correct any errors in any such resolutions, certificates or opinions theretofore filed.

The Trustee, whenever it shall have been furnished in part with the instruments and/or other evidence mentioned or referred to in this § 3.03 required for the issue of Bonds being applied for, may, if the application of the Company shall so request, authenticate the Bonds applied for and send the same to some bank or trust company or other agent satisfactory to the Trustee in any city in the world, with instructions to deliver such Bonds to such person, partnership, firm or corporation as shall have been designated in said application, as and when there shall be deposited with such bank, trust company or other agent for or to the credit of the Trustee all or any part of the Bonds, refundable debt, cash and/or any other documents or other evidence required by this Indenture and not otherwise furnished to the Trustee and such additional evidence,

(7) The statements as to compliance with the conditions or covenants required to be made pursuant to § 5.14 hereof;

(b) A resolution or resolutions of the Board of Directors of the Company authorizing the execution of a stated principal amount of Bonds of a stated series and designating the section or sections of this Article 3 pursuant to which said Bonds are to be issued, and directing the Trustee to authenticate and deliver the same upon compliance by the Company with this § 3.02 and the other section or sections of this Article 3 pursuant to which said Bonds are to be issued;

(c) An opinion of counsel setting forth (1) that he has examined the application and other documents being furnished in connection with the authentication and delivery of the Bonds applied for; (2) that such documents include all the certificates or opinions required by, and are in proper form and comply with, the provisions of this Indenture; (3) a brief statement as to the nature and scope of his examination; (4) that the execution, authentication and delivery of the Bonds applied for have been sufficiently and duly authorized; (5) that said Bonds, when authenticated and delivered by the Trustee and when duly issued by the Company, will be valid and binding obligations of the Company, entitled to the security of this Indenture; (6) that provision has been made for the lawful payment of any mortgage or other tax imposed in connection with the issuance of said Bonds; (7) that the Trustee is duly authorized hereunder to authenticate and deliver said Bonds; (8) that all conditions precedent to the authentication and delivery of the Bonds applied for pursuant to the provisions of this Indenture have been complied with, and (9) the other statements, if any, as to compliance with the conditions or covenants required to be made pursuant to § 5.14 hereof. Unless such opinion shall state that no consent or approval of any governmental authority is requisite to the valid issue of the Bonds applied for, it shall specify by what officially authenticated certificates or other documents such consent or approval is or may be evidenced; and

if any, as the Trustee shall deem necessary to authorize the delivery by such bank, trust company or agent of Bonds in accordance with such application.

§ 3.03. *Issuance of Bonds Against Net Amount of Additional Property.* (A) Bonds shall be issuable from time to time pursuant to this § 3.03 (but only upon compliance with § 3.02) to an aggregate principal amount not to exceed sixty per cent (60%) of the net amount of additional property shown by all additional property certificates then or theretofore furnished to the Trustee pursuant to this § 3.03, not theretofore funded; provided, however, that if any additional property certified as hereinafter in this § 3.03 provided be subject to a prior lien or liens securing prior lien debt not theretofore established as refundable debt, such prior lien debt shall be established as refundable debt by delivery to the Trustee of the certificates and other instruments hereinafter in this § 3.03 required, in which event the aggregate principal amount of Bonds issuable against the net amount of additional property so certified shall be reduced by an amount equal to the aggregate principal amount of such prior lien debt being so established as refundable debt.

(B) In order to establish the net amount of additional property available as a basis for the authentication and delivery of Bonds or for the release of cash in lieu thereof, or for the release of cash pursuant to Article 6 or Article 7, to the extent herein provided, the Company may at any time or from time to time file with the Trustee the following documents collectively constituting and referred to as an "additional property certificate", namely:

(a) certificate of an engineer (which may be based on his own investigation and/or upon certificates, statements and/or investigations made by persons in whom he has confidence) setting forth in substance

(1) that the Company acquired by purchase, construction or otherwise, and charged to its fixed property accounts between stated dates, additional