

1 **SPECIAL PROVISION TO NATURAL GAS SALE AND PURCHASE CONTRACT:**

2 This Special Provision amends that certain Base Contract for Short-Term Sale and Purchase of Natural  
3 Gas dated \_\_\_\_\_, 199\_, between [Repurchaser] and [Marketer] ("Base Contract"), and is  
4 intended to supplement the General Terms and Conditions ("GT&C") affecting all Transactions thereunder  
5 wherein [Repurchaser] is buyer and [Marketer] is seller. Capitalized terms used in this Agreement, which  
6 are not herein defined, will have the meanings ascribed to them in the GT&C.

7 1. **DEFINITION OF 'FTA':** The term "FTA" or "Funds Transfer Agent" will refer to [Bank].

8 2. **MODIFICATION TO BASE CONTRACT:** Section 1.2 of the GT&C is deleted and replaced with  
9 the following new Sections 1.2(a) and 1.2(b):.

10 1.2(a) **EXECUTION OF TRANSACTION CONFIRMATION BY BUYER AND SELLER:** Should  
11 Buyer and Seller come to an agreement regarding a Gas purchase and sale transaction for a  
12 particular Delivery Period subject to this Special Provision, Seller shall, and Buyer may, record that  
13 agreement on a Transaction Confirmation and communicate such Transaction Confirmation by  
14 facsimile, EDI or mutually agreeable electronic means to the other party and to the FTA by the  
15 close of the Business Day following the date of agreement. The parties acknowledge that their  
16 agreement will not be binding until the exchange of non-conflicting Transaction Confirmations or  
17 the passage of the Confirm Deadline without objection from the receiving party, as provided in  
18 Section 1.3.

19 1.2(b) **CONFIRMATION OF TRANSACTION BY FTA:** Seller will obtain confirmation by the FTA  
20 that Seller has contracted with a supplier to deliver a like quantity of gas at the Delivery Point(s)  
21 identified on the Transaction Confirmation at a price no greater than the price set out on the  
22 Transaction Confirmation between Buyer and Seller. Such confirmation will be documented by  
23 the FTA's execution of the FTA Confirmation Statement, as provided below, as a Special Condition  
24 at the bottom of the Transaction Confirmation sent by Seller to Buyer.

25  
26  
27  
28  
29  
30

Special Condition - FTA Confirmation Statement

\_\_\_\_\_, as the Fund Transfer Agent (FTA), has reviewed the foregoing Transaction Confirmation and confirms that Seller has contracted for delivery of a corresponding quantity of gas at the Delivery Point(s) identified above at a price no greater than the price set out above. FTA will accept payment from Buyer on behalf of Seller under the terms and conditions of the Base Contract.

31

[ FTA ]: \_\_\_\_\_

32  
33  
34

3. NO MODIFICATION: Neither the Base Contract nor the Transaction Confirmation may be modified during the operative period of a binding Transaction Confirmation without the written consent of Buyer, Seller and FTA.