

certificate required by the provisions of this *Article 8* to be made by an officer or officers of the Company; provided, however, that so long as the trust estate shall be in the possession of any such receiver, trustee or assignee, no reduction shall be made in the amount of cash required to be deposited upon any release on the basis of refundable Bonds. If the Trustee or the Trustees hereunder shall be in possession of the trust estate under any provision of this Indenture, then all such powers by this *Article 8* conferred upon the Company may be exercised by the Trustee or the Trustees in its or their discretion.

ARTICLE 9

Application of Moneys Received by the Trustee

§ 9.01. Any moneys held by the Trustee as a part of the trust estate (other than moneys deposited with the Trustee pursuant to § 4.02, § 4.05(a) or § 5.06 or on account of construction liens or judgment liens) shall be paid over from time to time by the Trustee to or upon the written order of the Company, in an amount equal to the cost, or the fair value to the Company if the fair value is less than the cost, of gross property additions which have been purchased, constructed, acquired or expended by the Company during the period specified pursuant to *Subdivision (b) (i)* of this § 9.01, but only upon the receipt by the Trustee of:

(a) A certified resolution authorizing the application for the withdrawal from the trust estate of cash in the amount therein specified.

(b) An Engineer's Certificate, dated within 30 days prior to the date of the Company's application seeking such withdrawal of cash, stating in substance:

(i) The cost to the Company of the gross property additions which have been purchased, constructed, acquired or expended by the Company during the period specified in such Certificate, commencing,

(A) in the case of withdrawal of moneys received by the Trustee pursuant to § 8.03, § 8.04 or § 8.05 upon the release of any property (other than purchase money obliga-