

over the aggregate amount of the Company's appropriations for depreciation, depletion, amortization or property retirement, would exceed the net earnings of the Company available for interest, after deducting from such net earnings the provision for taxes based on or measured by income or profits and after adding thereto any net capital gain or deducting therefrom any net capital losses of the Company.

For the purposes of this §5.19 such net earnings and the amount of interest paid or accrued by the Company, the amount of interest charged to construction and the amount of the Company's appropriation for depreciation, depletion, amortization or property retirement shall be computed for the period from the Completion Date to the end of the calendar quarter ending within 90 days prior to the declaration of the proposed dividend or the authorization of the other proposed distribution or the date of the proposed purchase, redemption, acquisition, repayment, payment or investment, or, if such calendar quarter shall have ended within 30 days prior to the date of such proposed action, then, to the end of the next preceding calendar quarter. For the purpose of this §5.19 the principal amount of funded debt of the Company outstanding and the total capitalization of the Company shall be determined as of the end of the calendar quarter through which net earnings of the Company available for interest are computed for the purpose of the computation provided for in this §5.19.

The Company shall not be in default under this § 5.19 as to any dividend paid if at the date of declaration of such dividend the declaration thereof was not forbidden by any provision hereof and such dividend is paid within 60 days after such declaration, or as to any other action covered by this § 5.19 if, at the date of authorization of such other action, such action was not forbidden by any provision hereof and such action is effected within 60 days after authorization of the same, and if also, in either case, at the time of declaration of said dividend or authorization of said action the Board of Directors of the Company believed that the payment of such dividend or the consummation of such action would be in compliance with the provisions of this § 5.19.