

count of the acquisition and construction of the Santa Rosa and Benedum gasoline plants referred to in Section 6A.03 hereof. Any sums withdrawn by the Company from the Loop Line Construction Fund pursuant to the provisions of Section 6A.02 to reimburse the Company for expenditures made out of the Current Construction Fund shall be added to the Current Construction Fund. The said Current Construction Fund shall not constitute a trust fund or be part of the trust estate, and any balance remaining therein after the delivery to the Corporate Trustee of the documents specified in Section 6A.04 may be used by the Company for any of its corporate purposes.

#### ARTICLE SIX B.

##### San Juan Project — Covenant to Construct — San Juan Construction Fund.

SECTION 6B.01. The Company covenants and represents that it has procured from the Federal Power Commission all necessary authorizations from said Commission to construct and operate the San Juan Project. The Company covenants and agrees (a) that it will, subject to delays due to *force majeure*, proceed promptly and without unnecessary delay in the acquisition or construction and completion of the San Juan Project, as defined in Section 1.12B, (b) that on or before January 1, 1955 (or within such further period as shall equal the delay, if any, in the acquisition or construction of the San Juan Project directly attributable to (i) laws or regulations or orders of governmental bodies prohibiting the construction of the San Juan Project, or directly or indirectly prohibiting or restricting the furnishing or use of materials or labor required for such construction, (ii) strikes of employees of the Company or of contractors or subcontractors engaged in the construction of the San Juan Project which render it impossible to proceed with such construction, and strikes or stoppages of work involving employees of others causing delay in the furnishing or delivery of materials, supplies or equipment for the construction of the San Juan Project, and/or (iii) sabotage or acts of the public enemy), the Company will have completed all of the transmission pipe lines, compressor stations, plants and other facilities comprised in the