

Company be required to comply with any earning requirements or to deliver to the Corporate Trustee any Resolution, Officers' Certificate, Net Earning Certificate or Opinion of Counsel such as is described in subdivisions (1), (2), (6) and (8) of Section 28 hereof.

The term "Adjusted Gross Operating Revenues" is hereby defined as the revenues received from the sale of electric, gas, steam and/or water utility service derived from the Mortgaged and Pledged Property and from automotive equipment used in connection therewith and the amounts (other than amounts received for the use of facilities under joint-use agreements) received as rentals or fixed charges for the use by others (or the use by the Company for the account of others) of facilities included in the Mortgaged and Pledged Property used primarily and principally in the electric, gas, steam and/or water generating, manufacturing, transmitting, transporting and/or distributing business (with all interdepartmental items eliminated), and after deducting (a) an amount equal to the cost to the Company of electricity, gas, steam, water or other products (if the revenues received therefrom are included in such Adjusted Gross Operating Revenues), purchased for exchange or resale, (b) an amount equal to the cost of rentals paid by the Company for properties leased from others used or to be used primarily and principally in its electric, gas, steam and/or water generating, manufacturing, transmitting, transporting and/or distributing business, or at the option of the Company, the revenues, received directly from customers, derived from the operation of such properties leased from others (if readily ascertainable in accordance with sound accounting practice and if the revenues received therefrom are included in such Adjusted Gross Operating Revenues), and (c) an amount equal to charges to the Company for generating, manufacturing, transmitting, transporting, and/or distributing electricity, gas, steam and/or water (if the revenues received therefrom are included in such Adjusted Gross Operating Revenues) by others; provided, however, that any such revenue earned beginning January 1, 1967, which is in controversy as a result of any litigation or which has been impounded shall be included in the Adjusted Gross Operating Revenues for the purpose of this computation, but only after, and in the year in which, any such revenue in controversy or impounded is recovered or, at the option of the Company, after, and in the year in which, it shall have been finally determined that such operating revenues belong to the Company or any such lessee."