

Section 103(c)(6)(D), of the Internal Revenue Code of 1954, as amended (hereinafter referred to as the "Code") and the regulations (whether final or proposed) of the Internal Revenue Service with respect to Section 103 of the Code (hereinafter referred to as the "Regulations"). In order to insure that interest on the Series A Bonds will not become subject to Federal income taxes as a result of a violation of the capital expenditures and other limitations prescribed in Section 103(c)(6)(D) of the Code, the Lessee covenants with the Lessor, the Trustee, and with each of the future holders of any Series A Bonds or interest coupons appertaining thereto as follows:

- (1) The Lessee covenants and agrees that the sum of:
 - (a) the aggregate principal amount of the Series A Bonds including the aggregate principal amount of any certain prior issues taken into account under Section 103(c)(6)(B) of the Code and Section 1.103-10(d) of the Regulations, and
 - (b) the aggregate amount of capital expenditures with respect to facilities described in Section 103(c)(6)(E) of the Code, paid or incurred during the 6 year period beginning 3 years before the date of issue of the Series A Bonds and ending 3 years after such date of issue (and financed otherwise than out of the proceeds of outstanding issues to which Section 103(c)(6)(A) of the Code applies), taken into account under Section 103(c)(6)(D) of the Code, (as limited in Section 103(c)(6)(F) of the Code) and Section 1.103-10(b)(2)(b) of Regulations,

shall not exceed \$5,000,000 or such lesser or greater amount as may from time to time be permitted by federal statute or regulations and which does not affect the exemption from Federal income taxes of the interest paid on the Series A Bonds. The words and terms used in this Section 21.01 (1) shall have the meanings assigned thereto in the Code and the Regulations. All references to the Regulations shall include any modification thereof or amendment thereto.

- (2) Lessee covenants and agrees that within 60 days following (i) July 1, 1974 and (ii) the first day of each July thereafter to and including July 1, 1976 (or the third anniversary date of the issuance of the Series A Bonds) the Lessee will furnish to the Trustee, a certificate of an Authorized Representative of Lessee, evidencing compliance with the provisions of Section 21.01 (1).
- (3) Lessee covenants and agrees to comply with the Regulations to the extent that compliance therewith is necessary in order that interest on the Series A Bonds shall remain exempt from Federal income taxes.
- (4) If during the Term any one or more of the following events shall happen:
 - (a) in the event the Lessee or any related person as that term is defined in Section 103(c)(6)(C) of the Code takes or omits to take any action,