

Service (the "IRS") determines that the interest on any Revenue Bond paid or payable to other than a "substantial user" of the Project or a "related person", as those terms are used in Section 103(b) of the Internal Revenue Code of 1954, as amended, is or was includable in the gross income of the holder thereof for federal income tax purposes as a result of (i) a failure by the Company to observe or perform any covenant, agreement or obligation on its part to be observed or performed under the Loan Agreement or (ii) the inaccuracy of any representation or warranty by the Company in the Loan Agreement; provided that no decree or judgment by any court or action by the IRS shall be considered final unless the holder of the Revenue Bond involved in such proceeding or action (i) gives the Company and the Trustee prompt notice of the commencement thereof and (ii) if the Company agrees to pay all expenses in connection therewith and to indemnify such bondholder against all expenses in connection therewith, such bondholder offers the Company the opportunity to control the defense thereof. Any special mandatory redemption under this Section 5(b) shall be made upon receipt by the Trustee of a certificate of the Company to the effect that (i) the Company is prepaying the Loan as provided in Section 8.3 of the Loan Agreement and (ii) notice has been given to the Revenue Bond Trustee to call all outstanding Revenue Bonds for concurrent redemption. Such certificate shall specify the redemption date of the bonds of the 1988 Pollution Control Series and the bonds of the 2013 Pollution Control Series being redeemed which date shall be the same as the redemption date for the Revenue Bonds being concurrently redeemed.

SECTION 6. The bonds of the 1988 Pollution Control Series and the bonds of the 2013 Pollution Control Series are also subject to redemption through the application of moneys paid to the Trustee pursuant to the provisions of §5.05 of the Indenture, at any time or from time to time prior to maturity, upon prior notice as hereinafter provided, at the redemption price of 100% of the principal amount to be redeemed, in each case together with interest accrued thereon to the date fixed for redemption thereof.

SECTION 7. All such redemption of bonds of the 1988 Pollution Control Series and of bonds of the 2013 Pollution Control Series shall be effected as provided in Article 3 of the Indenture except that, unless waived by such holder, notice to the holder of bonds to be redeemed shall be given by mailing to such holder a notice of such redemption, first class mail postage prepaid, not later than the twentieth day, and not earlier than the sixtieth day, before the date fixed for redemption, at such holder's last address as it shall appear upon the bond register of the Company. Any notice which is mailed in the

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