

GENERAL TERMS AND CONDITIONS  
(Continued)

16. PREGRANTED ABANDONMENT AND RIGHT-OF-FIRST-REFUSAL (Continued)

16.2 Right-of-First-Refusal: (Continued)

Agreement containing the terms matched. To the extent that the existing Shipper does not elect to match the best bid(s), it relinquishes all rights to the related capacity upon the termination of its Service Agreement. Failure by the existing Shipper to notify Paiute within the ten (10) Business Day period shall constitute an irrevocable waiver of the existing Shipper's right-of-first-refusal with respect to the competing bids.

If any bid presented to the existing Shipper is for less than the total capacity entitlements under the existing Service Agreement, the existing Shipper is required only to match the economic value for the amount of capacity to which the bid applies in order to retain the right to service for that portion of the capacity. Similarly, the existing Shipper may choose to retain only a portion of its existing capacity entitlements by matching the economic value of any bid(s) submitted for that portion.

If the existing Shipper chooses not to match the economic value of the bid(s) presented to it by Paiute, Paiute will offer the service to the winning bidder(s) under the terms of the bid(s). If the existing Shipper matches and retains only a partial quantity of one or more of the acceptable bid(s), the remainder of the capacity shall be allocated to the winning bidder(s). Where the economic value is equal for more than one bid, Paiute will allocate the available capacity on a pro rata basis among the bidders submitting those bids. Prior to the commencement of service, the new Shipper(s) shall be required to execute a Service Agreement which contains the terms of the accepted bid(s).

Paiute shall post the terms of the accepted bid(s) on Paiute's Internet website.

- (4) Notwithstanding any other provisions of this Section 16, Paiute shall not be obligated or required to enter into any Service Agreement that provides for a rate that is less than the applicable maximum tariff rate for such service.