

All Shippers

Gas Transport Services B.V.

P.O. Box 181

9700 AD Groningen

The Netherlands

T +31 50 521 22 50

F +31 50 360 30 36

E info@gastransport.nl

Trade register Groningen 02084889

www.gastransportservices.com

Date
30 October 2009

Telephone
(050) 521 22 50

Our reference
LTF 09.2228

Your reference

Subject
TSC 2010-1

Dear Mr/Ms,

Introduction

Enclosed please find the Transmission Service Conditions (TSC) 2010-1 (model 01-11-2009) and Appendices.

The purpose of this document is to complement the 'Gasvoorwaarden' (gas conditions) as established by the Dutch regulator NMa (Energiekamer). The gas conditions and the TSC have to be read in connection in order to obtain a complete view of the relevant rules and conditions for the customers of Gas Transport Services B.V. (GTS).

The current public version of the gas conditions as established by the NMa can be found on the website of the NMa. The text of the TSC has now been tailored thereto. However, several change proposals to the gas conditions have been sent by the Joint Network Operators to the NMa for approval. Therefore the text of the TSC 2010-1 may be subject to adjustments.

Recently GTS has sent NMa (Energiekamer) a tariff proposal for 2010. Pending the decision of the NMa on the tariff proposal Attachment 1a and 1b are now published without the relevant tariff information.

Changes TSC 2010

The changes in TSC 2010-1 are limited compared to the current TSC 2009-2. Apart from the some textual changes the following changes based on article 6.D.5 have been made:

1. The definitions of affiliated company, distribution network, gas production network, gas transfer point and nomination/renomination have been changed and adapted to the definitions in the gas conditions (Begrippenlijst).
2. Several changes due to the fact that GTS no longer requires the counter signature on a contract data sheet (CDS) by Customers in case the contracting is performed by means of the Gastransport Electronic Application (GEA) or the request thereto has been made

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by means of a signed standard form to request services.

These changes concern the definition of CDS, short notice daily capacity ^{*)}, article 2.8.5, article 2.8.6, article 2.8.9, article 5.5, article 6.A.1, article 6.A.6 and 6.A.7.

3. Definition of reasonable and prudent operator.
4. In article 2.1.3 it has been made clear that in case of a delayed performance of services by GTS a subsequent suspension of the payment obligation by customer is applicable unless the delay is attributable to customer.
5. In article 6.A.5 exit point replaces gas receiving station.
6. Appendix 3 (Diversion) and 4 (Wheeling). Additional diversion and wheeling points at OSZ have been included.

Appendix 7 (exit points no time shift). Additional point included.

Appendix 9 (Capacity tranches). New tranches have been determined.

Appendix 10 (Flexibility services) as published in this TSC 2010-1 takes into account the ruling by the College van Beroep voor het bedrijfsleven (CBB) (ANW 08/540 S2) of 9 October 2009 regarding the combiflex decision of the Energiekamer. In its ruling the CBB has given specific guidance on the use of a monthly settlement period and the use of a volume neutrality incentive.

^{*)} The possibility to contract daily capacity on short notice will remain. As GTS no longer requires your counter signature on a CDS requested by means of GEA Click& Book or in case the request thereto has been made by means of a signed standard form to request services, there is no need for a declaration of acceptance of the TSC in advance in case you like to contract short notice capacity. This is the reason for the changes in articles 6.A.6 and 6.A.7. According to article 5.1.2 of the gas conditions (Gasvoorwaarden) a declaration of acceptance however is still required for the contracting of short notice capacity. We will change this article in due course, but this procedure may take some time.

All changes in the TSC 2010-1 are based on article 6.D.5 which states that GTS is entitled to make amendments to these general conditions.

GTS will apply the TSC 2010-1 to contracts to be performed from 1 January 2010. On short notice we will inform you on the date from which these services can be concluded.

Please contact your account manager, if you have any further questions.

Yours sincerely,
GAS TRANSPORT SERVICES B.V.



Jan van der Voort
Manager Front Office
Shipping & Grid Connections

Enclosures:
TSC 2010-1 + Appendices