

17.3 Restoration Fund. Upon the commencement of the eleventh (11th) year of the Operations Period, Developer shall establish a fund ("Restoration Fund") at a federally chartered bank to secure the obligations of Developer under Section 17.2. Upon written request of Owner, Developer shall provide to Owner contact and account information for said federally chartered bank. Developer shall contribute the estimated cost of meeting Developer's restoration obligations for each of the properties in the Project in which Owner's Property is a part including the obligations to Owner set forth in Section 17.2, net of any estimated salvage value of Developer's equipment, facilities and Improvements located on each of the Project properties in which Owner's Property is a part ("Net Restoration Amount"); provided that the Net Restoration Amount shall be re-set every seven (7) years after it is initially set, based on new estimates of the cost of removal and salvage value of Developer's equipment, facilities and improvements located on the Project properties in which Owner's Property is a part. Notwithstanding anything to the contrary, Developer shall have no obligation to establish or maintain the Restoration Fund if (i) Developer is a regulated public utility, (ii) Developer has a senior unsecured and uncredit-enhanced long term debt rating from Standard & Poor's of at least BBB- (or its equivalent) or from Moody's of at least Baa 3 (or its equivalent), or (iii) a governmental authority requires Developer to provide security for removal or decommissioning of the WTGs on the properties in the Project in which Owner's Property is a part. If Developer fails to complete its restoration obligations pursuant to Section 17.2, Owner shall have the right to demand payment of such amounts in the Restoration Fund for the purpose of performing such restoration obligations itself.

