

## **Terms & Conditions: MWP Sale of In-Kind Natural Gas**

### **1. Overview:**

- a. MountainWest Pipeline (MWP) periodically sells Clay Basin Stipulation In-Kind Natural Gas, as part of the Clay Basin Annual Reimbursement Adjustment under §16.3 of the General Terms and Conditions of Part 3 of MWP's FERC Gas Tariff. MWP offers to sell this gas pursuant to §16.5 of those same General Terms and Conditions of its Tariff. Delivery of the gas is made within the Clay Basin storage reservoir as an in-place transfer into the buyer's storage account (FSS, ISS or PAL1 as specified in the notice of each sale).

### **2. Notice:**

- a. Five days prior to the day of the sale, MWP will post a notice ("Official Notice of Sale") identifying the total quantity of gas available for sale with the intent for binding bids to be due by a stated time and date.

### **3. NAESB Agreement:**

- a. A prospective buyer must have a NAESB Purchase and Sale Agreement in place with MWP prior to posting a bid for the purchase of Clay Basin Stipulation In-Kind Natural Gas and agree to the terms of the Transaction Confirmation attached to such NAESB Agreement.
- b. Interested parties that do not have an executed NAESB Agreement must execute an acceptable agreement prior to 8 a.m. MCT of the day of any sale to be a qualified bidder.
- c. The Transaction Confirmation will be executed when the buyer's binding bid is accepted by MWP.

### **4. Credit Requirements:**

- a. Prior to submitting a bid, each prospective buyer must demonstrate to MWP that the prospective buyer meets the requirements set forth on the required Transaction Confirmation located on MWP's website.

### **5. Bid Requirements & Evaluation:**

- a. Interested buyers will submit a binding bid via email to [Tom.Myrberg@dominionenergy.com](mailto:Tom.Myrberg@dominionenergy.com),

[justin.i.rutherford@dominionenergy.com](mailto:justin.i.rutherford@dominionenergy.com) or  
[joseph.hulse@dominionenergy.com](mailto:joseph.hulse@dominionenergy.com) Bids will include the following:

- Contact Name
- Phone Number
- Company Name
- Fixed Price / Dth
- Volume
- Text (If applicable)

b. Bids are evaluated and awarded based on the highest gas purchase price per dekatherm submitted by bidders. The successful bidder will be notified within ten minutes of the close of the bid period. The winning bidder may be required to have all necessary storage rights to accept an in-place transfer and utilize Clay Basin services. If two or more buyers submit bids at the same price and meet all other requirements of the bidding procedures, then each bidder shall receive a pro-rata quantity of the gas.

**6. Disclaimer:**

- a. MWP shall have the right, in its sole discretion without any legal recourse by any bidder against MWP, to reject any or all bids for any reason including, but not limited to, any bids with terms and conditions that differ from the NAESB Agreement and Transaction Confirmation referenced above or which fail to conform to the provisions of this notice. Any additional terms and conditions may cause a bid to be deemed non-conforming. If no acceptable bids are received, MWP may continue to market the sale of the gas under terms and conditions that conform to this notice.
- b. Request for bids does not constitute and should not be interpreted as a legal contract between MWP and any responding bidder. The submission of a bid to MWP and subsequent evaluation of that bid by MWP does not constitute any kind of legal contract, even if all the requirements of the bidding process are met.

**7. MWP Contact:**

- a. If you have questions regarding this process, please contact Joseph Hulse at 801-324-5138, Justin Rutherford 801-324-5362 or Tom Myrberg at 801-324-2978.

