

Utility Construction Services Agreement

This Utility Construction Services Agreement (this “Agreement”) is entered into as of the 14th day of September, 2023 between CenterPoint Energy Houston Electric, LLC (“CenterPoint Energy”) and Fort Bend County Toll Road Authority (“Customer”).

Customer has requested the Construction Services described below by CenterPoint Energy, and CenterPoint Energy is willing to provide such Construction Services upon its receipt of funds from Customer sufficient to cover the estimated costs for providing the Construction Services. Customer and CenterPoint Energy therefore agree as follows:

1. **Defined Terms.** All capitalized terms used but not otherwise defined in this Agreement have the respective meanings set forth in CenterPoint Energy’s Tariff for Retail Delivery Service (the “Tariff”) approved by the Commission.

2. **Description of Construction Services.** Subject to its receipt of the Estimated Amount described in Section 3 hereof, CenterPoint Energy will provide the following Construction Services as requested by Customer (*check as applicable*):

- ☒ Relocation of any part of the Delivery System
- ☐ Installation or extension of non-standard Delivery System facilities
- ☐ Repair, maintenance or replacement work on the Delivery System outside of CenterPoint Energy’s normal hours of operation as specified in the Tariff
- ☐ Other

The Construction Services to be provided under this Agreement (a) will be performed by CenterPoint Energy in accordance with Good Utility Practice and (b) may be further described in an attachment to this Agreement labeled Exhibit A. An Exhibit A ☒ is or ☐ is not attached to this Agreement as of the date hereof (*check one*).

3. **Customer Upfront Payment.** Customer agrees to pay the cost of the Construction Services described in this Agreement. CenterPoint Energy estimates the cost of the Construction Services to be \$2,658,631.39 (the “Estimated Amount”). Customer shall pay the Estimated Amount to CenterPoint Energy prior to CenterPoint Energy’s commencement of the Construction Services. Except as otherwise provided in Section 4 hereof, Customer’s payment of the Estimated Amount is non-refundable.

Relocation cost for double stack circuit on north right-of-way:

<u>Order</u>	<u>Description</u>	<u>Cost</u>
106562429	GOVP_JU-M-22-139_FB WESTPARK_01/14	\$142,571.22
106577380	GOVP_JU-M-22-139_FB WESTPARK_REMOVAL	\$43,762.03
106611051	GOVP_JU-M-22-139_FB WESTPARK_02/14	\$98,839.75
106830062	GOVP_JU-M-22-139_FB WESTPARK_14/14REM	\$36,363.77
108888919	GOVP_JU-M-22-139_FB WESTPARK_07/14	\$341,607.55
108897813	GOVP_JU-M-22-139_FB WESTPARK_03/14	\$322,678.22
108911215	GOVP_JU-M-22-139_FB WESTPARK_13/14_IG	\$35,303.21
108943817	GOVP_JU-M-22-139_FB WESTPARK_05/14	\$339,128.87
108952342	GOVP_JU-M-22-139_FB WESTPARK_04/14	\$292,114.82
108969655	GOVP_JU-M-22-139_FB WESTPARK_11/14_P208	\$35,424.05
108975679	GOVP_JU-M-22-139_FB WESTPARK_12/14_P220	\$42,638.73
108981763	GOVP_JU-M-22-139_FB WESTPARK_09/14_TP	\$68,230.88

108983412	GOVP_JU-M-22-139_FB WESTPARK_06/14	\$315,243.64
108988984	GOVP_22_PSR_31AQC_32AQC_SPANS_2_FL42_10/	\$77,912.93
109060859	GOVP_JU-M-22-139_FB WESTPARK_08/14_TP	\$69,831.26

\$2,261,650.93

Major Underground Crossing

MUG crossing @ Texas Heritage Pkwy	\$743,570.00
MUG crossing @ FM 1463 Rd	\$708,760.00
	\$1,452,330.00

Total Cost \$3,713,980.93

DEDUCT: Relocation cost for circuit south right-of-way:

<u>Order</u>	<u>Description</u>	<u>Cost</u>
106562429	GOVP_JU-M-22-139_FB WESTPARK_01/14	\$142,571.22
106611051	GOVP_JU-M-22-139_FB WESTPARK_02/14	\$98,839.75
106577380	GOVP_JU-M-22-139_FB WESTPARK_REMOVAL	\$43,762.03
106830062	GOVP_JU-M-22-139_FB WESTPARK_14/14	\$36,363.77
109148966	GOVP_JU-M-22-139_FB WESTPARK_ALT DESIGN	\$733,812.77

Total Cost \$1,055,349.54

Difference in cost \$ 2,658,631.39

4. True-Up. After completion of the Construction Services described in this Agreement:
- If the actual cost of the Construction Services is less than the Estimated Amount paid by Customer, CenterPoint Energy will refund or credit the difference to Customer;
 - If the actual cost of the Construction Services is more than the Estimated Amount paid by Customer, CenterPoint Energy will invoice Customer, and Customer will pay CenterPoint Energy, the difference.

5. Audit Rights. Customer may, at its expense and during normal business hours, audit the books and records of CenterPoint Energy to verify the actual costs incurred by CenterPoint Energy for the performance of the Construction Services. Such audit rights shall expire 6 months after CenterPoint Energy's completion of the Construction Services.

6. Incorporation of Tariff. The provisions of the Tariff governing Construction Services are incorporated into this Agreement, Sections 5.2.1 (limitation of liability), 5.2.4 (force majeure), and 5.2.6 (disclaimer of warranties) of the Tariff. In the event of any conflict between the terms of this Agreement and the terms of the Tariff, the terms of the Tariff shall prevail.

7. Governing Law; No Third Party Beneficiaries; Interpretation. This Agreement is to be interpreted under the laws of the State of Texas, excluding its choice of law principles, and such laws shall govern all disputes under this Agreement. This Agreement is not intended to and does not create rights, remedies, or benefits of any character whatsoever in favor of any persons, corporations, associations, or entities other than the parties hereto, and the obligations herein assumed are solely for the use and benefit of the parties hereto, their successors in interest and, where permitted, their assigns. The descriptive headings of the various articles and sections of this Agreement have been inserted for convenience of reference only and are of no significance in the interpretation or construction of this Agreement. This

Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, or partnership between the parties hereto or to impose any partnership obligation or liability upon either party.

8. Execution and Amendment. This Agreement may be executed in two or more counterparts which may be in portable document format (PDF) or other electronic form, each of which is deemed an original but all constitute one and the same instrument. This Agreement may be amended only upon mutual written agreement of the parties.

9. No Agency. Neither party hereto has any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or to otherwise bind, the other Party.

10. Final Agreement. This Agreement contains the final and complete agreement of the parties hereto regarding the subject matter hereof and supersedes all prior understandings and agreements between them with respect thereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the date first written above.

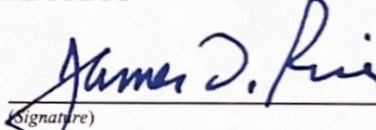
**CENTERPOINT ENERGY HOUSTON
ELECTRIC, LLC**

By: 
(Signature)

William F. Wilcox, Jr
(Name)

Staff Service Consultant
(Title)

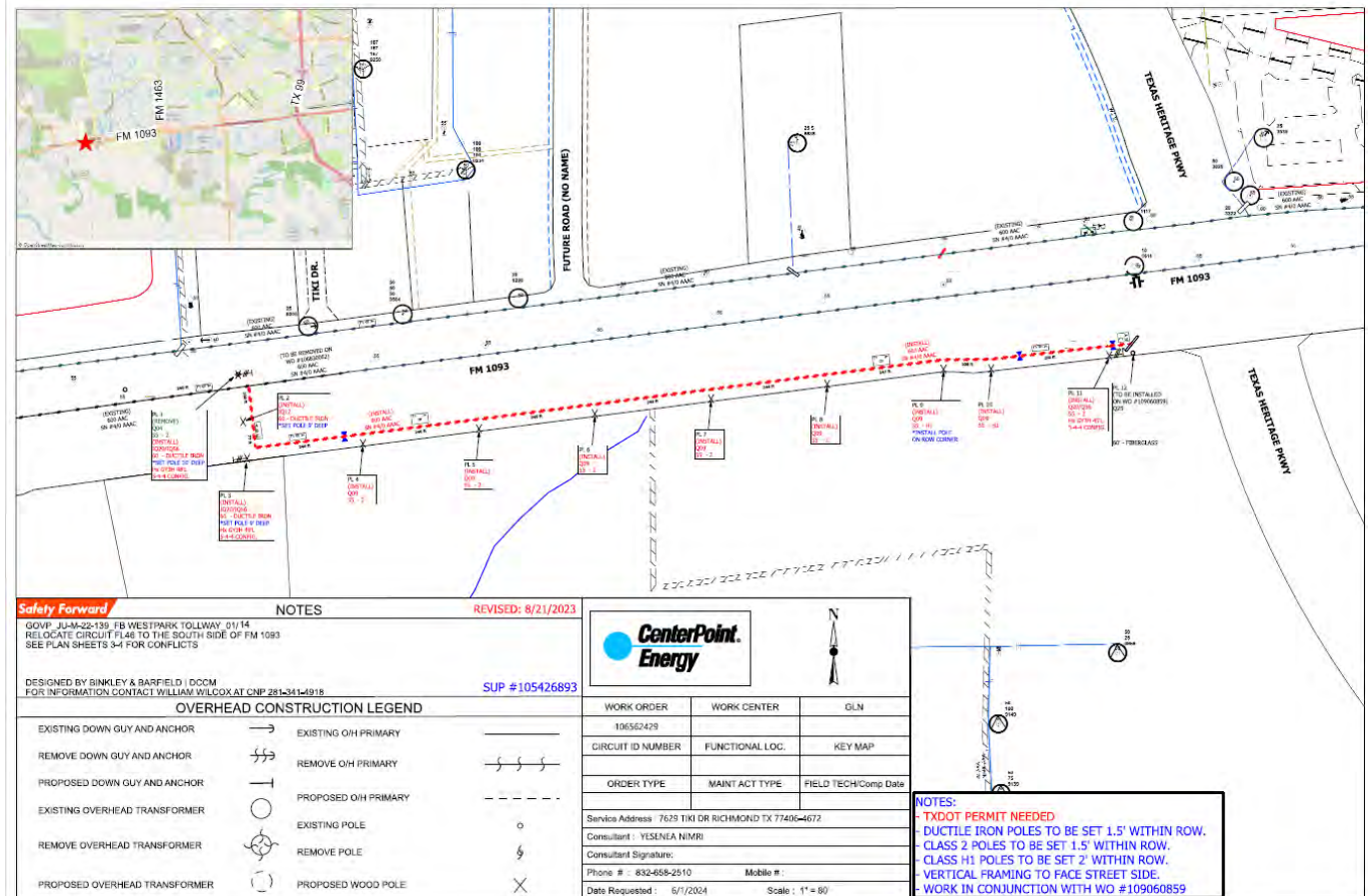
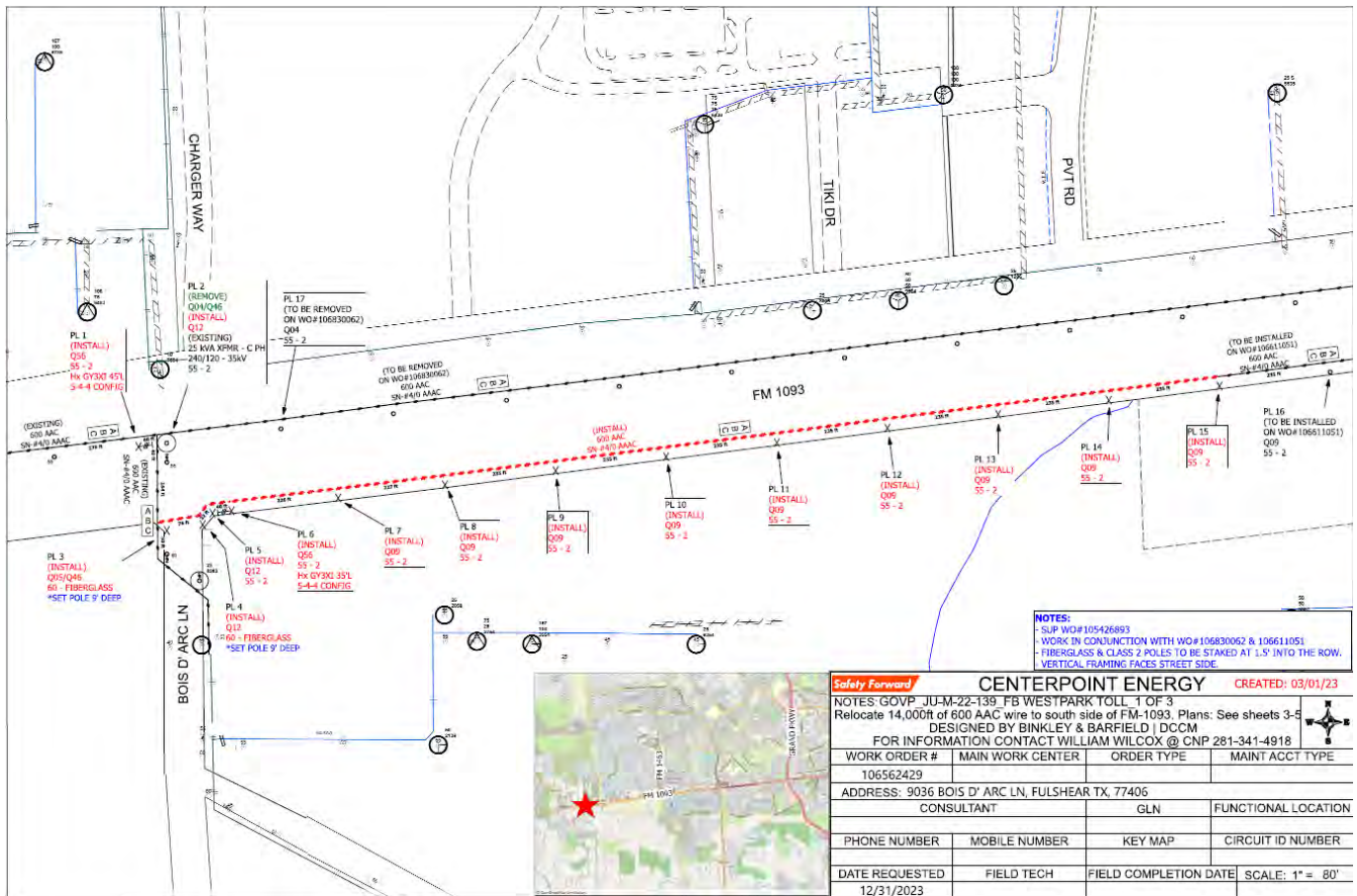
**FORT BEND COUNTY TOLL ROAD
AUTHORITY**

By: 
(Signature)

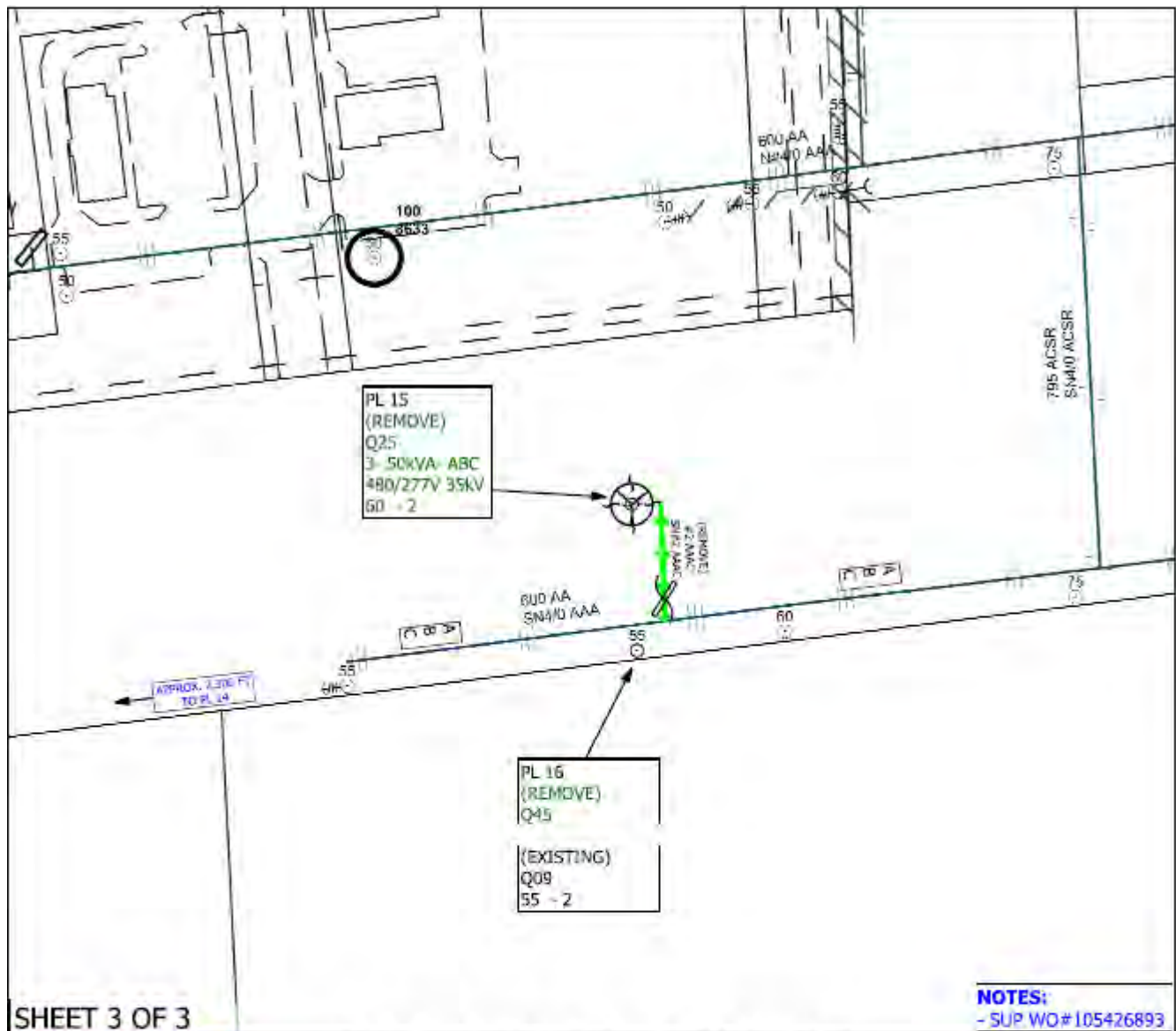
James D. Rice
(Name)

Chairman
(Title)

Exhibit A:







Safety Forward

CENTERPOINT ENERGY

CREATED: 03/02/23

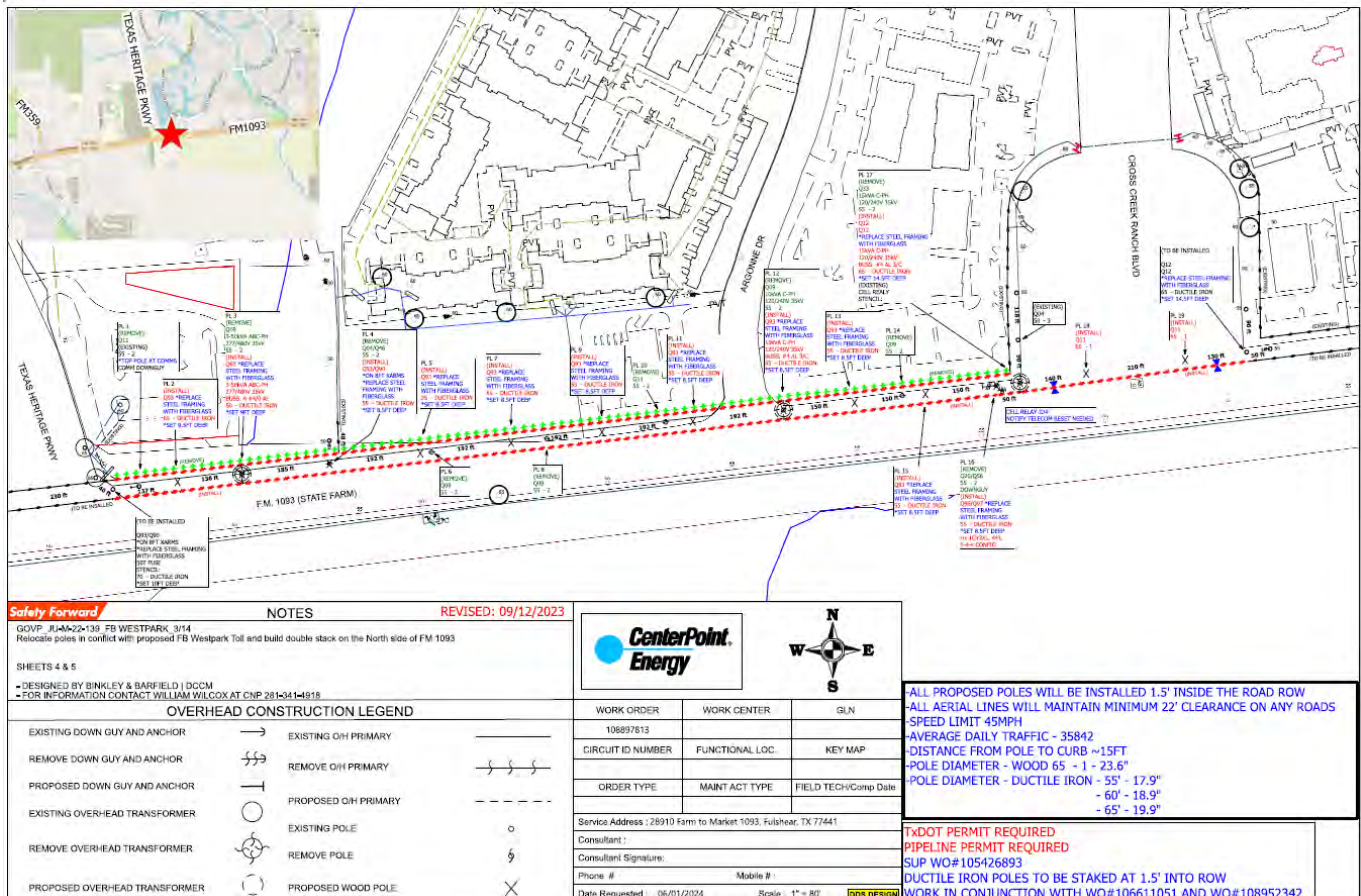
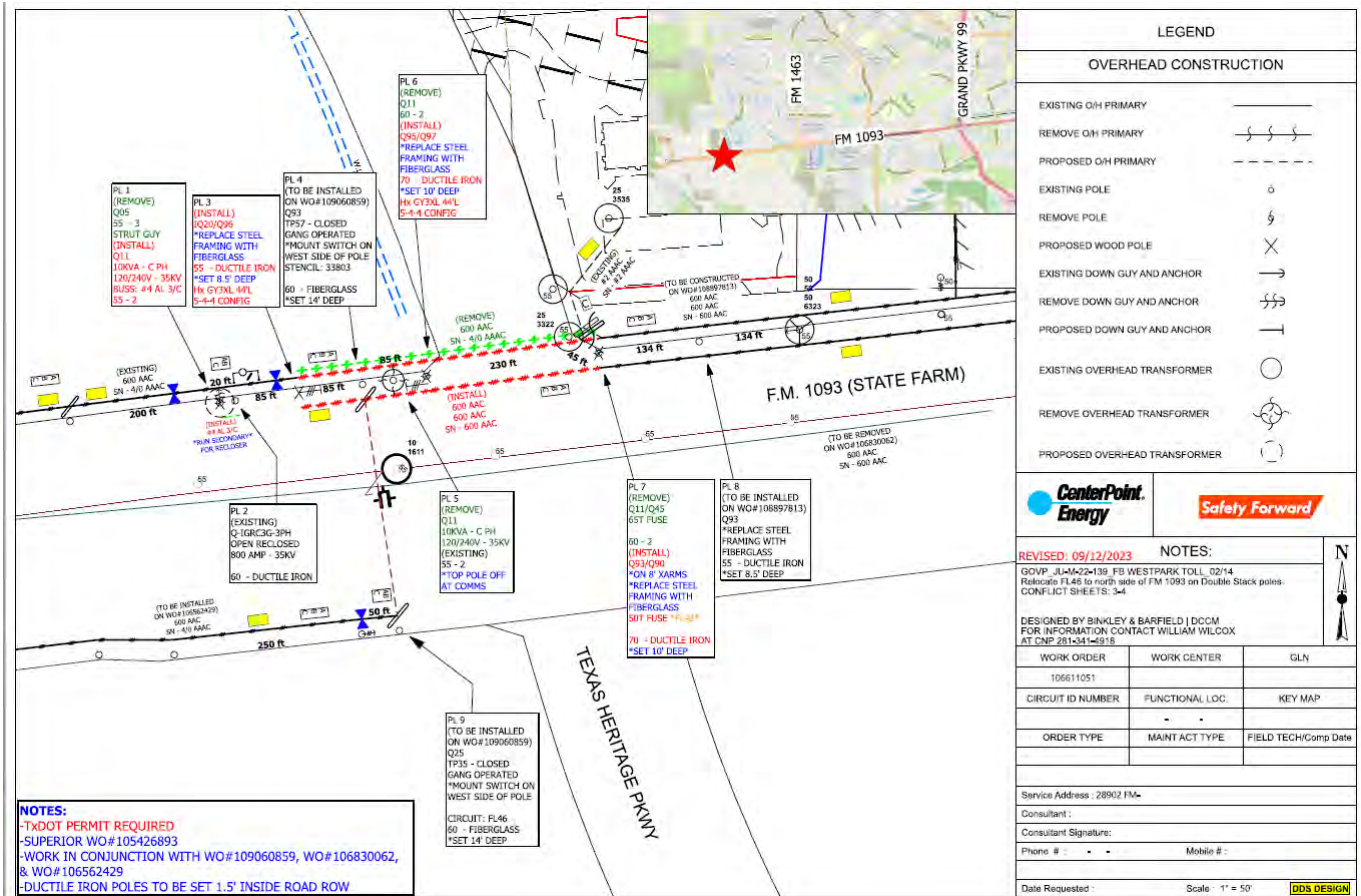
NOTES: GOVP_JU-M-22-139_FB WESTPARK TOLL_2 OF 3

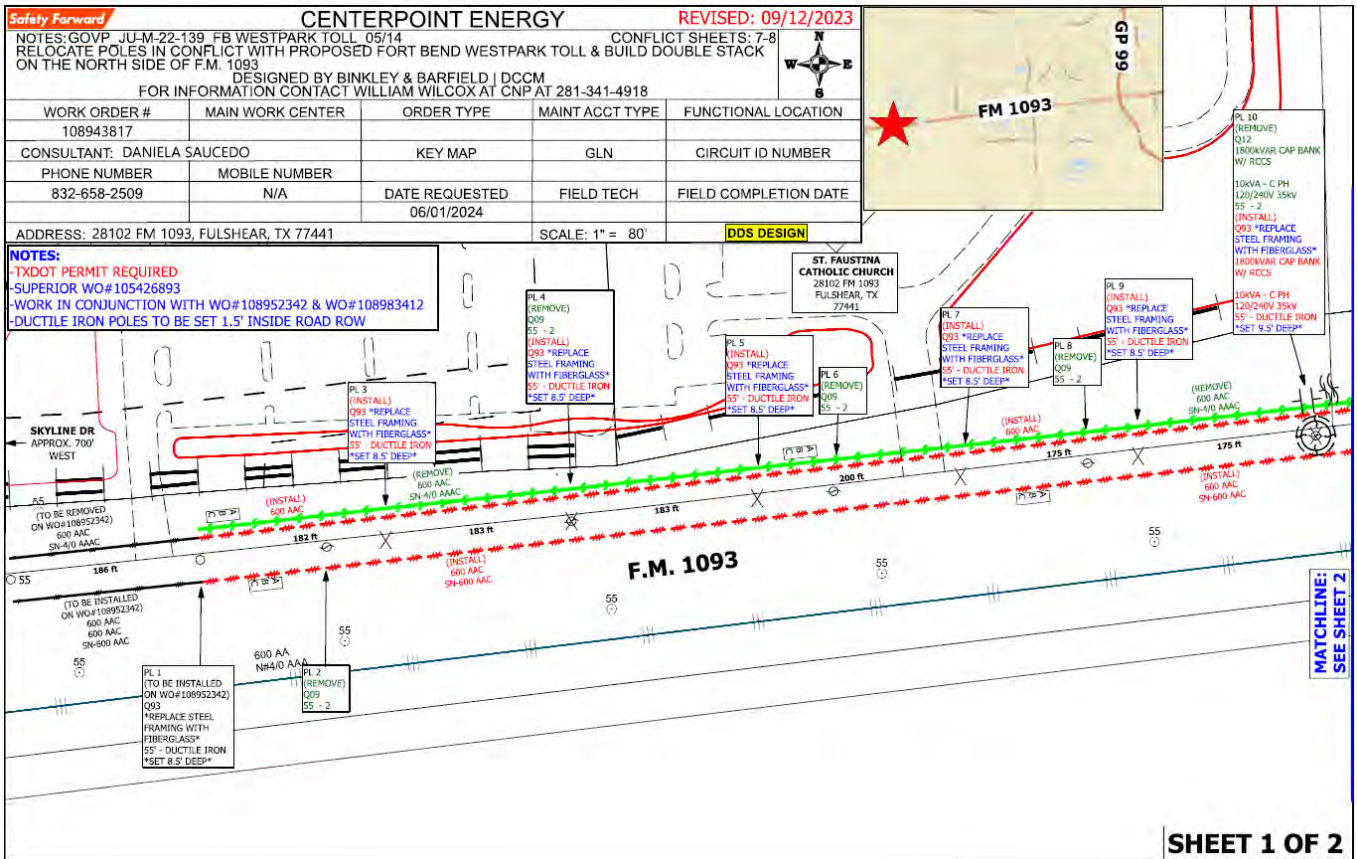
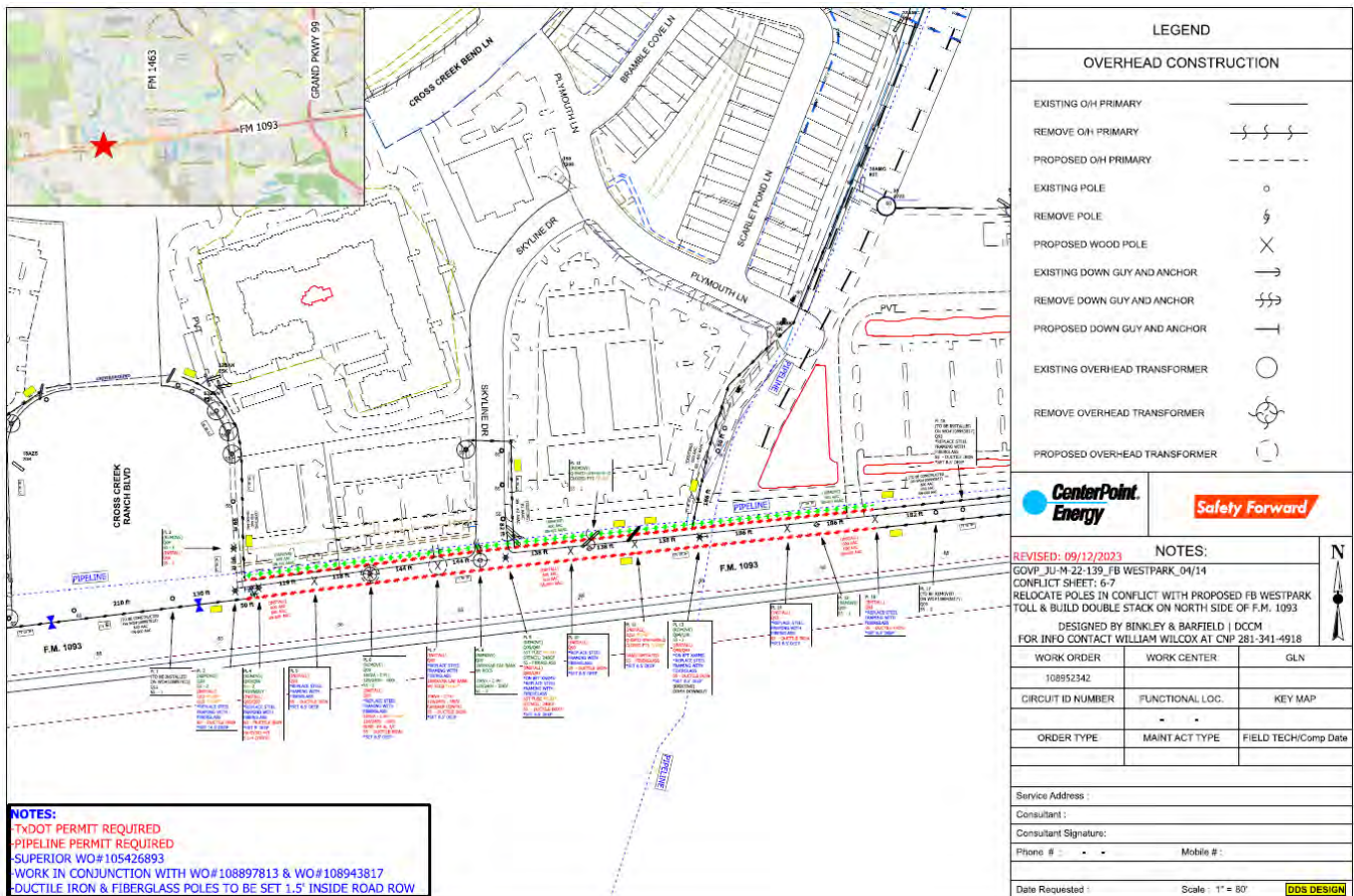
Relocate 14,000ft of 600 AAC wire to south side of FM-1093. Plans: See sheets 3-5

DESIGNED BY BINKLEY & BARFIELD | DCCM

FOR INFORMATION CONTACT WILLIAM WILCOX @ CNP 281-341-4918

WORK ORDER #	MAIN WORK CENTER	ORDER TYPE	MAINT ACCT TYPE
106611051			
ADDRESS: 27043 FM-1093			
CONSULTANT		GLN	FUNCTIONAL LOCATION
PHONE NUMBER	MOBILE NUMBER	KEY MAP	CIRCUIT ID NUMBER
DATE REQUESTED	FIELD TECH	FIELD COMPLETION DATE	SCALE: 1" = 100'
12/31/2023			DDS DESIGN





Safety Forward

CENTERPOINT ENERGY

REVISED: 09/12/2023

NOTES: GOVP. JU-M-22-139. FB WESTPARK TOLL. 05/14
RELOCATE POLES IN CONFLICT WITH PROPOSED FORT BEND WESTPARK TOLL & BUILD DOUBLE STACK
ON THE NORTH SIDE OF F.M. 1093

CONFLICT SHEETS: 7-8

DESIGNED BY BINKLEY & BARFIELD | DCCM

FOR INFORMATION CONTACT WILLIAM WILCOX AT CNP AT 281-341-4918

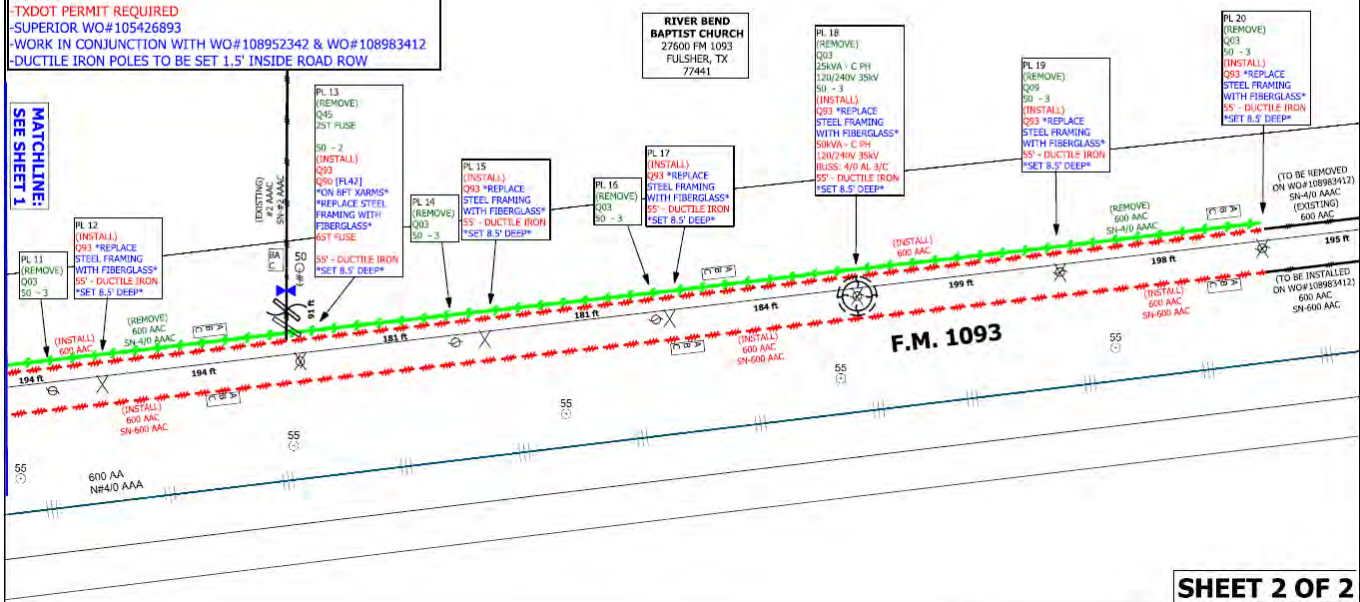
WORK ORDER #	MAIN WORK CENTER	ORDER TYPE	MAINT ACCT TYPE	FUNCTIONAL LOCATION
108943817				
CONSULTANT: DANIELA SAUCEDO	KEY MAP	GLN	CIRCUIT ID NUMBER	
PHONE NUMBER	MOBILE NUMBER	DATE REQUESTED	FIELD TECH	FIELD COMPLETION DATE
832-658-2509	N/A	06/01/2024		
ADDRESS: 28102 FM 1093, FULSHEAR, TX 77441			SCALE: 1" = 80'	DDS DESIGN

FLEWELLEN
PLACE LN
APPROX. 917
EAST

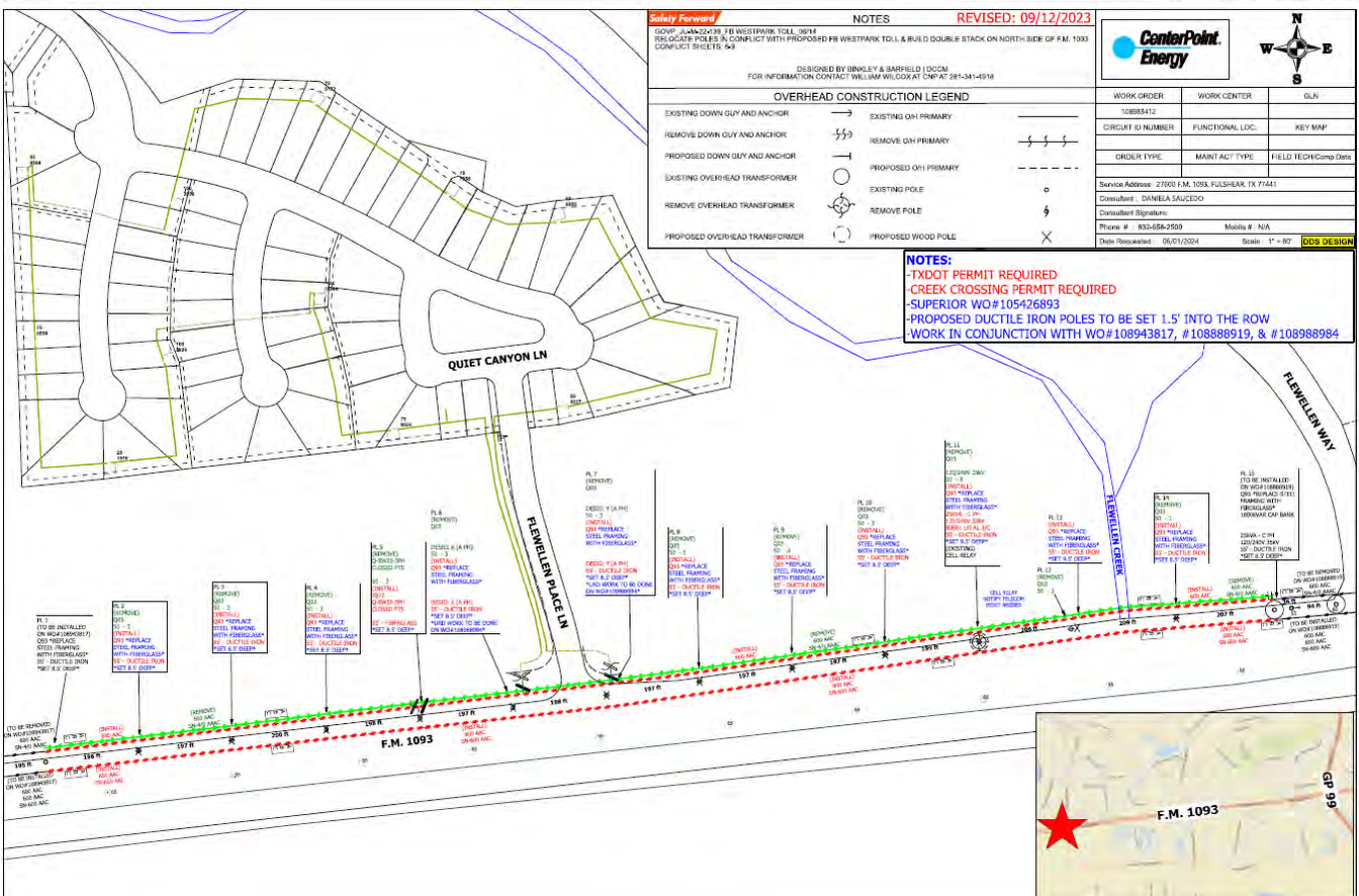
NOTES:

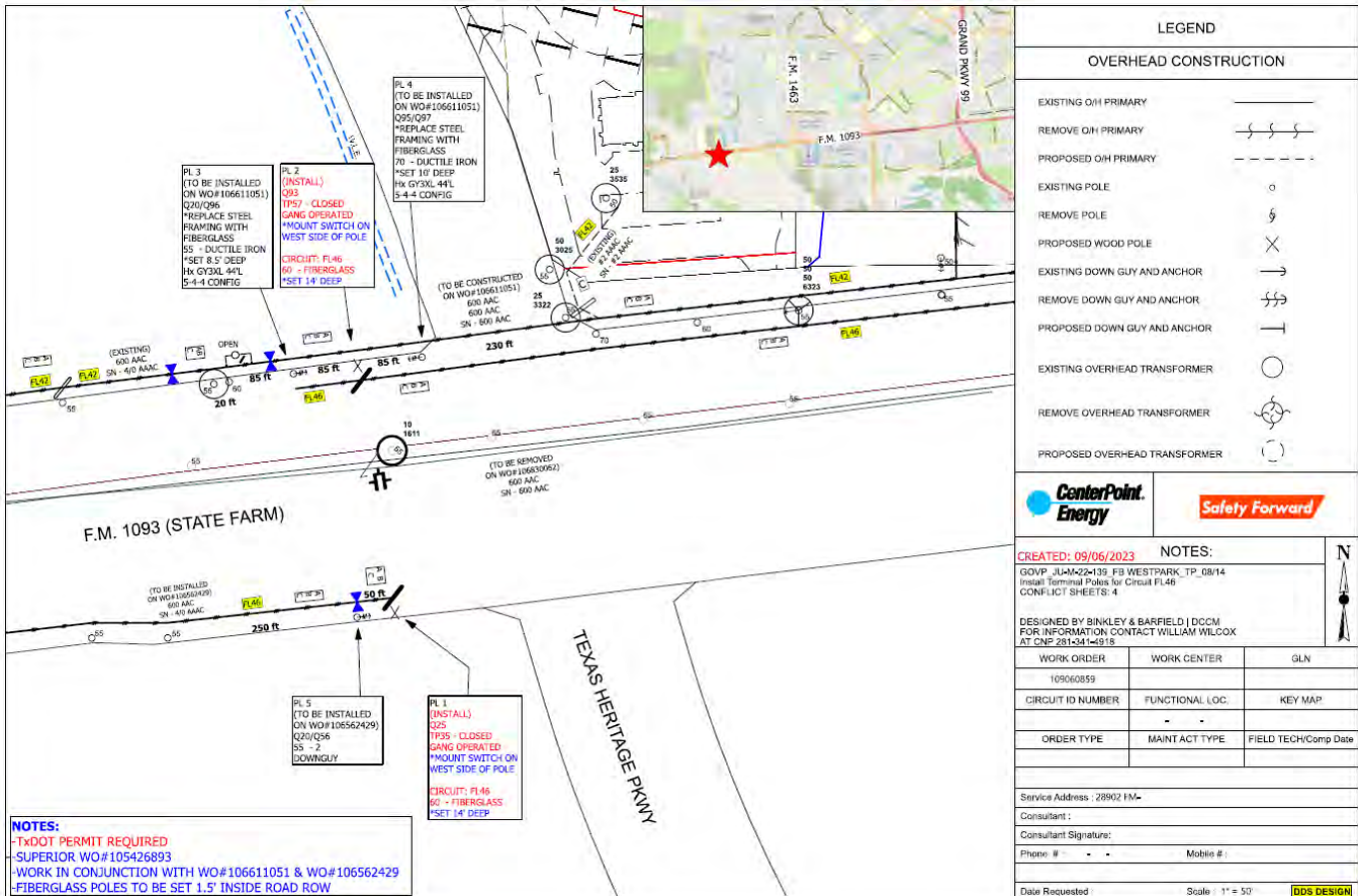
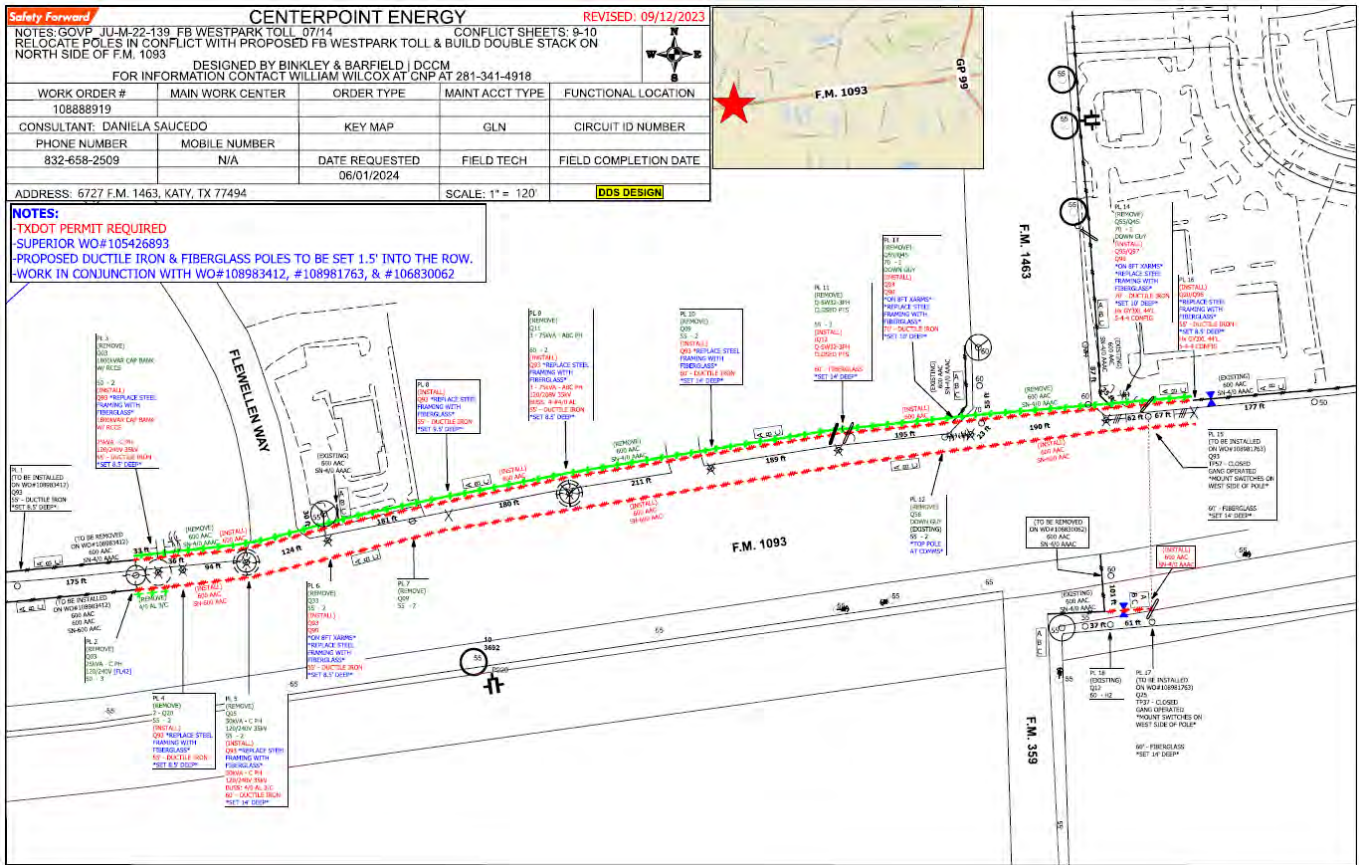
-TXDOT PERMIT REQUIRED
-SUPERIOR WO#105426893
-WORK IN CONJUNCTION WITH WO#108952342 & WO#108983412
-DUCTILE IRON POLES TO BE SET 1.5' INSIDE ROAD ROW

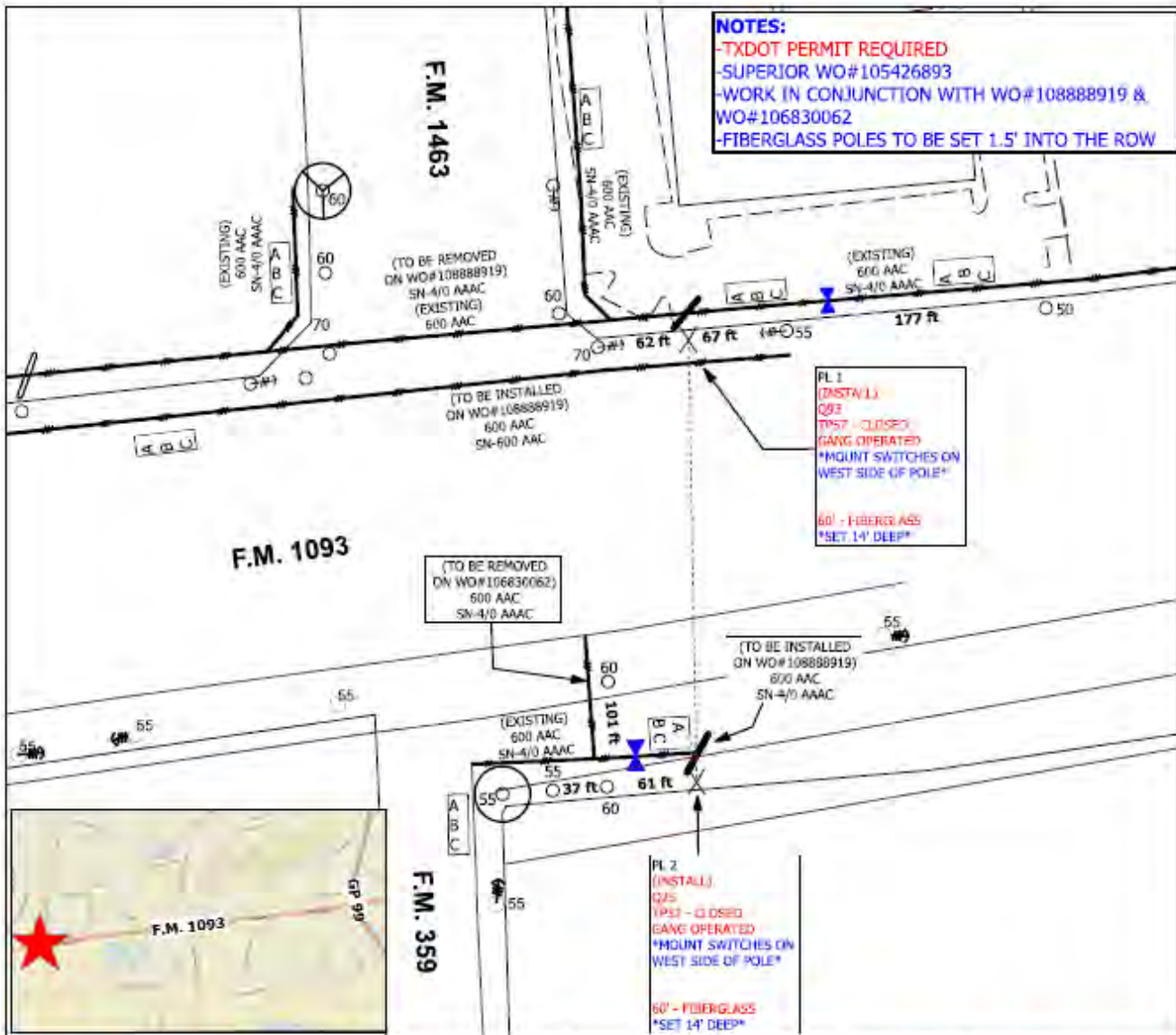
MATCHLINE:
SEE SHEET 1



SHEET 2 OF 2





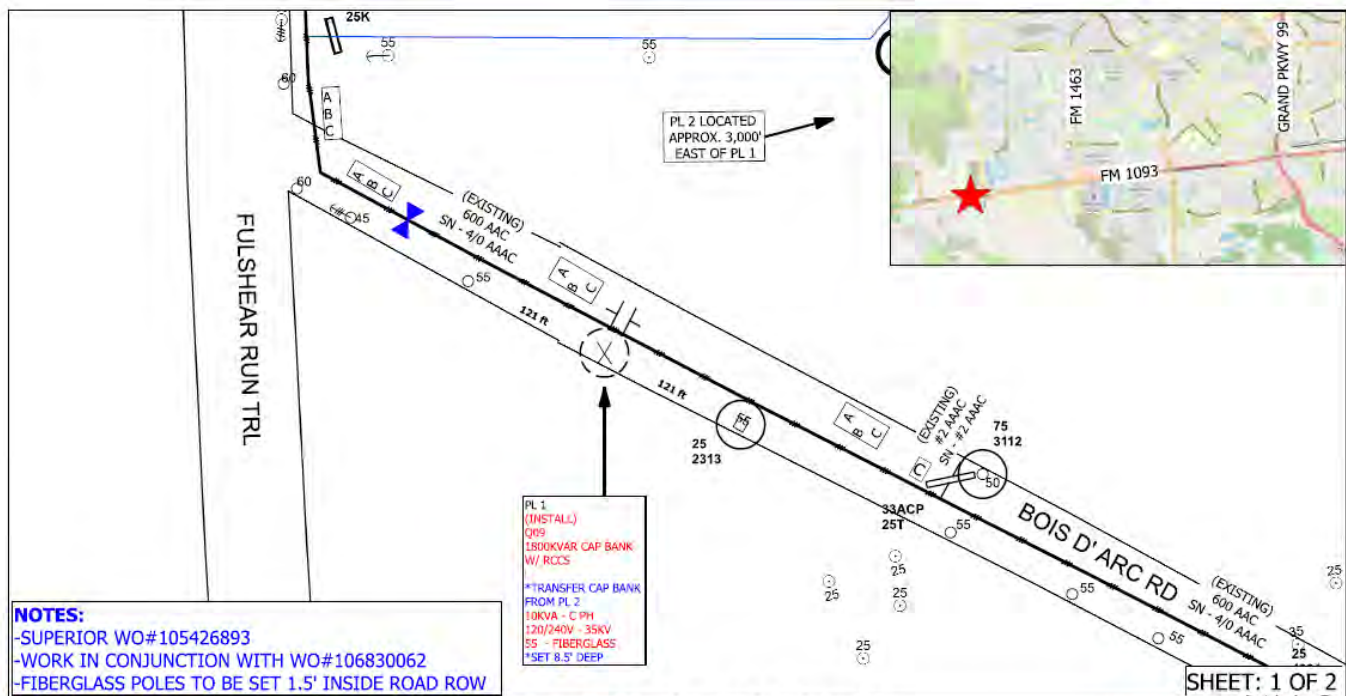


Safety Forward **CENTERPOINT ENERGY** **CREATED: 08/28/2023**

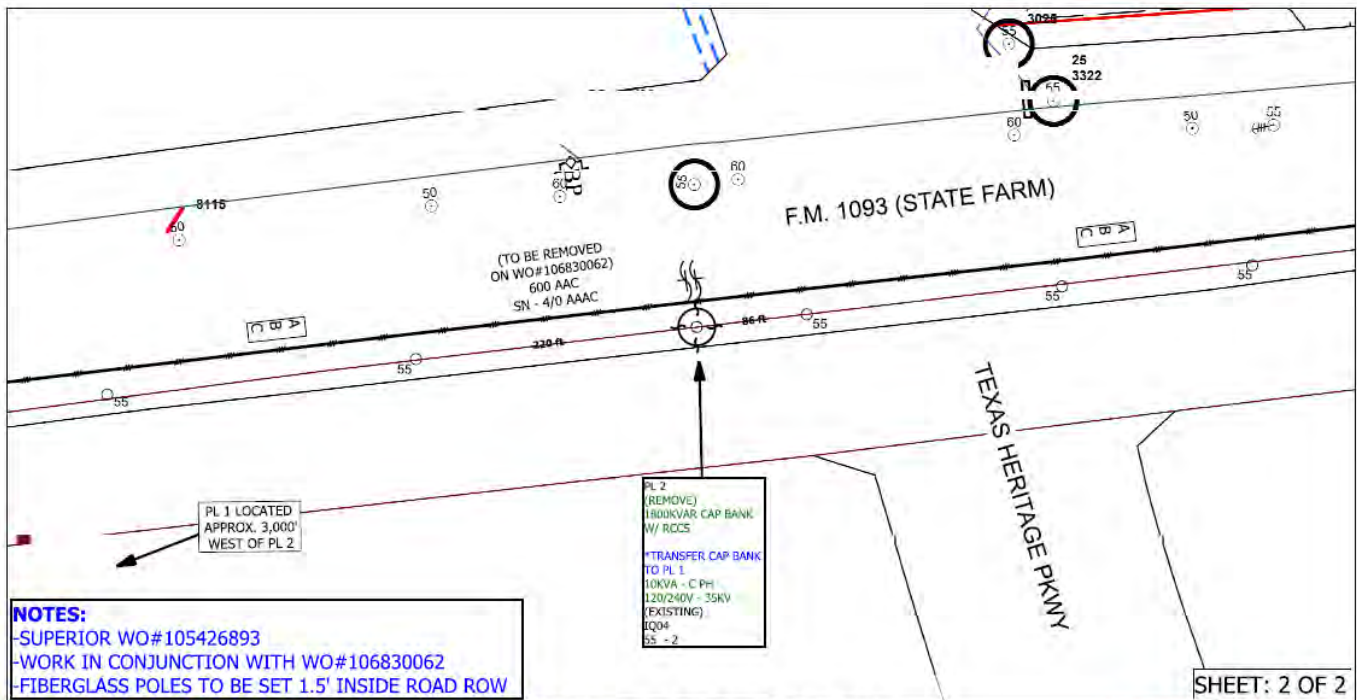
NOTES: GOVP_JU-M-22-139_FB WESTPARK_TP_09/14
 INSTALL TERMINAL POLES FOR CIRCUIT FL46
 DESIGNED BY BINKLEY & BARFIELD | DCCM
 FOR INFORMATION CONTACT WILLIAM WILCOX AT CNP AT 281-341-4918



WORK ORDER #	MAIN WORK CENTER	ORDER TYPE	MAINT ACCT TYPE
108981763			
ADDRESS: 6727 FM 1463, KATY, TX 77494			
CONSULTANT		GLN	FUNCTIONAL LOCATION
DANIELA SAUCEDO			
PHONE NUMBER	MOBILE NUMBER	KEY MAP	CIRCUIT ID NUMBER
832-658-2509	N/A		
DATE REQUESTED	FIELD TECH	FIELD COMPLETION DATE	SCALE: 1" = 100'
06/01/2024			DDS DESIGN




Safety Forward		CENTERPOINT ENERGY				CREATED: 08/29/2023	
WORK ORDER #	MAIN WORK CENTER	ORDER TYPE	MAINT ACCT TYPE	FUNCTIONAL LOCATION			
108969655							
ADDRESS: 8738 Bois D' Arc Ln Richmond, TX 77406							
CONSULTANT		GLN	CIRCUIT ID	NOTES: GOVP JU-M-22-139_FB WESTPARK_P208_11/14 Relocate 1800kVAR Cap Bank to Bois D'Arc Ln CONFLICT SHEET: 5 DESIGNED BY BINKLEY & BARFIELD DCCM FOR INFORMATION CONTACT WILLIAM WILCOX AT CNP 281-341-4918			
PHONE NUMBER	MOBILE NUMBER	KEY MAP					
DATE REQUESTED	FIELD TECH	FIELD COMPLETION DATE					
06/01/2024				SCALE: 1" = 100'	DDS DESIGN		

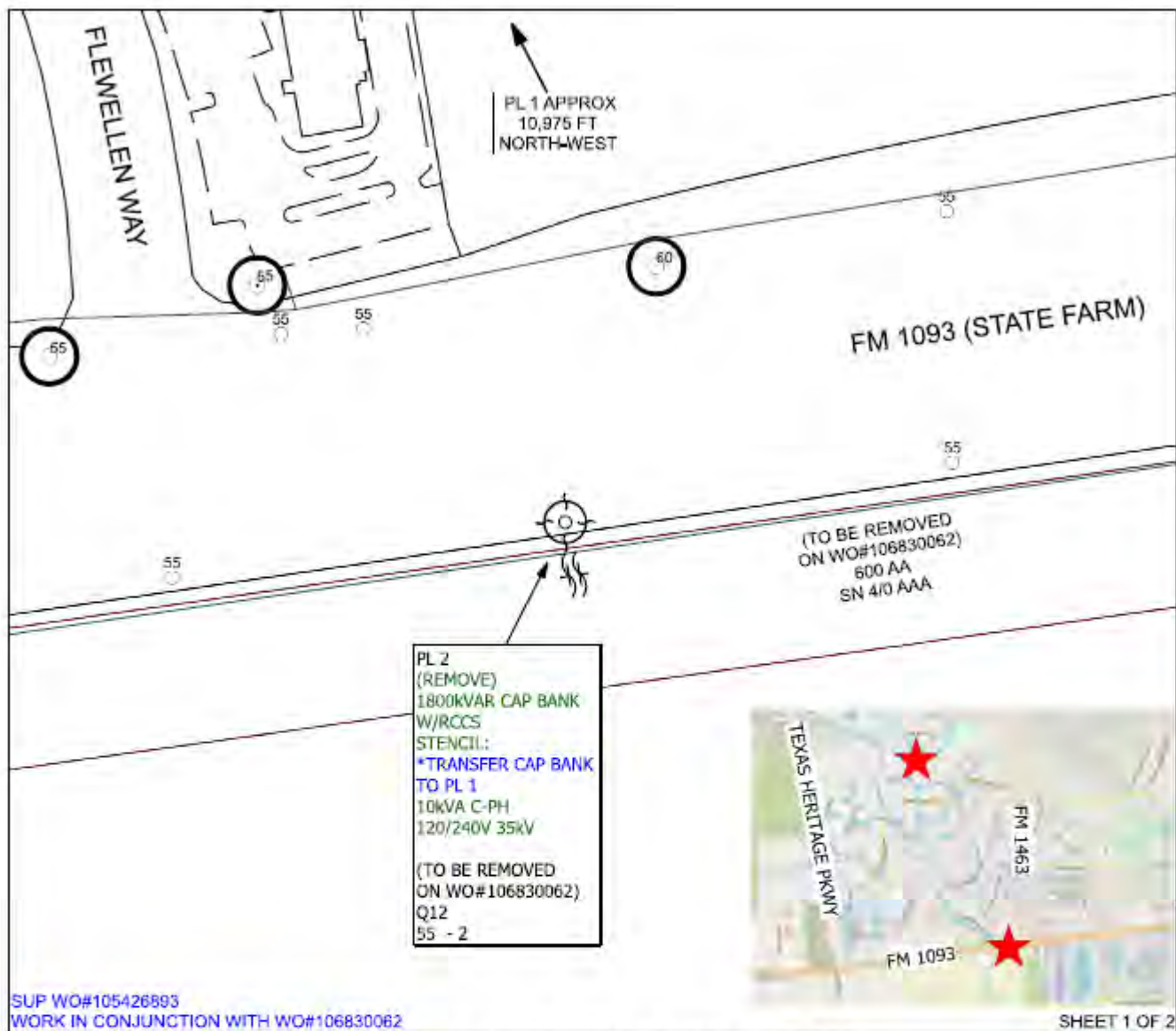


Safety Forward

CENTERPOINT ENERGY

CREATED: 08/29/2023

WORK ORDER #	MAIN WORK CENTER	ORDER TYPE	MAINT ACCT TYPE	FUNCTIONAL LOCATION		
108969655						
ADDRESS: 29463 Farm to Market 1093, Fulshear, TX 77441						
CONSULTANT		GLN	CIRCUIT ID	NOTES: GOVP_JU-M-22-139_FB WESTPARK_P208_11/14 Relocate 1800kVAR Cap Bank to Bois D'Arc Ln CONFLICT SHEET: 5		
PHONE NUMBER	MOBILE NUMBER	KEY MAP		DESIGNED BY BINKLEY & BARFIELD DCCM FOR INFORMATION CONTACT WILLIAM WILCOX AT CNP 281-341-4918		
DATE REQUESTED	FIELD TECH	FIELD COMPLETION DATE				
06/01/2024				SCALE: 1" = 100'	DDS DESIGN	



Safety Forward

CENTERPOINT ENERGY

CREATED: 08/29/2023

NOTES: GOVP_JU-M-22-139_FB WESTPARK_P220_12/14

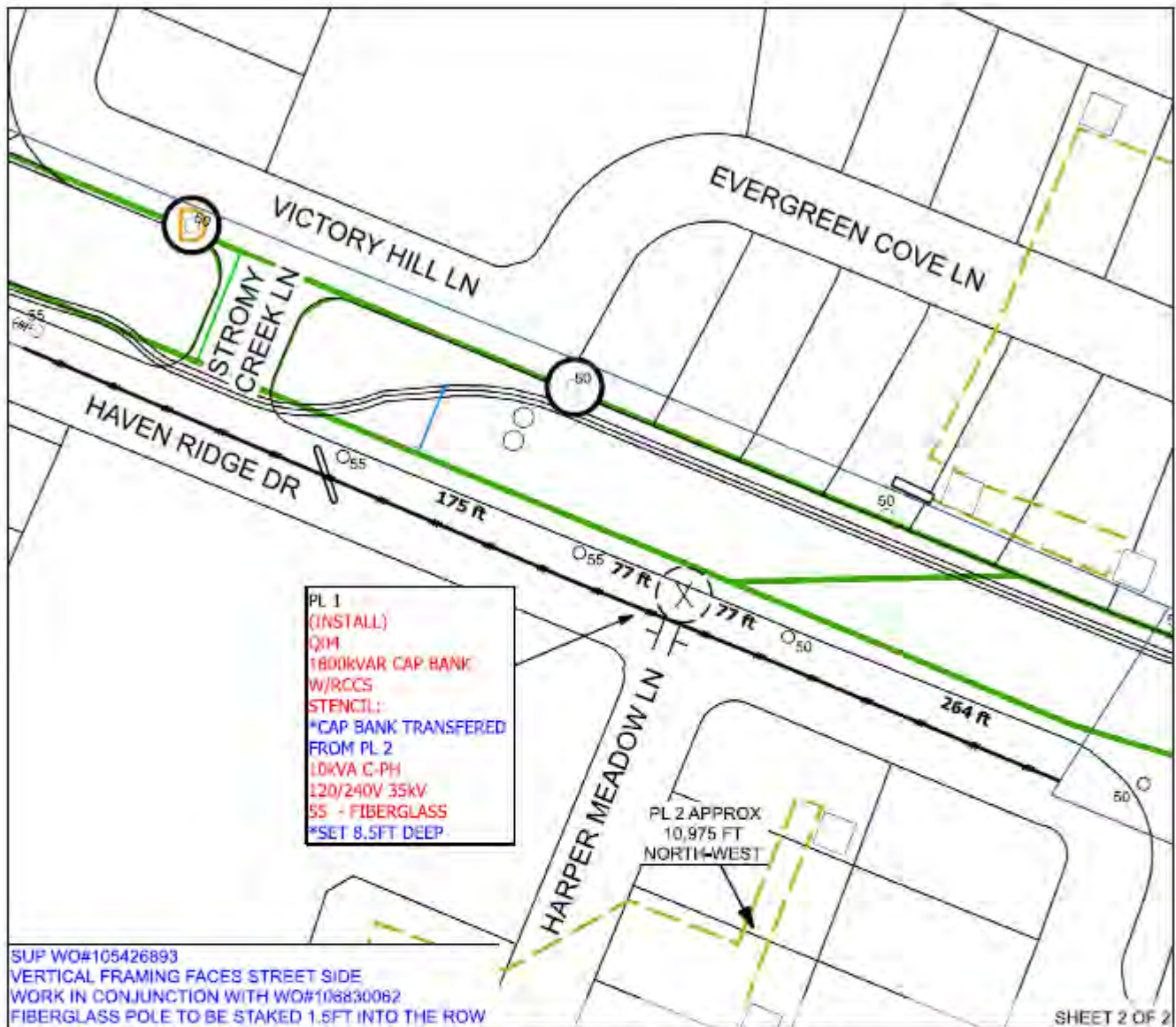
RELOCATE CAP BANK P220 TO FL47/FL49

- DESIGNED BY BINKLEY & BARFIELD | DCCM

- FOR INFORMATION CONTACT WILLIAM WILCOX AT CNP 281-341-4918



WORK ORDER #	MAIN WORK CENTER	ORDER TYPE	MAINT ACCT TYPE
108975679			
ADDRESS: 6677 Flewellen Way, Fulshear, TX 77441			
CONSULTANT		GLN	FUNCTIONAL LOCATION
PHONE NUMBER	MOBILE NUMBER	KEY MAP	CIRCUIT ID NUMBER
DATE REQUESTED	FIELD TECH	FIELD COMPLETION DATE	SCALE: 1" = 100'
			DDS DESIGN



Safety Forward

CENTERPOINT ENERGY

CREATED: 08/29/2023

NOTES: GOVP_JU-M-22-139_FB WESTPARK_P220_12/14

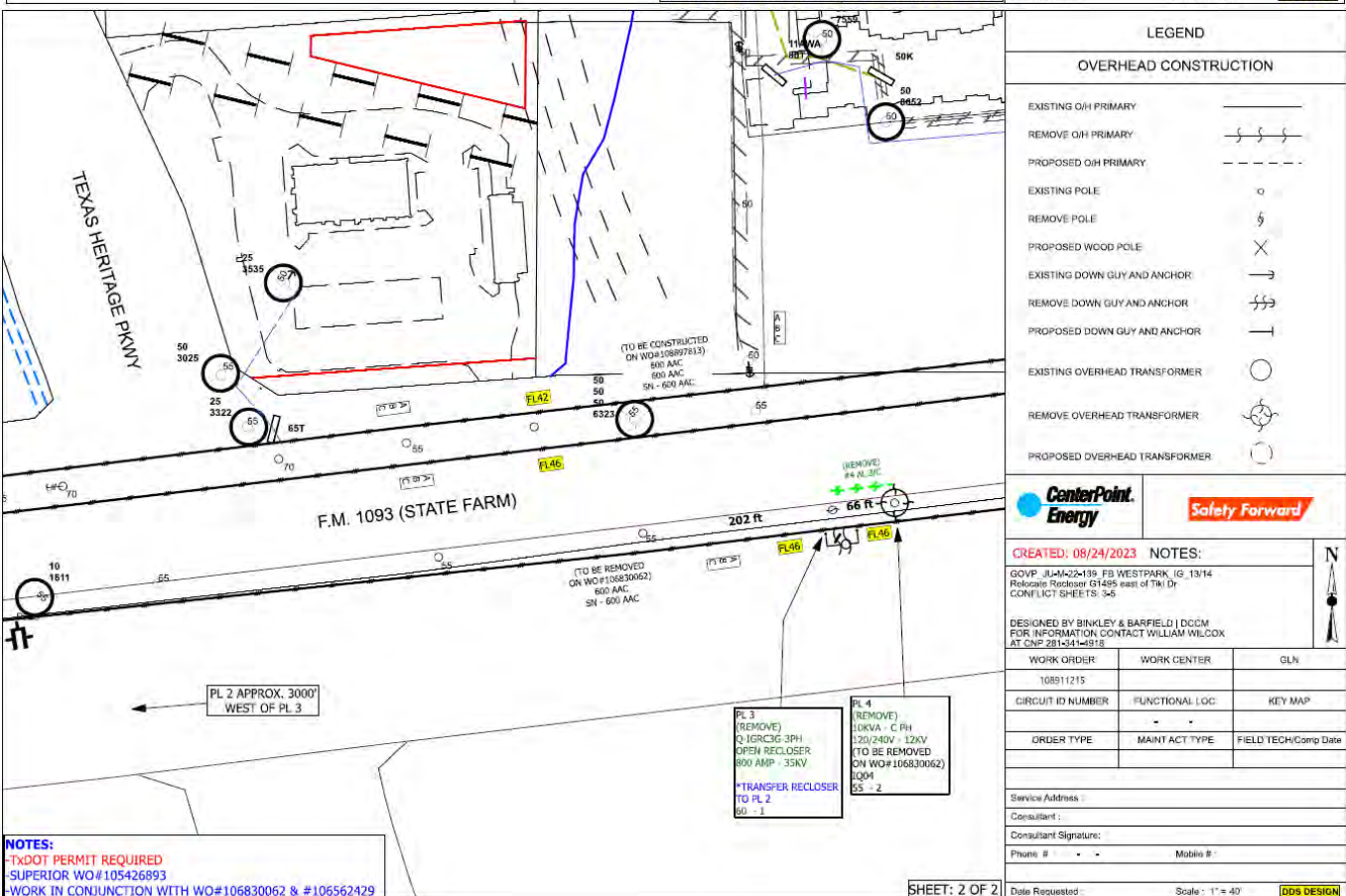
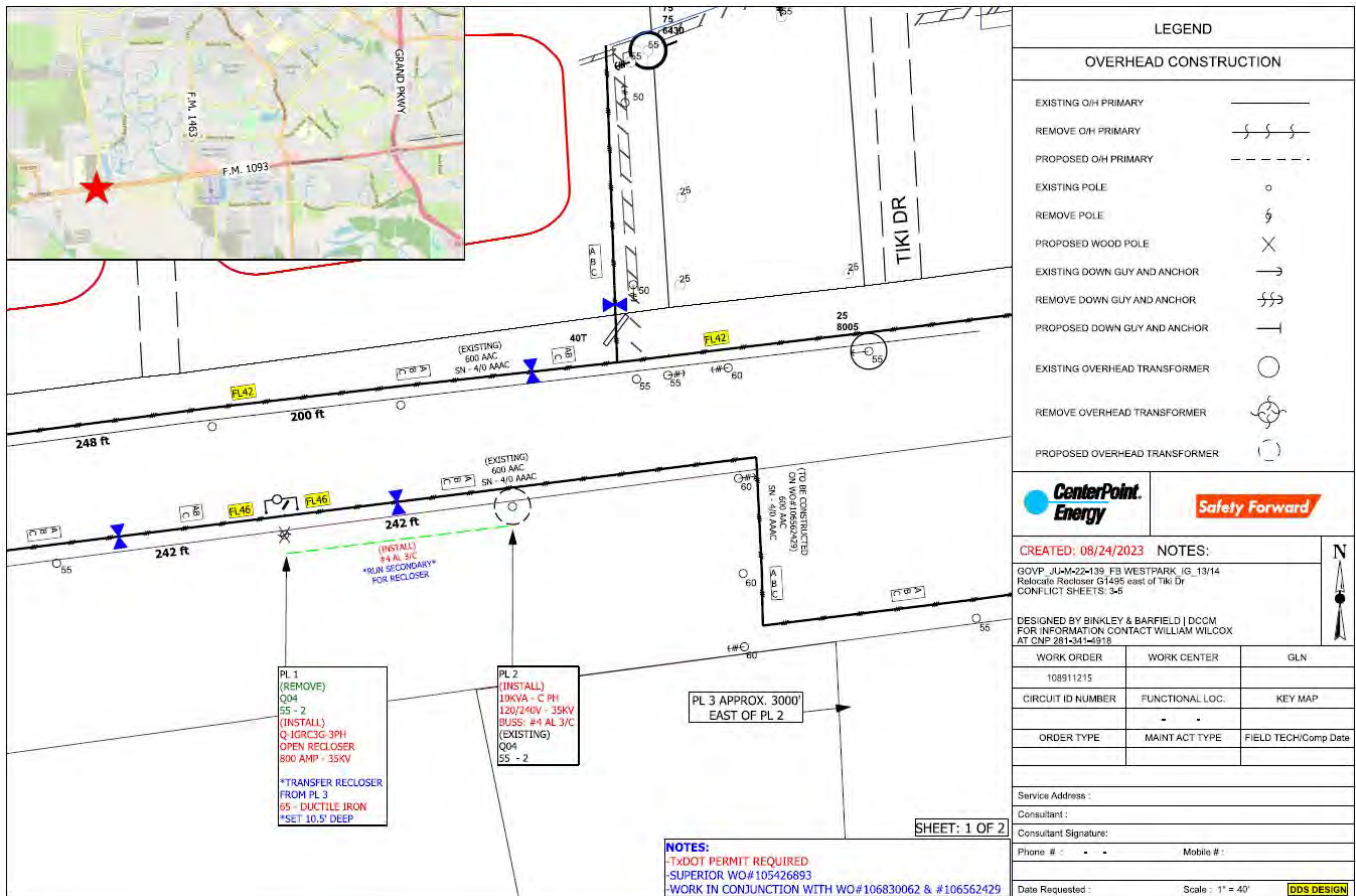
RELOCATE CAP BANK P220 TO FL47/FL49

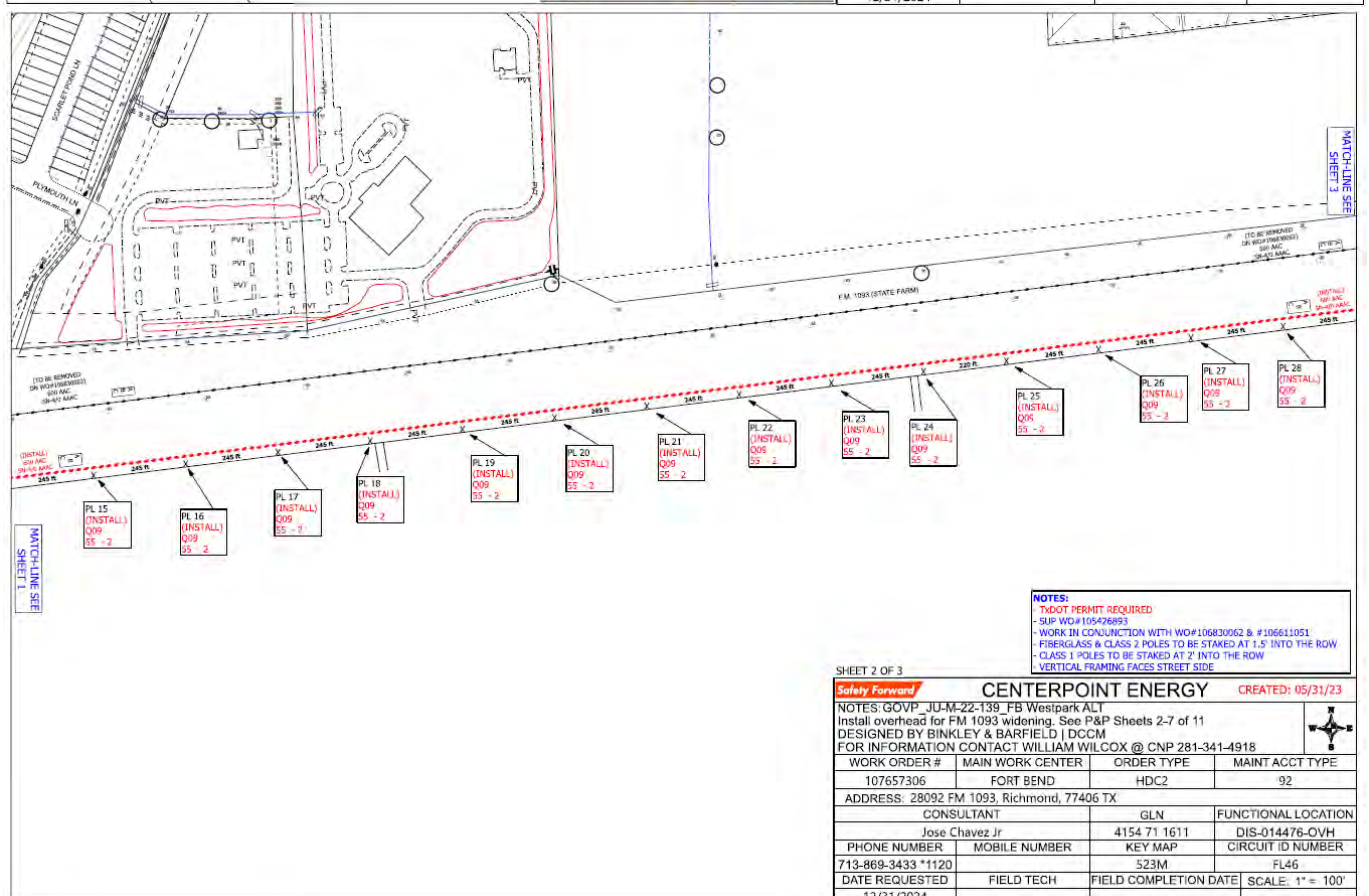
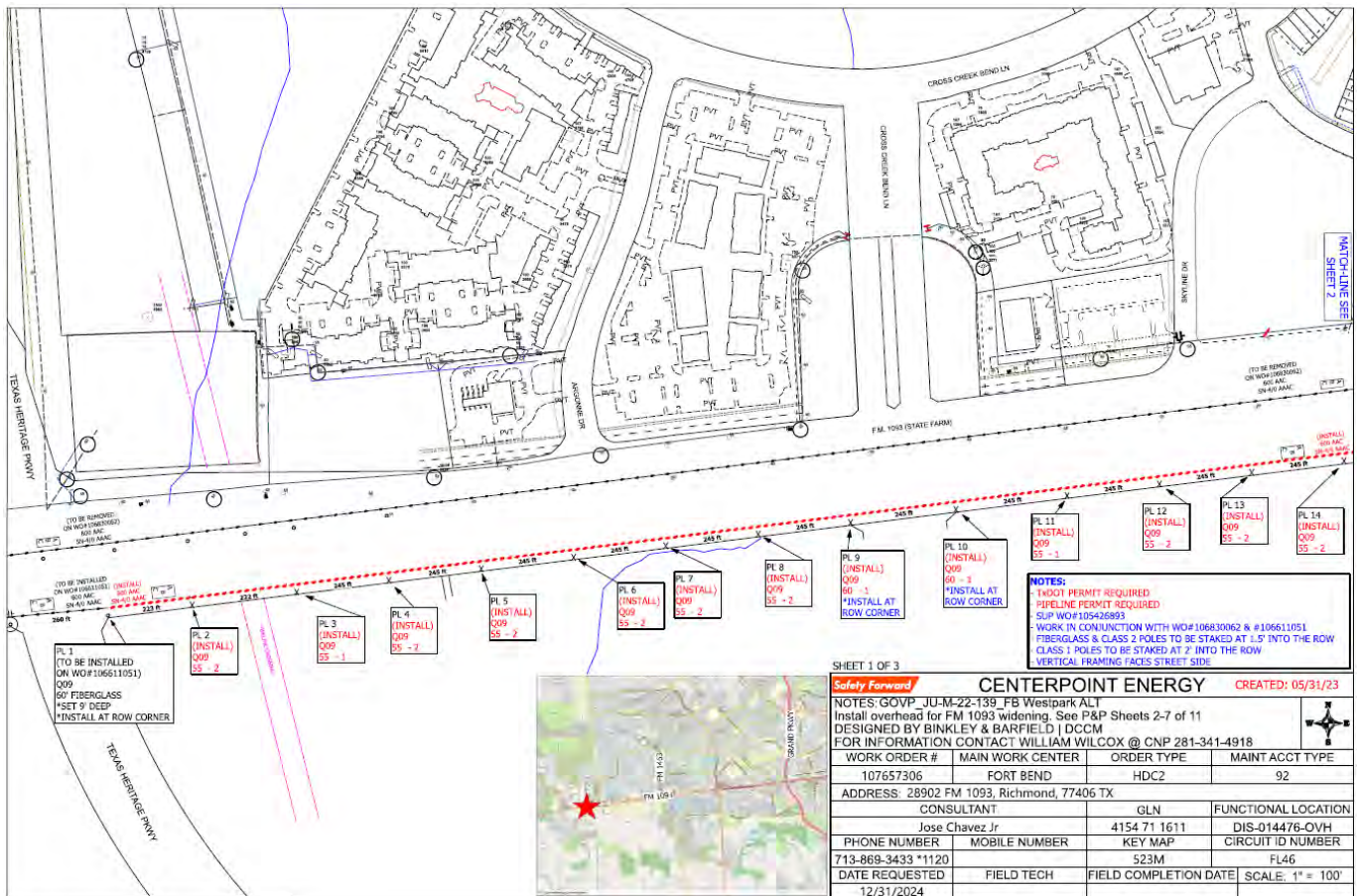
- DESIGNED BY BINKLEY & BARFIELD | DCCM

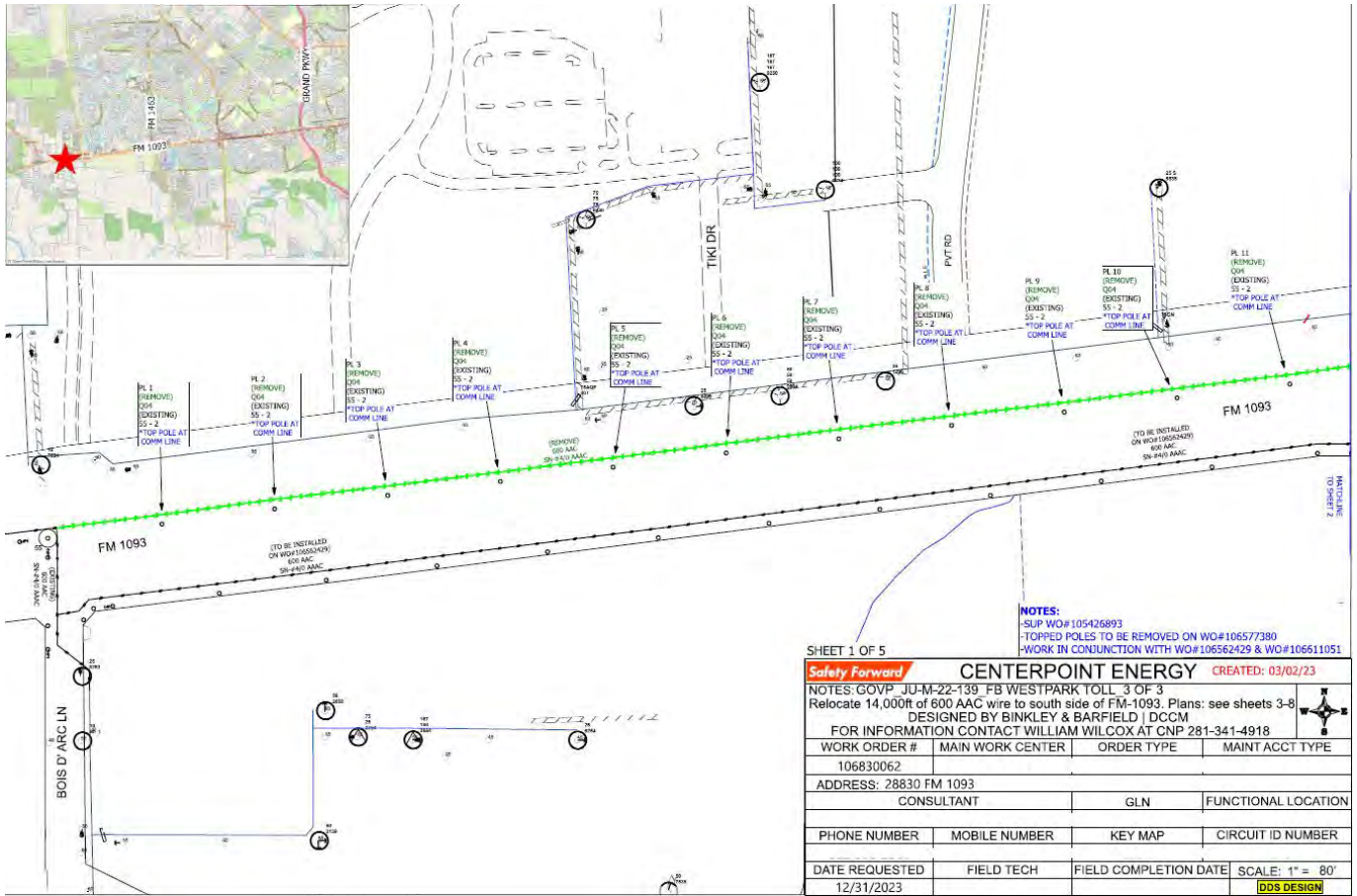
- FOR INFORMATION CONTACT WILLIAM WILCOX AT CNP 281-341-4918

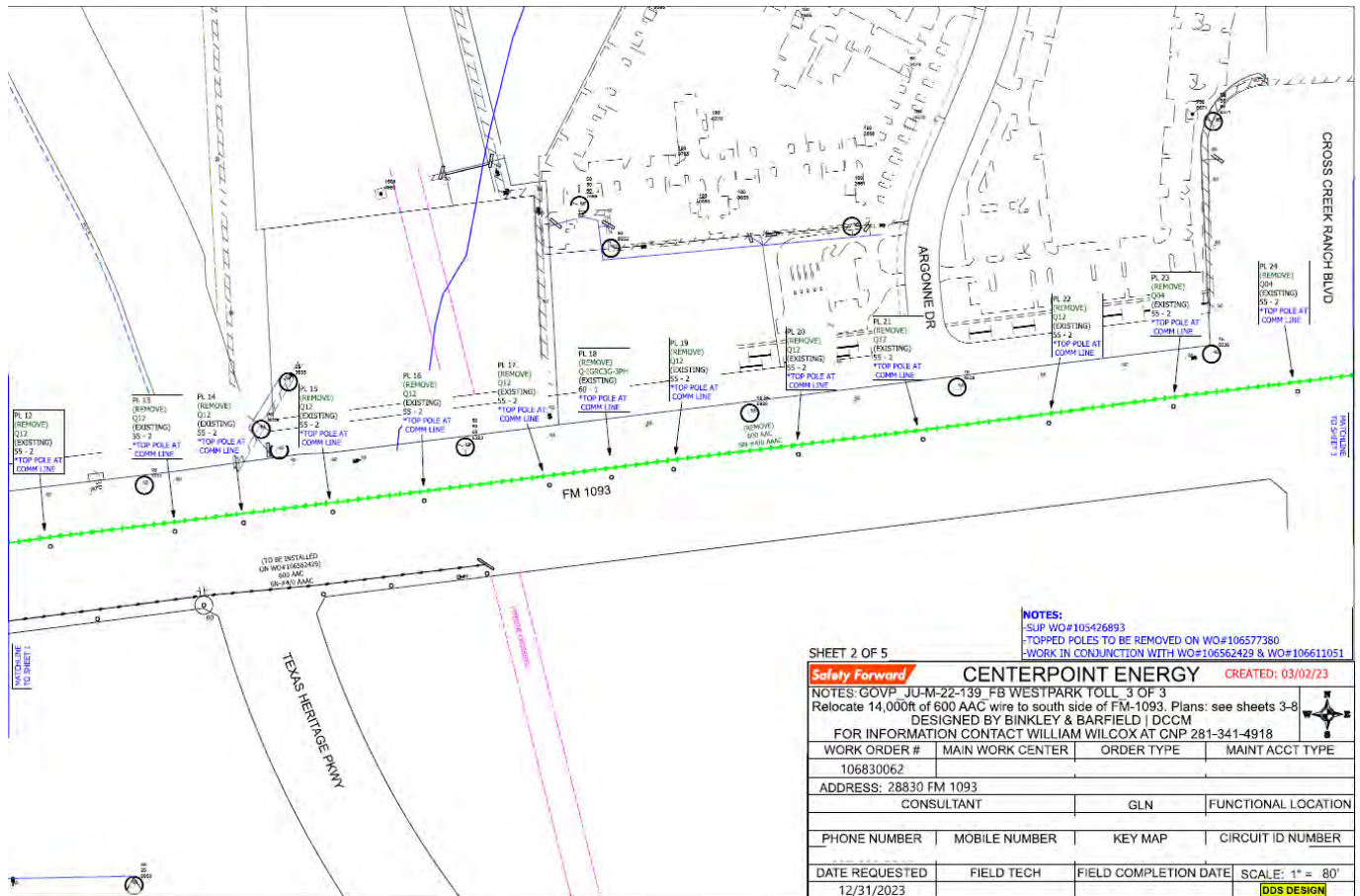


WORK ORDER #	MAIN WORK CENTER	ORDER TYPE	MAINT ACCT TYPE
108975679			
ADDRESS: 28126 Harper Meadow Ln, Fulshear, TX 77441			
CONSULTANT		GLN	FUNCTIONAL LOCATION
PHONE NUMBER	MOBILE NUMBER	KEY MAP	CIRCUIT ID NUMBER
DATE REQUESTED	FIELD TECH	FIELD COMPLETION DATE	SCALE: 1" = 100'
			DDS DESIGN



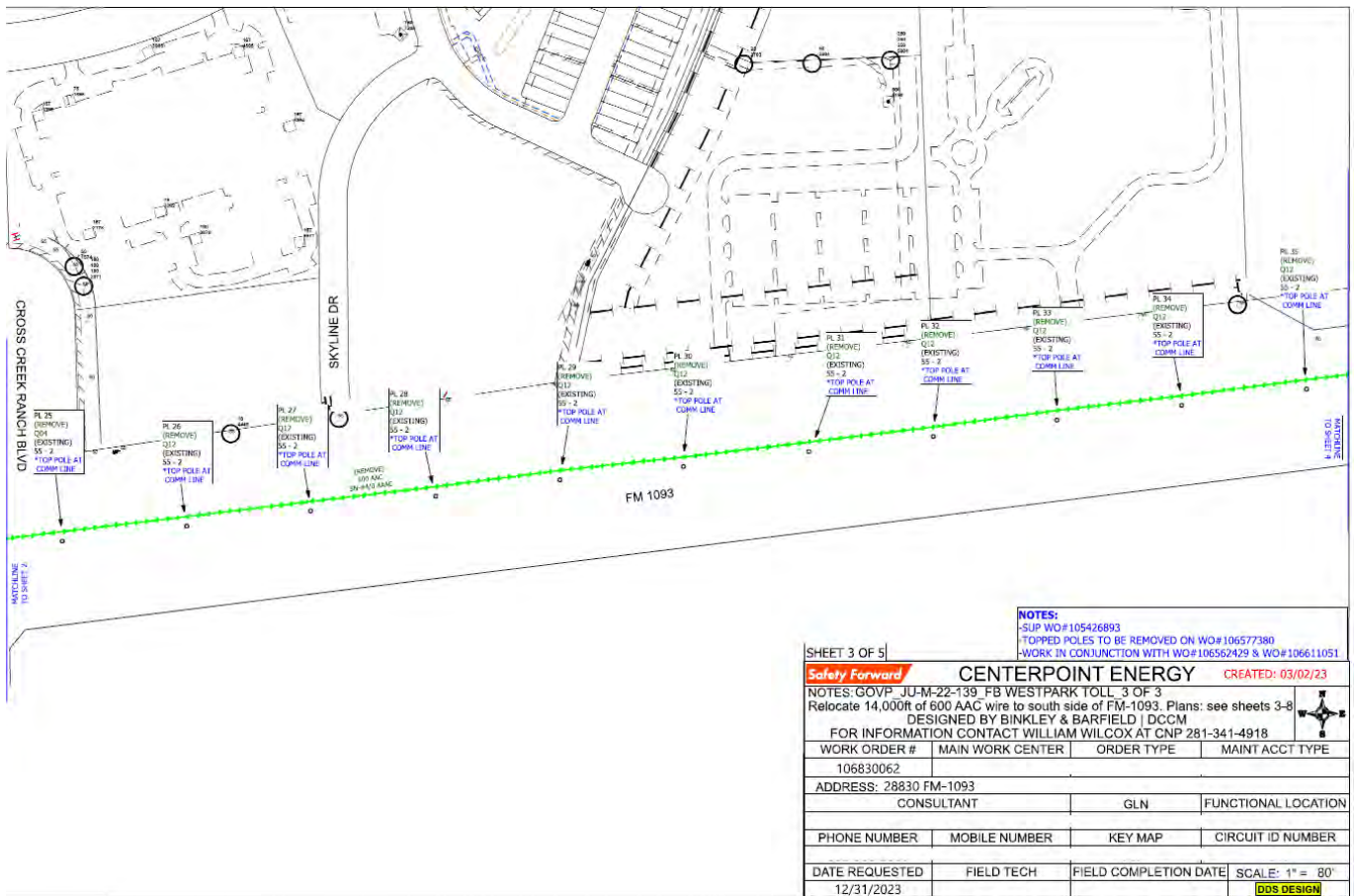


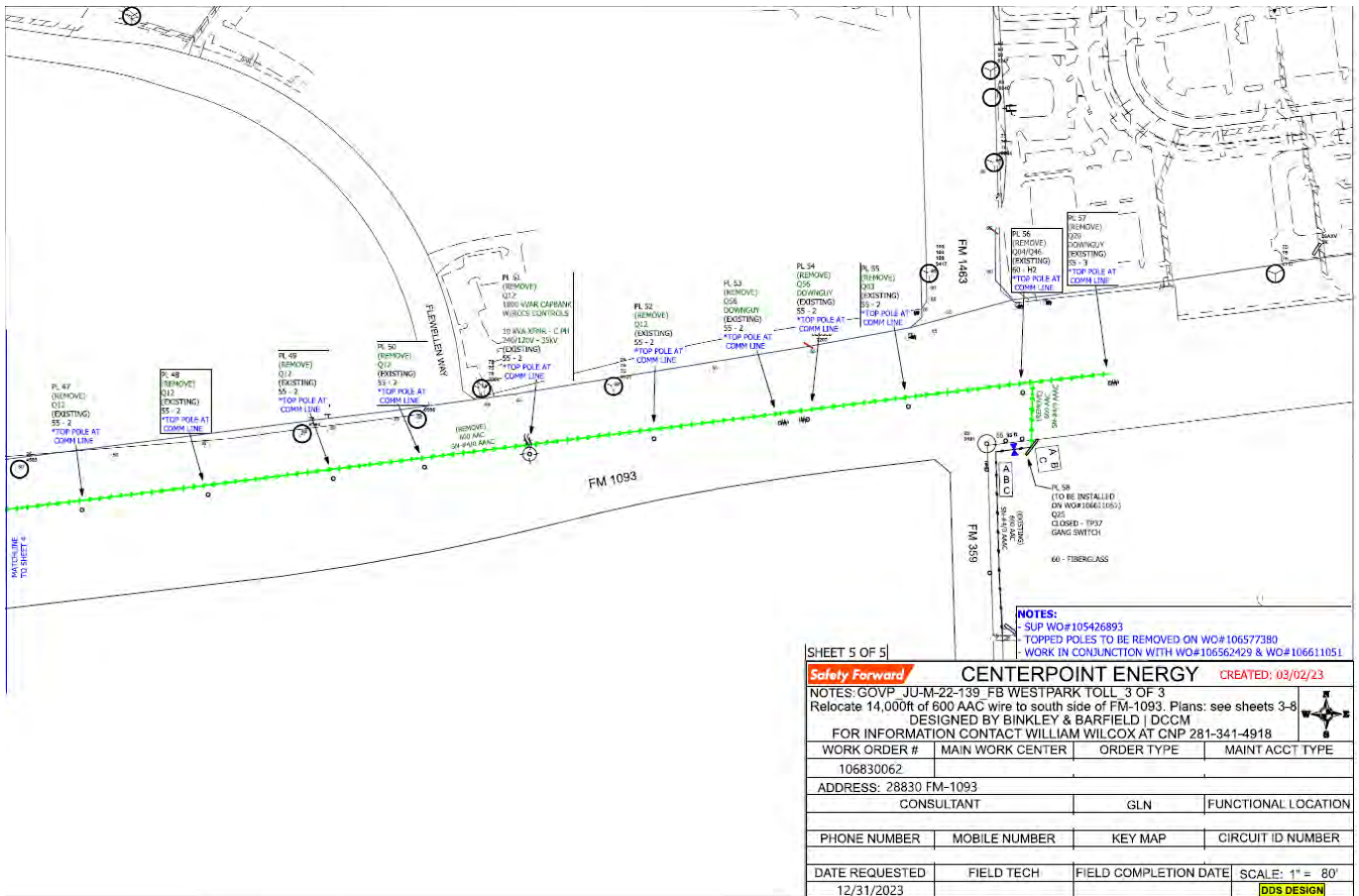


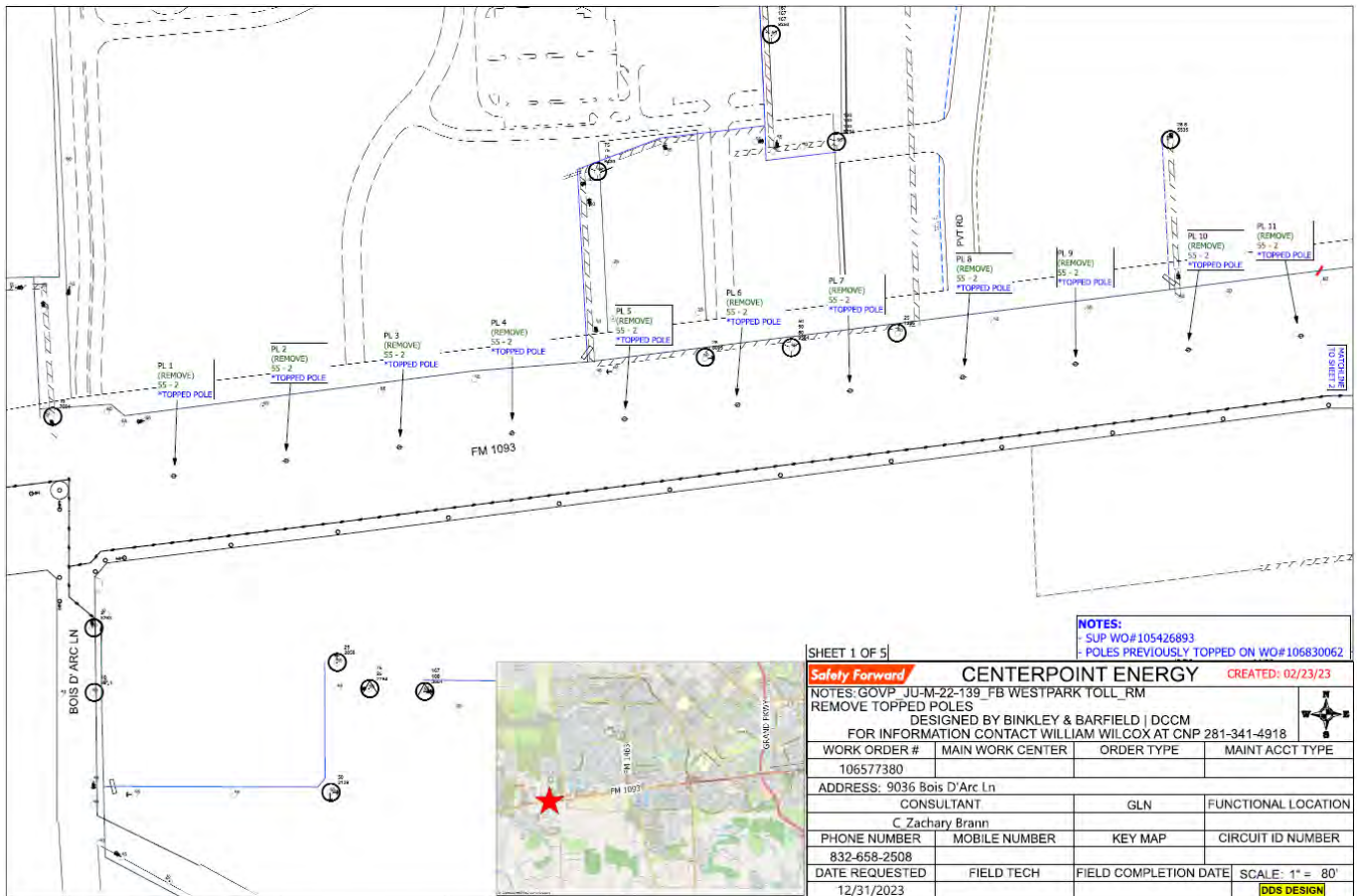


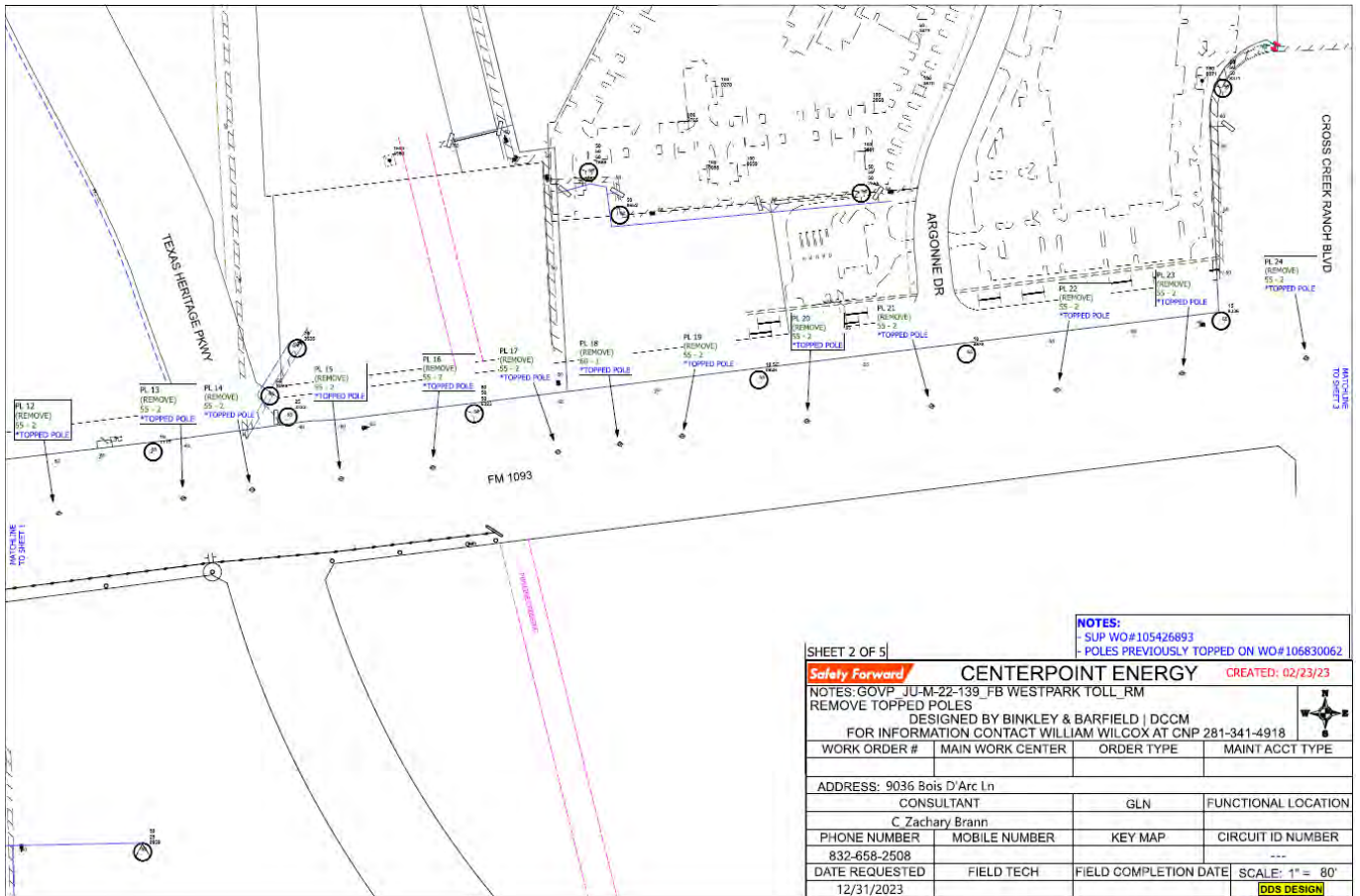
SHEET 2 OF 5

CENTERPOINT ENERGY			
NOTES: GOVP JU-M-22-139, FB WESTPARK TOLL, 3 OF 3			
Relocate 14,000ft of 600 AAC wire to south side of FM-1093. Plans: see sheets 3-8			
DESIGNED BY BINKLEY & BARFIELD DCCM			
FOR INFORMATION CONTACT WILLIAM WILCOX AT CNP 281-341-4918			
WORK ORDER #	MAIN WORK CENTER	ORDER TYPE	MAINT ACCT TYPE
106830062			
ADDRESS: 28830 FM 1093		GLN	FUNCTIONAL LOCATION
PHONE NUMBER	MOBILE NUMBER	KEY MAP	CIRCUIT ID NUMBER
DATE REQUESTED	FIELD TECH	FIELD COMPLETION DATE	SCALE: 1" = 80'
12/31/2023			DDS DESIGN









NOTES:
- SUP WO#105426893
- POLES PREVIOUSLY TOPPED ON WO#106830062

SHEET 2 OF 5

Safety Forward

CENTERPOINT ENERGY

CREATED: 02/23/23

NOTES: GOVP JU-M-22-139_FB WESTPARK TOLL_RM
REMOVE TOPPED POLES
DESIGNED BY BINKLEY & BARFIELD | DCCM
FOR INFORMATION CONTACT WILLIAM WILCOX AT CNP 281-341-4918

WORK ORDER #

MAIN WORK CENTER

ORDER TYPE

MAINT ACCT TYPE

ADDRESS: 9036 Bois D'Arc Ln

CONSULTANT

GLN

FUNCTIONAL LOCATION

PHONE NUMBER

MOBILE NUMBER

KEY MAP

CIRCUIT ID NUMBER

DATE REQUESTED

FIELD TECH

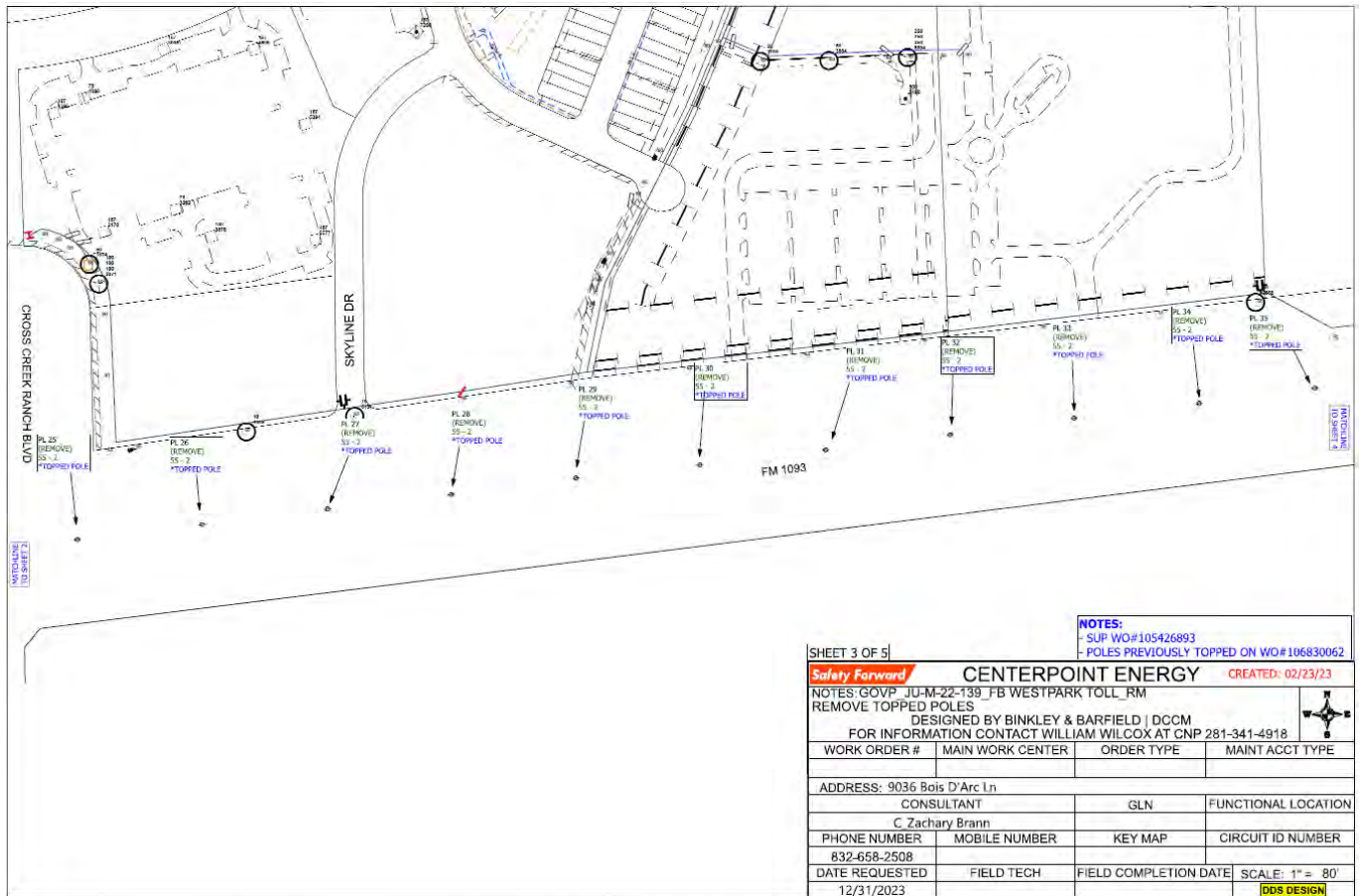
FIELD COMPLETION DATE

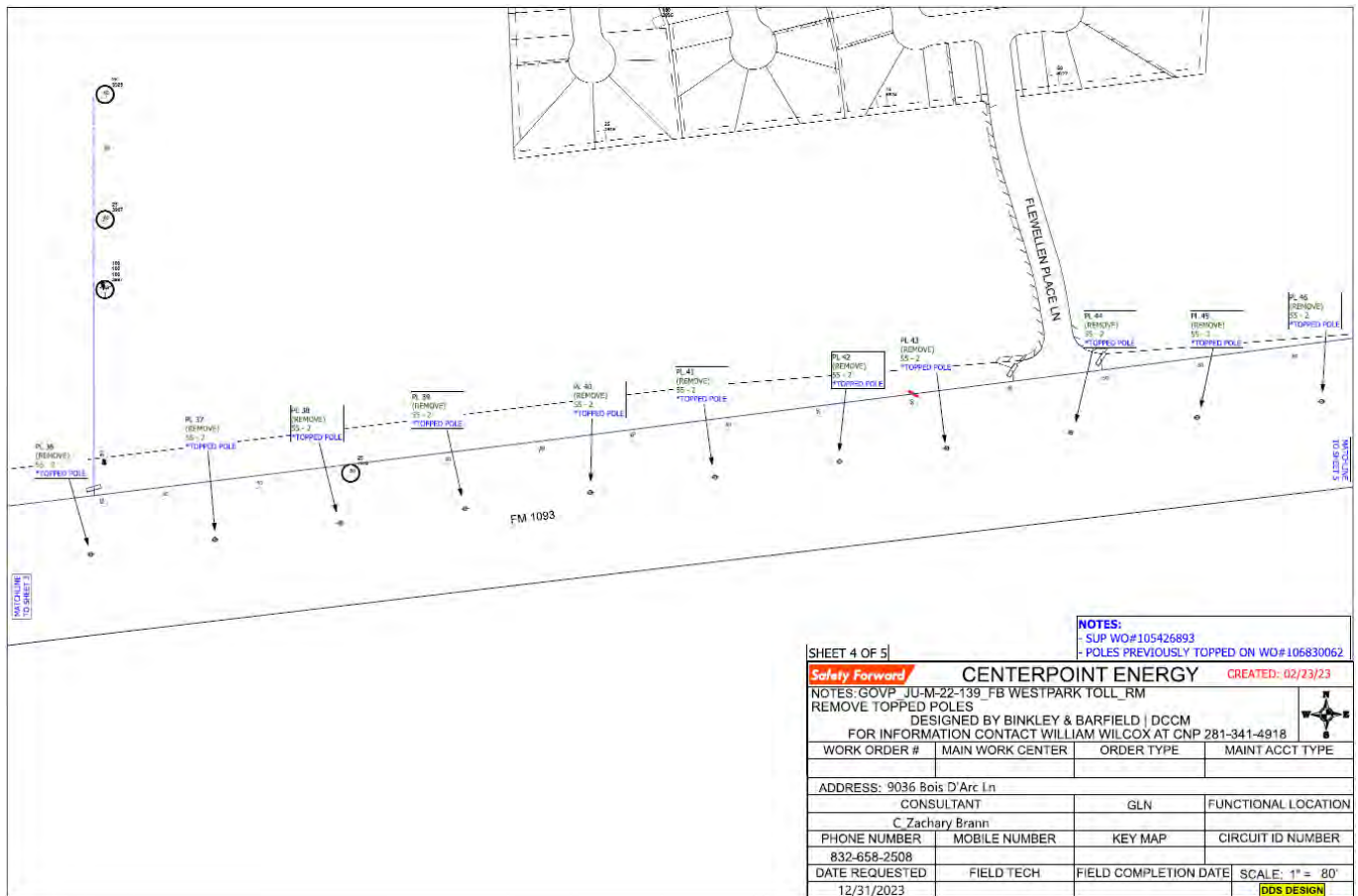
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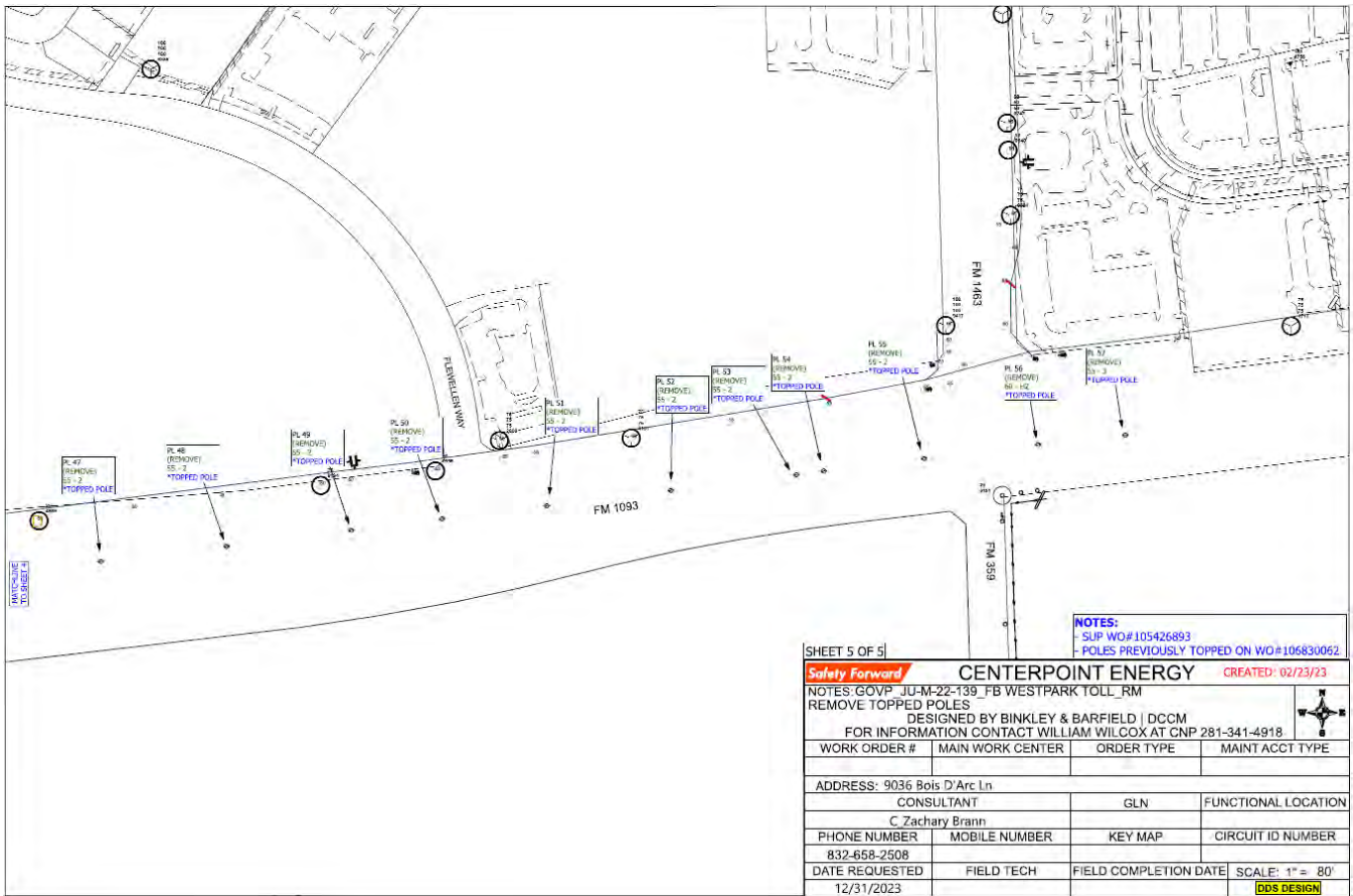
832-658-2508

12/31/2023

ODS DESIGN







SHEET 5 OF 5

NOTES:

- SUP WO#105426893

- POLES PREVIOUSLY TOPPED ON WO#106830062

Safety Forward

CENTERPOINT ENERGY

CREATED: 02/23/23

NOTES: GOV# JU-M-22-139_FB WESTPARK TOLL_RM

REMOVE TOPPED POLES

DESIGNED BY BINKLEY & BARFIELD | DCCM

FOR INFORMATION CONTACT WILLIAM WILCOX AT CNP 281-341-4918

WORK ORDER #

MAIN WORK CENTER

ORDER TYPE

MAINT ACCT TYPE

ADDRESS: 9036 Bois D'Arc Ln

CONSULTANT

GLN

FUNCTIONAL LOCATION

PHONE NUMBER

MOBILE NUMBER

KEY MAP

CIRCUIT ID NUMBER

DATE REQUESTED

FIELD TECH

FIELD COMPLETION DATE

SCALE: 1" = 80'

832-658-2508

12/31/2023

BDS DESIGN

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