

behalf of the U.S. Entity in accordance with its prevailing practices at the time the transmission is purchased or creates any rights of British Columbia to obtain transmission from Bonneville Power Administration not acting in its capacity as or on behalf of the U.S. Entity other than in accordance with such prevailing practices.

- 4.5. Notwithstanding British Columbia's election and notification under Section 4.2, British Columbia may suspend any or all elections made pursuant to Section 4.2 during the period specified in Section 4.2(c) provided that British Columbia holds Bonneville harmless from all additional costs, if any, that Bonneville may incur as a result of such suspension. Unless otherwise agreed, British Columbia may only exercise the foregoing right to suspend any or all elections one time during the term of this Agreement.

5. Mutually Agreeable United States Delivery

- 5.1. In addition to disposals pursuant to Section 3 and disposals subsequent to delivery pursuant to Section 4, British Columbia may dispose of all or portions of the Canadian Entitlement from time to time within the United States, provided that in connection with any such disposal British Columbia either:
- (a) enters into an agreement with Bonneville that is not inconsistent with the Treaty and provides for delivery of the Canadian Entitlement at Points of Entitlement Delivery in accordance with the terms of such agreement. Delivery at Points of Entitlement Delivery in accordance with any such agreement shall satisfy the U.S. Treaty obligation with respect to such portions delivered, or,
 - (b) enters into a commercial agreement with the Bonneville Power Administration not acting in its capacity as or on behalf of the U.S. Entity that provides for a reduction of the U.S. obligation to deliver the Canadian Entitlement. Whenever such an agreement under this subsection (b) is entered into, British Columbia shall provide to Bonneville a written instrument that sets forth a legally binding acknowledgement that the obligation of the United States under the Treaty to deliver Canadian Entitlement is reduced for the period and in the amount agreed to under such commercial agreement.