



Article 34 bis.- Every time in a Summary Possession Trial, referred to in Title IV of Book III of the Chilean Civil Procedure Code, the judge decrees the suspension or stoppage of the works executed by virtue of an electric concession, the effects of such suspension shall be in turn suspended, if the electric concessionaire consigns an adequate surety in the current account of the Court, that is enough to cover for the demolition of the works or the compensation of the harms that may follow in case of continuing such works, if the Courts determines it by final sentence. For these purposes, in a 3 day term counted from the date the resolution that decrees the stoppage of the works, or in the term of 3 days from the date of the resolution referred to in article 565 of the Chilean Civil Procedure Code, as appropriate, the judge will set the amount of the surety referenced above. The suspension of the effects of the order of the stoppage or suspension of the works will take place from the moment such amount is entered in the Court.

Matters that arise in relation to the amount of the surety set by the judge will be treated as an incident, and in no case will affect the suspension of the order of stoppage of the works if the concessionaire had entered the fixed amount. In cases where the incident requires an expert's report, the expenses and fees originated will be borne by the owner of the concession. The expert will be appointed by the judge. Notwithstanding the foregoing, if the plaintiff is defeated in trial, they will be ordered to cover the cost of the referred expert's report, in addition to the payments for all other legal expenses to which they may be ordered to pay.

Once the incident is concluded, and it is determined that the amount of the surety should be higher than the one initially fixed, the concessionaire shall consign within the next 15 business days, the difference of such amount in Court. If not, the suspension of the order of stoppage of the works shall be lifted. In case the amount of the surety is lower than the one initially fixed, the judge will provide the difference of the surplus, within the term of 3 days counted from the resolution.

Likewise, the owners or holders of the works executed to establish NCRE projects, its transmission lines, substations and access roads, in privately-owned or third party assets, by virtue of contracts, easements, concessions granted in accordance with paragraph I, Title III of Decree N° 1,939 of the Ministry of Lands and Colonization of 1977, or any other title, may enter the surety under the terms established in the previous paragraphs, originating the same effects established in the Summary Possession Trials referenced in Title IV of Book III of the Chilean Civil Procedure Code, when the action that originates such trials is founded in concessions of administrative or judicial nature, for the exploration or exploitation of mineral or geothermic resources.

Entering the appointed surety guaranty will not affect the fulfillment of the environmental regulations in force and the international Conventions subscribed by Chile regarding native people.

The effects of the order of stoppage and/or suspension of the works may not be suspended when the executed works to establish NCRE generation projects its transmission lines, substations and access roads, consider the use of indigenous lands

with ancestral use, defined in the Convention N° 169 of the International Labor Organization or in lands belonging to agricultural communities referred to in Decree N° 5 of the Ministry of Agriculture of 1967. The above mentioned shall not proceed if the owners, co-proprietors or holders express their agreement with the use of the surety, pursuant to the requirements of willingness manifestation referred to in Law N° 19,253 and the previous quoted regulations. However, the executions of actions or contracts shall fulfill the requirements established in the legal provisions previously indicated.