

From: Steven Tabackman <Steven.Tabackman@ferc.gov>
Date: December 30, 2011 1:56:37 PM MST
To: "McSwain, William M." <William.McSwain@dbr.com>
Cc: Lauren Rosenblatt <Lauren.Rosenblatt@ferc.gov>, Thomas Olson <Thomas.Olson@ferc.gov>, Cathleen Colbert <Cathleen.Colbert@ferc.gov>, Janel Burdick <Janel.Burdick@ferc.gov>, "O'Donnell, Earle" <eodonnell@washdc.whitecase.com>, "Estes III, John N." <John.Estes@skadden.com>
Subject: RE: Presentation of Powhatan Position

Dear Bill:

I am responding to your two emails from Friday, December 16.

Regarding DOI's Third Data Request, we do not agree that Powhatan "has already provided [staff] with a full and complete response to the third data request." Staff views Powhatan's

refusal to provide clear answers to our questions, in the simple format requested, as a refusal to cooperate with this formal investigation.

With respect to your request for a meeting, and as we previously noted, the investigation team is open to hearing from you, your client, and your experts if you would like to come to our offices. Therefore, Tom Olson, Lauren Rosenblatt, analysts working on this matter, and I are available to meet with you at FERC Headquarters. Senior staff of the Division of Investigations and the Office of Enforcement will not be making themselves available for a presentation at this stage in the investigation. Our strong preference is to have that meeting no later than the week of January 16, even sooner if that is at all possible.

Please let me know as soon as possible what dates work for you and your colleagues, who will be attending, and whether the presentation requires anything logistical preparation on this end other than reserving space.

Steve Tabackman

Steven C. Tabackman
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T: (202) 502-8311

From: McSwain, William M. [mailto:William.McSwain@dbr.com]
Sent: Friday, December 16, 2011 6:19 PM
To: Steven Tabackman
Cc: Lauren Rosenblatt; Thomas Olson; Cathleen Colbert; Janel Burdick; O'Donnell, Earle; 'Estes III, John N.'
Subject: RE: Presentation of Powhatan Position

Steve:

Thanks for your note. We anticipate a joint Powhatan/HEEP & CU Fund meeting involving the three experts that have submitted affidavits thus far: Richard Wallace, Dr. Richard Tabors and Dr. Craig Pirrong. We also request that senior leadership in FERC's Office of Enforcement and Division of Investigations attend the meeting, such as Mr. Bay, Mr. Gasteiger, Mr. Parkinson, Ms. Watson and/or Ms. Rosenblatt, as well as senior technical staff. The best dates for us would be either January 24 or January 31, preferably in the afternoon (but we could also meet in the morning).

Please let me know if one of those dates would work for you.

Thanks,

Bill McSwain

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May Contain Privileged and Confidential Attorney-Client Communication

From: Steven Tabackman [mailto:Steven.Tabackman@ferc.gov]
Sent: Tuesday, December 06, 2011 9:14 AM
To: McSwain, William M.; Estes III, John N.; O'Donnell, Earle
Cc: Lauren Rosenblatt; Thomas Olson; Cathleen Colbert; Janel Burdick
Subject: Presentation of Powhatan Position

Dear Bill, John, Earle:

Several people have observed that the portion of my letter to Bill yesterday may have conveyed the wrong impression about our receiving your presentation regarding Powhatan's (and, inferentially Mr. Chen's) position on the trades at issue. I did *not* intend to suggest that we will hear your presentation simply or solely because it is our practice to listen to presentations. While we have confidence in our analysis to this point, we are by no means set in our views, and we welcome the opportunity to hear and carefully consider a different analysis. I look forward to receiving your list of suggested dates for our meeting.

Sincerely,

Steve Tabackman

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