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April 30, 2012

**Via Email**

James C. Owens  
Federal Energy Regulatory Commission  
Division of Investigations, Office of Enforcement  
888 First Street, N.E.  
Room 5H-01  
Washington, D.C. 20426

**Re: Fourth Data Request to Powhatan Energy Fund LLC in *In Re PJM Up-to  
Congestion Transactions*, Docket No. IN10-5-000**

Dear Mr. Owens:

This letter serves as the response to the above-listed fourth data request, dated April 17, 2012. As I have stated in previous correspondence, we are not required to produce documents that are already in your possession, nor are we required to respond to interrogatories. Nevertheless, in the spirit of cooperation, we provide the following information.

Regarding Request No. 21 for information that Dr. Richard Tabors considered or relied upon in drafting his affidavit of October 21, 2011, I remind you that the affidavit itself lists the information that Dr. Tabors relied upon. If you have additional questions about what Dr. Tabors considered or relied upon, we have agreed to make him available to you for a "fact" deposition on May 14. The reference on page 19 of the affidavit to "records recently provided by Dr. Chen regarding his UTC transactions" refers to the data that Dr. Chen's counsel, Mr. Estes, provided to FERC back on December 13, 2010. I have previously mentioned this data in my correspondence of November 14 and November 29, 2011.

Regarding Request No. 22 for information that Richard Wallace considered or relied upon in drafting his affidavit of October 21, 2011, I remind you that paragraph two of the affidavit lists the information that Mr. Wallace relied upon. That list includes "the deposition transcripts and related exhibits of Kevin Gates' depositions, dated September 23, 2010 and September 7, 2011." Those deposition exhibits include documents that fall within the date range specified in the fourth data request (June 1, 2007 to August 1, 2010), but you already have those documents, as they come from your depositions. If you have additional questions about what Mr. Wallace considered or relied upon, we have agreed to make him available to you, like Dr. Tabors, for a "fact" deposition on May 14.

James C. Owens

April 30, 2012

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It is also worth noting that on October 21, 2011, we provided FERC with two large volumes of all the materials cited in the Powhatan position paper, as well as in the Tabors and Wallace affidavits. The materials cited in the affidavits were categorized as cases, FERC authorities and other authorities.

Finally, regarding Request No. 23, Powhatan did search the files of Dr. Chao Chen, Richard Gates and Gregory Sekelsky in response to prior FERC data requests.

I have enclosed affidavits from Dr. Tabors, Mr. Wallace and Kevin Gates, attesting to the accuracy of the contents of this response. Please contact me if you have any questions.

Sincerely yours,



William M. McSwain

Enclosures

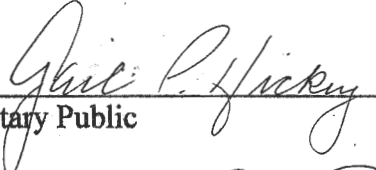
cc: Steven C. Tabackman (via email, w/ encls.)  
Thomas Olson (via email, w/ encls.)  
Lauren Rosenblatt (via email, w/ encls.)  
John N. Estes III (via email, w/ encls.)

**AFFIDAVIT**

RICHARD D. TABORS, being duly sworn, deposes and states under penalty of perjury that the response to Request No. 21 from the April 17, 2012 Data Requests of FERC Office of Enforcement constitutes a true, complete and accurate response to the best of his knowledge, information, and belief.

  
Richard D. Tabors

Subscribed and sworn to before me this 30<sup>th</sup> day of April, 2012:

  
Notary Public

Printed Name: GAIL P. HICKEY

My Commission Expires: July 22, 2016

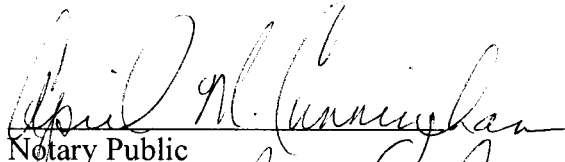


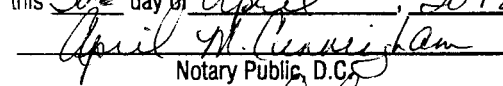
**AFFIDAVIT**

RICHARD G. WALLACE, being duly sworn, deposes and states under penalty of perjury that the response to Request No. 22 from the April 17, 2012 Data Requests of FERC Office of Enforcement constitutes a true, complete and accurate response to the best of his knowledge, information, and belief.

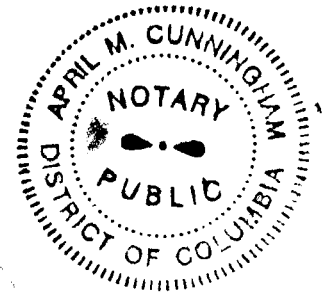
  
Richard G. Wallace

Subscribed and sworn to before me this 30 day of April, 2012:

  
Notary Public  
Printed Name: April M. Cunningham  
My Commission Expires: July 14, 2012

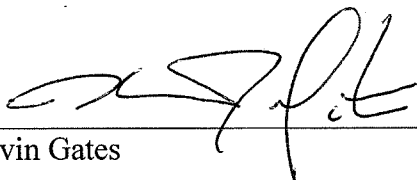
District of Columbia : SS  
Subscribed and Sworn to before me, in my presence,  
this 30<sup>th</sup> day of April, 2012  
  
Notary Public, D.C.  
My commission expires July 14, 2012

APRIL M. CUNNINGHAM  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires July 14, 2014



**AFFIDAVIT**

KEVIN GATES, being duly sworn, deposes and states under penalty of perjury that the response to Request No. 23 from the April 17, 2012 Data Requests of FERC Office of Enforcement constitutes a true, complete and accurate response to the best of his knowledge, information, and belief.

  
\_\_\_\_\_  
Kevin Gates

Subscribed and sworn to before me this 1st day of May, 2012:

  
\_\_\_\_\_  
Notary Public

Printed Name: Joyce M. Herkins

My Commission Expires: Aug 18, 2012

