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February 12, 2014

Via Email

Steven C. Tabackman
Federal Energy Regulatory Commission
Office of Enforcement, Division of Investigations
888 First Street, N.E.
Room 51-69
Washington, D.C. 20426

Re: Enforcement Staff's Investigation of Up To Congestion Transactions by Dr. Houlian Chen on Behalf of Himself and the Principals of Huntrise Energy Fund LLC and Powhatan Energy Fund, LLC, Docket No. IN10-5-000

Dear Steve:

Thank you for your letter of January 23, 2014. We appreciate your efforts to remedy FERC's violation of federal law by removing my January 13, 2014 letter from FERC's public website. Unfortunately, however, your refusal to investigate the identities of the people who may have accessed the January 13, 2014 letter has placed my clients in a difficult situation.

FERC has been investigating the Up to Congestion Transactions referenced above for over three years and we believe it is well past time for the investigation to end. You told me back in October 2011 that a charging decision was imminent and now, over two years later, little has happened – other than putting my clients through monumental expense and aggravation for conduct that was perfectly legal.

Please contact me by February 28, 2014 to discuss the termination of the above investigation, which I would like you to confirm in writing, pursuant to FERC's May 15, 2008 Revised Policy Statement on Enforcement. If I do not hear from you or one of your colleagues by that date, Powhatan will publicly launch and actively promote its website.

Sincerely yours,



William M. McSwain

Steven C. Tabackman

February 12, 2014

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cc: Norman C. Bay (via email)
Larry D. Gasteiger (via email)
Larry R. Parkinson (via email)
David Appelbaum (via email)
Lee Ann Watson (via email)
Sean Collins (via email)
Lauren Rosenblatt (via email)
James Owens (via email)
Cathleen Colbert (via email)
Janel Burdick (via email)
PJM – Up To Team (via email)
John N. Estes III (via email)