

FEDERAL ENERGY REGULATORY COMMISSION
Office of Enforcement
Washington, D.C. 20426



September 5, 2014

BY EMAIL

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**Re: Materials Pertaining to the Investigation of Up-to Congestion
Trading by Houlian Chen**

Dear Mr. Estes and Mr. McSwain:

On September 3, 2014, we sent you a letter (September 3 Letter) responding to your letter dated August 27, 2014, in which you jointly requested that "Staff disclose all data or information required to be disclosed pursuant to the Commission's Policy Statement on Disclosure of Exculpatory Materials, 129 FERC ¶ 61,248 (2009) ("*Brady* Policy Statement") or, in the alternative, confirm that Staff does not possess any such materials." August 27, 2014 Letter at 1 ("*Brady* Request").

Our September 3 Letter explained that staff did not believe that it was in possession of any material required to be produced under what you referred to as the Commission's "*Brady* Policy". The September 3 Letter also noted, however, that, consistent with our prior practice, we would be providing you with "certain materials not subject to the Commission's *Brady* Policy Statement but which appear to pertain to this matter." September 3 Letter at 3. We hereby provide such materials.

For your convenience, we provide the following description of the materials being produced.

Transcripts

On September 3, 2014, we sent you an email explaining that we had authorized you to purchase additional deposition transcripts from ACE Federal Reporters. It is our understanding that ACE Federal is not in possession of some or all of the deposition exhibits. Consequently, we are producing to you the exhibits associated with each of the following depositions:

- Lawrence S. Eiben (Sept. 23, 2010)
- Kevin J. Gates (Sept. 23, 2010)
- Houlian Chen (Oct. 7, 2010)
- Robert Steele (Apr. 7, 2011)
- Kevin J. Gates (Sept. 7, 2011)
- Gregory M. Sekelsky (May 7, 2012)
- Richard J. Gates (May 7, 2012)
- Richard J. Gates (May 8, 2012)
- Chao Chen (May 8, 2012)
- Richard G. Wallace (May 14, 2012)
- Richard D. Tabors (May 14, 2012)

Exhibits associated with the July 20, 2011 deposition of Houlian Chen will be provided next week under separate cover.

Additional Materials

We are in the process of preparing additional materials for production. We anticipate being able to provide you with them next week.

Sincerely,

/s/

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cc: David Applebaum, Esq.