UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Yukon Pacific Company, L.P.	)))	Docket No. CP88-105-000

MOTION OF YUKON PACIFIC COMPANY, L.P. FOR FIFTH EXTENSION OF TIME TO COMMENCE CONSTRUCTION

Pursuant to Rules 212 and 2008 of the Federal Energy Regulatory Commission's (Commission) rules of practice and procedure,[1] Yukon Pacific Company, L.P. (Yukon Pacific) hereby requests the Commission to further extend through May 22, 2013, the time within which Yukon Pacific may commence construction of the liquefied natural gas (LNG) facilities authorized in this docket.

This is Yukon Pacific's fifth request for an extension.[2] In its prior requests, Yukon Pacific contemplated that further extensions might be necessary in light of the numerous factors influencing the construction commencement date that Yukon Pacific cannot necessarily control. Additional time is needed to secure market and capital commitments necessary for construction to commence. An extension is appropriate and will not harm the public for the same reasons cited in prior requests, namely: (i) there has been no change in the fundamental predicates upon which the Commission's 1995 approval was based, and in any event, any such changes can be addressed through pre-established review procedures, (ii) the Commission's approval contemplates that extensions might

1 18 CFR §§ 385.212 *(Motions)* and 385.2008 *(Extensions of Time)*.

2 Yukon Pacific's four prior requests were filed on March 17, 1998, March 20, 2001, March 9, 2004 (107 FERC ¶ 61,110), and March 20, 2007. The Commission granted each request. The Commission's Office of Energy Projects granted the most recent extension under delegated authority in a letter dated May 18, 2007.

be necessary, (iii) neither American nor foreign consumers will be harmed by an extension, (iv) Yukon Pacific has made meaningful progress towards meeting the conditions of the Commission's site approval, and (v) a failure to extend the construction deadline will undermine the export project, and thereby strand over $100 million of private investment, thwart one of the limited prospects for bringing North Slope gas to market, and deny the United States the opportunity to realize substantial economic and energy security benefits.

There is now an additional reason for extending Yukon Pacific's deadline. Since the Commission's 2007 extension, industry efforts to commercialize North Slope gas have increased dramatically. The most visible and meaningful of these are the "pre-filing" steps taken by the two leading projects for delivering North Slope gas to Alaska and Lower-48 markets.[3] The implementation of either project would greatly facilitate LNG exports by, among other things, creating pipeline infrastructure that can be leveraged. Given these developments, it is important that the LNG option represented by Yukon Pacific's proposal remains viable as the "open-season" and other market-related activities for these projects play out. The ongoing effectiveness of the place of export approval granted in this docket is critical to that viability.

In support of this requested extension of time, Yukon Pacific respectfully states as follows:

I. BACKGROUND

In 1987, Yukon Pacific filed an application seeking Commission authorization pursuant to section 3 of the Natural Gas Act for the siting, construction, and operation of a natural gas liquefaction plant and related

[3] TransCanada Alaska Company LLC, Docket No. PF09-11-001, and Denali - The Alaska Gas Pipeline LLC, Docket No. PF08-26-001.

facilities at Anderson Bay, Port Valdez, Alaska to export LNG to Japan, the Republic of Korea, and Taiwan. The LNG plant will liquefy natural gas received from the terminus of Yukon Pacific's proposed non-jurisdictional, intrastate pipeline. The pipeline will originate on Alaska's North Slope.

Yukon Pacific's proposed pipeline, Anderson Bay liquefaction facilities, and fleet of LNG tankers are collectively referred to as the Trans-Alaska Gas System (TAGS). On May 22, 1995, the Commission approved the Anderson Bay site.[4] It found the export site and LNG facilities both safe and environmentally acceptable so long as constructed and operated in accordance with certain conditions and mitigation measures. The approval was based primarily upon a final environmental impact statement (FEIS) that thoroughly evaluated the LNG facilities' potential impacts on the environment.[5]

As part of its approval, the Commission stated that "[c]onstruction of the Anderson Bay facilities must commence within three years of the date of this order,"[6] or Yukon Pacific "shall file a motion to extend this deadline."[7] Yukon Pacific has sought and the Commission has granted four three-year extensions, with the most recent extension expiring on May 22, 2010. For good cause shown, Yukon Pacific hereby seeks a further three-year extension of the construction commencement deadline.

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4 Yukon Pacific Company, L.P., 71 FERC ¶ 61,197 (1995), *reh'g denied*, 72 FERC ¶ 61,226 (1995). The Commission's place of export approval and the Department of Energy's export approval were challenged by the sponsors of the Alaska Natural Gas Transportation System in complaints and petitions to the United States Court of Appeals for the D.C. Circuit (*see* Foothills Pipe Lines, Ltd., *et al.* v. FERC, Case No. 95-1368, and Alaskan Northwest Natural Gas Transportation Company, *et al.* v. DOE, Case Nos. 90-1012 and consolidated cases). In response to a motion by petitioners and complainants for voluntary dismissal, the court dismissed all of these appeals with prejudice by order dated November 7, 1995.

5 *"Yukon Pacific LNG Project, Final Environmental Impact Statement,"* issued by the Federal Energy Regulatory Commission, Office of Pipeline Regulation, March 1995 (FERC/EIS-0071).

6 Yukon Pacific, *supra.*, Ordering Paragraph *A*, at p. 61,707-708.

7 *Id*. at p. 61,709 (Appendix, Condition No. 12).

II. UPDATE

Yukon Pacific's prior requests describe the advancement of the TAGS project through early 2007. This section highlights key developments that have occurred since that time.

Advancement of North Slope Gas Projects. As noted, the two leading proposals for domestically commercializing North Slope gas have initiated their "pre-filing" process with the Commission. TransCanada Alaska Company, LLC (TC Alaska) and Denali–The Alaska Gas Pipeline LLC (Denali) both recently filed requests for Commission approval of their "Open Season" plans. The TC Alaska plan was approved by the Commission on March 31, 2010,[8] and includes the option of delivering gas to Valdez for liquefaction and export by third parties. Denali does not include a Valdez option, but it would offer delivery points (*e.g.*, Delta Junction) that would greatly reduce the length of pipeline required for the TAGS project. These filings represent tangible and meaningful progress in the effort to commercialize North Slope gas reserves and will only serve to increase interest among buyers in all potential markets. Further, multiple users offer the potential for the spreading of infrastructure costs, thereby increasing the ability to price the gas more competitively.

In addition to the TC Alaska and Denali proposals, there has been much discussion and activity in recent years around the concept of a "bullet line" that would deliver North Slope gas directly to Southcentral Alaska, including Anchorage, which has been facing declining Cook Inlet gas reserves and deliverability. For example, the Alaska State Legislature is in the midst of considering legislation that would provide for a State gas development team and authority to issue bonds to support the financing of an in-State pipeline project.[9]

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8 *Order Approving Plan for Conducting an Open Season*, 130 FERC ¶61,263 (March 31, 2010).

9 *See* HB369 at www.legis.state.ak.us/basis/get_bill_text.asp?hsid=HB0369E&session=26; *see also,* Anchorage Daily News, April 14, 2010, *Countdown to Adjournment in Juneau*, ("A proposal to put the Alaska Housing Finance Corp. in charge of planning a small natural gas pipeline from the North Slope to Southcentral Alaska looks like it's going to pass this year. AHFC would have to get a project plan to the Legislature by July 2011. Then lawmakers could decide whether the state should subsidize the multi-billion dollar project.")

Taken together, these various intrastate and interstate gas pipeline projects represent a heightened interest from the marketplace in accessing North Slope gas reserves. Though distinct from the LNG exports proposed by Yukon Pacific, each project holds promise for a symbiotic relationship that would enhance the prospects for TAGS' near-term commercial viability. At the same time, so long as the prospect for LNG exports remains viable, it enhances the prospects for projects seeking to serve other demands.[10]

The Commission's reports to Congress under section 1810 of the Energy Policy Act of 2005[11] capture other key, relevant developments on progress made towards licensing and constructing projects for accessing North Slope gas, including those associated with the TAGS project.[12] We therefore hereby incorporate those reports by reference.

AGIA Application. In mid-2007, the Alaska State Legislature enacted the Alaska Gasline Inducement Act (AGIA) to induce investments in a gas pipeline to bring North Slope gas to market. AGIA enables the State to receive competitive applications, grant an exclusive and enforceable license, and provide the licensee matching contributions of up to $500 million for gas pipeline related expenditures. In November 2007, and with the support of Yukon Pacific, the Alaska Gasline Port Authority (AGPA)[13] submitted an application for the AGIA

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10 For example, the Alaska Natural Gas Development Authority's stated mission is to "develop a natural gas pipeline from Prudhoe Bay to tidewater on Prince William Sound and a spur line to the gas distribution grid in Southcentral, Alaska" (*see* www.angda.state.ak.us). Underlying this laudable goal is the inherent recognition that building a pipeline from the North Slope dedicated only to serving the relatively small Southcentral Alaska gas market is a costly and dubious proposition. On the other hand, leveraging the TAGS project infrastructure so that all that is required is a "spur" line, alters the economic picture dramatically.

11 P.L. 109-58, 119 Stat. 594 (2005), 42 U.S.C. § 15801 *et seq.*

12 To date, the Commission has submitted nine reports to Congress. The most recent report was submitted on February 26, 2010.

13 As previously reported, Yukon Pacific's parent, CSX Corporation, entered into an agreement with the AGPA providing incentives for AGPA to exclusively pursue meaningful initiatives for advancing the TAGS project (AGPA Agreement). AGPA is an Alaskan municipal entity formed by the citizens of the City of Valdez, the Fairbanks North Star Borough, and the North Slope Borough. Its charter is to build or cause to be built a natural gas pipeline project from Prudhoe Bay to Valdez, and to advance the commercialization of Alaska's abundant North Slope natural gas resource. Consistent with its charter, AGPA has undertaken a number of important initiatives to promote and advance the TAGS project's commercial

license based on the TAGS project concept. The 14,000-page application consisted primarily of Yukon Pacific work product. Although the State ultimately selected TransCanada as the AGIA licensee, its decision denying AGPA's request for reconsideration committed to give full consideration to LNG projects in future decision making.[14]

Alaska Legislative and Administration Support. Ongoing efforts to promote the TAGS project[15] have helped solidify support from the State's legislators and the Governor. For example, in a July 23, 2008, letter of intent for the AGIA bill, House Legislators stated that "[t]o meet the Alaska Constitution's mandate to develop Alaska's resources for the maximum benefit to Alaskans, it is the intent of the legislature that the executive branch continues to aid project proposals in addition to just a TransCanada pipeline into Canada. It is the intent of the legislature that an AGIA license will enable and encourage an All Alaska gas line/liquefied natural gas (LNG) project within the TransCanada project."[16] Subsequently, Governor Palin issued Administrative Order 242, which directed the Department of Natural Resources to "assist entities, to the extent consistent

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development, including exploring domestic market opportunities to complement the international market opportunities for which Yukon Pacific already holds an export license. Though the AGPA Agreement expired by its terms in 2008, AGPA and Yukon Pacific have continued cooperating to promote the TAGS project and complementary North Slope gas development initiatives.

[14] *See* January 30, 2008, Letter from the Alaska Department of Natural Resources & Department of Revenue conveying the *Commissioners' Decision on Request for Reconsideration of Completeness Determination Under the Alaska Gasline Inducement Act*, wherein Commissioners Galvin and Irwin state:

> "The Commissioners recognize the importance to the State of undertaking a thorough evaluation of liquefied natural gas ("LNG") project options, and are committed to undertaking such an evaluation before determining whether a pipeline that goes through Canada will sufficiently maximize the benefits to the people of Alaska and merits issuance of a license. The information provided by the Port Authority will be valuable components of that evaluation."

[15] *See, e.g.*, B. Walker testimony before the Alaska Senate Resources Standing Committee on SB 104-Natural Gas Pipeline Project, March 26, 2007; B. Walker testimony before the Alaska House Special Committee on HB 177-Natural Gas Pipeline Project, March 29, 2007; M. Pierce and B. Walker report before the Fairbanks North Star Borough Assembly on the AGPA Appropriation, January 10, 2008; B. Walker testimony before the Alaska House Rules Committee on HB 3001 and SB 3001-Approving AGIA License, June 12, 2008; B. Walker, M Glick and D. Freer presentation before the State of Hawaii Committee on Beneficiary Advocacy and Empowerment on Alaska's Natural Gas Initiative, October 1, 2008; and B. Walker AGPA status briefing to ANGDA, January 14, 2009.

[16] *See* www.allalaskagasline.com/Documents/2008/LetterofIntent.pdf

with state and federal law, in pursuing development of an economically and technically viable liquefied natural gas (LNG) project in this state, such as the project envisioned by the Alaska Gasline Port Authority (AGPA)." [17]

GIS Update and Briefings on Project Assets. During 2008, Yukon Pacific consultant Three Parameters Plus, Inc. (3PPI) prepared and conducted a series of presentations to brief various North Slope gas stakeholders on Yukon Pacific's permits, engineering and other data, and other assets.[18] In advance of the briefings, Yukon Pacific engaged 3PPI to update its Graphical Information System (GIS) database, which provides views of all jurisdictional wetland determination and fish survey results for the TAGS project through the incorporation of thousands of site photographs. The presentations included a live demonstration of the GIS, and were designed to (i) educate stakeholders on the substantial body of work completed to date, (ii) solicit views on work that remains to be done, and (iii) explore possible means for leveraging other proposals for bringing North Slope gas to market. Notably, with respect to the two environmental impact statements (EISs) completed for the TAGS project,[19] feedback from key regulators indicated the EISs continue to have integrity due to a lack of substantial changes in environmental conditions, and likely will only require limited updating when the TAGS project proceeds.

Maintenance of TAGS Project Permits. Since 2007, Yukon Pacific has expended more than $300,000 in fees to maintain its federal and state right-of-way leases. Additionally, Yukon Pacific continues to comply with Department of Energy reporting requirements, maintain state and federal business affairs (licenses, bonds, insurance), engage consultants, and take other steps necessary

[17] *See* www.gov.state.ak.us/admin-orders/242.html

[18] Those briefed included: Enstar Natural Gas Company; the Alaska Natural Gas Development Authority; Little Susitna Construction Company; TransCanada Alaska Company, LLC; the Joint Pipeline Office; the Alaska Natural Gas Transportation Project's Office of the Federal Coordinator; the Army Corps of Engineers; various state agencies, including the Alaska Department of Fish and Game and the Department of Natural Resources; the Natural Resources Group; and AGPA.

[19] One EIS prepared in the context of the Federal Right-of-Way application (focusing on the pipeline route), and the other was prepared in the context of this docket (focusing on the place of export).

to preserve its regulatory approvals and further the TAGS project. On October 17, 2008, Yukon Pacific filed an application to extend its Conditional State of Alaska Right-of-Way. Despite the fact that Yukon Pacific has invested millions of dollars and thousands of hours researching, modeling, collecting data, and preparing designs, the Commissioner of the Department of Natural Resources found that Yukon Pacific had not shown "significant progress" towards a "fit, willing and able" determination. Because applicable procedural rules did not permit the protection of key proprietary information, Yukon Pacific's ability to support its position was severely constrained. As a result, Yukon Pacific's Conditional Right-of-Way was revoked in March of 2009. Though this is obviously a disappointing development, Yukon Pacific is not prejudiced from seeking a new lease, and will in fact do so when market conditions dictate. The process for doing so is relatively straightforward, and far less costly, cumbersome, and time consuming, for example, than the Commission's process for a place of export approval.

Updating of Asian LNG Demand. According to U.S. Energy Information Administration projections published in 2009, natural gas consumption in both Japan and South Korea is projected to increase by half a trillion cubic feet by 2030.[20] It is projected that nearly all of that demand will be met by LNG imports.[21] These markets are of course covered by Yukon Pacific's LNG export authorization.

III. BASIS FOR EXTENSION

Yukon Pacific will not be commencing construction of its LNG facilities by the extended May 22, 2010 deadline. Good cause, however, continues to exist for the Commission to extend Yukon Pacific's construction commencement deadline

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[20] *International Energy Outlook 2009* (www.eia.doe.gov/oiaf/ieo/pdf/0484(2009).pdf) at pp. 36-37 and Figure 35.

[21] *Id*. at p. 43 and Figure 38 ("Japan and South Korea continue to be almost entirely dependent on LNG imports for natural gas supplies. The two countries continue to be major players in LNG markets (with Japan representing 41 percent of global LNG imports in 2006 and South Korea 15 percent) despite consuming relatively small amounts of natural gas on a global scale (representing 3 and 1 percent, respectively, of world consumption in 2006).").

for an additional three (3) years. The fundamental conditions preventing construction from commencing as articulated in Yukon Pacific's prior request continue to prevail today. In its order granting that request, the Commission agreed that these conditions constituted good cause for an extension.[22] In the interest of expediency, we reiterate them below.

First, an extension is essential to the commercial success of the TAGS project. Yukon Pacific's competitiveness and commercial credibility will be severely, if not irreparably, harmed if its Anderson Bay construction deadline is not extended. The potential buyers of the LNG are acutely aware of the status of Yukon Pacific's progress, including the permits its holds, and consider such permits fundamental to the project's ongoing competitiveness. Though we of course cannot predict what the response will be to the Denali and TC Alaska open seasons, it would be a most inopportune time to foreclose the option of LNG exports from Valdez. As Asian buyers assess options for meeting their future incremental demand, it is good policy to leave the door open for Alaskan LNG exports, especially as the Denali and TC Alaska projects progress as a potential means for facilitating the delivery of cost-competitive supplies. Alaska's gas resource is enormous, and if properly developed, can competitively serve a variety of markets. Yukon Pacific's targeted markets place great importance on the U.S. government's approvals supporting the TAGS project. As a critical regulatory element, Yukon Pacific's site approval must remain viable for the project to remain viable. If the approval lapses, prospective gas purchasers will have no choice but to turn to other LNG supply sources. Flexibility is critical in the planning and execution of such a large and complex project, and as it competes with many other LNG suppliers around the world, Yukon Pacific must remain flexible. A further extension will provide this much-needed flexibility.

Second, the requested extension is reasonable because the fundamental predicates upon which the Commission's 1995 authorization was based have not

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22 *See* note 2, *supra.*

changed. The approval was based almost entirely upon the analyses, conditions, and mitigation measures contained in the Anderson Bay FEIS. The information in the FEIS remains fresh and complete. Further, the flexible terms of the 1995 approval represent an implicit recognition by the Commission that the TAGS project could take a number of years to initiate. This flexibility is embodied in the order's appendix which sets forth 48 detailed "environmental conditions and mitigation measures."[23] These conditions and measures effectively constitute a tiered review process, ensuring that any changes that might occur will be reviewed and assessed before actual construction commences. For example, prior to construction Yukon Pacific must file an "initial implementation plan" demonstrating how it intends to implement the order's mitigation measures.[24] This plan must be revised "as schedules change." In addition, Yukon Pacific is obliged to undertake and submit a number of studies for the review and approval of the Commission's Office of Energy Projects (OEP). These studies will account for any changes that might have occurred over time. The order also delegates to the Director of OEP the authority to "take whatever steps are necessary to ensure the protection of all environmental resources during operation and construction" of the LNG facilities.[25] This includes taking "any additional measures deemed necessary (including stop work authority) to ensure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from project construction and operation."[26] In the aggregate, the order's various measures for ongoing review will ensure that the Commission's approval will not lose its integrity over the course of the requested extension period. Any

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23 71 FERC at pp. 61,708 - 61,714.

24 *See Id.* at p. 61,708, Condition No. 4. Since the Commission's May, 1995 approval, Yukon Pacific has filed status reports with the Commission as progress on its preconstruction implementation efforts has warranted. *See* progress reports dated August 14, 1995, January 29, 1996, April 30, 1996, August 30, 1996, November 18, 1996, April 21, 1997, and August 8, 1997, April 1998, July 27, 1998, July 15, 1999, November 12, 1999, January 25, 2000, April 24, 2000, July 11, 2000, November 20, 2000, February 5, 2001, May 10, 2001, October 31, 2001, and September 19, 2003.

25 *Id.* at Condition No. 2.

26 *Id.*

changes can be addressed as part of the review process established by those measures.

Third, the requested extension poses no harm to the consuming public. Because there currently are no firm commitments to purchase gas to be delivered by the TAGS project, no consumer demand for the gas is going unmet. Indeed, the very basis of the extension is to ensure that the project's start-up is synchronous with the demands of the targeted markets. The Commission has granted numerous extensions of time to commence construction or operation of a project when good cause existed for an inability to meet the certificate's deadline.[27] Further, unlike a Section 7 certificate, there is no Commission regulation requiring that construction for an export project commence within a certain timeframe. The three-year timeframe applicable here was imposed by the Commission's site approval, rather than by regulation. The Commission therefore has greater latitude to extend the deadline. In fact, the Director of OEP has delegated authority to extend the deadline both under the terms of the order itself, and under the Commission's formal delegations of authority.[28]

Fourth, Yukon Pacific and its parent CSX have continued making good faith efforts to satisfy the terms of the Commission's order, and are committed to maintaining the project permits in good standing until market conditions ripen. This good faith pursuit of, and reliance on, the Anderson Bay approval are equities favoring an extension.

[27] *See*, for example, Greenbrier Pipeline Company, LLC, 108 FERC ¶ 61,255 (2004) (construction deadline extended due to evolving market conditions); Transcontinental Gas Pipeline Corp., 93 FERC ¶ 61,241 (2000) (construction deadline extended to allow time for finalization of markets), *reh'g denied*, 94 FERC ¶ 61,128 (2001); TransColorado Gas Transmission Company, 76 FERC ¶ 61,366 (1996) (construction deadline extended to enable sponsor "to negotiate and put in place the long-term contacts and or commitments necessary to ensure the economic viability" of the project, *Id*. at 62,706); *see also*, Altamont Gas Transmission Co., 75 FERC ¶ 61,348 (1996); Transcontinental Gas Pipeline Corp., 60 FERC ¶ 61,271 (1992) and 61 FERC ¶ 61,093 (1992) (extensions due to environmental delays); Tennessee Gas Pipeline Co., 55 FERC ¶ 62,103 (1991) (extension necessary to obtain construction permits and environmental delays); Trans-Appalachian Pipeline, Inc., 53 FERC ¶ 61,336 (1990) (extension due to change in market conditions, competitive and public interest considerations, and pipeline's vested interest in project).

[28] *See* 18 CFR § 375.308(w)(4). The OEP Director used this authority in granting the most recent extension. *See* note 2, *supra*.

Lastly, and perhaps most importantly, a failure to extend the construction deadline would effectively prohibit Yukon Pacific from pursuing the TAGS project.[29] This would (i) result in over $100 million in stranded investment, (ii) deprive the United States of the many economic and other benefits acknowledged by the DOE when it approved the exports associated with the project, (iii) risk eroding the credibility of the United States as a reliable trading partner with its allies, (iv) chill the future development of similar private enterprises, and (v) undermine ongoing State of Alaska efforts to bring North Slope gas to market, including the Southcentral Alaska market, where most gas users are facing shortages.

IV. PRAYER FOR RELIEF

Significant economic and manpower investments have been and continue to be made in the TAGS project. These investments have yielded meaningful progress and positioned the TAGS project to take advantage of LNG market opportunities as they ripen. State and federal support for the project, and for developing Alaska's vast natural gas resources in general, remains strong. A Commission denial of this motion would be a serious setback for the TAGS project, and possibly even force its abandonment.

In the final analysis, an extension of the construction deadline would simply recognize the practical difficulties encountered in implementing a major new LNG project in the face of market changes, protracted commercial negotiations, and extensive permitting requirements. Yukon Pacific is not alone in this respect. Alaska poses unique challenges that even some of the world's largest and most successful energy companies have found difficult to overcome. The requested extension of time is reasonable and necessary under the circumstances.

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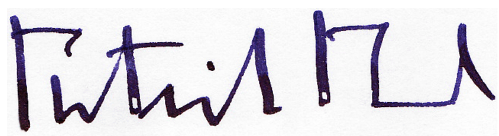
[29] In this regard, we respectfully remind the Commission that the DOE's export authorization expressly rejected all export sites other than Anderson Bay, thus rendering Anderson Bay the only viable export site for North Slope gas.

WHEREFORE, for the foregoing reasons, Yukon Pacific respectfully moves that the Commission extend the timeframe within which Yukon Pacific may commence construction of the Anderson Bay LNG facilities for an additional three (3) years (*i.e.*, to May 22, 2013).

Respectfully submitted,

YUKON PACIFIC COMPANY, L.P.



By: ______________________________

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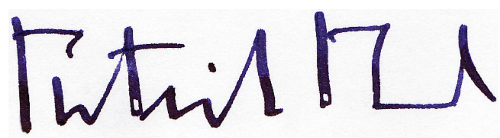
Dated: April 16, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have served by first-class mail, postage prepaid, a true and correct copy of the foregoing *"Motion of Yukon Pacific Company, L.P. for Fifth Extension of Time to Commence Construction"* upon each person on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding.

Dated at Washington, D.C. this 16th day of April, 2010.



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