

MR. ROGERS, EXAM. BY MR. MERRICK

1 because it satisfied the requirements of the A.E.P.
2 program? I must admit I've never seen, and we probably
3 have them, I just haven't seen in black and white, where
4 it says that that would be so. Is it in black and white?

5 A. Yes, yeah, yeah. There's all sorts of
6 interpretative guidelines and precedent in that program
7 that would substantiate that that was acceptable.

8 Q. So this wasn't just an issue where they were
9 twisting or -- I shouldn't say twisting, but interpreting
10 certain language that could be argued. They clearly met
11 with the definition or the requirements of A.E.P.?

12 A. Yeah, they understood the require -- they understood
13 well the terms and conditions of that program and could
14 access or take advantage of the specifics that met their
15 desires.

16 Q. I take it that there aren't many projects that come
17 along in this country that would be of that size. Was
18 this a standard kind of an application or was it unique?

19 A. As regards an application through an A.E.P. program
20 specifically, this was quite extraordinary. I mean, I --
21 there had never been anything of this size, in my memory,
22 that had come through that particular program. As
23 regards the project itself, it was of reasonable size,
24 but, of course, there were many, many other projects much
25 larger and -- that we dealt with on a regular basis.