

MR. ROGERS, EXAM. BY MR. MERRICK

1 Q. But I take it when you get to that type of a project
2 and that type of size of a project, each one has its own
3 distinctive characteristics and requirements?

4 A. That's correct.

5 Q. I think you used the words in my interview with you
6 of a sort of a "one of a kind" type of a project. Would
7 that be fair?

8 A. Yes.

9 Q. In light of the fact -- in light of that fact, and
10 in light of the fact that A.E.P. was never designed to be
11 the cornerstone of such an application, why was it
12 continued to be dealt with in the context of an A.E.P.
13 application? Why wasn't it dealt with on its own
14 complete merits, with its own definitions of equity, et
15 cetera?

16 A. Well, government has to be seen continuously to be
17 as transparent in its rule making as possible. And
18 government doesn't have the luxury of making up new sets
19 of rules if there are rules that can be applied. It has
20 to agree that it has that framework, that it is
21 applicable to this particular region of the country, and
22 that the only issue is that that program is -- does not
23 have the funding required to cope with the approval of
24 that project. But having made the application through
25 that door, it was not an option for the government to