

MR. ROGERS, EXAM. BY MR. MERRICK

1 say, "Well, we have another framework in mind for this
2 project," because that would very much be construed as
3 changing the ground rules in midstream.

4 Q. The picture that comes to mind is of an elephant
5 riding in a child's pull wagon. Was there no other
6 mechanism by which this beast could be gotten from point
7 A to point B?

8 A. I'm pausing to try and think of other circumstances
9 where particular projects came with their own ground
10 rules. There may have been a few, but generally
11 speaking, projects follow some framework of some
12 established program that proponents are trying to access.

13 Q. Did you ever see any indication that A.E.P. had been
14 purposely chosen as the initiating process for this in
15 order to take advantage of the conditions of the A.E.P.
16 program as opposed to, perhaps, having been chosen purely
17 because that was all that anybody could think of at the
18 time? I'm thinking --

19 A. Well, I --

20 Q. -- specifically that it apparently allowed them to
21 have very lenient definitions of "equity" which minimized
22 their own requirement for cash input.

23 A. Yeah. The 20-percent rule was not unique to A.E.P.
24 There were other programs; although, I must say, I'm not
25 -- I could do some research, but I don't have the