

MR. ROGERS, EXAM. BY MR. MERRICK

1 arbitrary, unilateral fashion.

2 I have to make clear, I'm not in disagreement with
3 reducing, to the maximum extent possible, SO₂ emissions
4 anywhere. But this was being used, in my opinion, as a
5 bargaining club, and I was going to have the club
6 confirmed or removed. So that was what this was about.

7 Q. And by a "club," do I take it from your evidence
8 that you took this to be a threat that if this problem
9 was not overcome, DEVCO would pay the price?

10 A. I -- you put it in a way that --

11 Q. I'm putting it very --

12 A. Yeah.

13 Q. -- crudely and very superficially, but --

14 A. What --

15 Q. -- he was threatening, in effect, to pass a
16 regulation which would limit the amount of coal that
17 DEVCO could sell to the Power Corporation?

18 A. He was making very clear that my suggestion that
19 DEVCO coal could be -- or they could source DEVCO coal
20 for Trenton 6 was not a suggestion he would accept at
21 all, and he would go further. He would absolutely
22 preclude it.

23 Q. I follow you. And did you confirm whether he could,
24 in fact, do that?

25 A. Well, he couldn't on his own because he wasn't the