

MR. ROGERS, EXAM. BY MR. MERRICK

1 balance of the letter, as they were still open. "The  
2 ten-year contract at acceptable prices for coal  
3 quantities agreed to by DEVCO and N.S.P.C. in March '98  
4 [sic]. A formal contractual agreement that there will be  
5 no diversion of Westray take-or-pay coal to replace Devco  
6 coal, and clarification by the Nova Scotia Government of  
7 its future intentions regarding SO<sub>2</sub> emission standards  
8 and levels in that Province is required." Same three  
9 issues. But I was putting him on notice that as far as I  
10 was concerned, this was the end.

11 Q. Why had you decided that it was decision time, at  
12 this point in time?

13 A. You come to a point when -- my assessment was it was  
14 futile to carry this conversation, or the attempt to  
15 negotiate, further. And that I would go back to Cabinet  
16 and say, "This is where we are and on the basis..." I was  
17 prepared to say, "On the basis of the failure to agree on  
18 these component parts, that it should not be approved."  
19 I certainly was prepared to take that stance, but we had  
20 to force this issue to some sort of conclusion. And the  
21 best way was to finally say, "I have tried valiantly to  
22 get these issues resolved that I was asked to resolve by  
23 this body, been unsuccessful in doing so. This is as far  
24 as I believe I can take it. Find somebody else," or, you  
25 know, "Can it."