From:	McDonald, Jeffrey
To:	"Gilmore, Tyler J"
Cc:	Greenhagen, Andrew; Bayer, MaryRose; Lucy Swartz
Bcc:	McAuliffe, Mary; Krueger, Thomas; Saieh, Patrick; Tiago, Joseph; Jaime Rooke
Subject:	trust fund language corrections
Date:	Wednesday, February 26, 2014 9:33:00 AM
Importance:	High

Tyler and Lucy,

Our attorneys caught something that I want to pass along.

In Schedule C. We say,

"Pre-Injection: Once an injection or monitoring well is drilled, plugging costs will eventually need to be incurred. Therefore, the trust account will be funded with the cost of plugging injection and monitoring wells as soon as drilling the well begins. The Alliance's estimated cost of this activity is $2.723 million."

A few sentences down and again in Table 1, we make it clear that we are requiring this funding within 7 days after issuance of the final permits, but should the phrase "as soon as" be something else like "prior to" or "within the timeframe set forth below"? I think the 7 days language you have is clear and controls, but if you are tweaking this document, this seemed like an easy thing to revise.

Please consider changing "as soon as" to something like "...will be funded with the cost of plugging injection and monitoring wells **within seven days of any final permit under this project**."

In Section 14, line 7, the model has a typo. It says the Trustee may rely on instructions "with to" the extent permissible. Should "with" be deleted?

We have a few more comments that we are discussing internally and anticipate getting those to you shortly.

Jeff

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