

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

| | | |
|---------------------------|---|------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| <u>Plaintiff,</u> |) | |
| |) | Case Number: 98-CV-583 (RWR) |
| v. |) | |
| |) | Judge Richard W. Roberts |
| ENOVA CORPORATION, |) | |
| |) | |
| <u>Defendant.</u> |) | |
| |) | |

**UNITED STATES' CERTIFICATE OF
COMPLIANCE WITH THE PROVISIONS OF THE
ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff United States of America hereby certifies that it has complied with the provisions of the Antitrust Procedures and Penalties Act, 15 U.S.C.A. § 16 (b)-(h) (West 1997), and states:

1. The proposed Final Judgment and Competitive Impact Statement ("CIS") were filed with the Court on March 9, 1998, and June 8, 1998, respectively.
2. Pursuant to 15 U.S.C.A. § 16(b), the Proposed Final Judgment and CIS were published in the Federal Register on June 18, 1998, 63 Fed. Reg. 33396.
3. Pursuant to 15 U.S.C.A. § 16(b), the United States furnished to requesting parties copies of the CIS, as well as copies of the Complaint and the proposed Final Judgment.
4. Pursuant to 15 U.S.C.A. § 16(c), a summary of the terms of the proposed Final Judgment and CIS were published in the Washington Post, a newspaper of general circulation in the District of Columbia, during the period June 16, 1998, through June 22, 1998.

5. Pursuant to 15 U.S.C.A. § 16(g), on March 20, 1998, Defendant filed with the Court Defendant's Description and Certification of Written or Oral Communications Concerning the Proposed Final Judgment in this Action describing communications by or on behalf of Defendant relating to the proposed Final Judgment with officers or employees of the United States.

6. The sixty-day period provided by 15 U.S.C.A. § 16(d) for the submission of public comments expired on August 17, 1998.

7. The United States received and responded to two public comments on the proposed Final Judgment. The comments and Plaintiff's Response to Public Comments ("Plaintiff's Response") were filed with the Court on January 11, 1999, and published in the Federal Register on January 22, 1999, 64 Fed. Reg. 3551.

8. Pursuant to the Stipulation and Order filed on March 9, 1998, and 15 U.S.C.A. § 16(e), the Court may enter the Final Judgment after it determines that the Judgment serves the public interest.

9. The CIS and Plaintiff's Response demonstrate that the proposed Final Judgment satisfies the public interest standard of 15 U.S.C.A. § 16(e).

10. Plaintiff requests that this Court enter the Final Judgment without further hearings and is authorized by counsel for Defendant to state that Defendant joins in this request.

Dated this ____ day of February, 1999.

Respectfully submitted,

“/s/”

Jade Alice Eaton
D.C. Bar # 939629
Antitrust Division
U.S. Department of Justice
325 Seventh Street, N.W.
Suite 500
Washington, DC 20530

(202) 307-6316
(202) 616-2441(Fax)

