

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

_____	)	
UNITED STATES OF AMERICA,	)	
	)	ECF Case
Plaintiff,	)	
	)	Civil Action No.: 1:10-cv-01415-WHP
v.	)	Hon. William H. Pauley III
	)	
KEYSPAN CORPORATION,	)	
	)	
Defendant.	)	
_____	)	

**UNITED STATES'S 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. § 16(b)-(h), and states:

1. The proposed Final Judgment was filed with the Court on February 22, 2010, and the Competitive Impact Statement was filed with the Court on February 23, 2010.
2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on March 4, 2010. See *United States v. KeySpan Corporation*, 75 Fed. Reg. 9946-01, 2010 WL 723203.
3. Pursuant to 15 U.S.C. § 16(b), the United States made copies of the Competitive Impact Statement, as well as copies of the Complaint and the proposed Final Judgment, available to any requesting party.
4. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment and the Competitive Impact Statement were published in the *New York Post* beginning

on March 11, 2010 and ending on March 17, 2010, as well as in *The Washington Post* beginning on March 10, 2010 and ending on March 16, 2010.

5. The 60-day period provided by 15 U.S.C. § 16(d) for the submission of public comments expired on May 16, 2010.

6. The United States received seven public comments on the proposed Final Judgment. Pursuant to 15 U.S.C. § 16(d), the United States's Response to Public Comments, as well as the comments received, were filed with the Court on June 11, 2010. Pursuant to 15 U.S.C. § 16(d)(2), and as approved by the Court's Order dated June 28, 2010, the United States published in the *Federal Register* on July 20, 2010 its Response to Public Comments as well as (1) the comments and attachments filed by all commenters other than Mr. Nelson M. Stewart and (2) the comments of Mr. Stewart with a link to the United States Department of Justice website where the attachments to those comments can be viewed and downloaded. *See* 75 Fed. Reg. 42134. Complete versions of all comments and attachments, including those received from Mr. Stewart, are available at <http://www.justice.gov/atr/cases/keyspan.htm>.

7. On June 8, 2010, there was an initial conference in this matter. On June 17, 2010, the United States filed an Amended Stipulation and an amended proposed Final Judgment to incorporate modifications addressing the concerns that the Court expressed at the hearing about the retention of jurisdiction provision in the proposed Final Judgment.

8. Pursuant to 15 U.S.C. § 16(g), on July 8, 2010, KeySpan filed with the Court a declaration describing communications by or on behalf of KeySpan relating to the proposed Final Judgment with officers or employees of the United States.

9. Pursuant to 15 U.S.C. § 16(e) and the Amended Stipulation as filed on June 17, 2010, the Court may enter the amended proposed Final Judgment after it determines that the amended Proposed Final Judgment is in the public interest.

10. Plaintiff's Competitive Impact Statement and Response to Public Comments demonstrate that the amended proposed Final Judgment satisfies the public interest standard of 15 U.S.C. § 16(e).

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

Dated: July 20, 2010

Respectfully submitted,

FOR PLAINTIFF UNITED STATES:

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/s/

Jade Alice Eaton  
jade.eaton@usdoj.gov

Trial Attorney  
U.S. Department of Justice  
Antitrust Division  
Transportation, Energy &  
Agriculture Section  
450 Fifth Street, NW,  
Suite 8000  
Washington, DC 20530  
Telephone: (202) 307-6316  
Facsimile: (202) 307-2784