

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Richard P. Matsch**

Civil Action No. 12-cv-00395-RPM-MEH

UNITED STATES OF AMERICA

Plaintiff,

v.

SG INTERESTS I, LTD.,
SG INTERESTS VII, LTD., and
GUNNISON ENERGY CORPORATION

Defendants.

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

Plaintiff United States of America (“United States”), by the undersigned attorney, hereby certifies that, in compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) (“Tunney Act”), the following procedures have been followed in preparation for the entry of the Final Judgment herein:

1. Plaintiff and Defendants Gunnison Energy Corporation (“GEC”) and SG Interests I, Ltd., and SG Interests VII, Ltd., (“SGI”) stipulated to entry of the proposed Final Judgment, and the Stipulation and proposed Final Judgment were filed with the Court on February 15, 2012. (Docket No. 4).
2. Pursuant to 15 U.S.C. § 16(b), the United States filed a Competitive Impact Statement (“CIS”) with the Court on February 15, 2012. (Docket No. 5).

3. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment, and CIS were published in the *Federal Register* on February 23, 2012. *see United States v. SG Interests I LTD., et al.*, 77 Fed. Reg. 10775.

4. Pursuant to 15 U.S.C. § 16(c), summaries of the terms of the proposed Final Judgment and CIS, together with directions for the submission of written comments relating to the proposed Final Judgment, were caused to be published in two newspapers of general circulation. They were published in *The Washington Times* for seven days (March 1 and March 2, and March 5 through March 9, 2012) and *The Denver Post* for seven days (March 1 through March 7, 2012).

5. Pursuant to 15 U.S.C. § 16(g), on May 1, 2012, GEC filed with the Court its disclosure statement concerning written or oral communications by or on behalf of GEC, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment. (Docket No. 12). On May 2, 2012, SGI filed with the Court its disclosure statement concerning written or oral communications by or on behalf of SGI, or any other person, with any officer or employee of the United States concerning the proposed Final Judgment. (Docket No. 13).

6. On June 4, 2012, the United States filed with the Court an application, pursuant to 15 U.S.C. § 16(d), to excuse *Federal Register* publication of voluminous public comments, with the understanding that the United States would concurrently seek to publish in the *Federal Register* the relevant internet address at which comments could be read and downloaded. On June 5, 2012, the Court granted the United States leave to do so. (Docket No. 15).

7. The sixty-day comment period for this matter prescribed by 15 U.S.C. § 16(b) and (d) for the receipt and consideration of written comments, during which the proposed Final Judgment could not be entered, ended on May 7, 2012.

8. The United States received 76 timely submitted comments from the public on the proposed Final Judgment.

9. Pursuant to 15 U.S.C. §§ 16(b) and (d), on August 3, 2012, the United States filed with the Court the public comments received and the United States' Response to those public comments. (Docket No. 17).

10. Pursuant to 15 U.S.C. §§ 16(b) and (d), and the Court's June 5, 2012 Order, the United States published in the *Federal Register* its Response to Public Comments, as well as a link to the Antitrust Division website where comments could be viewed and downloaded. *See United States v. SG Interests I LTD., et al.*, 77 Fed. Reg. 48542. The complete set of public comments may be found on the Department of Justice's website at the following address:

<http://www.justice.gov/atr/cases/sgunnison.html>.

11. The parties in this action have now satisfied all the conditions required by the Tunney Act prior to moving for entry of the proposed Final Judgment, and it is now appropriate for the Court to make the necessary public interest determination required by 15 U.S.C. § 16(e) and to enter the proposed Final Judgment.

Dated: August 16, 2012

Respectfully submitted,

s/ Sarah L. Wagner

Sarah L. Wagner

U.S. Department of Justice

Antitrust Division

Transportation, Energy &

Agriculture Section

450 Fifth Street, NW, Suite 8000

Washington, DC 20530

Telephone: (202) 305-8915

FAX: (202) 616-2441

E-mail: sarah.wagner@usdoj.gov

Attorney for Plaintiff United States

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

L. Poe Leggette
pleggette@fulbright.com

Timothy R. Beyer
tim.beyer@bryancave.com

s/ Sarah L. Wagner _____
Sarah L. Wagner
U.S. Department of Justice
Antitrust Division
Transportation, Energy &
Agriculture Section
450 Fifth Street, NW, Suite 8000
Washington, DC 20530
Telephone: (202) 305-8915
FAX: (202) 616-2441
E-mail: sarah.wagner@usdoj.gov
Attorney for Plaintiff United States