

John Paulley

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

10 CV 1415

_____)
 UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 KEYSpan CORPORATION,)
)
 Defendant.)
 _____)

Civil Action No.

FINAL JUDGMENT

WHEREAS plaintiff United States of America filed its Complaint alleging that Defendant KeySpan Corporation (“KeySpan”) violated Section 1 of the Sherman Act, 15 U.S.C. §1, and plaintiff and KeySpan, through their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, for settlement purposes only, and without this Final Judgment constituting any evidence against or an admission by KeySpan with respect to any allegation contained in the Complaint:

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED, AND DECREED:

I. JURISDICTION

This Court has jurisdiction of the subject matter herein and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against KeySpan under Sections 1 and 4 of the Sherman Act, 15 U.S.C. §§ 1 and 4.

II. APPLICABILITY

This Final Judgment applies to KeySpan and each of its successors, assigns, and to all other persons in active concert or participation with it who shall have received actual notice of the Settlement Agreement and Order by personal service or otherwise.

III. RELIEF

- A. Within thirty (30) days of the entry of this Final Judgment, KeySpan shall pay to the United States the sum of twelve million dollars (\$12,000,000.00).
- B. The payment specified above shall be made by wire transfer. Before making the transfer, KeySpan shall contact Janie Ingalls, of the Antitrust Division's Antitrust Documents Group, at (202) 514-2481 for wire transfer instructions.
- C. In the event of a default in payment, interest at the rate of eighteen (18) percent per annum shall accrue thereon from the date of default to the date of payment.

IV. RETENTION OF JURISDICTION

This Court retains jurisdiction to enable any party to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

V. PUBLIC INTEREST DETERMINATION

Entry of this Final Judgment is in the public interest. The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, including making copies available to the public of this Final Judgment, the Competitive Impact Statement, and any comments thereon and plaintiff's responses to comments. Based upon the record before the Court, which includes the Competitive Impact Statement and any comments and response to

comments filed with the Court, entry of this Final Judgment is in the public interest.

Dated: _____

United States District Judge