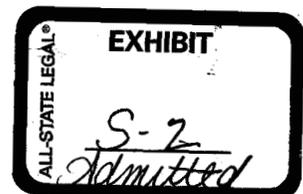




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Witness (es) Garfield, Kennedy  
Data Request No. TJS 17-5

- (a) *Quantify and describe the "past damages" described in the Company's Second Supplement to its Response to REL 5-19.*
- (b) *Provide a specific description of the damages to particular wells, water rights, other properties or interests of the Company.*
- (c) *Include all expenses incurred by the Company.*
- (d) *Justify the Company's description of the damages as "past".*



**Response To Data Request No. TJS 17-5**

- a. Because of the PCG Settlement Agreement, damages have not been fully quantified, the Company's claims have not been litigated, no testimony or evidence has been presented in court, and a court has not entered a judgment awarding the Company damages. Also, see Comments to proposed Consent Decree per response to TJS 17-1. above.
- b. The events leading to the PCG Consent Decree occurred over decades. The Company believes that mining activities were responsible for degrading the water quality and quantity in its Miami System, but the Company did not tie specific mining activities to specific problems over this period. Lacking such studies or analyses the Company's alleged damages and claims were developed in 1997 and 1998 on an overall basis. Since a settlement was reached before a lawsuit, the Company was not required to develop proof of specific property damage.
- c. There have been no analyses or studies conducted to identify any such expenses related to the events that led up to the PCG Settlement Agreement.
- d. The PCG Settlement Agreement provides for compensation and replacement water in exchange for the Company's release of all losses, damages and liabilities that arose out of the Company's claims up to the date of the Agreement (i.e. claims for "past" damages). Future claims were tolled but not released.

**Witness (es) Garfield**

**Data Request No. TJS 17-6**

*Provide copies of all documents that describe or quantify the damages or effects on the Company of the events that led up to the Agreement provided in response to REL 5-19.*

**Response To Data Request No. TJS 17-6**

See the Company's Comments to the proposed Consent Decree per response to TJS 17-1 above.

[REDACTED]