

**Determinations Committee Decision**

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|---------------------------|------------------------------|
| Date:                     | 7 <sup>th</sup> January 2010 |
| Determinations Committee: | Australia / New Zealand      |
| Meeting Date:             | 7 <sup>th</sup> January 2010 |

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| <b>DC Issue 2010010501:</b>        | <b>Has a Bankruptcy Credit Event occurred with respect to The Griffin Coal Mining Company Pty Ltd?</b>   |
| 1st Question for vote:             | Is the Credit Event Resolution Request Date (the date on which the DC Secretary first effectively received both a request to convene a Committee and Publicly Available Information that satisfies the requirements of Section 2.1 (b)) for Bankruptcy with respect to The Griffin Coal Mining Company Pty Ltd the January 5 <sup>th</sup> 2010? (This question is asked to determine the Event Determination Date.)                   |
| Vote result:                       | YES  |
| Votes:                             | <p>15 "Yes" votes - Bank of America / Merrill Lynch</p> <p>Barclays<br/>Citibank<br/>Credit Suisse<br/>Deutsche Bank AG<br/>Goldman Sachs<br/>JPMorgan Chase Bank, N.A.<br/>RBS<br/>Morgan Stanley<br/>UBS<br/>Elliott Management Corporation<br/>Legal &amp; General Investment Management Limited<br/>Pacific Investment Management Company LLC<br/>Primus Asset Management, Inc.<br/>Rabobank International</p> <p>0 "No" votes</p> |
| 2 <sup>nd</sup> Question for Vote: | Has a Bankruptcy Credit Event occurred with respect to The Griffin Coal Mining Company Pty Ltd?  |
| Vote result:                       | YES  |
| Votes:                             | <p>15 "Yes" votes - Bank of America / Merrill Lynch</p> <p>Barclays<br/>Citibank<br/>Credit Suisse<br/>Deutsche Bank AG<br/>Goldman Sachs<br/>JPMorgan Chase Bank, N.A.<br/>RBS<br/>Morgan Stanley<br/>UBS<br/>Elliott Management Corporation<br/>Legal &amp; General Investment Management Limited<br/>Pacific Investment Management Company LLC<br/>Primus Asset Management, Inc.</p>  |

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|                                    | Rabobank International<br>0 "No" votes   |
| 3 <sup>rd</sup> Question for Vote: | Is the date of the Bankruptcy Credit Event with respect to The Griffin Coal Mining Company Pty Ltd January 3 <sup>rd</sup> 2010?   |
| Vote Result:                       | YES  |
| Votes:                             | 15 "Yes" votes - Bank of America / Merrill Lynch<br>Barclays<br>Citibank<br>Credit Suisse<br>Deutsche Bank AG<br>Goldman Sachs<br>JPMorgan Chase Bank, N.A.<br>RBS<br>Morgan Stanley<br>UBS<br>Elliott Management Corporation<br>Legal & General Investment Management Limited<br>Pacific Investment Management Company LLC<br>Primus Asset Management, Inc.<br>Rabobank International<br><br>0 "No" votes |
| 4 <sup>th</sup> Question for Vote: | Should an Auction be held to settle Relevant Transactions in respect of this Bankruptcy Credit Event?  |
| Vote Result:                       | NO   |
| Votes:                             | 15 "No" votes - Bank of America / Merrill Lynch<br>Barclays<br>Citibank<br>Credit Suisse<br>Deutsche Bank AG<br>Goldman Sachs<br>JPMorgan Chase Bank, N.A.<br>RBS<br>Morgan Stanley<br>UBS<br>Elliott Management Corporation<br>Legal & General Investment Management Limited<br>Pacific Investment Management Company LLC<br>Primus Asset Management, Inc.<br>Rabobank International<br><br>0 "Yes" votes |