

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

AFFIDAVIT

The undersigned, Archie A. Messenger, being duly sworn upon his oath, deposes and says:

1. That he is a Senior Attorney of Union Carbide Corporation (Union Carbide) and as such is authorized to make this affidavit for and on behalf of said corporation.

2. That Union Carbide is a New York Corporation with its principal offices at 270 Park Avenue, New York, New York and is engaged in the business of producing industrial gases and related products.

3. That Union Carbide owns and operates three major air separation facilities located in the Calumet Area of Indiana (known as the East Chicago, Lakeside and Burns Harbor plants) which serve the oxygen, nitrogen and argon requirements of the areas steel mills.

4. That in the process of producing industrial gases Union Carbide purchases large quantities of electrical energy from Northern Indiana Public Service Company (NIPSCO).

5. That from time to time Union Carbide has been requested to furnish information to NIPSCO regarding the future production plans and plant additions for new and expanded facilities in NIPSCO's

service territory in order to aid and assist NIPSCO in determining future electrical demands on the NIPSCO system.

6. That the information given to NIPSCO is not available to the general public, is considered highly confidential by Union Carbide and is given to NIPSCO under obligation to maintain its confidentiality.

7. That to our knowledge NIPSCO has always honored the confidential treatment of such information.

8. That disclosure of the Union Carbide information could place it at a serious economic disadvantage among its competitors in the industrial gas business, who could be expected to utilize such information to Union Carbide's detriment in calculating Union Carbide's costs of operation and strategies for maintaining its present markets.

Further the Affiant sayeth not.

By: Archie A. Messenger

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Before me, a Notary Public, in and for said County and State, this 26th day of May, 1981, personally appeared Archie A. Messenger, Senior Attorney of Union Carbide Corporation and acknowledged the execution of the foregoing instrument as the free and voluntary act of said corporation and as his free and voluntary act acting for said corporation and swears that the statements contained in his Affidavit are true and correct.

GIVEN under my hand and notarial seal this 26th day of May, 1981.

Helen W. Richards
NOTARY PUBLIC
A Resident of Westchester County.

HELEN W. RICHARDS
Notary Public, State of New York
No. 60-3271400
Qualified in Westchester County
Certificate Filed in New York County
Commission Expires March 30, 1983