

# **Exhibit 3**

**From:** jim McCrea [REDACTED]  
**Sent:** Saturday, October 30, 2010 4:49 PM (GMT)  
**To:** 'Silver, Jonathan' <[REDACTED]@hq.doe.gov>  
**Subject:** RE: Strategy Question

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Working away but it is hard to argue that 50% for total subsidy which they are headed for is not reasonable, especially with a decision maker who has no clue. Even if you add 5% for RPS to every transaction, it lets everything through except for BrightSource, US Geothermal, Abengoa and First Wind. On that criteria, even Shepherd's Flat and Baldwin get through. 50% simply is not an issue for us if it was the only criteria. The problem is the overlapping criteria which effectively take so many of our transactions out.

Jim

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**From:** Silver, Jonathan [mailto:[REDACTED]@hq.doe.gov]  
**Sent:** Saturday, October 30, 2010 12:40 PM  
**To:** 'jimmccrea@[REDACTED]'  
**Subject:** Re: Strategy Question

While I might agree with you intellectually, that is not where we are. Let's finish this process and get back to business. When they don't fast track something, we'll complain. We've gotten deals done with the 55% recovery rate; we'll get deals done this way. Please add commentary and additional points to what I've written and let's get this done and get back to work.

Again, worst case, we're back to where we started. I don't personally believe that, after this, they will turn down non fast tracked deals either (except maybe take out financing).

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**From:** jim McCrea <jimmccrea@[REDACTED]>  
**To:** Silver, Jonathan  
**Sent:** Sat Oct 30 12:33:38 2010  
**Subject:** Strategy Question

I am growing increasingly worried about a fast track process imposed on us at the POTUS level based on this chaotic process that we are undergoing. The work to date does not have near enough staff work to be supportable and is totally being done on the fly and is being used by other agencies to impose theological views. We really get little out of fast tracking when you get right down to it and the process that is being designed is pure crap. Further, by legitimizing some of their theological views in the fast tracking screens, we give those views credibility that will be certainly be used against

[REDACTED]

us for non fast tracked transactions. By designing the fast track process and having it approved at the POTUS level (which is an absolute waste of his time!) it legitimizes every element and it becomes embedded like the 55% recovery rate which also was imposed by POTUS.

I think that the time has come, given how poorly this process is going, to step back from all of this and to take a deep breath.

Jim

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