

New York, 100 Federal Plaza, Central Islip, New York 11722 for an Order to Transfer Funds for Distribution To Injured Investors so that harmed investors may be compensated for their losses.

MOTION

In accordance with the Distribution Plan for China Energy Savings Technology, Inc. Fair Fund approved by this Court on August 23, 2018 (“Distribution Plan”),¹ the Commission respectfully requests that the Court enter an Order: (1) directing the Commission to issue a payment for \$5,653,718.85 (the “Funds”) payable to “SEC v. China Energy Fair Fund” to the distribution agent, Kurtzman Carson Consultants, LLC (“Distribution Agent”)² (2) directing the Distribution Agent to deposit the Funds in an escrow account established at The Huntington Bank pursuant to Paragraphs 71-73 of the Distribution Plan; and (3) authorizing the Distribution Agent to distribute the Funds to Eligible Claimants in accordance with the terms of the Distribution Plan.

MEMORANDUM OF LAW

I. FACTUAL AND PROCEDURAL BACKGROUND

On December 4, 2006, the Commission filed an emergency action against China Energy Savings Technology, Inc. (“China Energy”), several of its former officers, its controlling shareholder, and others, alleging that they orchestrated an elaborate stock manipulation scheme commonly known as a “pump and dump”. The Complaint alleged that China Energy, the company’s undisclosed control person, Chiu Wing Chiu (“Chiu”), with the assistance of the company’s Corporate Secretary, Lai Fun Sim a/k/a/ Stella Sim (“Sim”), devised a wide-ranging stock manipulation scheme to fraudulently obtain a Nasdaq National Market System (“NMS”)

¹ Dkt. 127.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Distribution Plan approved by the Court.

listing to artificially inflate China Energy's stock price, and sell millions of China Energy shares into the U.S. capital markets.³

Other participants in the scheme, according to the Complaint, included the company's former purported Chairman and CEO, Sun Li ("Li"); a former company employee, Jun Tang Zhao ("J. Zhao") and New Solomon Consultants ("New Solomon"), which was China Energy's majority shareholder. All of the Defendants reside or have operations abroad.

The Court initially issued temporary restraining orders on December 04, 2006 freezing assets that covered funds held in four brokerage accounts in the names of four of the Relief Defendants: Precise Power Holdings Limited ("Precise Power"); Essence City Limited ("Essence City"); Amicorp Development Limited ("Amicorp"); and Yan Hong Zhao ("Yan Hong Zhao") (collectively, "Relief Defendants").

On March 27, 2009, the Commission obtained a Final Judgment in this matter against Chiu, Sim, J. Zhao, Li and New Solomon, finding them liable for fraud and permanently enjoining them from violations of Section 10(b) of the Exchange Act [15 U.S.C. §78j(b)] and Rule 10b-5 thereunder [17 C.F.R. §240.10b-5], and Section 5 of the Securities Act [15 U.S.C. §77e]. The judgments ordered them to pay \$29,665,625.28 in disgorgement, and prejudgment interest in the amount of \$3,652,554.34 for a total of \$33,318,179.62. In addition, Defendants Chiu and Sim were each ordered to pay a civil penalty of \$1,000,000 and Defendants Li and J. Zhao were ordered to pay a civil penalty of \$75,000. The court also imposed officer-and-director bars against Chiu, Sim, J. Zhao and Li.⁴

On July 6, 2009, the Court granted the Commission's motion for summary judgment against the Relief Defendants Amicorp, Precise Power, Yan Hong Zhao, Ai Qun Zhong, and

³ Dkt. 2.

⁴ Dkt. 107.

Tung Tsang and ordered that they disgorge the sums held in the Capital Growth Financial Accounts, namely the Essence City, Precise Power, Amicorp, and Yan Hong Zhao accounts (“Capital Growth Accounts”). A Judgment was entered against the Relief Defendants on July 31, 2009, and an Amended Judgment was entered on December 23, 2009 (collectively, “Judgments”). The Judgments held Amicorp and Ai Qun Zhong jointly and severally liable for disgorgement of \$2,445,982, plus any accrued interest; Essence City and Tung Tsang jointly and severally liable for disgorgement of \$226,558.75 plus any accrued interest; Precise Power liable for \$749,171 plus any accrued interest; and Yan Hong Zhao liable for \$438,173, plus any accrued interest.⁵

On December 17, 2015, the Court (1) ordered Fidelity to unfreeze and transfer the entire balances of the NFS accounts to the SEC for distribution; (2) established a Fair Fund from the funds transferred from Fidelity to the SEC under the case name designation “SEC v. China Energy Savings Technology, Inc., et al.”; (3) appointed Damasco & Associates LLP as Tax Administrator of the Fair Fund;⁶ and (4) appointed Kurtzman Carson Consultants, LLC to serve as the Distribution Agent for the Fair Fund.⁷

On May 18, 2016, in a related action, *SEC v. Lee Chi Ling, et al.*, 13-cv-5364 (E.D.N.Y.) (the “Ling Action”), the Court issued an Order to combine the funds held by the Commission in the Ling Action with the China Energy Fair Fund for distribution to harmed investors.⁸

On August 3, 2017, in a related administrative proceeding, *In the Matter of Moore Stephens Wurth Frazer & Torbet LLP, et al.*, Admin. Proc. File No. 3-14167 (the “Moore

⁵ Dkt. 111.

⁶ Dkt. 120. As of October 1, 2016, Damasco & Associates, LLP (“Damasco”), became a part of Miller Kaplan Arase LLP (“Miller Kaplan”). As part of that transaction, Miller Kaplan assumed all of Damasco’s obligations as Tax Administrator in this matter.

⁷ *Id.*

⁸ Dkt. 124.

Stephens Proceeding”), the Commission issued an Order to transfer and consolidate the funds held by the Commission in the Moore Stephens Proceedings with the China Energy Fair Fund for distribution to harmed investors.⁹

The combined balance in the Fair Fund as of September 2, 2020 is approximately \$5,859,964.54.

II. DISBURSEMENT OF THE FAIR FUND

Pursuant to the Distribution Plan, the Distribution Agent has prepared and submitted to the Commission staff a list of 442 Eligible Claimants,¹⁰ and the Recognized Claim for each Eligible Claimant (the “Final Payee List”).¹¹ As the aggregate Recognized Claims of all Eligible Claimants exceeds the Net Available Fair Fund, the Distribution Agent will distribute funds to the Eligible Claimants based upon a *pro rata* calculation.¹² The *pro rata* payments represent approximately 53% of the Eligible Claimants’ calculated Recognized Claim amount. In addition, no payment will be issued to Eligible Claimants whose Recognized Claim would entitle them to less than \$10.00, which is the Minimum Distribution Amount.¹³ The Distribution Agent has also submitted the Declaration of Nashira McCoy (“Declaration”) in support of this Motion, filed separately, which provides a detailed explanation of the procedures the Distribution Agent used to develop the Final Payee List. The Final Payee List and the Declaration have been reviewed by the undersigned Commission Counsel who have no objections.

⁹ Exchange Act Rel. 81307 (August 3, 2017).

¹⁰ 445 claims were determined to be eligible under the requirements of the Distribution Plan. *See* Declaration of Nashira McCoy. However, 3 of these claims have Eligible Losses that would result in a Distribution Payment of less than the \$10 *de minimis* established in the Distribution Plan. Therefore, payments will be made to 442 of the Eligible Claimants.

¹¹ The Final Payee List was provided to the Commission staff for its review and acceptance and will be provided to the Court upon request under seal.

¹² Plan ¶29.

¹³ Plan ¶23.

WHEREFORE, for all the foregoing reasons, the Plaintiff Securities and Exchange Commission respectfully requests that this Court grant its Motion for an Order to Transfer Funds for Distribution To Injured Investors and grant such other relief as it deems necessary and proper.

September 8, 2020

Respectfully submitted,

/s/Susan S. Pecaro

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2020, I electronically filed the foregoing Plaintiff Securities and Exchange Commission's Notice of Motion, Motion, Memorandum of Law to Transfer Funds for Distribution to Injured Investors, and Proposed Order with the Clerk of the Court using the CM/ECF system.

s/ Susan S. Pecaro
Susan S. Pecaro

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

v.

CHINA ENERGY SAVINGS TECHNOLOGY, INC.,
NEW SOLOMON CONSULTANTS, CHIUWING
CHIU, LAI FUN SIM a/k/a Stella Sim, SUN LI, JUN
TANG ZHAO,

Defendants,

and

AMICORP DEVELOPMENT LIMITED, ESSENCE
CITY LIMITED, PRECISE POWER HOLDINGS
LIMITED, YAN HONG ZHAO, AI QUN ZHONG, and
TUNG TSANG,

Relief Defendants.

06-cv-6402 (ADS)

Related Case No. 13-cv-5364

DECLARATION OF NASHIRA MCCOY IN SUPPORT OF MOTION FOR AN ORDER TO
TRANSFER FUNDS FOR DISTRIBUTION TO INJURED INVESTORS

I, Nashira McCoy, declare)

1. I submit this declaration (“Declaration”) in support of the Securities and Exchange Commission’s (“SEC” or “Commission”) Motion for an Order to Transfer Funds For Distribution To Injured Investors. I am over 21 years of age and am not a party to this action. This declaration is based on my personal knowledge as well as reliable information provided to me by my colleagues. If called to testify regarding the facts in this declaration, I could do so competently.

2. I am a Class Action Claims Specialist employed by Kurtzman Carson Consultants, LLC (“KCC”) located at 3301 Kerner Blvd., San Rafael, California. Pursuant to this Court’s Order To Unfreeze Funds and Transfer Funds to the SEC For Distribution, Establish a Fair Fund for Harmed Investors, Appoint a Tax Administrator and Appoint a Distribution Agent dated December 17, 2015 (“Order”), the Court authorized the establishment of the China Energy Fair Fund¹ to return the funds to Eligible Claimants and appointed KCC, as the Distribution Agent.

3. Pursuant to the Distribution Plan (the “Plan”), the Eligible Securities in this matter refers to shares of China Energy Savings Technology, Inc. (“China Energy”) common stock, ticker CESV, purchased on the open market in the United States.

DESIGN AND MAILING OF DISTRIBUTION PLAN NOTICE

4. Pursuant to Paragraph 47 (a) of the Distribution Plan, KCC coordinated with the Commission staff to draft a Distribution Plan Notice and Proof of Claim Form (collectively the “Claim Packet”). The Claim Packet includes a notice to Potentially Eligible Claimants of their potential right to participate in the distribution of the China Energy Fair Fund if they purchased China Energy common stock shares on the open market in the United States during the period from July 1, 2004 and continuing until 11:59 p.m. EST on February 15, 2006, inclusive (the “Recovery Period”), instructions for submitting a Proof of Claim Form, and provided the Claims Bar Date.

5. In accordance with Paragraph 46 of the Distribution Plan, KCC created a Potentially Eligible Claimant database. To create this database, KCC obtained a list of persons who purchased China Energy common stock shares during the Recovery Period from the transfer agent. The list was reviewed to identify and eliminate duplicate entries and incomplete data,

¹All of the capitalized terms not defined herein have the same meanings as set forth in the Distribution Plan (the “Plan”), except where otherwise defined within the declaration.

resulting in a usable mailing list of 13,567 unique names and addresses. In accordance with Paragraph 47 (c) of the Distribution Plan, the de-duplicated names and addresses were processed through the National Change of Address Database to update any addresses on file with the United States Postal Service (“USPS”), and formatted for mailing purposes.

6. On February 4, 2019, the Claim Packets were mailed by United States First-Class Mail to all persons in the Potential Eligible Claimant database.

7. In accordance with Paragraph 47 (i) of the Distribution Plan, on February 4, 2019, KCC delivered electronic copies of the Claim Packet to registered electronic filers who are qualified to submit electronic claims. These filers are primarily institutions and third-party filers who typically file numerous claims on behalf of beneficial owners for whom they act as trustees or fiduciaries.

8. In addition, on February 4, 2019, as part of its normal mailing procedures, KCC also mailed, by First-Class Mail, Claim Packets and cover letters to 4,660 brokerages, custodial banks, and other institutions (“Nominal Holders”) that hold securities in “street name” as nominees for the benefit of their customers who are the beneficial owners of the securities.

9. The foundation of the Nominal Holder list to which the Claim Packets was mailed is a proprietary database created and maintained by KCC. This database includes institutions from the Commission’s list of active brokers and dealers and a group of filers/institutions who have requested notifications of every case involving securities. The cover letter accompanying the Claim Packets advised the Nominal Holders of the China Energy Fair Fund and requested their cooperation in forwarding Claim Packets to Potentially Eligible Claimants. In all of the years that KCC has been providing notice and claim administration services, KCC has found the majority of potential claimants hold their securities in street name and are notified through the Nominal

Holders. A copy of the letter dated February 4, 2019, sent to Nominal Holders, is attached hereto as Exhibit B.

10. As part of the notice program, KCC caused the Claim Packet to be published by the Depository Trust Company (“DTC”) on the DTC Legal Notice System (“LENS”). LENS enables the participating bank and broker nominees to review the Claim Packets and contact the Distribution Agent for copies of the Claim Packets for their beneficial holders.

CHINA ENERGY FAIR FUND ADMINISTRATION WEBSITE

11. In accordance with Paragraph 47 (e) of the Distribution Plan, KCC established a website for the China Energy Fair Fund. On or before February 4, 2019, KCC caused copies of the Distribution Plan Notice, Proof of Claim Form, Approval Order and other relevant information and documents to be posted to the China Energy Fair Fund website at www.ChinaEnergyFairFund.com.

TOLL-FREE TELEPHONE NUMBER

12. Pursuant to Paragraph 47 (g) of the Distribution Plan, KCC maintains a toll-free number, (866) 666-7977, for Potentially Eligible Claimant telephone inquiries. Callers can speak with a live operator. This toll-free number has been operating since at least February 4, 2019.

ELECTRONIC MAIL (E-MAIL) BOX

13. KCC created a mailbox specifically to receive Potentially Eligible Claimant inquiries related to the China Energy Fair Fund. The mailbox info@ChinaEnergyFairFund.com was established and has been operational since at least February 4, 2019.

SUMMARY NOTICE PUBLICATION

14. In accordance with Paragraph 47 (h) of the Distribution Plan, KCC drafted a Summary Notice Publication to be posted on an internet-based newswire once a week within five

(5) days of the initial mailing of the Claims Packet, and received approval from the Commission staff.

15. The Summary Notice Publication was transmitted over the *PR Newswire*, *BusinessWire* and *GlobeNewswire* for three separate weeks beginning February 8, 2019.

16. Per the various solicitation methods previously detailed, a total of 21,575 Claim Packets have been sent to Potentially Eligible Claimants to date, which includes re-mails of those returned as undeliverable.

17. KCC continues to maintain the case-specific website, www.ChinaEnergyFairFund.com, toll-free number, (866) 666-7977, and electronic mail box, info@ChinaEenrgyFairFund.com, established in February 2019.

18. Inquiries were also received at the case-specific mailing address, P.O. Box 404060 Louisville, KY 40233-4060, and email address, info@ChinaEnergyFairFund.com.

PROCEDURES FOLLOWED IN ACCEPTING AND REJECTING CLAIMS

19. Under the terms of the Distribution Plan, subject to exclusions, Eligible Claimants are persons or entities who purchased China Energy common stock shares on the open market in the United States during the period from July 1, 2004 and continuing until 11:59 p.m. EST on February 15, 2006, and whose Recognized Claim, as per the Plan of Allocation, entitles him, her or it to a Distribution Payment.

20. Persons believing themselves to be an Eligible Claimant were required to submit a Proof of Claim Form postmarked no later than June 4, 2019 in order to be eligible to receive a payment from the Fair Fund.

21. In preparation for receiving and processing Proof of Claim Forms, KCC created a unique database to store Proof of Claim Forms detail and claim images and supporting

documentation, and programmed our proprietary claims system with the case-specific calculation methodology to calculate Recognized Loss pursuant to the Court-approved Plan of Allocation.

22. The procedure followed by my firm in processing the claims submitted was to receive all correspondence and claims submitted in this matter from P.O. Box 404060 Louisville, KY 40233-4060. Envelopes received from the P.O. Box were opened and sorted into correspondence, such as requests for claim forms or changes of address, and actual Proof of Claim Form submissions. The correspondence received was reviewed and appropriate responses given. The Proof of Claim Forms were opened, compiled with all submitted documentation and assigned a unique, identifying claim number. The information from each Proof of Claim Form, including the name, address, Employer I.D. or Social Security Number of the claimant, and the purchase and sales transactions listed were then entered into a securely maintained segregated proprietary database within KCC's computer system.

23. The documentation provided in support of each claim was reviewed to ascertain whether the claimant did, in fact, purchase the Eligible Securities during the Recovery Period, subject to the exclusions.

24. Claims were then reviewed to be sure they were not from a party excluded from the Eligible Claimant as defined in the Plan. *See* Plan Paragraph 19.

25. Claims were also inspected to identify potentially fraudulent claims and documentation. Any identified were referred to a manager who performed a second review of the claim and all its supporting documentation.

26. In addition, KCC maintains a database of individuals and entities that have submitted false or questionable claims in connection with other matters where KCC has served as claims administrator ("Questionable Filer List"). KCC's internal fraud investigation team

compared the Proof of Claim Forms submitted against KCC's Questionable Filer List to audit for Proof of Claim Forms that may have required further review. One Proof of Claim Form was selected for additional review and audit based on a match with names on the Questionable Filer List. Additional documentation was requested to validate the claims. No such documentation was received and the claim was ultimately rejected.

27. Where a submitted Proof of Claim Form lacked the required information or documentation to substantiate the claimant's transactions during the Recovery Period, or was otherwise ineligible, KCC sent a Notice of Deficiency to the Potential Claimant advising him, her, or it of the deficiency and requesting the submission of the appropriate documentary evidence or correction of the defect.

28. The Notice of Deficiency advised Potential Claimants that unless the indicated deficiency was corrected within twenty days, his, her or its claim would be accepted only to the extent of the documentation supplied. If appropriate, the Notice of Deficiency advised that the claim would be entirely rejected if the Potential Claimant had not supplied the required documentation of information for any transactions.

29. A total of 161 Notices of Deficiency were sent. Of the 161 claims found to be deficient, 96 claims were subsequently cured and are now eligible for inclusion.

30. Claimants who submitted documentation which demonstrated that the Potential Claimant was ineligible to participate in the China Energy Fair Fund (for example, where a claimant did not purchase the Eligible Securities during the Recovery Period) were sent a Rejection Notice. The Rejection Notice advised the Potential Claimant of his, her or its right to request review of the determination to reject their claim. The Rejection Notice stated that the Potential Claimant could request review by submitting a statement in writing setting forth the reasons why

the claimant believed that the claim was adequately submitted within twenty days of the date of the notice.

31. A total of 195 Rejection Notices were sent. In response to the notices, requests for review were received and 7 claims were subsequently made eligible based on additional review and documentation. To date, no claimants have outstanding requests for review of the rejection of their claim.

32. Determination Notices were sent to each Potentially Eligible Claimant who filed a valid Proof of Claim Form with the Distribution Agent, setting forth the Distribution Agent's conclusions concerning such claim and providing the claim's Recognized Claim as calculated per the Plan of Allocation.

33. Proof of Claim Forms which were properly submitted and supported with adequate documentary evidence were recognized on the basis of the following Plan of Allocation formula as stated in the Plan and as previously approved by the Court.

34. KCC has received a total of 1,085 Proof of Claim Forms in connection with this distribution.

LATE BUT OTHERWISE VALID CLAIMS

35. A total of 85 claims were postmarked later than June 4, 2019, the Claims Bar Date stated in the Distribution Plan Notice.

36. Pursuant to the Plan, the Claims Bar Date may be extended for one or more Potentially Eligible Claimants by the Distribution Agent in its sole discretion. *See* Plan Paragraph 64. As processing was not materially delayed, submissions submitted beyond the Claims Bar Date but prior to July 15, 2020 were included in our eligibility review.

37. Of the 85 claims postmarked after the Claims Bar Date and received prior to July 15, 2020, 18 of such claims were accepted, subject to such other deficiencies as were determined to exist. We believe that no delay in the processing or distribution of the China Energy Fair Fund resulted from the provisional acceptance of these claims due to the time required to process the timely submitted claims. Accordingly, we recommend inclusion of these claims independent of their submission date.

38. It is respectfully recommended that (i) any Proof of Claim Form received after July 15, 2020 be rejected as untimely and (ii) any response to a Claim Deficiency and/or Rejection Notice received after July 15, 2020 be rejected as untimely.

QUALITY ASSURANCE

39. Quality assurance review is an integral part of KCC's claims administration process. KCC vigilantly monitored the administration process to ensure that appropriate claims processing occurred, Proof of Claim Forms were properly submitted and supported with adequate documentary evidence and Recognized Claim amounts properly calculated per the Plan of Allocation formula as stated in the Plan, that Deficiency and Rejection Notices were sent to appropriate claimants in a timely manner, and that computer programs unique to the processing of these claims were regularly monitored to ensure proper administration.

40. Proof of Claim Forms were systematically audited in order to identify duplicate submissions, data outliers, and high value claims, and a manual review of the documentation provided with the Proof of Claim Forms was conducted on all claims identified in this audit process.

41. KCC engaged an independent, third-party firm to perform a set of agreed upon procedures, review a statistically significant sample of claims and ensure accurate and comprehensive application of the Plan of Allocation.

42. KCC also performed a final project review in order to ensure accuracy and completeness of all of the claims processed prior to preparing its final reports to the Commission. In connection with this review, KCC (i) checked that there were no deficiency codes associated with claims that had been designated as “valid” and, conversely that all claims that had been designated as ineligible, rejected, or duplicate had the appropriate deficiency codes associated with them; (ii) determined that all claims requiring Claim Deficiency and Rejection Notices had been sent such notices; (iii) sampled claims that were determined to be ineligible, rejected, or duplicate, in order to verify that all transactions had been captured correctly; and (iv) tested the accuracy of the calculation program.

ACCEPTED AND REJECTED CLAIMS

43. KCC received a total of 1,085 Proof of Claim Forms submitted prior to July 15, 2020. In accordance with the Plan, KCC processed those claims to determine whether they were eligible or ineligible to participate in the China Energy Fair Fund distribution.

44. A total of 640 of these claims were determined to be ineligible. Of these, 364 claims had no Recognized Claim amount according to the Plan of Allocation. Additionally, 47 claims were duplicates of another claim submission, 78 claims contained no purchases within the Recovery Period, 2 had transactions in a different security, 31 claims listed no transactions at all of the Eligible Securities, 2 were withdrawn by the Potential Claimant, and 116 claims were otherwise defective for some other reason. Each rejected claimant was sent a Rejection Notice and informed of their opportunity to request a review of that determination.

45. A total of 445 claims were determined to be eligible with a total aggregate approved Recognized Claim amount of \$10,481,284.10.

46. Pursuant to the Distribution Plan, no payment will be issued to Eligible Claimants whose Recognized Claim would entitle them to less than \$10.00, which is the Minimum Distribution Amount. *See* Plan Paragraph 23. Three claims which calculated a Recognized Claim amount did not generate a payment of at least \$10.00.

47. As such, KCC has prepared and submitted to the Commission staff a list of the 442 Eligible Claimants and their approved Recognized Claim amounts (the “Payee List”).

DISTRIBUTION OF CHINA ENERGY FAIR FUND

48. As per the Distribution Plan, KCC staff has calculated the *pro rata* distribution amounts from the Fair Fund by comparing the Eligible Claimants’ total Recognized Claim amounts with the total dollar value of the net China Energy Fair Fund, determined which Eligible Claimants would receive a payment of at least \$10.00 based on an initial *pro rata* allocation and then re-allocated the available funds amongst such claimants on a proportionate basis and according to their Recognized Claim amounts. Three claims which calculated a Recognized Claim amount did not generate a payment of at least \$10.00.

49. The total Recognized Claim amount for all Eligible Claimants generating a payment of at least \$10.00 is \$10,481,265.13. The *pro rata* payments represent approximately 53% of each Eligible Claimants’ calculated Recognized Claim amount.

50. If the Court approves, KCC will: (a) coordinate with the Tax Administrator previously appointed by the Court to ensure income tax compliance; (b) prepare payment drafts and payment registers; (c) mail payments to Eligible Claimants by prepaid first class mail; (d)

issue replacement payments upon request by payee; and (e) answer inquiries about Recognized Claim amount calculation and payment amounts.

51. All checks issued to Eligible Claimants shall be valid for a period of 90 days from the date of issuance. KCC will print and mail all checks in accordance with the Plan.

52. To the extent there are any funds remaining in the China Energy Fair Fund approximately six (6) months following Initial Distribution, after all taxes and expenses of the Fair Fund have been satisfied, and if equitable and economically feasible, the staff of the Commission in consultation with the Distribution Agent, may recommend that such funds also be distributed to those Eligible Claimants, if any, who filed claims with the Distribution Agent after July 15, 2020 or were late in curing a previously deficient or rejected claim.

FEEES AND DISBURSEMENTS

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed this 8th day of September, 2020, in Richmond, California.


NASHIRA MCCOY