- (I) requiring the well operator to provide defendant with a copy of all permits or other documents issued by, or filings required by, any authority to evidence the operator's compliance with local, state and federal laws and regulations applicable to meter installation;
- (J) requiring the well operator to provide the defendant with copies of all right-of-way authorizations and permits;
- (K) making reasonable changes to any specification, standard, or policy instituted with regard to meter installation;
- (L) providing meter installation pursuant to the provisions of contracts between the defendant and well operators in effect prior to May 18, 1994.

VI

Compliance Program

- (A) The defendant is ordered to maintain an antitrust compliance program which shall include designating, within 30 days of entry of this Final Judgment, an Antitrust Compliance Officer with responsibility for accomplishing the antitrust compliance program and with the purpose of achieving compliance with this Final Judgment. The Antitrust Compliance Officer shall, on a continuing basis, supervise the review of the current and proposed activities of the defendant to ensure that it complies with this final Judgment.
- (B) The antitrust Compliance Officer shall be responsible for accomplishing the following activities:
- (1) distributing, within 60 days from the entry of this Final Judgment, a copy of this Final Judgment to all officers and employees with responsibility for marketing of the defendant's gathering, or for approving and supervising the connection of a well to any of the defendant's gathering systems:
- (2) distributing in a timely manner a copy of this Final Judgment to any officer or employee who succeeds to a position described in Section VI(B)(1);
- (3) briefing annually those persons designated in Section VI(B)(1) on the meaning and requirements of this Final Judgment and the antitrust laws and advising them that the defendant's legal advisors are available to confer with them regarding compliance with the Final Judgment and the antitrust laws;
- (4) obtaining from each officer or employee designated in Section VI(B)(1) an annual written certification that he or she: (a) has read, understands, and agrees to abide by the terms of this Final Judgment; and (b) has been advised and understands that his or her failure to

- comply with this Final Judgment may result in conviction for criminal contempt of court;
- (5) maintaining a record of recipients to whom the Final Judgment has been distributed and from whom the certification in Section VI(B)(4) has been obtained:
- (6) distributing, within 60 days from the entry of this Final Judgment, by first-class mail, postage paid, a copy of the Notice to El Paso Natural Gas Company Gathering Customers that is attached as Attachment A to this Final Judgment to all well operators that on the date of entry of this Final Judgment have contracts with defendant for gathering.
- (C) Each time the defendant requires a meter installation inspection, the defendant shall create a written record setting forth at a minimum, the following information:
- (1) the name of the well operator for whom the meter installation is being provided;
- (2) the name of the person or persons providing the meter installation;
- (3) the location of the well or wells associated with the meter installation that is the subject of the inspection;
- (4) the date or dates of the inspection and the amount of time spent engaged in the actual inspection;
- (5) the total price charged for the inspection and a detailed description of how the defendant arrived at that price;
- (6) with respect to any materials or work assoicatied with the installation which the inspector rejects, a detailed explanation of why the inspector made the rejection;
- (7) if the inspector rejects any materials used or work performed by the person performing the installation, a detailed description of the steps that the inspector informed that person he or she could take to pass the inspection. The defendant shall maintain in its Farmington, New Mexico office, a log containing the information recorded pursuant to this subsection for a period of two years, and shall, upon reasonable notice, make available to a well operator those portions of the log pertaining to that well operator and any portions of the log that pertain to meter installations provided by the defendant.
- (D) At any time, if the defendant's Antitrust Compliance Officer learns of any past or future violations of Section IV of this Final Judgment, the defendant shall, within 45 days after such knowledge is obtained, take apporpriate action to terminate or modify the activity so as to comply with this Final Judgment.

VII

Certification

- (A) Within 75 days after the entry of this Final Judgment, the defendant shall certify to the plaintiff whether it has designated an Antitrust Compliance Officer and has distributed the Final Judgment in accordance with Section VI above.
- (B) For each year of the term of this Final Judgment, the defendant shall file with the plaintiff, on or before the anniversary date of entry of this Final Judgment, a statement as to the fact and manner of its compliance with the provisions of Section VI above.

VIII

Plaintiff Access

- (A) To determine or secure compliance with this Final Judgment and for no other purpose, duly authorized representatives of the plaintiff shall, upon written request of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the defendant made to its principal office, be permitted, subject to any legally recognized privilege:
- (1) access during the defendant's office hours to inspect and copy, at the plaintiff's expense, all documents in the possession or under the control of the defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and
- (2) subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers, employees or agents of the defendant, who may have counsel present, regarding such matters.
- (B) Upon the written request of the Assistant Attorney General in charge of the Antitrust Division made to the defendant's principal office, the defendant shall submit such written reports, under oath if requested, relating to any matters contained in this Final Judgment as may be reasonably requested, subject to any legally recognized privilege.
- (C) No information or documents obtained by the means provided in Section VIII shall be divulged by the plaintiff to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.
- (D) If at the time information or documents are furnished by the defendant to plaintiff, the defendant represents and identifies in writing the