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Anthony Stansfeld
Police & Crime Commissioner
for Thames Valley

31st October 2019
Our Ref: AS

Dear Mr Beale, Ms Shrimplin and Mr Hannon,

I have read Mr Millinder's skeleton dated 18th October 2019 and related correspondence. I have studied the attached proof of debt and the transcription of the call between Mr Millinder and Mr Hannon. It appears that there is a fundamental issue that nobody appears to want to resolve. In referring to the proof of debt exceeding £4.1 million, I note over £4 million of the claim is founded by the Energy Supply Agreement.

As Mr Millinder's barrister correctly pointed out on 20th March 2017:

23. The essential operative terms of the Energy Supply Agreement concerning the supply of energy (clause 3.1) are contingent upon Commissioning and the entering into a Connection Agreement (clause 2). The date on which these conditions are satisfied is the Start Date.

I understand that there was no "Start Date", because Middlesbrough Football Club refused to provide the connection. It is clear that over £4 million of the claim therefore cannot apparently be established. Paragraph 98 of Mr Millinder's skeleton highlights an important point, whereas it appears Mr Staunton has retracted the position in relation to the claims and in paragraph 85, Mr Staunton also confirmed, on 9th January 2017 that "*For the purpose of the Energy Supply Agreement, Force Majeure has effect*".

In addition to the above, any *Invoicing & Payment* is again subject to those same conditions set out in clause 2 of that Agreement. It would appear therefore that no claim could be established and moreover, Mr Staunton twice made that admission himself. It appears that GMR Consulting, another creditor of Empowering Wind MFC Ltd has raised the same contention in September 2017.

On that basis, can you please explain to me why Mr Hannon has not rejected the proof of debt when it looks clearly and obviously false and why it appears to have been sustained, against Mr Millinder's interests since 2nd February 2017?

Many thanks and I look forward to hearing from you.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Stansfeld', with a long horizontal stroke extending to the right.

Anthony Stansfeld
Police & Crime Commissioner for Thames Valley