

Determinations Committee Decision

Date:	October 08, 2009
Determinations Committee:	Americas
Meeting Date:	October 08, 2009

<b>DC Issue 2009100602:</b>	<b>Has a Failure to Pay Credit Event occurred with respect to Fairpoint Communications, Inc.?</b>	
1st Question for vote:	Has a Failure to Pay Credit Event occurred with respect to Fairpoint Communications, Inc.?	
Vote result:	Yes	
Votes:	15 'Yes' votes and 0 'No' votes	
	Bank of America / Merrill Lynch	Yes
	Barclays	Yes
	Citibank	Yes
	Credit Suisse	Yes
	Deutsche Bank AG	Yes
	Elliott Management Corporation	Yes
	Goldman Sachs	Yes
	JPMorgan Chase Bank, N.A.	Yes
	Legal & General Investment Management Limited	Yes
	Morgan Stanley	Yes
	Pacific Investment Management Company LLC	Yes
	Primus Asset Management, Inc.	Yes
	Rabobank International	Yes
	The Royal Bank of Scotland	Yes
	UBS	Yes

2nd Question for vote:	If a Credit Event did occur, is the date of the Credit Event October 5, 2009?	
Vote result:	Yes	
Votes:	15 'Yes' votes and 0 'No' votes	
	Bank of America / Merrill Lynch	Yes
	Barclays	Yes
	Citibank	Yes
	Credit Suisse	Yes
	Deutsche Bank AG	Yes
	Elliott Management Corporation	Yes
	Goldman Sachs	Yes
	JPMorgan Chase Bank, N.A.	Yes
	Legal & General Investment Management Limited	Yes
	Morgan Stanley	Yes

	Pacific Investment Management Company LLC	Yes
	Primus Asset Management, Inc.	Yes
	Rabobank International	Yes
	The Royal Bank of Scotland	Yes
	UBS	Yes

3rd Question for vote:	Is the date on which the DC Secretary first effectively received both a request to convene the Committee and Publicly Available Information that satisfies the requirements of Section 2.1(b) for the Credit Event with respect to Fairpoint Communications, Inc. October 6, 2009? (This question is asked to determine the Event Determination Date.)	
Vote result:	Yes	
Votes:	15 'Yes' votes and 0 'No' votes	
	Bank of America / Merrill Lynch	Yes
	Barclays	Yes
	Citibank	Yes
	Credit Suisse	Yes
	Deutsche Bank AG	Yes
	Elliott Management Corporation	Yes
	Goldman Sachs	Yes
	JPMorgan Chase Bank, N.A.	Yes
	Legal & General Investment Management Limited	Yes
	Morgan Stanley	Yes
	Pacific Investment Management Company LLC	Yes
	Primus Asset Management, Inc.	Yes
	Rabobank International	Yes
	The Royal Bank of Scotland	Yes
	UBS	Yes

4th Question for vote:	Should ISDA hold one or more auctions to settle Relevant Transactions with respect to which a Credit Event Resolution has occurred in accordance with the terms set out in the form of Credit Derivatives Auction Settlement Terms with respect to Fairpoint Communications, Inc.?	
Vote result:	No	
Votes:	0 'Yes' votes and 15 'No' votes	
	Bank of America / Merrill Lynch	No
	Barclays	No
	Citibank	No

	Credit Suisse	No
	Deutsche Bank AG	No
	Elliott Management Corporation	No
	Goldman Sachs	No
	JPMorgan Chase Bank, N.A.	No
	Legal & General Investment Management Limited	No
	Morgan Stanley	No
	Pacific Investment Management Company LLC	No
	Primus Asset Management, Inc.	No
	Rabobank International	No
	The Royal Bank of Scotland	No
	UBS	No