ATTORNEY GENERAL OF THE STATE OF NEW YORK
ENVIRONMENTAL AND INVESTOR PROTECTION BUREAUS

In the Matter of **Investigation by ERIC T. SCHNEIDERMAN, Attorney General of the State of New York**, of Peabody Energy Corporation, Respondent.	Assurance No. 15-**242**

ASSURANCE OF DISCONTINUANCE

The Office of the Attorney General of the State of New York ("NYAG") commenced an investigation pursuant to Article 23-A, Section 352 *et seq.* of the New York General Business Law (the "Martin Act") and Section 63(12) of the New York Executive Law, concerning various disclosures made by Peabody Energy Corporation (together with its predecessors, successors, subsidiaries and assigns, "Peabody" or the "Respondent") concerning climate change and the potential effects of climate change policy on Peabody's future business (the "Investigation").

This Assurance of Discontinuance (the "Assurance"), dated as of November 8, 2015, contains the findings of the Investigation, and an agreement between NYAG and Peabody (collectively, the "Parties") resolving the Investigation.

FINDINGS

NYAG makes the following findings, which are neither admitted to nor denied by Peabody (the "Findings"):

A. Peabody's Projections of Severe Adverse Impacts to Its Business from Potential Regulation of Climate Change

1. In Securities and Exchange Commission ("SEC") filings, including various annual reports, Peabody denied its ability to reasonably predict the impact to its future business from any future law or regulation relating to greenhouse gas emissions generated from the combustion of coal, in order to address harms from climate change.

2. In its 2011, 2012, 2013 and 2014 SEC Form 10-K Annual Reports, Peabody stated that "Enactment of laws or passage of regulations regarding emissions from the combustion of coal by the U.S. or some of its states or by other countries, or other actions to limit such emissions, could result in electricity generators switching from coal to other fuel sources." But, Peabody further stated, in each Form 10-K Annual Report, that it was "not possible for [Peabody] to reasonably predict the impact that any such laws or regulations may have on [Peabody's] results of operations, financial condition or cash flows."

3. Peabody has in fact made market projections about the impact of potential climate change regulatory actions. Some of those market projections found that certain such actions could have a severe negative impact on Peabody's future financial condition.

4. For example, in March 2013, Peabody projected that if a specific aggressive regulatory action scenario for existing power plants and future electricity

generation were to be implemented in the United States, it would in 2025 reduce the dollar value of sales of Southern Powder River Basin coal by 38% and Illinois Basin coal by 33%.

5. To further illustrate, in March 2014, Peabody hired an outside consulting firm, which projected that enactment of a $20 per ton carbon tax would reduce the demand for coal as a fuel source in electric power generation in the United States in 2020 by between 38% and 53% compared to 2013 levels.

6. The NYAG finds that although Peabody's disclosures denied its ability to reasonably predict the future impacts of any future climate change regulation on its business, Peabody and its consultants actually made market projections in the ordinary course of business of severe impacts from certain potential regulations and did not disclose its market projections to the public. These market projections found that certain potential regulatory scenarios could materially and adversely impact Peabody's future business and financial condition.

B. Peabody Statements About IEA Projections Relating to the Future Demand for Coal

7. In numerous SEC filings, including various annual reports and form 8-Ks, and other public communications, Peabody provided an incomplete discussion of the findings and projections of the International Energy Agency (the "IEA"), and omitted less favorable IEA projections for future coal demand.

8. The IEA, founded in 1974, is an autonomous organization that works to ensure reliable, affordable and clean energy for its 29 member countries and beyond. It is considered the world's leading authority on future global energy developments. The IEA is at the heart of global dialogue on energy, providing authoritative and

unbiased research, statistics, analysis and recommendations. The IEA advises member countries (including the United States) on ways to develop their energy policies so they effectively address climate change.

9. Since 1993, the IEA has made projections about world coal demand based on various scenarios for future world energy development. For several years, those scenarios have included: the New Policies Scenario, which is IEA's central scenario; the Current Policies Scenario, which the high case for coal usage; and the 450 Scenario, which is the low case for coal usage. The IEA does not endorse any particular scenario. As stated in the Executive Summary of its 2014 World Energy Outlook, the IEA recognizes that, as a general matter, coal's "future use is constrained by measures to tackle pollution and reduce CO_2 emissions."

10. The New Policies Scenario incorporates policies and measures affecting energy markets which have already been adopted, as well as other relevant commitments that have been announced by governments of the world but where the precise implementation measures have yet to be fully defined. The IEA considers the New Policies Scenario to be its "central scenario."

11. The Current Policies Scenario, which is the high case for coal usage, assumes that governments do not implement any recent commitments that have yet to be backed-up by legislation and will not introduce other new policies bearing on the energy sector in the future, even those that are likely to be implemented by various nations. According to the IEA, global energy usage consistent with the Current Policies Scenario would likely result in a global temperature rise of about 6°C.

12. The 450 Scenario, which is the low case for coal usage, incorporates government policies that would, if enacted, limit long-term increases in the average global temperature to two degrees Celsius. The goal of limiting temperature rise to no more than two degrees Celsius has long been endorsed by nations of the world in international meetings, most recently at the 2010 United Nations Climate Change Conference in Cancun, Mexico.

13. In its public statements, Peabody has frequently referred only to the Current Policies Scenario, which has never been IEA's central scenario. In its 2011 Form 10-K Annual Report, Peabody stated that IEA "estimates in its World Energy Outlook 2011, current policies scenario, that world primary energy demand will grow 51% between 2009 and 2035. Demand for coal is projected to rise 65%, and the growth in global electricity generation from coal is expected to be greater than the growth in oil, natural gas, nuclear, hydro, biomass, geothermal and solar combined." Peabody did not provide the significantly less favorable growth estimates for coal under IEA's central scenario (the New Policies Scenario) or the alternative 450 Scenario.

14. In its 2012 Form 10-K Annual Report, Peabody stated that IEA "estimates in its World Energy Outlook 2012, current policies scenario, that worldwide primary energy demand will grow 47% between 2010 and 2035. Demand for coal during this time period is projected to rise 59%, and the growth in global electricity generation from coal is expected to be greater than the growth in oil, natural gas, nuclear, hydro, geothermal and solar combined." Peabody did not provide the

significantly less favorable growth estimates for coal under IEA's central scenario (the New Policies Scenario) or the alternative 450 Scenario.

15. In its 2013 Form 10-K Annual Report, Peabody stated that IEA "estimates in its World Energy Outlook 2013, Current Policies Scenario, that worldwide primary energy demand will grow 43% between 2011 and 2035. Demand for coal during this time period is projected to rise 44%, and the growth in global electricity generation from coal is expected to be greater than the growth in oil, natural gas, nuclear, geothermal and solar combined." Peabody did not provide the significantly less favorable growth estimates for coal under IEA's central scenario (the New Policies Scenario) or the alternative 450 Scenario.

16. Further, even though Peabody mentioned the existence of the New Policies Scenario and the 450 Scenario in its 2013 Form 10-K Annual Report (unlike in prior years), Peabody did not disclose that the New Policies Scenario is the IEA's central scenario, and Peabody also did not disclose that the Current Policies Scenario does not include future regulations of coal and other greenhouse gases that are likely to be implemented by various nations.

17. In its 2014 Form 10-K Annual Report, Peabody stated that IEA "estimates in its World Energy Outlook 2014, Current Policies Scenario, that worldwide primary energy demand will grow 50% between 2012 and 2040. Demand for coal during this time period is projected to rise 51%, and the growth in global electricity generation from coal is expected to be greater than the growth in oil, natural gas, nuclear and solar combined." Again, Peabody did not provide the significantly

less favorable growth estimates for coal under IEA's central scenario (the New Policies Scenario) or the alternative 450 Scenario.

18. Further, even though Peabody continued to mention the existence of the New Policies Scenario and the 450 Scenario, Peabody again did not state that the New Policies Scenario is the IEA's central scenario, and Peabody also did not disclose that the Current Policies Scenario does not include future regulations of coal and other greenhouse gases that are likely to be implemented by various nations.

19. Peabody's representations regarding the IEA, as discussed above, were not just limited to its annual reports, but were widespread in other communications by Peabody and its senior executives to the investment community and general public, in which they cited the IEA to support optimistic growth projections for the coal market based solely on the Current Policies Scenario.

20. For example, in the Q4 2013 Earnings Conference Call, on January 30, 2014, Peabody's Chairman and Chief Executive Officer (CEO) stated that "IEA and other observers project that coal will surpass oil as the world's largest energy source in the coming years," while not mentioning that such a projection is premised on the IEA's Current Policies Scenario, which is not the IEA's central scenario. Under the IEA's central scenario, the New Policies Scenario, the promising future for coal announced by the CEO was not projected to occur. And, under the 450 Scenario, coal's future was projected to be significantly less favorable.

21. This and similar citations to the IEA in support of a promising future for coal were repeated in other documents and presentations by Peabody executives at

meetings with investment companies and at industry conferences, and were also included in filings by Peabody in Form 8Ks with the SEC.

CONCLUSIONS

22. The NYAG concludes that Peabody's disclosures denied its ability to reasonably predict the future impact of any climate change regulation on its business, while the company and its consultants projected severe impacts from certain potential regulations that would materially affect Peabody. The NYAG concludes that these disclosures violated provisions of the Martin Act (Article 23-A of the General Business Law) and violated § 63(12) of the Executive Law.

23. The NYAG concludes that Peabody's statements concerning the IEA's projections for the future of coal, both in SEC filings and in other communications, were incomplete and omitted less favorable IEA projections for future coal demand. The NYAG concludes that these statements and omissions violated provisions of the Martin Act (Article 23-A of the General Business Law) and violated § 63(12) of the Executive Law.

AGREEMENT

WHEREAS, Peabody neither admits nor denies the NYAG's Findings;

WHEREAS, NYAG is willing to accept the terms of this Assurance pursuant to Executive Law § 63(15) and to discontinue its Investigation; and

WHEREAS, the Parties each agree that the obligations imposed by this Assurance are prudent and appropriate;

IT IS HEREBY UNDERSTOOD AND AGREED, by and between the Parties that:

1. **Relief.**

a. Peabody agrees that its next regularly filed quarterly report with the Securities and Exchange Commission (the "SEC"), Form 10-Q, on or about November 9, 2015, shall contain the disclosures contained in Exhibit A attached hereto.

b. Peabody agrees that any future SEC filings, or any future communications with shareholders, the financial industry, investors, the general public, and others (collectively, the "Public Communications") will not contain any disclosure inconsistent with Sections 1(c) – (d) of this Assurance or Exhibit A attached hereto.

c. Peabody shall not represent in any Public Communication that it cannot reasonably project or predict the range of impacts that any future laws, regulations, and policies relating to climate change or coal would have on Peabody's markets, operations, financial condition or cash flow. Any statement by Peabody concerning the difficulty of making particular projections or predictions shall be accompanied by a statement that Peabody has made projections of the impact of scenarios involving certain potential laws and regulations relating to climate change or coal, which could result in materially adverse effects on its markets, operations, financial condition or cash flow.

d. Unless or until such time as IEA changes its definition of the scenarios used in its World Energy Outlook report (in which case Peabody shall correctly and in good faith describe IEA's analysis), any further citation to, any use of data or information from, or any other use of, the IEA's Current Policies Scenario by Peabody in any Public Communication shall expressly state (1) that the IEA does not endorse any particular scenario; (2) that the New Policies Scenario is the central scenario in the IEA's World Energy Outlook; (3) that the New Policies Scenario incorporates policies and measures affecting energy markets which have already been adopted, as well as other relevant commitments that have been announced by governments of the world but where the precise implementation measures have yet to be fully defined; (4) that the Current Policies Scenario is the most favorable IEA scenario for coal, incorporating only those policies and measures affecting energy markets that were formally enacted; it assumes that governments do not implement any recent commitments that have yet to be backed-up by legislation and will not introduce other new policies bearing on the energy sector in the future; and (5) that while the Current Policies Scenario presents the most favorable scenario for coal, IEA's 450 Scenario presents the most unfavorable IEA scenario for coal; the 450 Scenario incorporates a variety of government policies compatible with limiting the long-term increase in the average global temperature to two degrees Celsius, the limit recognized by nations of the world in the 2010 United Nations Climate

Change Conference in Cancun, Mexico. Moreover, whenever Peabody shall cite a statistic or projection of the IEA under the Current Policies Scenario, it shall cite the corresponding statistic or projection under the New Policies Scenario and 450 Scenario. Any further disclosure made pursuant to this section must be made in the same character size and font, and at the same location in the filing or public communication, as disclosures by Peabody concerning the Current Policies Scenario.

2. **Tolling; No Bar**. If the Assurance is breached, Peabody agrees that any statute of limitations or other time-related defenses applicable to the subject of the Assurance and any claims arising from or relating thereto are tolled from and after the date of this Assurance. In the event the Assurance is breached, Peabody expressly agrees and acknowledges that this Assurance shall in no way bar or otherwise preclude NYAG from commencing, conducting or prosecuting any investigation, action or proceeding, however denominated, related to the Assurance, against Peabody, or from using any statements, documents or other materials produced or provided by Peabody prior to or after the date of this Assurance.

3. **Acceptance of Assurance**. The NYAG finds the relief and agreements contained in this Assurance appropriate and in the public interest. The NYAG is willing to accept this Assurance pursuant to Executive Law § 63(15), in lieu of commencing a statutory proceeding.

4. **Jurisdiction and Governing Law**. Peabody acknowledges the jurisdiction of the NYAG to enter into this Assurance, without prejudice to any rights or defenses

Peabody may have to contest those Findings in any future proceeding; however, pursuant to Executive Law § 63(15), evidence of a violation of this Assurance shall constitute *prima facie* proof of violation of the applicable law in any action or proceeding thereafter commenced by NYAG. The Parties agree that the exclusive jurisdiction and venue for any dispute relating to this Assurance is the Supreme Court of the State of New York for New York County. This Assurance is governed by the laws of the State of New York.

5. **Negotiation in Good Faith**. The terms of this Assurance were negotiated in good faith by the Parties, and reflect a settlement that was reached voluntarily after consultation with experienced legal counsel.

6. **Binding on Successors**. This Assurance is binding on Peabody's successors, transferees, heirs, and assigns.

7. **Effective Date**. This Assurance is effective on the date indicated in the preamble to this agreement (the "Effective Date"). Facsimiles of signatures and signatures provided by portable document format (".PDF") shall constitute acceptable, binding signatures for purposes of this Assurance.

8. **Communications**. All communications from any party concerning the subject matter of this Assurance shall be addressed as follows:

    a. If to the State of New York:

        Philip Bein
        Assistant Attorney General
        Office of the New York Attorney General
        Environmental Protection Bureau
        The Capital
        Albany, New York 12224
        (518) 776-2413

Philip.Bein@ag.ny.gov

-and-

Steven Glassman
Senior Enforcement Counsel
Office of the New York Attorney General
Economic Justice Division
120 Broadway
New York, New York 10271
(212) 416-6542
Steven.Glassman@ag.ny.gov

b. If to Peabody:

A. Verona Dorch
Executive Vice President
Chief Legal Officer
Peabody Energy Corporation
701 Market Street
St. Louis, Missouri 63101
(314) 342-3400
vdorch@peabodyenergy.com

-and-

David B. Anders
Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, New York 10019
(212) 403-1307
DBAnders@wlrk.com

9. **Compliance with Other Disclosure Obligations.** In the event that Peabody reasonably believes that the performance of its disclosure obligations under any provision of this Assurance would conflict with any federal law, regulation, or binding directive that may be enacted or adopted after the date of this Assurance such that compliance with both this Assurance and such provision of federal law, regulation or binding directive would be impossible without violating such law, regulation, or directive, Peabody shall notify the Attorney General promptly after the effective date of such law, regulation or binding directive, and the parties shall meet and confer at their earliest convenience to attempt to resolve such conflict.

10. **Additional Terms.**

  a. This Assurance shall be deemed to have been drafted by all Parties and shall not, therefore, be construed against any Party for that reason in any dispute.

  b. This Assurance constitutes the complete agreement between the Parties. This Assurance may not be amended except by written consent of the Parties.

  c. The undersigned counsel represent and warrant that they are fully authorized to execute this Assurance on behalf of the persons and entities indicated below.

  d. This Assurance may be executed in counterparts, each of which constitutes an original and all of which constitute one and the same Assurance.

Dated: November 8, 2015
New York, New York

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

By: Philip Bein / LMS
Philip Bein
Assistant Attorney General
Office of the New York Attorney General
Social Justice Division
Environmental Protection Bureau
The Capital
Albany, New York 12224
(518) 776-2413

By: Steven Glassman / LMS
Steven Glassman
Senior Enforcement Counsel
Economic Justice Division
David Castleman
Assistant Attorney General
Investor Protection Bureau
Office of the New York Attorney General
120 Broadway
New York, New York 10271
(212) 416-6542

Counsel for The People of the State of New York

Dated: NOVEMBER 8, 2015
New York, New York

PEABODY ENERGY CORPORATION

BY: A. Verona Dorch

A. Verona Dorch
Executive Vice President
Chief Legal Officer
Peabody Energy Corporation
701 Market Street
St. Louis, Missouri 63101
(314) 342-3400

BY: D.B.A.

David B. Anders
Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, New York 10019
(212) 403-1307

Counsel for Peabody Energy Corporation

Exhibit A

Contingencies Section

Other
In June 2007, the New York Office of the Attorney General (NYAG) served a letter and subpoena on the Company, seeking information and documents relating to the Company's disclosure to investors of risks associated with possible climate change and related legislation and regulations. The Company believes it has made full and proper disclosure of these potential risks. In late 2013, the NYAG submitted a letter to the Company requesting additional information and documents. On November 8, 2015, the NYAG and the Company entered into an agreement pursuant to which the Company agreed to make certain disclosures concerning the issues raised by the NYAG.

MD&A

Long-Term Outlook

While a well-supplied market and declining seaborne coal prices have tempered near-term expectations, our long-term outlook for international coal market segments is more positive based on anticipated growth in Asia. We project that new global coal-fueled generation, as well as industrialization and urbanization trends in China and India, will drive aggregate global thermal and metallurgical coal demand growth. Seaborne supply growth is expected to be constrained during that period due to limited capital investment in response to the current pricing environment. In the U.S., we expect natural gas prices to rise modestly over the next several years as export infrastructure is completed, on-shore demand rises and production growth is constrained due to the amount of natural gas production that is associated with oil and natural gas liquids pricing.

Our long-term plans also include advancing projects to expand our presence in Asia, some of which include sourcing third-party coal and partnerships to utilize our mining experience for joint mine development. We also continue to support clean coal technology development and Btu Conversion projects that are designed to expand the uses of coal.

The International Energy Agency (IEA) regularly makes projections about world coal demand based on various future scenarios for energy development. The scenarios used by the IEA as the bases for these projections vary by time and publication. Further details are available to the public directly from the IEA, including through the IEA's website: http://www.iea.org/publications/scenariosandprojections/. Information contained on or accessible through the IEA's website is not incorporated by reference into this Quarterly Report on Form 10-Q.

The "New Policies Scenario" is IEA's central scenario in its World Energy Outlook report (WEO). It incorporates policies and measures affecting energy markets that have already been adopted, as well as other relevant commitments and plans that have been announced by countries, including national pledges to reduce emissions and plans to phase-out fossil fuel subsidies, even if the measures to implement these commitments have yet to be identified or announced.

Different scenarios used by the IEA in its projections of energy demand have different implications for coal usage. Projected coal usage is highest in the "Current Policies Scenario" and lowest in the "450 Scenario." The Current Policies Scenario (previously called the "Reference Scenario") assumes no changes in policies from the mid-point of the year of publication, thus considering policies and measures that have already been formally enacted, but assuming that governments do not implement any commitments that have yet to be finalized by legislation and will not introduce any new policies affecting coal usage.

Finally, the 450 Scenario assumes implementation of a set of government policies consistent with a goal of limiting long-term increases in the average global temperature to two degrees Celsius, a limit determined by various governments and non-governmental organizations and recognized by nations of the world in the 2010 United Nations Climate Change Conference in Cancun, Mexico.

The Company has historically emphasized the Current Policies Scenario in its strategic planning processes and its investor communications. We believe that the Current Policies Scenario is the most appropriate for our investors to consider because we believe that it has proven to be the scenario that has yielded the most accurate projections of coal usage. Although the New Policies Scenario is the IEA's central scenario, the IEA does not endorse any particular scenario as being a more probable forecast than the others.

The IEA estimates in its WEO 2014, Current Policies Scenario, that worldwide primary energy demand will grow 50% (37% under the New Policies Scenario) between 2012 and 2040. Demand for coal during this time period is projected to rise 51% (15% under the New Policies Scenario)

Under its Current Policies Scenario, the IEA expects coal to retain its prominent presence as a fuel for the power sector worldwide. Coal's share of the power generation mix was 41% in 2012. By 2040, the IEA's Current Policies Scenario estimates that coal's fuel share of global power generation will be 40% as it continues to have the largest share of worldwide electric power production (31%, slightly less than the share attributable to hydro and renewables, under the New Policies Scenario). Under the Current Policies Scenario, the IEA also projects that global natural gas-fueled electricity generation will have a compound annual growth rate of 2.7% from 2012-2040 (2.2% annual growth rate under the New Policies Scenario). The total amount of electricity generated from natural gas is expected to be approximately 40% below the total for coal (approximately 20% below the total for coal under the New Policies Scenario), even in 2040. Hydro and other renewables are projected to comprise a combined 25% of the 2040 fuel mix (33% under the New Policies Scenario) versus 21% in 2012. Electricity generation from nuclear power is expected to fall from 11% to 9% (while growing from 11% to 12% under the New Policies Scenario) between 2012 and 2040.

As noted above, projected coal usage is highest under the Current Policies Scenario. Future energy use consistent with the 450 Scenario would likely yield results materially lower than the projections noted above under the Current Policies Scenario or the New Policies Scenario.

Enactment of laws or passage of regulations regarding emissions from the combustion of coal by the U.S., some of its states or other countries, or other actions to limit such emissions (including measures incorporated into the New Policies and 450 Scenarios discussed above), could result in electricity generators switching from coal to other fuel sources or in coal-fueled power plant closures. Further, policies limiting available financing for the development of new coal-fueled power plants could adversely impact global coal demand in the future. The potential financial impact on us of future laws, regulations or other policies will depend upon the degree to which any such laws, regulations or other policies force electricity generators to diminish their reliance on coal as a fuel source. That, in turn, will depend on a number of factors, including the specific requirements imposed by any such laws, regulations or other policies, the time periods over which those laws, regulations or other policies would be phased in, the state of commercial development and deployment of carbon capture and storage technologies and the alternative markets for coal.

From time to time, we attempt to analyze the potential impact on the Company of as-yet-unadopted, potential laws, regulations and policies. Such analyses require that we make significant assumptions as to the specific provisions of such potential laws, regulations and policies. These analyses sometimes show that certain potential laws, regulations and policies, if implemented in the manner assumed by the analyses, could result in material adverse impacts on our operations, financial condition or cash flow, in view of the significant uncertainty surrounding each of these potential laws, regulations and policies. We do not believe that such analyses reasonably predict the quantitative impact that future laws, regulations or other policies may have on our results of operations, financial condition or cash flows.

As noted above, on August 3, 2015, the EPA announced the final rules (which were published in the Federal Register on October 23, 2015) for regulating carbon dioxide emissions from existing fossil fuel-fired EGUs. This ruling is intended to begin reducing carbon dioxide emissions by 2022 and, by 2030, reach a reduction of 32% from 2005 baseline emissions. The EPA expects the rule to have a significant impact on demand for coal-fired electricity generation in the U.S. and, depending upon the implementation methods adopted by the various states, we believe the rule could have a material adverse effect on our results of operations, financial condition and cash flows in future periods.

Exhibit A

Risk Factor

Concerns about the environmental impacts of coal combustion, including perceived impacts on global climate issues, are resulting in increased regulation of coal combustion in many jurisdictions, unfavorable lending policies by government-backed lending institutions and development banks toward the financing of new overseas coal-fueled power plants and divestment efforts affecting the investment community, which could significantly affect demand for our products or our securities.

Global climate issues continue to attract public and scientific attention. Numerous reports, such as the Fourth (and, more recently, the Fifth) Assessment Report of the Intergovernmental Panel on Climate Change, have also engendered concern about the impacts of human activity, especially fossil fuel combustion, on global climate issues. In turn, increasing government attention is being paid to global climate issues and to emissions of what are commonly referred to as greenhouse gases, including emissions of carbon dioxide from coal combustion by power plants.

Enactment of laws or passage of regulations regarding emissions from the combustion of coal by the U.S., some of its states or other countries, or other actions to limit such emissions, could result in electricity generators switching from coal to other fuel sources or coal-fueled power plant closures. Further, policies limiting available financing for the development of new coal-fueled power plants could adversely impact the global demand for coal in the future. The potential financial impact on us of future laws, regulations or other policies will depend upon the degree to which any such laws or regulations force electricity generators to diminish their reliance on coal as a fuel source. That, in turn, will depend on a number of factors, including the specific requirements imposed by any such laws, regulations or other policies, the time periods over which those laws, regulations or other policies would be phased in, the state of commercial development and deployment of CCS technologies and the alternative markets for coal. From time to time, we attempt to analyze the potential impact on the Company of as-yet-unadopted, potential laws, regulations and policies. Such analyses require that we make significant assumptions as to the specific provisions of such potential laws, regulations and policies. These analyses sometimes show that certain potential laws, regulations and policies, if implemented in the manner assumed by the analyses, could result in material adverse impacts on our operations, financial condition or cash flow, in view of the significant uncertainty surrounding each of these potential laws, regulations and policies. We do not believe that such analyses reasonably predict the quantitative impact that future laws, regulations or other policies may have on our results of operations, financial condition or cash flows.

There have also been efforts in recent years affecting the investment community, including investment advisors, sovereign wealth funds, public pension funds, universities and other groups, promoting the divestment of fossil fuel equities and also pressuring lenders to limit funding to companies engaged in the extraction of fossil fuel reserves. The impact of such efforts may adversely affect the demand for and price of securities issued by us, and impact our access to the capital and financial markets.