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AGENDA ITEM
For Meeting of: 07-28-09

SUBMITTED LATE

July 28, 2009

Memorandum

TO: The Commission

FROM: Commissioner Cynthia L. Bauerly *CUB*
Commissioner Ellen L. Weintraub *ELW/JKL*

Subject: Draft AO 2009-14 (Mercedes-Benz USA LLC and Sterling Truck Corporation) – Addendum to Alternate Draft (Agenda Document 09-54-A)

Attached is an addendum to Agenda Document No. 09-54-A, Draft AO 2009-14 Mercedes-Benz USA LLC and Sterling Truck Corporation. Please place this draft on the agenda for July 28, 2009 as Agenda Document No. 09-54-B.

Attachment

The following paragraph is to be inserted at Page 10, as a new paragraph after line 10 of Agenda Document No. 09-54-A (AO 2009-14).

The requestor proposes to pay the administrative costs associated with the SSF from the EAPP. As described in the Request, when the EAPP “incurs expenses, MBUSA pays them from its general treasury and periodically invoices Daimler AG to recoup those expenses” (*Request* at 3). The practical effect of this proposal is that Daimler AG would be reimbursing MBUSA LLC for costs that include the administration of the SSF.

The following sentence replaces the first sentence of Lines 11 and 12 of Page 10 – up until the word “Any”.

Since Daimler AG is a foreign corporation, it may not directly or indirectly pay the administrative costs of the SSFs of its domestic subsidiary Sterling Corp.