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August 3, 2007

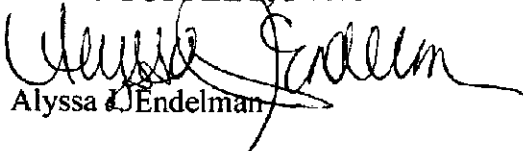
Via Overnight MailPublic Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, OH 43215-3793**Re: S.G. Foods, Inc., et al. vs Cleveland Electric Illuminating, et al.**
PUCO Case Nos: 04-28-EL-CSS, etc. (Consolidated)
Our File No: 65000.0

Dear Docketing Division:

Enclosed please find an original and ten (10) copies of Complainants' Response to Respondents' Sixth Motion to Compel Discovery from Lexington and Respondents' Third Motion to Compel from Allianz and a Certificate of Service regarding same. Please file with the Commission relative to the above matter.

Thank you for your anticipated cooperation in this regard. If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

DENENBERG TUFFLEY, PLLC
Alyssa J. Endelman

AJE/sm

Enc.

cc: Mark A. Whitt
David A. Kutik/Meggan Rawlin
Joel Levin
Paul W. Flowers
Edward F. SiegelW. Craig Bashein
Francis E. Sweeney
Gary D. Benz

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaints of S.G.)	
Foods, Inc.; Miles Management Corp.,)	
et al.; Allianz US Global Risk Insurance)	
Company, et al.; Lexington Insurance)	
Company, et al,)	
)	
Complainants,)	Case Nos. 04-28-EL-CSS
)	05-803-EL-CSS
v.)	05-1011-EL-CSS
)	05-1012-EL-CSS
The Cleveland Electric Illuminating)	
Company, Ohio Edison Company,)	
Toledo Edison Company, and)	
American Transmission Systems, Inc.)	
)	
Respondents.)	

**COMPLAINANTS' RESPONSE TO RESPONDENTS' SIXTH
MOTION TO COMPEL DISCOVERY FROM LEXINGTON AND RESPONDENTS'
THIRD MOTION TO COMPEL FROM ALLIANZ**

NOW COME Complainants Lexington Insurance Company, Frankenmuth Mutual Insurance Company, Charter Oak Fire Insurance Company, The Automobile Insurance Company of Hartford, The Standard Fire Insurance Company, Travelers Indemnity Company of America, Travelers Indemnity Company of Connecticut, Travelers Indemnity Company, Travelers Property Casualty Company of America, Phoenix Insurance Company, St. Paul Mercury Insurance Company, St. Paul Mercury Insurance Company, St. Paul Surplus Lines Insurance Company, United States Fidelity & Guaranty, Allied Mutual Insurance Company, and Nationwide Mutual Insurance, as Subrogees of their insureds in Case Number 05-1012, by and through their attorneys, Denenberg Tuffley, PLLC, and in response to the Respondents' Sixth

Motion to Compel Discovery from Lexington and Respondents' Third Motion to Compel Discovery from Allianz say as follows:

Respondents have filed yet another Motion to Compel Discovery, this time directed to the Allianz Complainants (Case No. 05-1011) and the Lexington Complainants (Case No. 05-1012). This Response is filed on their behalf (they will be collectively referred to as the "Insurance Company Complainants").

Respondents allege that they are entitled to discovery (interrogatory answers and/or the production of documents) regarding the witnesses the Insurance Company Complainants intend to call as experts. The discovery sought requests expert opinions and the facts and basis for the opinions.

However, the Commission by way of its Scheduling Order and its Amended Scheduling Order has set out the process by which each of the parties will conduct expert discovery in this matter. The process set forth by the Commission is as follows: (1) by the filing of summaries of the expert's opinion and (2) the deposition of the experts. Notably the Scheduling Order was issued on October 26, 2006 after a conference between the Attorney Examiner and the parties. The Respondents did not object to the expert discovery process contained in the Scheduling Order nor did they indicate that in addition to (1) and (2) above that they wanted expert discovery by way of interrogatories and/or requests for production.

What this motion is truly about is Respondents' attempts to persuade the Insurance Company Complainants to agree to alter the Scheduling Order. Respondents have requested that the filing of expert summaries be staggered and that the expert disclosures comply with the requirements of the Federal Rules of Civil Procedure. The credibility of Respondents' Motion is belied by its responses to similar expert interrogatories directed to them. On March 28, 2007, the

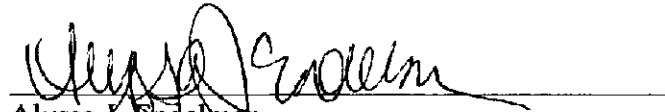
Respondents responded to the same interrogatory at issue in this motion by stating, "Respondents will disclose their experts and their opinions in accordance with the scheduling order in this case."

Therefore, the Respondents position is directly contradicted by their own reliance upon the expert disclosure procedure set forth in the Scheduling Order. The Insurance Company Complainants have relied upon the Scheduling Order to prepare their case. To now require the disclosures of expert summaries and the answers to expert opinions would be burdensome and disruptive.

Accordingly, for the foregoing reasons, The Insurance Company Complainants respectfully request that Respondents' Sixth/Third Motion to Compel Discovery be denied.

DENENBERG TUFFLEY, PLLC

By:



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Admitted Pro Hac Vice

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Dated: August 3, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response to Respondents' Sixth/Third Motion to Compel was mailed by ordinary U.S. mail to the following persons this 3rd day of August, 2007.

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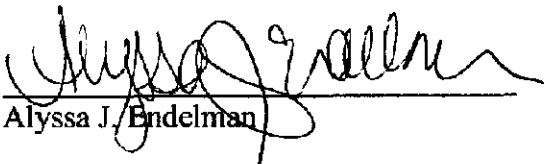
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