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06-1142-BA-BIN

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July 21, 2008

Philip B. McKiernan, Esq.
Hackman, Hulett & Cracraft, LLP
111 Monument Circle, Suite 3500
Indianapolis, IN 46204-2030

Re: Rockies Express; outstanding discovery requests

Dear Mr. McKiernan:

Once again the proposed dates for deposition of REX agents have come and gone without any response from you. Instead of providing any discovery, you have filed motions to dismiss and/or for Summary Judgment, in which you claim "no genuine issue of material fact" and attach an affidavit of one of the very people we have repeatedly sought to depose. Your failure and/or refusal to cooperate with our discovery requests unfairly prejudices our client's right to meaningful review. Please advise as to your availability for a 26(F) conference tomorrow between 9:30 and 11:00 AM or Friday between 9:00 and 10:00 AM so that I may proceed with a Motion to Compel.

Given your inaction in this matter, I will also be filing this day a Motion To Extend Time for our response to your Motion to Dismiss/Summary Judgment, as well as to Adjourn Discovery Cut-Off and the Trial Date. If you will agree to extensions of same without the necessity of a Motion, kindly inform my office of same so that I can advise the Court of our stipulation and present a proposed Order to that effect without delay.

Thanking you in advance, I remain

Cordially,

Peter Campbell King

PCK/TBW

cc: Judge Davidsen, OEA
Judge Jensen, NRC
FERC

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