



Office of the Ohio Consumers' Counsel

Your Residential Utility Consumer Advocate

Janine L. Migden-Ostrander
Consumers' Counsel

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July 27, 2005

Renee J. Jenkins, Secretary
Public Utilities Commission of Ohio
180 East Broad Street, 13th Floor
Columbus, Ohio 43215-3793

Re: Notice Pursuant to Entry Dated July 21, 2005
Case No. 05-376-EL-UNC

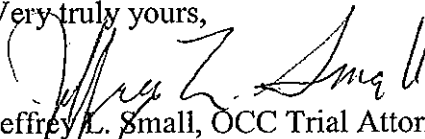
Dear Ms. Jenkins:

The Public Utilities Commission of Ohio stated as follows in its July 21, 2005 Entry: "Once OCC has had an opportunity to review all documents ordered to be provided to OCC pursuant to this entry, OCC shall immediately notify the AEs and AEP and file a letter in the docket stating whether OCC believes any of OCC's testimony needs to be supplemented." Entry at ¶(7). By means of this filing, the OCC gives notice that its testimony needs to be supplemented as the result of OCC not being provided timely access to AEP's documents on discovery. The testimony to be supplemented was filed on July 15, 2005. This notice will be separately communicated to both the Attorney Examiners and counsel for AEP.

The OCC inspected documents on July 8, 2005, subject to restrictions imposed by the AEP companies that did not permit taking possession of the documents, copying or note-taking by OCC personnel. Therefore, the material was not available for use in preparing testimony that was due on July 15, 2005. The OCC reviewed additional documents that AEP made available for OCC inspection for the first time on July 15, 2005. The OCC reviewed documents on July 22, 2005, pursuant to the Entry of July 21, 2005. The OCC received documents that had previously been withheld by AEP on July 22 and July 25, 2005.

The OCC should be permitted to supplement its direct testimony using the discovery documents and the information contained therein that were not delivered to the OCC in a timely fashion. The OCC should be permitted to file and serve such supplemental testimony on August 3, 2005.

Very truly yours,


Jeffrey L. Small, OCC Trial Attorney

cc: *Parties of Record*
Janine L. Migden-Ostrander, Ohio Consumers' Counsel

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