

FILE

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January 4, 2002

Honorable Steven Lesser  
Attorney Examiner  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215

Re: Case No. 01-2607-GA-CSS  
Case No. 01-2620-GA-ATA

Dear Attorney Examiner Lesser:

At the pre trial conference in the above styled proceedings held last month, a tentative date of January 14, 2002 was set for the next pre trial conference depending on how discovery progressed. While the January 14<sup>th</sup> date was not part of the post conference entry, the parties indicated that they would inform the Bench prior to that date as to whether discovery had progressed enough to warrant a pre trial at that time.

Due to the holidays and a prolonged discussion among the plaintiffs in the complaint case as to common ground for a settlement, discovery has not yet been served. Thus a discovery pre trial on January 14<sup>th</sup> would be premature.

Prior to delivery this letter, the text was circulated to all counsel of record, and none objected. The parties will keep the Bench apprised as to the progress of discovery.

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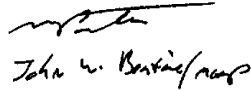
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Attorney Examiner Lesser  
January 4, 2002  
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Sincerely,



M. Howard Petricoff  
John W. Bentine

MHP/jam

CC: Steve Sieple  
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