

Scott Hendren

From: Tom Pliura [tom.pliura@zchart.com]
Sent: Monday, December 31, 2007 3:24 PM
To: 'Ambrose, Gerald'
Cc: 'Andrew Holstine'; 'Craig Hedin'; 'Elliott Hedin'; 'Eric Ruud'; 'G. Darryl Reed'; 'Hunt Henderson'; 'James Olivero'; 'James Richard Myers'; 'Janes Freetly'; 'Janis Von Qualen'; 'Jon Robinson'; 'Mark Maple'; 'Mercer Turner'; 'Paul Meints'; 'Robert J Beyers'; 'Roy Farwell'; 'Scott Helmholz'; 'Thomas Healey'; 'Todd Greenburg'; 'Tom Pliura'
Subject: RE: Request to Depose Pat Daniels

Mr. Ambrose:

Thank you for your response. I will prepare a Motion to Compel.

Tom Pliura

From: Ambrose, Gerald [mailto:gambrose@Sidley.com]
Sent: Monday, December 31, 2007 3:22 PM
To: Tom Pliura
Subject: RE: Request to Depose Pat Daniels

We have reviewed your request and find no reason to change our position. We will, if necessary, seek a protective order against your demand.

Gerald A. Ambrose
Sidley Austin LLP
One South Dearborn Street
Chicago, Illinois 60603
312-853-7496 (fax 853-7036)
gambrose@sidley.com

From: Tom Pliura [mailto:tom.pliura@zchart.com]
Sent: Monday, December 31, 2007 10:34 AM
To: Ambrose, Gerald
Cc: 'Andrew Holstine'; 'Craig Hedin'; 'Elliott Hedin'; 'Eric Ruud'; 'Reed, G. Darryl'; 'Hunt Henderson'; 'James Olivero'; 'Janes Freetly'; 'Janis Von Qualen'; 'Jon Robinson'; 'Mark Maple'; 'Mercer Turner'; 'Paul Meints'; 'Robert J Beyers'; 'Roy Farwell'; 'Scott Helmholz'; 'Thomas Healey'; 'Todd Greenburg'; 'Tom Pliura'
Subject: Request to Depose Pat Daniels

Mr. Ambrose and Mr. Reed:

I hope you reconsider your most recent decision not to offer up Mr. Pat Daniels for deposition in this matter. I am not sure why you are alleging our request is untimely. Pursuant to the ICC rules, we are entitled to conduct discovery on behalf of intervenors. We have intervened on behalf of numerous parties, and we are well within the timeframes outlined by the ICC Practice Rules. As such, your claim that our request is untimely is not well grounded.

Your comment that our request is "burdensome, irrelevant, and unnecessary" is similarly not a reasonable position. While I suppose everyone could argue depositions are "burdensome", there is no reason to suggest someone can avoid a deposition simply because they perceive they will be burdened by sitting for a deposition. Clearly, Mr. Daniels' deposition is relevant. His recent public comments and the Enbridge

1/2/2008

press release make it imperative for us to know the true purpose of the Illinois project. I originally had no plans to take any depositions in this matter, but then Mr. Daniels announced the plans for Enbridge's new pipeline to the Gulf Coast. In our view, the taking of his deposition is now absolutely necessary. Mr. Daniels has recently announced Enbridge's plans to build a new pipeline from Patoka, Illinois down to Texas. Since we initially intervened in this matter, I have questioned the purpose of the project as relates to Illinois citizens. Mr. Daniels recent announcement calls into question the alleged purpose of the proposal now pending before the ICC in 07-446.

I greatly prefer not to bother the ALJ with this discovery dispute matter. Please reconsider providing us with a time when we can depose Mr. Daniels. I am prepared to fly up to Canada and complete the deposition at his convenience.

Please reconsider and let me know your response. Thank you.

Tom Pliura

From: Ambrose, Gerald [mailto:gambrose@Sidley.com]
Sent: Monday, December 31, 2007 10:06 AM
To: Tom Pliura; Andrew Holstine; Craig Hedin; Elliott Hedin; Eric Ruud; Reed, G. Darryl; Hunt Henderson; James Olivero; Janes Freetly; Janis Von Qualen; Jon Robinson; Mark Maple; Mercer Turner; Paul Meints; Robert J Beyers; Roy Farwell; Scott Helmholz; Thomas Healey; Todd Greenburg
Subject: RE: Discovery Request

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From: Tom Pliura [mailto:tom.pliura@zchart.com]
Sent: Monday, December 31, 2007 10:02 AM
To: 'Andrew Holstine'; 'Craig Hedin'; 'Elliott Hedin'; 'Eric Ruud'; Reed, G. Darryl; Ambrose, Gerald; 'Hunt Henderson'; 'James Olivero'; 'Janes Freetly'; 'Janis Von Qualen'; 'Jon Robinson'; 'Mark Maple'; 'Mercer Turner'; 'Paul Meints'; 'Robert J Beyers'; 'Roy Farwell'; 'Scott Helmholz'; 'Thomas Healey'; 'Todd Greenburg'; 'Tom Pliura'
Subject: FW: Discovery Request

From: Ambrose, Gerald [mailto:gambrose@Sidley.com]
Sent: Friday, December 28, 2007 2:41 PM
To: Tom Pliura
Subject: RE: Discovery Request

Please be advised that Enbridge objects to your deposition request as untimely, burdensome, irrelevant, and unnecessary. Accordingly, Mr. Daniels will not be made available for deposition.

Gerald A. Ambrose
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From: Tom Pliura [mailto:tom.pliura@zchart.com]

Sent: Monday, December 24, 2007 10:10 AM
To: Ambrose, Gerald; Reed, G. Darryl
Cc: 'Andrew Holstine'; 'Craig R. Hedin'; 'Elliott M. Hedin'; 'Eric T. Ruud'; 'James V. Olivero'; 'Janis Freetty'; 'Janis Von Qualen'; 'Jon Robinson'; 'Mark Maple'; 'Mercer Turner'; 'Robert J. Beyers'; 'Roy P. Farwell'; 'Thomas J. Healey'; 'William J. Holstine'
Subject: Discovery Request

Attached please find a request, on behalf of the Intervenor I represent for the discovery deposition of Pat Daniel. I recognize that the holidays make such arrangements difficult and will be happy to work with you on a mutually convenient schedule.

Tom Pliura

Sidley Austin LLP mail server made the following annotations on 12/28/07,

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Sidley Austin LLP mail server made the following annotations on 12/31/07, 10:02

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