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FOLEY LARDNER
ATTORNEYS AT LAW

February 7, 2003

BY E-MAIL

Thomas A. Andreoli
Sonnenschein Nath & Rosenthal
8000 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606

Re: ICC Docket 02-0277

Dear Tom:

This in response to your letters of January 27 and 31 concerning discovery matters. Those letters are the latest letters we have exchanged concerning your clients' responses to ComEd's First Set of Data Requests. I will discuss the status of those responses to certain data requests below.

Data Request 1.04

In my letter of January 3, I confirmed your agreement to identify by bates label the documents that have been produced that identify all of the "allocation" transactions at issue in this case. We agreed that you would identify these documents instead of providing a written data request response providing information regarding these allocations. These documents have not yet been identified. Please let me know when that will occur.

Your letter of January 31 also indicates that you have received certain documents from Rupa Natarajan that may be responsive to this request. Please let me know when those documents will be produced. My recollection is that they were to have been produced by January 24.

FOLEY & LARDNER
321 N. CLARK STREET
CHICAGO, ILLINOIS 60610

TEL: 312.832.4500
FAX: 312.645.0183
WWW.FOLEYLARDNER.COM

WRITER'S DIRECT LINE
312.832.4814

EMAIL ADDRESS
rfieldmeier@foleylaw.com

CLIENT/MATTER NUMBER
458590-0101

011.513819.3

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Finally, in my letter of January 13, I referred to an "audit" of the costs of electric service provided to the Facility at issue. Since that letter was written, we have met with John Ashburn of Unocal's Law Department in connection with Needle Coker's and Chicago Carbon's responses to ComEd's Data Requests. He indicated that Needle Coker conducted such an "audit" which was then provided to Peer Anderson of CITGO's Law Department. Please provide us with these "audit" materials that Mr. Anderson received. We have not yet been able to secure these materials from Needle Coker.

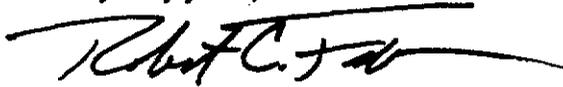
Data Request 1.05

In response to your letter of January 27, we would like to obtain the non-privileged documents that are in Eimer, Stahl's possession. Routine correspondence such as transmittal letters need not be produced. However, other materials should be produced. My understanding based on your letter is that if the transmittal letters and similar materials are excluded, there is only a limited amount of responsive, non-privileged documentation in Eimer, Stahl's possession. These materials should be copied and provided to us.

Data Requests 1.09 & 1.11

Your letter of January 31 indicates that additional materials and information will be produced in response to these requests. Please let me know when these materials will be provided.

Very truly yours,



Robert C. Feldmeier

cc: Walter C. Hazlitt