

Jennings-Fader, Mana

From: Gus Michaels [gusm@grmpc.com]
Sent: Friday, December 07, 2007 3:10 PM
To: Jennings-Fader, Mana
Cc: 'Cowger, Larry M'
Subject: RE: order on pending motions in Michaels Complaint 07F-024EG

Dear Judge Jennings-Fader:

I find Mr. Cowger's email request highly irregular. In essence he is asking for an expedited ruling without even filing any proper motion per the rules. I was not even consulted prior to his email request, and counsel has a duty to confer prior to filing requests/motions, which he did not. Yesterday, I had oral surgery and have not been in the office today, therefore not had a chance to review your interim order. Given that the subpoenas have not been quashed, the depositions as scheduled for Monday and Tuesday shall move forward.

Thank you. gus

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-----Original Message-----

From: Cowger, Larry M [mailto:larry.m.cowger@xcelenergy.com]
Sent: Friday, December 07, 2007 2:22 PM
To: Mana.Jennings-Fader@dora.state.co.us
Cc: gusm@grmpc.com
Subject: order on pending motions in Michaels Complaint 07F-024EG

Dear Judge Jennings-Fader,

I am in receipt of your interim order setting the hearing in the captioned matter. I note that the decision contains discussion regarding pending motions and advising the parties that a decision on these pending matters may not issue for some time. One pending motion is a request to quash or modify the deposition subpoenas issued in this matter. These depositions are currently scheduled to take place beginning next Monday, December 10th. Can we get some clarification on this matter? Are the depositions to take place without regard to the respondents motion to quash or to modify the subpoenas?

Thank you,
Larry Cowger
(303) 294-2225
Attorney for Respondent
Public Service Company of Colorado

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