



Peoples are, *inter alia*, local distribution companies that distribute natural gas to residential and nonresidential end users within their service territories. Part 11 1D-1-1-1-1-1-1-1

distribution services to end users in Western Pennsylvania.

The Commission issued an administrative complaint issued on March 14, 2007, alleging

that the acquisition of Peoples by Enbridge is a violation of the Act. Part 11 1D-1-1-1-1-1-1-1

of competition, in violation of section 5 of the FTC Act, 15 U.S.C. § 45.

Respondents contend that the transaction is lawful in that the merger specific efficiencies that would result from this transaction would far

Commission that they have taken steps necessary to preserve evidence relevant to the issues

~~reasonably evident in this action, including the interdiction of our document production.~~

b. Document Requests. There shall be no limit on the number of document requests.

c. Timing of Requests. Document requests, requests for admission, interrogatories, and subpoenas, except for discovery for purposes of

for a response to the discovery request shall be on or before the discovery cut-off date.

d. Timing of Responses. For all interrogatories and requests for production served prior to this Order's issuance, Complaint Counsel propose that objections to the interrogatories and requests for production shall be due within ten (10) days of the date of this Order and the documents and

shall be due within ten (10) days, but no earlier than twenty (20) days after the issuance of this Order, and the documents and materials shall be produced within thirty (30) days of service of the discovery request, but no earlier than sixty (60) days from the issuance of this Order.

e. Electronically-Stored Information. Disclosure and discovery of

Civil Procedure as amended on December 1, 2006

f. Deposition Notices. Service of a notice of deposition five business days in advance of the date set for the taking of the deposition shall constitute

8. Scheduling. As indicated above, Respondents request a stay of this administrative proceeding until the Court's resolution of the pending Motion to Dismiss in the related case identified in Paragraph 7. Complaint Counsel opposes Respondents' request. If this request is denied, the parties propose the following schedule:

May 11, 2007

with description of proposed testimony.

June 20, 2007

- Exchange revised witness lists (not including experts), including preliminary rebuttal fact witnesses, with

Counsel's rebuttal expert report(s) or seeking leave to submit surrebuttal expert reports).

September 7, 2007 - Deadline for deposition of all experts

September 11, 2007 - Deadline for filing motions for summary decision



summary decision.

To Complaint Counsel:

Re: [REDACTED]

Re: [REDACTED]

Federal Trade Commission

Federal Trade Commission

601 New Jersey Avenue, NW  
Washington, DC 20001

601 New Jersey Avenue, NW  
Washington, DC 20001



publications authored by the expert; (c) a list of all prior cases in which the expert has testified, been deposed, submitted an expert report, or submitted any other signed statement as an expert witness; and (d) a copy of all transcripts, expert reports, and other signed statements relating to such

party

g. The parties shall provide for each testifying expert witness a written report

containing the information required by the FTC Rules of Practice §

3.31(b)(3). Drafts of expert reports and notes taken by expert witnesses

need not be produced. Communications between expert witnesses and

documents for and depose any witness added to the witness list pursuant to this paragraph, even if the discovery takes place during the hearing.

all exhibits the parties reasonably expect may be used in the hearing, other

than demonstrative, illustrative, or summary exhibits. Additional exhibits

other than demonstrative, illustrative, or summary exhibits may be added



m. At the final pre-hearing conference, the parties shall introduce all exhibits

that intend to introduce at the hearing. The parties further shall give the

originals of exhibits to the court reporter which the court reporter will

maintain as part of the record.

**CERTIFICATE OF SERVICE**

I, Robert E. LaRocca, hereby certify that on **April 19, 2007**:

I caused twelve (12) hard copies of the attached **Joint Case Management Statement** to be served by hand delivery and one (1) copy by electronic mail upon the following person:

Office of the Secretary  
Federal Trade Commission  
H-135  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

I caused one (1) copy of the **Joint Case Management Statement** to be served by electronic mail upon the following person:

to the following persons:

William J. Baer, Esq.  
Arnold & Porter LLP  
555 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20004  
[William.baer@aporter.com](mailto:William.baer@aporter.com)

Howard Feller, Esq.  
McGuire Woods LLP