

FILE

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 2110
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

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VIA OVERNIGHT MAIL

February 20, 2007

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

In re: Case No. 06-986-EL-UNC, 03-93-EL-ATA, et. al.

Dear Sir/Madam:

Please find enclosed an original and twenty (20) copies of the Notice of Withdrawal of Kroger's Co. Motion to Limit Scope of OCC Deposition filed in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.

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Technician KW Date Processed 2-21-07

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) and regular U.S. mail, this 20th day of February 2007 to the following:

Duke Energy Ohio

Rocco O. D'Ascenzo Esq.
139 E. Fourth St P O Box 960
Cincinnati Oh 45201-0960

Colbert, Paul
Cinergy Corporation
155 E. Broad Street
Columbus Oh 43215

Rinebolt, David
Law Director
231 West Lima Street P.O. Box 1793
Findlay Oh 45839-1793

City Of Cincinnati
David E Rager
Room 152, City Hall 801 Plum Street
Cincinnati Oh 45202-5706

Ohio Manufacturers Association
Eric L. Burkland, President
33 North High Street
Columbus Oh 43215-3005

Industrial Energy Users-Ohio
Samuel C. Randazzo, General Counsel
Manes Wallace & Nurick LLC 21 East State Street 17th
Floor
Columbus Oh 43215

Office Of The Consumers Counsel
Larry Sauer
10 West Broad Street, Suite 1800
Columbus Oh 43215-3485

Ohio Hospital Association
Richard L. Sites
155 E. Broad Street 15th Floor
Columbus Oh 43215-3620

Pahutski, Michael
Cinergy Corp.
139 E. Fourth St. Room 25 At 11 P.O. Box 960
Cincinnati Oh 45201-0960

O'Brien, Thomas Attorney-At-Law
Bricker & Eckler LLP
100 South Third Street
Columbus Oh 43215

Bloomfield, Sally Attorney At Law
Bricker & Eckler LLP
100 South Third Street
Columbus Oh 43215-4291

Strategic Energy, L.L.C.
Carl W. Boyd
Two Gateway Center
Pittsburgh Pa 15222

Schafer, Anita , Paralegal
Cinergy Corp. 139 E. Fourth St. P.O. Box 960
Cincinnati Oh 45201-0960

Skidmore Sales & Distributing Company, Inc.
Roger Losekamp
9889 Cincinnati-Dayton Rd.
West Chester Oh 45069-3826

Cognis Corporation
35 E. 7th Street Suite 600
Cincinnati Oh 45202-2446

Constellation NewEnergy, Inc.
Terry S. Harvill
1000 Town Center Suite 2350
Southfield Mi 48075

Constellation Power Source, Inc.
Michael D Smith
111 Marketplace, Suite 500
Baltimore Ma 21202

Hotz, Ann , Attorney At Law
Office Of Consumers' Counsel 10 W. Broad Street,
Suite 1800
Columbus Oh 43215

Dominion Retail, Inc.
Gary A. Jeffries, Senior Counsel
1201 Pitt Street
Pittsburgh Pa 15221

FirstEnergy Solutions Corp.
Irene Prezelj, Manager, Marketing
395 Ghant Road Ghe-408
Akron Oh 44333

Cincinnati Gas & Electric Company
Paul G. Smith
139 E. Fourth Street
Cincinnati Oh 45202

Eagle Energy, LLC
Donald I. Marshall, President
4465 Bridgetown Road Suite 1

City Of Cincinnati
Julia Larita McNeil, Esq.
805 Central Ave Ste 150
Cincinnati Oh 45202-5756

MidAmerican Energy Company
Barbara Hawbaker, Balancing & Settlement
Analyst
4299 Nw Urbandale Drive
Urbandale IA 50322

Stinson, Dane Esq.
Bailey Cavalieri LLC
10 W. Broad St. Suite 2100
Columbus Oh 43215

Green Mountain Energy Company
John Bui
600 W. 6th Street Suite 900
Austin TX 78701

Royer, Barth
Bell, Royer & Sanders Co., L.P.A.
33 South Grant Avenue
Columbus Oh 43215-3900

Korkosz, Arthur
First Energy, Senior Attorney
76 South Main Street
Legal Dept., 18th Floor
Akron Oh 44308-1890

Morgan, Noel
Legal Aid Society Of Cincinnati
215 E. Ninth Street Suite 200
Cincinnati Oh 45202

National Energy Marketers Association
Craig G. Goodman, Esq.
3333 K Street N.W. Suite 110
Washington Dc 20007

People Working Cooperatively, Inc.
Michael Watson
4612 Paddock Rd
Cincinnati Oh 45229


WPS Energy Services, Inc.
Daniel Verbanac
1716 Lawrence Drive
De Pere WI 54115

Leyden, Shawn Attorney At Law
PSEG Energy Resources & Trade LLC
80 Park Plaza 19th Fl
Newark NJ 07102

Goodman, Craig
National Energy Marketers Assoc.
3333 K Street, N.W. Suite 110
Washington Dc 20007

Christensen, Mary Attorney At Law
Christensen & Christensen
401 N. Front Street Suite 350
Columbus Oh 43215

Howard, Stephen Attorney At Law
Vorys, Sater, Seymour And Pease
52 East Gay Street P.O. Box 1008
Columbus Oh 43216-1008



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

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In The Matter Of The Application Of Duke Energy Ohio To Modify Its Market-Based Standard Service Offer	:	Case No. 06-986-EL-UNC
	:	
In The Matter Of The Application Of The Cincinnati Gas & Electric Company To Modify Its Non-Residential Generation Rates To Provide For Market-Based Standard Service Offer Pricing And To Establish An Alternative Competitively Bid Service Rate Option Subsequent To Market Development Period	:	Case No. 03-93-EL-ATA
	:	
In The Matter Of The Application Of Cincinnati Gas & Electric Company For Authority To Modify Current Accounting Procedures For Certain Costs Associated With The Midwest Independent Transmission System Operator	:	Case No. 03-2079-EL-AAM
	:	
In The Matter Of The Application Of Cincinnati Gas & Electric Company For Authority To Modify Current Accounting Procedures For Capital Investment In Its Electric Transmission And Distribution System And To Establish A Capital Investment Reliability Rider To Be Effective After The Market Development Period	:	Case No. 03-2081-EL-AAM Case No. 03-2080-EL-ATA
	:	
In The Matter Of The Application Of Duke Energy Ohio, Inc. To Modify Its Fuel And Economy Purchased Power Component Of Its Market-Based Standard Service Offer	:	Case No. 06-1068-EL-UNC
	:	
In The Matter Of The Application Of The Cincinnati Gas & Electric Company To Modify Its Fuel And Economy Purchased Power Component Of Its Market-Based Standard Service Offer	:	Case No. 05-725-EL-UNC
	:	
In The Matter Of The Application Of Duke Energy Ohio, Inc. To Adjust And Set Its System Reliability Tracker	:	
	:	
In The Matter Of The Application Of Duke Energy Ohio, Inc. To Adjust And Set Its System Reliability Tracker Market Price	:	Case No. 06-1069-EL-UNC
	:	
In The Matter Of The Application Of Duke Energy Ohio, Inc. To Adjust And Set The Annually Adjusted Standard Service Offer	:	Case No. 05-724-EL-UNC
	:	
	:	Case No. 06-1085-EL-UNC
	:	
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**NOTICE OF WITHDRAWAL OF
KROGER'S MOTION TO LIMIT SCOPE OF OCC DEPOSITION**

On February 8, 2007, the Kroger Co. filed its Motion to Limit Scope of the OCC Deposition filed in the above referenced cases. Counsel has resolved this matter with OCC and there is no need for the Hearing Examiner to rule on this matter. Kroger's Motion is withdrawn without prejudice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'm.l. kurtz', is written over a horizontal line.

Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: (513) 421-2255 Fax: (513) 421-2764

E-Mail: mkurtz@BKLawfirm.com

kboehm@BKLawfirm.com

COUNSEL FOR THE KROGER CO.

February 20, 2007