

FILE

3

RECEIVED-DOCKETING DIV  
2008 NOV -7 PM 4:28  
PUCO

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application )  
of Duke Energy Ohio to Adjust and )  
Set the Annually Adjusted ) Case No. 08-1025-EL-UNC  
Component of its Market Based )  
Standard Service Offer )

---

DUKE ENERGY OHIO COMMENTS

---

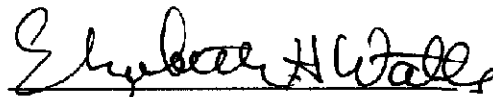
TO THE HONORABLE  
THE PUBLIC UTILITIES COMMISSION OF OHIO:

On October 29, 2008, the Attorney Examiner issued an Entry seeking comments from the Parties in this case relative to Duke Energy Ohio's (DE-Ohio) Application. DE-Ohio, The Ohio Consumers' Counsel (OCC) and the Ohio Energy Group (OEG), pursuant to a Stipulated Agreement reached in Case No. 08-920-EL-SSO, are in agreement and do not oppose DE-Ohio's application in this matter to institute rates beginning December 1, 2008. DE-Ohio does not object to any party raising issues arising from the Staff audit of DE-Ohio's Annually Adjusted Component (AAC) for the audit period ending May 31, 2008. Any issues or objections arising there from may be raised at the next AAC hearing by any party. Counsel for OEG has explicitly agreed to these Comments and granted permission that OEG's agreement be so noted.

This is to certify that the images appearing are an  
accurate and complete reproduction of a case file  
document delivered in the regular course of business.  
Technician                      Date Processed 11-10-08

WHEREFORE, DE-Ohio respectfully requests that the Commission approve the filed annually adjusted component tariff and Rider AAC prices, and implement rates effective December 1, 2008.

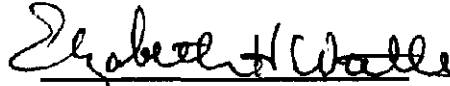
Respectfully submitted,  
DUKE ENERGY OHIO, INC.

A handwritten signature in black ink, appearing to read "Elizabeth H. Watts", written over a horizontal line.

Paul A. Colbert  
Associate General Counsel  
Elizabeth H. Watts  
Assistant General Counsel  
Duke Energy Ohio  
139 Fourth Street, Room 25 ATII  
Cincinnati, Ohio 45202  
(614) 221-7551

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Comments was served on the following parties this  
7th day of November, 2008 by regular U. S. Mail, overnight delivery or electronic delivery.

  
Elizabeth H. Watts

Ann M. Hotz, Counsel of Record  
Jeffrey L. Small  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485

David F. Boehm  
Counsel for Ohio Energy Group  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202