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## Office of the Ohio Consumers' Counsel

*Your Residential Utility Consumer Advocate*

Janine L. Migden-Ostrander  
Consumers' Counsel

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June 1, 2009

Attorney Examiners Jeanne Kingery and Scott Farkas  
Public Utilities Commission of Ohio  
180 East Broad Street, 12<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

Re: *In re Duke Energy Ohio*, Case Nos. 08-709-EL-AIR, 08-710-EL-ATA, 08-711-EL-AAM

Dear Ms. Kingery and Mr. Farkas:

The Office of the Ohio Consumers' Counsel ("OCC") files this letter to state its position with regard to the letter filed on May 29, 2009 ("May 29 Letter") by the Staff of the Public Utilities Commission of Ohio ("Commission") and most of the signatory parties to the Stipulation and Recommendation filed on March 31, 2009 ("Stipulation"), in the above-captioned proceedings. OCC views the Stipulation as an agreement that is limited to only those numbers on the A-1 Schedule filed on May 8, 2009, that were explicitly identified for agreement in the body of the Stipulation. Although the Stipulation did not establish agreement on some of the numbers in the May 29 Letter and OCC does not agree to some of those numbers, OCC will not oppose the May 29 Letter for the specific purpose of the Commission's reliance, in its order, on the numbers included in the A-1 Schedule that were not identified in the body of the Stipulation.

Very truly yours,

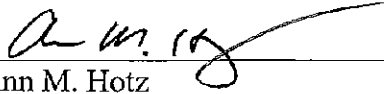
A handwritten signature in black ink, appearing to read "Ann M. Hotz", is written over a horizontal line.

Ann M. Hotz  
Assistant Consumers' Counsel

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of foregoing letter was served by Regular U.S. Mail Service, postage prepaid, to the parties of record identified below, on this 1<sup>st</sup> day of June, 2009.

  
Ann M. Hotz  
Assistant Consumers' Counsel

### **SERVICE LIST**

Rocco D'Ascenzo  
Amy Spiller  
Duke Energy Ohio, Inc.  
139 East Fourth Street  
P.O. Box 960  
Cincinnati, OH 45201-0960

Stephen Reilly  
Attorney General's Office  
Public Utilities Commission of Ohio  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, OH 43215

David F. Boehm  
Michael L. Kurtz  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202

David C. Rinebolt  
Colleen L. Mooney  
Ohio Partners for Affordable Energy  
231 West Lima St., P.O. Box 1793  
Findlay, OH 45839-1793

Attorneys for Ohio Energy Group

Attorneys for Ohio Partners for Affordable Energy

John W. Bentine  
Mark S. Yurick  
Chester, Willcox & Saxbe LLP  
65 East State St., Ste. 1000  
Columbus, OH 43215-4213  
Attorneys for The Kroger Co.

Mary W. Christensen  
Christensen Christensen Donchatz  
Kettlewell, & Owens, LLP  
100 East Campus View Blvd., Suite 360  
Columbus OH 43235-4679

Attorney for People Working  
Cooperatively, Inc.

Thomas J. O'Brien  
Sally W. Bloomfield  
Bricker & Eckler, LLP  
100 South Third Street  
Columbus, OH 43215-4291

Attorneys for the City of Cincinnati

Albert E. Lane  
7200 Fair Oaks Dr.  
Cincinnati, OH 45237-2922

Pamela H. Sherwood  
Vice President of Regulatory Affairs,  
Midwest Region tw telecom  
4625 West 86th Street, Suite 500  
Indianapolis, IN 46268

Elizabeth H. Watts  
Duke Energy-Ohio  
155 East Broad Street  
Columbus, OH 43215

Stephen M. Howard  
Vorys, Sater, Seymour And Pease LLP  
52 East Gay S., P. O. Box 1008  
Columbus, OH 43216-1008

Attorney Ohio Cable Telecommunications  
Association

Douglas E. Hart  
441 Vine St., Ste. 4192  
Cincinnati, OH 45202

Attorney for The Greater Cincinnati Health  
Council

Paul A. Werner  
Hogan & Hartson LLP  
Columbia Square  
555 13th Street, N.W.  
Washington, D.C. 20004