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February 23, 2010

Ms. Renee Jenkins
Docketing Division
Public Utilities Commission of Ohio
180 East Broad St., 11th Floor
Columbus, OH 43215-3793

Re: Case No. 10-42-EL-ATA, *In the Matter of the Application of
Duke Energy Ohio, Inc. for Approval of Tariff for Rate TD-AM.*

Dear Ms. Jenkins:

Ohio Partners for Affordable Energy (OPAE) is submitting this letter to the above-referenced docket in order to clarify our position regarding the filing of February 19, 2010.

The Amendment to the Application mischaracterizes the role of the SmartGrid Collaborative in deliberations that resulted in the filing. Duke Energy Ohio indicates that "the members of the SmartGrid Collaborative reached agreement" regarding the proposed revisions which make up this amended filing. This is incorrect. OPAE did not agree to the proposed tariff; it merely chose not to oppose the filing.

OPAE remains concerned about the impact the tariffs, and time-of-use rates in general, will have on the low-income clients we serve. These types of rates will ultimately increase bills of low income customers. Because this case involves a pilot program limited to 250 customers, OPAE has chosen not to oppose the tariffs. We believe the pilot will ultimately confirm that dynamic pricing schemes result in increased bills for the majority of low-income households.

Sincerely,

/s/David C. Rinebolt

David C. Rinebolt
Executive Director & Counsel

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/22/2010 5:32:58 PM

in

Case No(s). 10-0042-EL-ATA

Summary: Correspondence to clarify OP&E's position. electronically filed by Mr. David C Rinebolt on behalf of Ohio Partners for Affordable Energy