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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF)
DUKE ENERGY OHIO FOR APPROVAL OF A)
MARKET RATE OFFER TO CONDUCT A)
COMPETITIVE BIDDING PROCESS FOR)
STANDARD SERVICE OFFER ELECTRIC) CASE NO. 10-2586-EL-SSO
GENERATION SUPPLY, ACCOUNTING)
MODIFICATIONS, AND TARIFFS FOR)
GENERATION SERVICE.)

**RESPONSE IN OPPOSITION TO THE
APPLICATION FOR REHEARING OF DUKE ENERGY OHIO, INC.,
BY WAL-MART STORES EAST, LP, AND SAM'S EAST, INC.**

Wal-Mart Stores East, LP, and Sam's East, Inc., (collectively "Walmart")

respectfully submit this response in opposition to the Application For Rehearing Of Duke Energy Ohio, Inc., ("DEO's Request"). In support of its position in this docket Walmart states as follows:

As indicated in the Initial Brief Of Wal-Mart Stores East, LP, And Sam's East, Inc., ("Walmart's Brief"), Walmart's approach to the application in this docket was focused on ensuring that the proposal of Duke Energy Ohio ("DEO" or "the Company") is fair to all customers, those remaining with the Company and those who choose to be supplied by competitive providers. Walmart's response to DEO's Request will be equally focused.

As pointed out in Walmart's Brief, there is ample evidence in the record, legal authority and policy justification to support the Commission's decision on Riders RECON and SCR. This evidence, authority and policy is amply articulated in the Commission's Opinion And Order.

DEO's Request purports to assign error to the Commission's refusal to approve


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Riders RECON and SCR as proposed by the Company. See Assignment of Error 8, DEO's Request pp. 3, 17-20. However, DEO's Request adds nothing new substantively and simply reiterates the evidence and arguments that the Commission previously – and correctly – rejected. The Commission's Opinion And Order on Riders RECON and SCR should be upheld.

WHEREFORE, for all the above and foregoing reasons, Walmart respectfully requests that the Commission reject DEO's Request as to Riders RECON and SCR, and those riders be rejected as proposed by the Company.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies and affirms that on the 1st day of April, 2011, a true and correct copy of the foregoing instrument was served via electronic mail and/or first class mail, postage prepaid, to the following persons:

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