

**OHIO CONSUMERS' COUNSEL ET AL., APPELLANTS, v. PUBLIC UTILITIES  
COMMISSION OF OHIO ET AL, APPELLEES.**

**[Cite as *Ohio Consumers' Counsel v. Pub. Util. Comm.*,  
121 Ohio St.3d 372, 2009-Ohio-605.]**

*Cause dismissed as moot.*

(No. 2008-0466 — Submitted November 18, 2008 — Decided  
February 19, 2009.)

APPEAL from Public Utilities Commission of Ohio, Nos. 05-724-EL-UNC,  
05-725-EL-UNC, 06-1068-EL-UNC, 06-1069-EL-UNC, and 06-1085-EL-UNC.

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{¶ 1} This cause is dismissed as moot for the reasons stated in our  
opinion in *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 121 Ohio St.3d 362,  
2009-Ohio-604, \_\_\_ N.E.2d \_\_\_, at ¶ 2.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR,  
O'DONNELL, LANZINGER, and CUPP, JJ., concur.

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Janine L. Migden-Ostrander, Consumers' Counsel, and Jeffrey L. Small  
and Ann M. Hotz, Assistant Consumers' Counsel, for appellant Ohio Consumers'  
Counsel.

Colleen L. Mooney and David C. Rinebolt, for appellant Ohio Partners for  
Affordable Energy.

Richard Cordray, Attorney General, and Stephen A. Reilly and Werner L.  
Margard III, Assistant Attorneys General, for appellee Public Utilities  
Commission of Ohio.

Paul A. Colbert, Rocco D'Ascenzo, and Elizabeth A. McNellie, for  
intervening appellee Duke Energy of Ohio, Inc.

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**Case No(s). 05-0724-EL-UNC, 05-0725-EL-UNC, 06-1068-EL-UNC, 06-1069-EL-UNC, 06-1085-EL-UNC**

Summary: Supreme Court Document The following decision, announcement or notice of action by the Supreme Court of Ohio with respect to this case is provided solely for the information and convenience of the reader, and should not be construed as a part of the record of this case before the Public Utilities Commission of Ohio, and may be subject to formal revision before it is published in the Ohio Official Reports. The Court's opinions from 1992 to the present are available online from the Reporter of Decisions at <http://www.sconet.state.oh.us/ROD/> - Slip Opinion (Feb. 19, 2009) [Cite as Ohio Consumers' Counsel v. Pub. Util. Comm., 121 Ohio St.3d 372, 2009-Ohio-605.] electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio