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March 11, 2014

Barcy F. McNeal, Secretary  
Public Utilities Commission of Ohio  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

Re: *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in its  
Natural Gas Distribution Rates, Case No. 12-1685-GA-AIR, et al.*

Dear Ms. McNeal:

Without waiving or conceding any arguments with respect to the notice provision in Section 4903.16, Revised Code, The Kroger Company ("Kroger") hereby notifies the Public Utilities Commission of Ohio ("Commission") of its intent to request that the Supreme Court of Ohio stay the Commission's November 13, 2013 Opinion and Order and January 8, 2014 Entry on Rehearing that authorize Duke Energy Ohio, Inc. ("Duke") to collect \$55 million from customers for environmental investigation and remediation costs associated with the cleanup of two former manufactured gas plant sites of Duke.

Kroger intends to request, on or after March 14, 2014, that the Supreme Court of Ohio stay the above-referenced Commission orders pending the outcome of Kroger's appeal. Please consider this letter to be the notice required by Section 4903.16, Revised Code.

Sincerely,



Kimberly W. Bojko  
Attorney for The Kroger Company

cc: Parties of Record  
Hearing Examiners

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 12-1685-GA-AIR, 12-1686-GA-ATA, 12-1687-GA-ALT, 12-1688-GA-AAM**

Summary: Letter of Notification electronically filed by Mrs. Kimberly W. Bojko on behalf of Kroger