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VIA HAND DELIVERY

PUCO

Reneé Jenkins
Public Utilities Commission of Ohio
13th Floor
180 East Broad Street
Columbus OH 43215

**Re: In the Matter of the Review of Chapters 4901-1, 4901-3 and
4901-9 of the Ohio Administrative Code
Case No. 06-685-AU-ORD**

Dear Reneé:

The Ohio Manufacturers' Association ("OMA") files this letter to support the Application for Rehearing filed March 9, 2007 by the Office of the Ohio Consumers' Counsel ("OCC") and several other consumer groups, as well as the cities of Toledo, Holland, Maumee, Northwood, Oregon, Perrysburg and Sylvania, and Lake Township and Lucas County. In its Application for Rehearing, OCC correctly, in our opinion, analyzed the most recent Ohio Supreme Court case, *Ohio Consumers' Counsel v. Public Utilities Commission*, 111 Ohio St 3d, 384, wherein the Court discussed the criteria of Ohio Revised Code Section ("R.C.") 4903.221. In its rules the Commission attempts to add a factor—namely, whether or not a hearing will be held—as a criterion for intervention. This criterion does not appear in R.C. 4903.221. The OMA agrees with OCC that this additional criterion in the rule is unlawful and therefore adopts the argument of OCC at pages 3 through 6 in its Application for Rehearing with respect to the governance of R.C. 4903.221.

Very truly yours,

Sally W. Bloomfield

jb

cc: Parties of Record

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