



Office of the Ohio Consumers' Counsel

*Your Residential Utility Advocate*

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Consumers' Counsel

May 23, 2008

*Via Hand Delivery*  
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PUCO

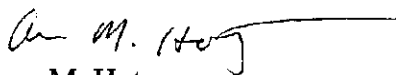
Re: *Office of the Ohio Consumers' Counsel v. Public Utilities Commission*,  
Supreme Court Case No. 08-0367

(PUCO cases below: 03-93-EL-ATA, 03-2079-EL-AAM, 03-2081-EL-AAM,  
and 03-2080-EL-ATA)

Dear Counsel for the PUCO:

Without waiving or conceding any arguments with respect to the notice provision in R.C. 4903.16, the Office of the Ohio Consumers' Counsel ("OCC") gives notice to the Public Utilities Commission of Ohio ("PUCO" or "Commission") regarding OCC's intent to file a motion at the Supreme Court of Ohio, on or after May 27, 2008, for a stay of the Commission's Order on Remand that authorized Duke Energy Ohio, Inc. ("Duke"), in the above-referenced PUCO cases, to collect the Infrastructure Maintenance Fund ("IMF") charges from customers. On February 15, 2008, OCC filed a motion for the PUCO to stay the Order on Remand, and the PUCO has not ruled on that motion. In the absence of a stay, the Commission's Order on Remand granting Duke the authority to collect the IMF charges is continuing to irreparably harm Duke's residential customers.

Sincerely,

  
Ann M. Hotz  
Assistant Consumers' Counsel

cc: Parties to PUCO Case 03-93-EL-ATA, et al.

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