

FILE



Office of the Ohio Consumers' Counsel

Your Residential Utility Consumer Advocate

Janine L. Migden-Ostrander
Consumers' Counsel

RECEIVED-DOCKETING DIV
2009 JUN -1 PM 4:15
PUCO

June 1, 2009

Attorney Examiners Jeanne Kingery and Scott Farkas
Public Utilities Commission of Ohio
180 East Broad Street, 12th Floor
Columbus, Ohio 43215-3793

Re: *In re Duke Energy Ohio*, Case Nos. 08-709-EL-AIR, 08-710-EL-ATA, 08-711-EL-AAM

Dear Ms. Kingery and Mr. Farkas:

The Office of the Ohio Consumers' Counsel ("OCC") files this letter to state its position with regard to the letter filed on May 29, 2009 ("May 29 Letter") by the Staff of the Public Utilities Commission of Ohio ("Commission") and most of the signatory parties to the Stipulation and Recommendation filed on March 31, 2009 ("Stipulation"), in the above-captioned proceedings. OCC views the Stipulation as an agreement that is limited to only those numbers on the A-1 Schedule filed on May 8, 2009, that were explicitly identified for agreement in the body of the Stipulation. Although the Stipulation did not establish agreement on some of the numbers in the May 29 Letter and OCC does not agree to some of those numbers, OCC will not oppose the May 29 Letter for the specific purpose of the Commission's reliance, in its order, on the numbers included in the A-1 Schedule that were not identified in the body of the Stipulation.

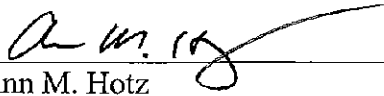
Very truly yours,

Ann M. Hotz
Assistant Consumers' Counsel

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business
Technician Ann Date processed 6/2/09

CERTIFICATE OF SERVICE

I hereby certify that a true copy of foregoing letter was served by Regular U.S. Mail Service, postage prepaid, to the parties of record identified below, on this 1st day of June, 2009.


Ann M. Hotz
Assistant Consumers' Counsel

SERVICE LIST

Rocco D'Ascenzo
Amy Spiller
Duke Energy Ohio, Inc.
139 East Fourth Street
P.O. Box 960
Cincinnati, OH 45201-0960

Stephen Reilly
Attorney General's Office
Public Utilities Commission of Ohio
180 East Broad Street, 9th Floor
Columbus, OH 43215

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202

David C. Rinebolt
Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima St., P.O. Box 1793
Findlay, OH 45839-1793

Attorneys for Ohio Energy Group

Attorneys for Ohio Partners for Affordable Energy

John W. Bentine
Mark S. Yurick
Chester, Willcox & Saxbe LLP
65 East State St., Ste. 1000
Columbus, OH 43215-4213
Attorneys for The Kroger Co.

Mary W. Christensen
Christensen Christensen Donchatz
Kettlewell, & Owens, LLP
100 East Campus View Blvd., Suite 360
Columbus OH 43235-4679

Attorney for People Working
Cooperatively, Inc.

Thomas J. O'Brien
Sally W. Bloomfield
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215-4291

Attorneys for the City of Cincinnati

Albert E. Lane
7200 Fair Oaks Dr.
Cincinnati, OH 45237-2922

Pamela H. Sherwood
Vice President of Regulatory Affairs,
Midwest Region tw telecom
4625 West 86th Street, Suite 500
Indianapolis, IN 46268

Elizabeth H. Watts
Duke Energy-Ohio
155 East Broad Street
Columbus, OH 43215

Stephen M. Howard
Vorys, Sater, Seymour And Pease LLP
52 East Gay S., P. O. Box 1008
Columbus, OH 43216-1008

Attorney Ohio Cable Telecommunications
Association

Douglas E. Hart
441 Vine St., Ste. 4192
Cincinnati, OH 45202

Attorney for The Greater Cincinnati Health
Council

Paul A. Werner
Hogan & Hartson LLP
Columbia Square
555 13th Street, N.W.
Washington, D.C. 20004