



Office of the Ohio Consumers' Counsel

Your Residential Utility Consumer Advocate

Janine L. Migden-Ostrander
Consumers' Counsel

FILE

December 1, 2009

Renee J. Jenkins, Secretary
Public Utilities Commission of Ohio
180 East Broad Street, 13th Floor
Columbus, Ohio 43215-3793

Re: In the Matter of the Application of Duke Energy Ohio to Adjust and Set Its Gas and Electric Recovery Rate for SmartGrid Deployment under Riders AU and DR-IM et. al., Case Nos. 09-543-GE-UNC, 09-544-GE-ATA and 09-545-GE-AAM.

Dear Ms. Jenkins:

I am writing on behalf of the Office of the Ohio Consumers' Counsel ("OCC") to clarify the reason OCC did not contest the Stipulation and Recommendation ("Stipulation") entered into evidence in this case. OCC did not contest the Stipulation because the calculations for the recovery of SmartGrid costs incurred during 2008 are accurate. We did not join in the Stipulation, however because we were disappointed by the failure of Duke Energy Ohio (Duke) to address related issues that are of importance to protecting the residential consumer issues. For that reason, OCC intends to contest the problems that OCC had with the Stipulation as specified in OCC's letter of November 19, 2009 as they become relevant in future cases. Notwithstanding that intended course of action, OCC would encourage the Commission to require Duke to take appropriate steps to address the matters raised in the November 19, 2009 letter.

Thank you for your attention to these concerns.

Respectfully submitted,

Ann M. Hotz
Assistant Consumers' Counsel

cc: Parties of Record

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