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March 11, 2010

Renee Jenkins Chief of Docketing The Public Utilities Commission of Ohio 180 East Broad Street Columbus, Ohio 43266-0573

> Re: In the Matter of the Application for Recovery of Costs, Lost Margin, and Performance Incentive Associated With the Implementation of Electric Residential and Non-Residential Demand Side Management Programs By Duke Energy Ohio PUCO Case No. 09-283-EL-UNC

Dear Ms. Jenkins:

This letter is to indicate that, although The Kroger Co. has not signed the Stipulation filed in the above-captioned proceeding, The Kroger Co. will not oppose that Stipulation.

Verv truly vour

Matthew S. White

MSW/cls cc: All Parties

ND: 4830-2881-1781, v. 1