

FILE

RECEIVED-DOCKETING DIV

2004 MAR -9 AM 11:34

PUCO

VIA OVERNIGHT MAIL

March 8, 2004

Public Utilities Commission of Ohio  
PUCO Docketing  
180 E. Broad Street, 10th Floor  
Columbus, Ohio 43215

**In re: Case No. 03-2081-EL-AAM, 03-2079-EL-ATA, 03-2080-EL-ATA and 03-2081-EL-AAM**

Dear Sir/Madam:

Please find enclosed an original and twenty (20) copies of the Objections of The Kroger Co. filed in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**

MLKkew  
Encl.

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 CH Date Processed 3/9/04

## CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by regular U.S. mail, unless otherwise noted, this 8<sup>th</sup> day of March, 2004 to the following:

Samuel C. Randazzo, Esq.  
McNees Wallace & Nurick LLC  
21 East State Street 17th Floor  
Columbus, Oh 43215

Kimberly Bojko, Esq.  
Ohio Consumers Counsel  
10 W. Broad Street  
Columbus , Oh 43215

Diane M. Cammerata  
Strategic Energy, L.L.C.  
Two Gateway Center, 9th Floor  
Pittsburgh, Pa 15222

Howard M. Petricoff  
Vorys, Sater, Seymour & Pease  
52 East Gay Street  
Columbus, Oh 43216-1008

Ohio Hospital Association  
155 East Broad Street 15th  
Floor  
Columbus, Oh 43215-3620

Janine L. Migden  
Hahn Loeser & Parks  
1050 Fifth Third Center  
21 East State Street  
Columbus, Oh 43215

Ann M. Holz  
Attorney At Law  
Office Of Consumers' Counsel  
10 W. Broad Street, Suite  
1800  
Columbus, Oh 43215

Constellation Newenergy, Inc.  
Phil Brock, Director Of Pricing  
250 E. Broad St, Suite 1400  
Columbus, Oh 43215

Jonathan W. Airey, Esq.  
52 E. Gay Street E  
Columbus, Oh 43216

Craig G. Goodman  
National Energy Marketers Assoc.  
3333 K Street, N.W., Suite 110  
Washington, DC 20007

David C. Rinebolt  
Ohio Partners For Affordable  
Energy  
337 S. Main St., 4th Floor, Suite 5  
P.O. Box 1793  
Findlay, Oh 45839-1793

Sally W. Bloomfield  
Bricker & Eckler  
100 South Third Street  
Columbus, Oh 43215

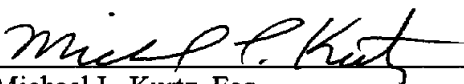
Watts, Elizabeth H.  
Bricker & Ekcler LLP  
100 South Third Street  
Columbus, Oh 43215

Eagle Energy, LLC  
Donald I. Marshall, President  
4925 Cleves-Warsaw Pike  
Cincinnati, Oh 45238

Colbert, Paul  
Cinergy Corporation  
155 E. Broad Street  
Columbus, Oh 43215

William A. Adams, Esq.  
Dane Stinson, Esq.  
Bailey Cavalieri LLC  
10 West Broad Street, Suite 2110  
Columbus, Ohio 43215

Schafer, Anita M. , Paralegal  
Cinergy Corp.  
139 E. Fourth St. P.O. Box 960  
Cincinnati, Oh 45201-0960

  
Michael L. Kurtz, Esq.

**BEFORE THE  
PUBLIC UTILITY COMMISSION OF OHIO**

In The Matter Of The Application Of The Cincinnati Gas & Electric Company : Case No. 03-93-EL-ATA  
To Modify Its Non-Residential Generation Rates To Provide For Market-Based :  
Standard Service Offer Pricing And To Establish An Alternative Competitively :  
Bid Service Rate Option Subsequent To Market Development Period :

In The Matter Of The Application Of Cincinnati Gas & Electric :  
Company for Authority to Modify Current Accounting Procedures : Case No. 03-2079-EL-AAM  
For Certain Costs Associated with the Midwest Independent :  
Transmission System Operator :

In The Matter Of The Application Of Cincinnati Gas & Electric :  
Company for Authority to Modify Current Accounting Procedures : Case No. 03-2081-EL-AAM  
For Capital Investment in its Electric Transmission and Distribution : Case No. 03-2080-EL-ATA  
System and to Establish a Capital Investment Reliability Rider :  
To be Effective After the Market Development Period :

---

**OBJECTIONS OF THE KROGER CO.**

---

The procedural schedule in this case calls for the filing of objections to the January 26, 2004 Rate Stabilization Plan (RSP) and Market Based Standard Service Offer (MBSSO) filing of the Cincinnati Gas & Electric Company (CG&E). The Kroger Co. will not submit detailed objections to the CG&E filing at this time. However, we anticipate filing extensive testimony on April 15, 2004.

Respectfully submitted,



---

Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 East Seventh Street, Suite 2110  
Cincinnati, Ohio 45202  
Ph: (513) 421-2255 Fax: (513) 421-2764  
E-Mail: [mkurtzlaw@aol.com](mailto:mkurtzlaw@aol.com)

March 8, 2004

**COUNSEL FOR THE KROGER CO.**