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IN THE SUPREME COURT OF OHIO
On Appeal from the Public Utilities Commission of Ohio

Ohio Partners for Affordable Energy,

Appellant,

v.

The Public Utilities Commission of Ohio,

Appellee.

Case No. **06-0829**

Appeal from the Public
Utilities Commission of Ohio

Public Utilities
Commission of Ohio
Case No. 05-792-EL-ATA

NOTICE OF APPEAL
OF APPELLANT,
OHIO PARTNERS FOR AFFORDABLE ENERGY

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MARCIA J MENGEL, CLERK
SUPREME COURT OF OHIO

Notice of Appeal of Appellant, Ohio Partners for Affordable Energy

Appellant, Ohio Partners for Affordable Energy, pursuant to R.C.

§§4903.11 and 4903.13 and S. Ct. Prac. R. II(3)(B), hereby gives notice to the Supreme Court of Ohio and to the Public Utilities Commission of Ohio ("Appellee" or "PUCO") of this appeal to the Supreme Court of Ohio from Appellee's Opinion and Order entered in its Journal on March 1, 2006 and its Entry on Rehearing entered in its Journal on March 29, 2006 in the above-captioned case, *In the Matter of the Application of The Dayton Power and Light Company for Approval of Tariff Changes Associated with the Request to Implement a Billing Cost Recovery Rider*, Case No. 05-792-EL-ATA.

Appellant, Ohio Partners for Affordable Energy, is an Ohio corporation engaged in advocating for affordable energy policies for low and moderate income Ohioans. Appellant, on behalf of low income customers and the nonprofit agencies that provide these customers with bill payment assistance and energy efficiency services, was a party of record in the above-captioned PUCO case.

On March 6, 2006, Appellant timely filed an Application for Rehearing from the March 1, 2006 Opinion and Order pursuant to R.C. §4903.10. Appellant's Application for Rehearing was denied with respect to the issues raised in this appeal by an Entry on Rehearing entered in the Appellee's Journal on March 29, 2006.

Appellant complains and alleges that Appellee's March 1, 2006 Opinion and Order and March 29, 2006 Entry on Rehearing are unlawful, unjust and

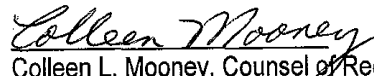
unreasonable, and the Appellee erred as a matter of law, in the following respects that were raised in Appellant's Application for Rehearing:

1. The PUCO's Opinion and Order and Entry on Rehearing unreasonably and unlawfully negate provisions of settlement agreements approved by PUCO Opinions and Orders under which The Dayton Power and Light Company ("DP&L") agreed that billing system costs would be collected from competitive suppliers and distribution rates would be frozen.
2. The PUCO's Opinion and Order and Entry on Rehearing unreasonably and unlawfully violate the PUCO-approved settlement agreements and the requirements of R.C. §4909.18 by allowing for under-recovery of billing system costs from competitive suppliers and excess recovery of billing system costs from DP&L's ratepayers.
3. The PUCO's Opinion and Order and Entry on Rehearing unreasonably and unlawfully allow for rate increases for billing service, which is an existing service, in violation of the rate-making requirements set forth at R.C. §4909.18.

Wherefore, Appellant respectfully submits that the Appellee's March 1, 2006 Opinion and Order and March 29, 2006 Entry on Rehearing are unlawful, unjust and unreasonable and should be reversed. The case should be

remanded to the Appellee with instructions to correct the errors complained of herein.

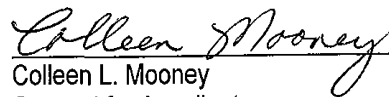
Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Appeal of Ohio Partners for Affordable Energy was served upon the Chairman of the Public Utilities Commission of Ohio by leaving a copy at the office of the Chairman in Columbus and upon all parties to the proceeding pursuant to R.C. §4903.13 by hand delivery or regular U. S. Mail this 26th day of April 2006.



Colleen L. Mooney
Counsel for Appellant
Ohio Partners for Affordable Energy

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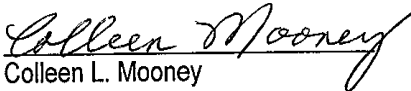
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CERTIFICATE OF FILING

I certify that this Notice of Appeal has been filed with the docketing division of the Public Utilities Commission of Ohio in accordance with sections 4901-1-02(A) and 4901-1-36 of the Ohio Administrative Code.


Colleen L. Mooney
Counsel for Appellant
Ohio Partners for Affordable Energy

APPENDIX E. CASE INFORMATION STATEMENT

In The Supreme Court of Ohio

Case Information Statement

Case Name: Ohio Partners for Affordable Energy v. Pub. Util. Comm.

Case No.: On Appeal from PUCO Case No. 05-792-EL-ATA

I. Has this case previously been decided or remanded by this Court? No

If so, please provide the Case Name:

n/a

Case No.: _____

Any Citation: _____

II. Will the determination of this case involve the interpretation or application of any particular case decided by the Supreme Court of Ohio or the Supreme Court of the United States? Yes

If so, please provide the Case Name and Citation:

Canton Storage and Transfer Co. v. Pub. Util. Comm. (1995), 72 Ohio St.3d 1.

Cleveland Elec. Illum. Co. v. Pub. Util. Comm. (1975), 42 Ohio St.2d 403.

Consumers' Counsel v. Pub. Util. Comm. (1984), 10 Ohio St.3d 49.

Consumers' Counsel v. Pub. Util. Comm. (1985), 16 Ohio St. 3d 9.

Ohio State Bd. of Pharmacy v. Frantz, 51 Ohio St.3d 143.

Pike Natural Gas Co. Pub. Util. Comm. (1981), 68 Ohio St. 2d 181.

Will the determination of this case involve the interpretation or application of any particular constitutional provision, statute, or rule of court? Yes

If so, please provide the appropriate citation to the constitutional provision, statute, or court rule, as follows:

U.S. Constitution: Article _____, Section _____

Ohio Revised Code: R.C. 4909.15, 4909.18, 4909.19

Ohio Constitution: Article _____, Section _____

Court Rule: _____

United States Code: Title _____, Section _____

Ohio Admin. Code: O.A.C. _____ - _____ - _____

III. Indicate up to three primary areas or topics of law involved in this proceeding (e.g., jury instructions, UM/UIM, search and seizure, etc.):

1) Public Utilities Regulatory Law

2) _____

3) _____

IV. Are you aware of any case now pending or about to be brought before this Court that involves an issue substantially the same as, similar to, or related to an issue in this case? Yes

If so, please identify the Case Name:

Office of the Ohio Consumers' Counsel v. Pub. Util. Comm.

Case No.: 2006-0536 and 2006-0600

Court where Currently Pending: Ohio Supreme Court

Issue: Whether the PUCO's decision was unreasonable and unlawful in granting DP&L authority to collect deferred charges in violation of previous PUCO orders.

Case Name: *Office of the Ohio Consumers' Counsel v. Pub. Util. Comm.*

Case No.: 2005-1621 and 2005-1679

Court where Currently Pending: Ohio Supreme Court

Issue: Whether the PUCO's decision was unreasonable and unlawful in granting electric distribution utilities accounting authority to defer costs, for subsequent recovery, in violation of previous PUCO orders.

Case Name: *Office of the Ohio Consumers' Counsel v. Pub. Util. Comm.*

Case No.: 2006-0646

Court where Currently Pending: Ohio Supreme Court

Issue: Whether the PUCO's decision was unreasonable and unlawful in granting an increase in distribution rates in conflict with the PUCO's previous orders and in conflict with the statutory requirements for rate increases set forth at R.C. §4909.18.

Contact information for appellant or counsel:

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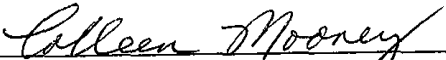
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