

FILE

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October 20, 2004

John Shailer  
Attorney Examiner  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215-3793

PUCO

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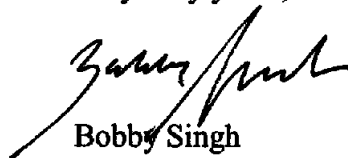
RECEIVED-DOCKETING DIV

Re: *In the Matter of the Self-Complaint of Akron Thermal Limited Partnership  
Before the Public Utilities Commission of Ohio  
Case No. 04-1298-HT-SLF*

Hon. Mr. Shailer:

Attached please find the original affidavit of Mr. Carl E. Avers, the facsimile copy of which was attached to the Notice of Withdrawal of Motion to Intervene of Canal Park Condominium Owners' Association, Inc., Request for Hearing of Canal Park Condominium Owners' Association, Inc., and Judgment Entry filed in this matter on October 15, 2004.

Very truly yours,



Bobby Singh

cc. Russell Sysack  
Kaman & Cusimano, Suite 600, 50 Public Square, Cleveland, Ohio 44113.

James W. Burk  
FirstEnergy Service Company, 76 South Main Street, Akron, Ohio 44308

Steve Puican  
Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215

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ATTACHMENT A

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Self Complaint of Akron Thermal Limited Partnership )  
Case No. 04-1298-HT-SLF )

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AFFIDAVIT OF CARL E. AVERS ON BEHALF OF  
AKRON THERMAL LIMITED PARTNERSHIP

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I, Carl E. Avers, being duly sworn, upon oath, deposes and states:

1. I am the Chairman of Akron Thermal Limited Partnership ("Akron Thermal"), located at 226 Opportunity Parkway, Akron, Ohio 44307-2232.
2. As part of my duties as Chairman, I have read the Self Complaint of Akron Thermal Limited Partnership ("Self Complaint") and all of the exhibits and attachments to the Self-Complaint, and attest that the information and representations contained therein are true and accurate to the best of my knowledge.
3. I have read Canal Park Condominium Owners' Association, Inc.'s ("Canal Park") Motion to Intervene of Canal Park Condominium Owners' Association, Inc., Request for Hearing of Canal Park Condominium Owners' Association, Inc., and Judgment Entry ("Request for Intervention and Hearing") docketed in Akron Thermal's Self Complaint matter on October 12, 2004, and understand that Canal Park is alleging that the relief requested by the Self Complaint may affect the rates contained in the agreement for hot water service between Canal Park and Akron Thermal.

- 4. I have read the attached notice of withdrawal and understand that Canal Park has agreed to withdraw its Request for Intervention and Hearing in Akron Thermal's Self Complaint based on Akron Thermal's representation that the fuel cost recovery surcharge and other rate relief request by the Self Complaint will neither apply to nor affect the agreement between Canal Park and Akron Thermal for hot water service to Canal Park.
- 5. I aver that the fuel cost recovery surcharge and other rate relief request by the Self Complaint will neither apply to nor affect the agreement between Canal Park and Akron Thermal regarding hot water service to Canal Park.
- 6. I respectfully urge the Commission to accept Canal Park's notice to withdraw its Request for Intervention and Hearing in Akron Thermal's Self Complaint matter.

I hereby certify that the foregoing statements are true and correct.

On behalf of Akron Thermal Limited Partnership

*Carl E. Avers*

Carl E. Avers General Partner  
Chairman of Akron Thermal Limited Partnership  
Thermal Ventures Inc GP

State of Ohio )  
County of Summit ) ss:  
City of Akron )

Subscribed and sworn to before me this 15<sup>th</sup> day of October, 2004.

*[Signature]*  
Notary Public  
COMMISSION DOES NOT EXPIRE  
STATE OF OHIO

My Commission Expires: Does not expire