

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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

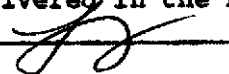
NOTICE OF WITHDRAWAL OF
MOTION TO INTERVENE OF CANAL PARK CONDOMINIUM OWNERS'
ASSOCIATION, INC., REQUEST FOR HEARING OF CANAL PARK CONDOMINIUM
OWNERS' ASSOCIATION, INC., AND JUDGMENT ENTRY

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**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**

**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**

As attested to in the attached affidavit of Mr. Carl E. Avers, based on representations by Akron Thermal Limited Partnership ("Akron Thermal") that the cost recovery and rate relief requested by the Self Complaint Akron Thermal Limited Partnership ("Self Complaint") in this matter will neither apply to nor affect the agreement for hot water service between Akron Thermal and Canal Park Condominium Owners' Association, Inc. ("Canal Park"), Canal Park hereby withdraws its Motion to Intervene of Canal Park Condominium Owners' Association, Inc., Request for Hearing of Canal Park Condominium Owners' Association, Inc. and Judgment Entry, docketed in this mater on October 12, 2004.

Respectfully submitted,

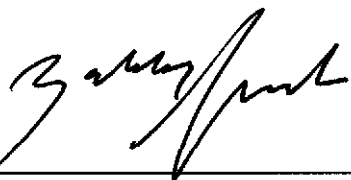
RUSSELL SYSACK

BY: 

*pursuant to
facsimile authorization
10/15/04*

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Attorneys for Akron Thermal Limited Partnership

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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

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

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 General Partner
 Chairman of Akron Thermal Limited Partnership
 Thermal Ventures Inc GP

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

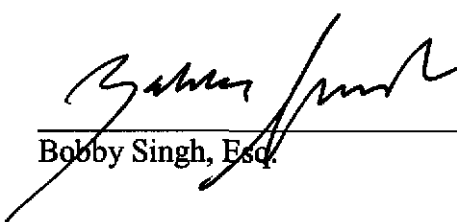
Subscribed and sworn to before me this 15th day of October, 2004.


 Notary Public

My Commission Expires: Does not expire

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing 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 was served upon the following parties of record or as a courtesy, via ordinary U.S. Mail postage prepaid, express mail, hand delivery, or electronic transmission, on October 15, 2004.



Bobby Singh, Esq.

SERVICE LIST

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