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In The Supreme Court of Ohio

Case Information Statement

06-1594

<b>Case Name:</b> Industrial Energy Users-Ohio, Appellant, v. The Public Utilities Commission of Ohio, Appellee.	<b>Case No.: 06-</b> Appeal from the Public Utilities Commission of Ohio  PUCO Case No. 05-376-EL-UNC
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**I. Has this case previously been decided or remanded by this Court?** Yes    No

If so, please provide the Case Name:  
 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  No    If so, please provide the Case Name and Citation: *Morgan v. United States*, 304 U.S. 1 (1938); *West Ohio Gas Co. v. Pub. Util. Comm.*, 294 U.S. 63 (1935); *Forrest Hills Utility Co. v. Pub. Util. Comm.*, 39 Ohio St.2d 1 (1974); *Tongren v. Pub. Util. Comm.*, 85 Ohio St.3d 87 (1999); *Constellation NewEnergy v. Pub. Util. Comm.*, 104 Ohio St.3d 530 (2004); *Time Warner AxS v. Pub. Util. Comm.*, 75 Ohio St.3d 229 (1996).

**Will the determination of this case involve the interpretation or application of any particular constitutional provision, statute, or rule of court?** Yes  No

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

U.S. Constitution: Article: 14<sup>th</sup> Amendment, Section 1;  
 Ohio Revised Code: R.C. 4928.05; 4928.14; 4928.17; 4903.09; 4909.15; 4909.18; 4909.19; 4901.16  
 Ohio Constitution: Article I, Section 16 Court Rule: \_\_\_\_\_  
 United States Code: Title \_\_\_\_\_, Section \_\_\_\_\_ Ohio Admin. Code: 4901-1; 4901-7

**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) Administrative Agency Jurisdiction
- 2) Procedural Due Process

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MARCIA J MENGEL, CLERK  
 SUPREME COURT OF OHIO

**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 X No**

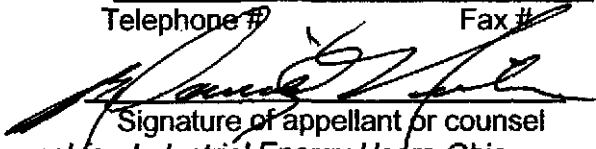
If so, please identify the Case Name: *State of Ohio, ex Rel. Industrial Energy Users-Ohio v. The Public Utilities Commission of Ohio et al.*  
 Case No.: 2006-1257

Court where Currently Pending: The Supreme Court of Ohio

Issue: Complaint for Writ of Prohibition to: 1) prevent the Public Utilities Commission of Ohio ("PUCO") from enabling Columbus Southern Power Company and Ohio Power Company ("the Companies") to bill and collect any rate increases that the PUCO may have authorized in the April 10, 2006 Opinion and Order, the June 28, 2006 Entry on Rehearing and a related June 28, 2006 Finding and Order; 2) prohibit the Companies' use of the PUCO's authorization to enforce the collection of any such rate increase; and 3) prohibit the PUCO from further entertaining any increase in rates for an integrated gasification combined cycle generating plant unless it does so in accordance with the requirements of Ohio law as such requirements apply to both competitive electric services and noncompetitive electric services.

**Contact information for appellant or counsel:**

Samuel C. Randazzo	0016386	614-719-2840	
(Counsel of Record)			
Lisa G. McAlister	0075043	614-719-5957	
Daniel J. Neilsen	0076377	614-719-2842	614-469-4653
Name	Atty. Reg. #	Telephone #	Fax #
<hr/>			
21 East State Street, 17 <sup>th</sup> Floor			
Address			
Columbus, Ohio	43215		
City	State	Zip Code	

  
 Signature of appellant or counsel  
 Counsel for: Industrial Energy Users-Ohio