

RECEIVED-DOCKETING DIV

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

2008 MAR 11 AM 10:04

Ohio Partners for Affordable Energy,)
)
 Appellant,)
)
)
 v.)
)
)
 The Public Utilities Commission of Ohio,)
)
 Appellee.)

Case No. PUCO
Appeal from the Public
Utilities Commission of Ohio
08-0466
Public Utilities
Commission of Ohio
Case Nos. 06-1068-EL-UNC,
05-725-EL-UNC, 06-1069-
EL-UNC, 05-724-EL-UNC,
06-1085-EL-UNC

**NOTICE OF APPEAL
OF APPELLANT,
OHIO PARTNERS FOR AFFORDABLE ENERGY**

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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 November 20, 2007 and its Entry on Rehearing entered in its Journal on January 16, 2008 in the above-captioned consolidated cases before the PUCO.

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 cases.

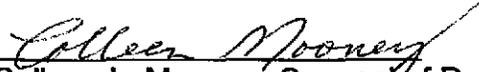
On December 20, 2007, Appellant timely filed an Application for Rehearing from the November 20, 2007 Opinion and Order pursuant to R.C. §4903.10. Appellant’s Application for Rehearing was denied with respect to the issues raised in this appeal by an Entry on Rehearing entered in the Appellee’s Journal on January 16, 2008.

Appellant complains and alleges that Appellee’s November 20, 2007 Opinion and Order and January 16, 2008 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 Commission acted unreasonably and unlawfully when it found that the stipulation and recommendation filed on April 9, 2007 in these cases is the product of serious bargaining among the parties.
2. Given the stipulation's treatment of returns on construction work in progress ("CWIP"), the Commission acted unreasonably and unlawfully when it found that the stipulation benefits ratepayers, serves the public interest, and does not violate any important regulatory principle or practice.
3. Given the stipulation's treatment of the use of DENA assets, the Commission acted unreasonably and unlawfully when it found that the stipulation benefits ratepayers, serves the public interest, and does not violate any important regulatory principle or practice.
4. The Commission acted unreasonably and unlawfully when it found that the stipulation benefits ratepayers, serves the public interest, and does not violate any important regulatory principle or practice when the stipulation fails without sufficient reason to adopt the recommendations of the management/performance auditor.

Wherefore, Appellant respectfully submits that the Appellee's November 20, 2007 Opinion and Order and January 16, 2008 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 regular U. S. mail, postage prepaid, upon all parties to the proceedings below this 11th day of March 2008.


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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.



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Ohio Partners for Affordable Energy