

IN THE SUPREME COURT OF OHIO

Duke Energy Ohio, Inc. : No. 08-0367
: :
Appellant, : Appeal from the Public
: Utilities Commission of
v. : Ohio
: :
The Public Utilities Commission of Ohio, : Public Utilities Commission
: of Ohio
Appellee. : Case Nos. 03-93-EL-ATA
: 03-2079-EL-AAM
: 03-2081-EL-AAM
: 03-2080-EL-ATA

DUKE ENERGY OHIO'S MOTION TO WITHDRAW APPEAL

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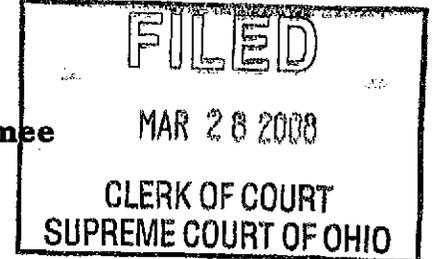
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DUKE ENERGY OHIO'S MOTION TO WITHDRAW APPEAL

Duke Energy Ohio, Inc. (DE-Ohio), respectfully moves this Court to dismiss without prejudice its appeal filed February 15, 2008. The reasons for this Motion are explained in the attached Memorandum in Support.

Respectfully submitted,



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MEMORANDUM IN SUPPORT OF MOTION TO WITHDRAW

INTRODUCTION:

On February 15, 2008, Duke Energy Ohio, Inc. (DE-Ohio) filed its Notice of Appeal (Notice) from an order of the Public Utilities Commission of Ohio (Commission). DE-Ohio inadvertently failed to include a Certificate of Filing and to provide service to parties in the cases below pursuant to Court and Commission rules. To avoid potential prejudice to any party DE-Ohio voluntarily withdraws its appeal. DE-Ohio may raise the issues set forth in its appeal at an appropriate time in the future.

CONCLUSION:

Wherefore, DE-Ohio respectfully asks the Court to grant this Motion and permit DE-Ohio to withdraw its appeal without prejudice.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing pleading was served on the following either electronically or by first class U.S. mail, postage prepaid, upon the following, this 28th day of March, 2008.



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