

IN THE SUPREME COURT OF OHIO

The Office of the Ohio Consumers' Counsel, : **No. 08-0367**
: :
: :
Appellant, : Appeal from the Public
: Utilities Commission of
v. : Ohio Case Nos.
: 03-93-EL-ATA
The Public Utilities Commission : 03-2079-EL-AAM
of Ohio, : 03-2081-EL-AAM
: 03-2080-EL-ATA
Appellee. :

**LIST OF ADDITIONAL AUTHORITY
OF INTERVENING APPELLEE
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IN THE SUPREME COURT OF OHIO

The Office of the Ohio Consumers' Counsel,	:	No. 08-0367
	:	
Appellant,	:	Appeal from the Public Utilities Commission of
	:	Ohio Case Nos.
v.	:	03-93-EL-ATA
	:	03-2079-EL-AAM
The Public Utilities Commission of Ohio,	:	03-2081-EL-AAM
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OF INTERVENING APPELLEE
DUKE ENERGY OHIO, INC.**

Pursuant to Sec. 8 of S. Ct. Prac. R. IX, Intervening Appellee, Duke Energy Ohio, Inc. hereby files its notice of additional authority that may be relied upon during oral argument. The additional authority is:

Ohio Revised Code §4928.145

A copy of this statute is attached.

The oral argument in this matter is scheduled for November 18, 2008.

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 10th day of November, 2008.

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4928.145 Availability of contract or agreement relevant to proceeding.

During a proceeding under sections 4928.141 to 4928.144 of the Revised Code and upon submission of an appropriate discovery request, an electric distribution utility shall make available to the requesting party every contract or agreement that is between the utility or any of its affiliates and a party to the proceeding, consumer, electric services company, or political subdivision and that is relevant to the proceeding, subject to such protection for proprietary or confidential information as is determined appropriate by the public utilities commission.

Effective Date: 2008 SB221 07-31-2008