

**In The
Supreme Court of Ohio**

**The Office of the Ohio Consumers'
Counsel,**

and

Ohio Partners for Affordable Energy,

Appellants,

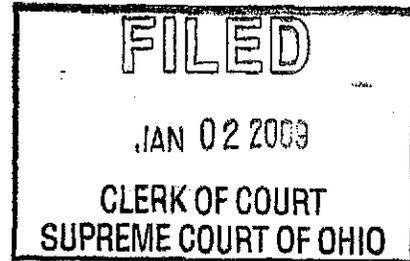
v.

**The Public Utilities Commission of
Ohio,**

Appellee.

Case No. 08-1837

On appeal from the Public Utilities
Commission of Ohio, Case Nos. 07-589-
GA-AIR, 07-590-GA-ALT, and 07-591-
GA-AAM, *In the Matter of the
Application of Duke Energy Ohio Inc.
for an increase in Gas Rates.*



**STIPULATION TO AN EXTENSION OF TIME
FOR FILING APPELLEE'S MERIT BRIEF**

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**In The
Supreme Court of Ohio**

The Office of the Ohio Consumers’ Counsel,	:	Case No. 08-1837
	:	
and	:	On appeal from the Public Utilities Commission of Ohio, Case Nos. 07-589- GA-AIR, 07-590-GA-ALT, and 07-591- GA-AAM, <i>In the Matter of the Application of Duke Energy Ohio Inc. for an increase in Gas Rates.</i>
Ohio Partners for Affordable Energy,	:	
Appellants,	:	
	:	
v.	:	
	:	
The Public Utilities Commission of Ohio,	:	
	:	
Appellee.	:	

**STIPULATION TO AN EXTENSION OF TIME
FOR FILING APPELLEE’S MERIT BRIEF**

On December 12, 2008 and December 15, 2008, appellants Ohio Partners for Affordable Energy (OPAE) and the Office of the Ohio Consumers’ Counsel (OCC) filed their respective merit briefs in this case. Pursuant to S. Ct. Prac. R. VI, Section 3(C), the merit brief of the Public Utilities Commission of Ohio (Commission) is due January 14, 2009. Pursuant to S. Ct. Prac. R. XIV(3)(B), respective counsel for appellants OPAE and OCC and respective counsel for the Commission and for intervening appellee Duke Energy Ohio, Inc., have agreed to a twenty (20) day extension of the deadline for filing the Commission’s merit brief. The new filing date for the Commission’s merit brief is February 3, 2009. No prior extension has been requested by the Commission in this case.

So stipulated:

Joseph P. Serio / by [Signature] as per telephone authority

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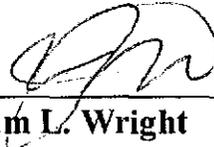
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PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Stipulation to an Extension of Time**, submitted on behalf of appellee, the Public Utilities Commission of Ohio, was served by regular U.S. mail, postage prepaid, or hand-delivered, upon the following parties of record, this 2nd day of January, 2009.



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