

**OHIO CONSUMERS' COUNSEL ET AL., APPELLANTS, v. PUBLIC UTILITIES
COMMISSION OF OHIO ET AL, APPELLEES.**

**[Cite as *Ohio Consumers' Counsel v. Pub. Util. Comm.*,
121 Ohio St.3d 372, 2009-Ohio-605.]**

Cause dismissed as moot.

(No. 2008-0466 — Submitted November 18, 2008 — Decided
February 19, 2009.)

APPEAL from Public Utilities Commission of Ohio, Nos. 05-724-EL-UNC,
05-725-EL-UNC, 06-1068-EL-UNC, 06-1069-EL-UNC, and 06-1085-EL-UNC.

{¶ 1} This cause is dismissed as moot for the reasons stated in our
opinion in *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 121 Ohio St.3d 362,
2009-Ohio-604, ___ N.E.2d ___, at ¶ 2.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR,
O'DONNELL, LANZINGER, and CUPP, JJ., concur.

Janine L. Migden-Ostrander, Consumers' Counsel, and Jeffrey L. Small
and Ann M. Hotz, Assistant Consumers' Counsel, for appellant Ohio Consumers'
Counsel.

Colleen L. Mooney and David C. Rinebolt, for appellant Ohio Partners for
Affordable Energy.

Richard Cordray, Attorney General, and Stephen A. Reilly and Werner L.
Margard III, Assistant Attorneys General, for appellee Public Utilities
Commission of Ohio.

Paul A. Colbert, Rocco D'Ascenzo, and Elizabeth A. McNellie, for
intervening appellee Duke Energy of Ohio, Inc.
