

**OHIO CONSUMERS' COUNSEL, APPELLANT, v. PUBLIC UTILITIES COMMISSION
OF OHIO, APPELLEE.**

**[Cite as *Ohio Consumers' Counsel v. Pub. Util. Comm.*,
109 Ohio St.3d 511, 2006-Ohio-3054.]**

Public utilities — Electric company — Competitive electric service — Rate-stabilization plan — Decision of the Public Utilities Commission vacated on the authority of Ohio Consumers' Counsel v. Pub. Util. Comm.

(No. 2005-0767 — Submitted May 24, 2006 — Decided July 5, 2006.)

APPEAL from the Public Utilities Commission,

No. 04-169-EL-UNC.

{¶1} Based on the second proposition of law in appellant's brief and our decision in *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 109 Ohio St.3d 328, 2006-Ohio-2110, 847 N.E.2d 1184, the decision of the Public Utilities Commission is vacated, and the cause is remanded for further proceedings not inconsistent with that decision. This order does not preclude appellant from raising its first, third, fourth, and fifth propositions of law in a future appeal from the Public Utilities Commission.

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

Janine L. Migden-Ostrander, Ohio Consumers' Counsel, and Kimberly W. Bojko and Jeffrey L. Small, Assistant Consumers' Counsel, for appellant.

Jim Petro, Attorney General, Duane W. Luckey, Senior Deputy Attorney General, and William L. Wright and Steven T. Nourse, Assistant Attorneys General, for appellee.

SUPREME COURT OF OHIO

Porter Wright Morris & Arthur, L.L.P., and Daniel R. Conway; Marvin I. Resnick, Kevin F. Duffy, and Sandra K. Williams, for intervening appellees Columbus Southern Power Company and Ohio Power Company.
