

FILE

STATE OF OHIO
PUBLIC UTILITIES COMMISSION
180 EAST BROAD STREET
COLUMBUS, OHIO 43266-0573

Ted Strickland
GOVERNOR



THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA DUCES TECUM

TO: Cinergy Corp.
c/o C T Corporation System, Statutory Agent
36 East Seventh Street, Suite 2400
Cincinnati, Ohio 44202

Upon application of Counsel for the Office of the Ohio Consumers' Counsel ("OCC"), Cinergy Corp. is hereby required to provide a witness or witnesses to appear for oral deposition on February 14, 2007 at the offices of the OCC (10 W. Broad Street, 18th Floor, Columbus, Ohio 43215) at 11:00 a.m. and submit to oral deposition as on cross-examination by the OCC regarding Case Nos. 06-986-EL-UNC, 03-93-EL-ATA, 03-2079-EL-AAM, 03-2081-EL-AAM, 03-2080-EL-ATA, 06-1068-EL-UNC, 05-725-EL-UNC, 06-1069-EL-UNC, 05-724-EL-UNC, and 06-1085-EL-UNC, all cases related to Duke Energy Ohio, Inc.'s standard service offer charges. The deponent(s) shall attend from day to day until the deposition(s) is completed to provide testimony and information concerning agreements that involve Cinergy Corp. in connection with service to customers of Duke Energy Ohio, Inc. The deponent(s) shall be knowledgeable in the aforementioned matters and the documents that are more fully described below. A deponent shall have first-hand knowledge of (i.e. shall have participated in) the negotiations of the agreements.

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In addition, you are required at 10:00 a.m. on said day and said place to provide to the OCC i) all documents in the possession or control of Cinergy (all forms of documents, including hard copies of information stored on electronic media) containing agreements as well as any and all agreements between Cinergy [REDACTED] [REDACTED] for the period January 1, 2000 to the date of the deposition(s), ii) all documents in the possession or control of Cinergy (all forms of documents, including hard copies of information stored on electronic media) containing correspondence related to these agreements or pertaining to the aforementioned agreements (by way of example only, with [REDACTED] [REDACTED], iii) all documents in the possession or control of Cinergy (all forms of documents, including hard copies of information stored on electronic media) related to [REDACTED] [REDACTED] [REDACTED], iv) all documents in the possession or control of Cinergy (all forms of documents, including hard copies of information stored on electronic media) containing correspondence related to [REDACTED] [REDACTED] v) all documents in the possession or control of Cinergy (all forms of documents, including

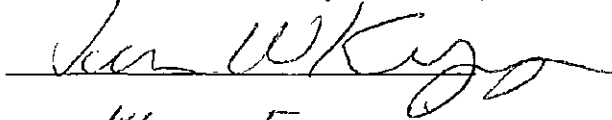
[REDACTED]

hard copies of information stored on electronic media) containing agreements for electric service to customers of Duke Energy Ohio, Inc. not previously mentioned, and vi) all documents in the possession or control of Cinergy (all forms of documents, including hard copies of information stored on electronic media) containing correspondence related to the aforementioned agreements (i.e. in section (v)) for electric service to other customers of Duke Energy Ohio, Inc. or pertaining to such agreements for electric service. The period of time covered by the aforementioned materials should begin on January 1, 2000 and continue to the date of the examination.

The deponent(s) shall be knowledgeable regarding the aforementioned matters..

Dated at Columbus, Ohio, this 5th day of February, 2007.

BY:



TITLE:

Attorney Examiner