

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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|-------------------------------------|---|------------|----------------|
| Consolidated Duke Energy Ohio, Inc. | ) | Cases Nos. | 03-93-EL-ATA   |
| Rate Stabilization Plan Remand and  | ) |            | 03-2079-EL-AAM |
| Rider Adjustment Cases              | ) |            | 03-2081-EL-AAM |
|                                     | ) |            | 03-2080-EL-ATA |
|                                     | ) |            | 05-725-EL-UNC  |
|                                     | ) |            | 06-1068-EL-UNC |
|                                     | ) |            | 06-1069-EL-UNC |
|                                     | ) |            | 05-724-EL-UNC  |
|                                     | ) |            | 06-1085-EL-UNC |

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**OHIO HOSPITAL ASSOCIATION'S RESPONSES TO  
DUKE ENERGY OHIO'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS**

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Ohio Hospital Association (OHA) responds to Duke Energy Ohio's First Set of Interrogatories and Requests for Production of Documents as follows:

**RESPONSE TO INTERROGATORIES**

1. Identify each person who answered or furnished information or documents, or assisted in answering or in furnishing any information or documents, used in answering any of these discovery requests, and identify which discovery request for which such person participated in the response.

**RESPONSE:**

OHA's General Counsel and Senior Director of Health Policy, Richard L. Sites, answered all discovery requests.

2. Identify each person whom OHA may call to testify in any capacity at the hearing and for each state: (1) the subject matter upon which the witness is expected to testify; (2) the substance of the facts to which each is expected to testify; (3) a summary of the person's qualifications to provide the testimony; (4) and a summary of the basis of each person's testimony.

**RESPONSE:**

OHA does not intend at this time to call any witnesses to testify in these proceedings.

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3. For each person identified in response to Interrogatory No. 2 above, please identify any and all pre-filed testimony, sworn statements, or other testimony in any regulatory, judicial, or other proceeding (regardless of whether such testimony or statements were offered or admitted into the record of such proceeding) previously given or provided by the witness.

**RESPONSE:**

Not applicable at this time; see response to Interrogatory No. 2.

4. For each of the prefiled testimony, sworn statement, or other testimony identified in response to Interrogatory No. 3 above, please state:
- a. the jurisdiction in which the testimony or statement was prefiled, offered, given, or admitted into the record;
  - b. the administrative agency and/or court in which the testimony or statement was prefiled, offered, admitted, or given;
  - c. the date(s) the testimony or statement was pre-filed, offered, admitted, or given;
  - d. the identifying number for the case or proceeding in which the testimony or statement was prefiled, offered, admitted, or given;
  - e. whether the witness was cross-examined; and
  - f. the custodian of the prefiled testimony or statement and the transcript of each proceeding.

**RESPONSE:**

Not applicable at this time; see response to Interrogatory No. 2.

5. Have any of the individuals identified in response to Interrogatory No. 2 above presented any speeches or written any articles, papers, treatises, books, memoranda or white papers relating to the restructuring of the electric industry; the pricing of electric services; independent transmission entities; economics; retail competition in the electric, gas, or telecommunications industries; the marketing of products or services; electric restructuring stranded cost recovery methodologies; or the ending of any market development period, or similar period during which price adjustments were (or are) not permitted, in any state (hereinafter referred to as "Article")?

**RESPONSE:**

Not applicable at this time; see response to Interrogatory No. 2.

6. If your response to Interrogatory No. 5 above is in the affirmative, please state for each:
- a. the title of each such Article;
  - b. the date of each such Article;
  - c. the publication of each such Article;
  - d. the name, volume, and number of the journal or other compendium where the Article appears.

**RESPONSE:**

Not applicable at this time; see response to Interrogatory No. 2.

7. For each witness identified in response to Interrogatory No. 2 above who may testify as an expert, please identify all documents relating to the anticipated expert testimony, including, without limitation, all expert reports, statements, and/or notes or other documents, and any correspondence, communications, or other documents exchanged between OHA and the expert.

**RESPONSE:**

Not applicable at this time; see response to Interrogatory No. 2.

8. Identify all documents or things that OHA may seek to introduce as exhibits in any proceeding in the above-captioned matters.

**RESPONSE:**

See response to Interrogatory No. 2. OHA does not intend at this time to introduce any exhibits or things.

9. Provide any analysis or information in OHA's possession relating to the present state of retail electric competition in Ohio.

**RESPONSE:**

OHA objects to the Request to the extent it seeks information protected by attorney-client privilege, or as attorney work product, or other applicable statute, regulation or case law. OHA objects to this request as vague and overly broad, beyond the scope of these proceedings, and not likely to result in admissible evidence. Without waiving these objections, OHA does not have analysis or information relating to the present retail Ohio market other than that available from the Public Utilities Commission of Ohio including its web site, legislative proceedings, or reported in newspapers.

10. Provide a list of each meeting, teleconference, or communication (written or oral), between OHA and any Party, or member of any Party, to the above proceedings. The term Party is defined above.

**RESPONSE:**

OHA objects to the Request to the extent it seeks information protected by attorney-client privilege, or as attorney work product, or other applicable statute, regulation or case law. OHA objects to this request as vague and overly broad, beyond the scope of these proceedings, and not likely to result in admissible evidence. Without waiving these objections, OHA has not participated in meetings, teleconferences, or communications (written or oral), with any Party or member of any Party to these proceedings.

11. Provide and describe all agreements between OHA and the OCC. Agreements include written or oral terms agreed upon by the participants and include, but are not limited to, protective agreements, confidentiality agreements, agreements to support or oppose any item or position, and any other commitments made among the Parties. The terms Party and Parties are defined above.

**RESPONSE:**

OHA objects to the Request to the extent it seeks information protected by attorney-client privilege, or as attorney work product, or other applicable statute, regulation or case law. OHA objects to this request because it is not likely to result in admissible evidence. Without waiving these objections, OHA does not possess any agreements with the OCC other than a commitment (viz., confidentiality agreement) by OCC not to disclose OHA documents produced in response to OCC Requests for Production of Documents. Duke Energy Ohio received a copy of the documents previously disclosed to OCC in response to the OCC Request.

12. Provide and describe all agreements between OHA and any party to the above proceedings or any member or affiliate of a Party to the proceedings. Agreements include written or oral terms agreed upon by the participants and include, but are not

limited to, protective agreements, confidentiality agreements, agreements to support or oppose any item or position, and any other commitments made among the Parties. The terms Party and Parties are defined above.

**RESPONSE:**

OHA objects to the Request to the extent it seeks information protected by attorney-client privilege, or as attorney work product, or other applicable statute, regulation or case law and because it is not likely to result in admissible evidence. Without waiving those objections, OHA does not believe the OCC confidentiality agreement is relevant but will provide a copy of the OCC confidentiality agreement upon specific request by any Party.

13. Provide any analysis by OHA or its members, agents, contractors, experts, or persons regarding the auctions and retail or wholesale competitive prices in Ohio and any other states including, but not limited to, New Jersey, Maryland, Ohio, New York, Maine, Massachusetts, Michigan, Illinois, Texas, and Georgia.

**RESPONSE:**

OHA objects to the Request to the extent it seeks information protected by attorney-client privilege, or as attorney work product, or other applicable statute, regulation or case law and because it is not likely to result in admissible evidence. OHA also objects because the Request is overly broad and requests OHA to provide information about other persons or entities over which OHA has no control and no knowledge. Without waiving those objections, OHA or its members, agents, contractors, experts, or persons do not possess or are not known to possess any analysis regarding the auctions and retail or wholesale competitive prices in Ohio and any other states including, but not limited to, New Jersey, Maryland, Ohio, New York, Maine, Massachusetts, Michigan, Illinois, Texas, and Georgia.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

Duke Energy Ohio requests that OHA produce the following documents:

1. Any and all documents identified or referenced in response to any of the foregoing interrogatories.

**RESPONSE:** See responses to Request Nos. 11 and 12 above.

2. Any and all documents which contain any information used, reviewed, or referenced in preparing OHA's responses to any of the foregoing interrogatories.

**RESPONSE:** OHA did not use, review, or reference any information in preparing OHA's responses to the foregoing interrogatories.

3. Any and all documents which OHA may introduce as exhibits at any future hearing in the above-captioned matters.

**RESPONSE:** OHA does not intend at this time to introduce any exhibits at any hearing in the above-captioned matters.

4. Any and all documents relating to the testimony of any of OHA's witnesses and/or expert witnesses including, but not limited to, any and all curricula vitae, reports, papers, statements, notes, other documents, and any correspondence, communications, or other documents exchanged between OHA and the expert.

**RESPONSE:** See OHA responses to Requests Nos. 2-5. OHA does not intend at this time to introduce exhibits.

5. Any and all documents prepared by, for, or on behalf of OHA relating to the ending of the market development period in Ohio.

**RESPONSE:** See OHA responses to Requests Nos. 9 and 13.

6. Any and all documents prepared by, for, or on behalf of OHA relating to the current or projected future state of the competitive retail electric market in Ohio.

**RESPONSE:** See OHA responses to Requests Nos. 9 and 13.

7. Any and all documents prepared by, for, or on behalf of OHA relating to DE-Ohio's Market-Based Standard Service Offer.

**RESPONSE:** See OHA responses to Requests Nos. 9 and 13.

8. Any and all documents provided to OCC as part of discovery in the above captioned matters.

**RESPONSE:** All documents provide to OCC as part of discovery in the above captioned matters have previously been provided to Duke Energy Ohio.

Respectfully submitted,



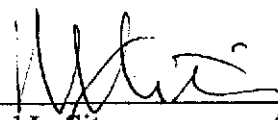
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing OHA Responses to the Duke Energy Ohio's First Set of Interrogatories and Requests for Production of Documents was served via E-mail delivery and/or by first class U.S. mail, postage prepaid, on this 26th day of February 2007.

Respectfully submitted,

  
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