

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV

2007 SEP 18 PM 3: 59

PUCO

In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Gas Rates.)	Case No. 07-589-GA-AIR
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of an Alternative Rate Plan for its Gas Distribution Service.)	Case No. 07-590-GA-ALT
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods.)	Case No. 07-591-GA-AAM

NOTICE TO TAKE DEPOSITION UPON ORAL EXAMINATION OF
WILLIAM DON WATHEN, JR.
AND REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Ohio Adm. Code Rule 4901-1-21(B), please take notice that the Ohio Consumers' Counsel ("OCC") will take the oral deposition of all individuals for whom testimony is filed or will be filed in the above-captioned matters or who have contact with the subject matter of these proceedings on behalf of the Duke Energy Ohio, Inc. ("DE-Ohio") including, but not limited, to William Don Wathen, Jr., Director, Revenue Requirements. The deposition will take place at the offices of DE-Ohio, Room 2500, Atrium II, 221 East Fourth Street, Cincinnati, Ohio and will begin at 3:30 p.m. on September 28, 2007 or such other place and time as are mutually agreed upon by DE-Ohio and the OCC. Parties are invited to attend and cross-examine.

The depositions will be taken of the aforementioned deponent on relevant topics within the scope of these proceedings, including but not limited to, the subject matter of

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their testimony or their contact with the subject matter of this proceeding. The depositions will be taken upon oral examination (as upon cross-examination) before an officer authorized by law to take depositions and will continue from day to day, except for holidays and weekends, until completed.

Pursuant to Ohio Adm. Code Rules 4901-1-21(E) and 4901-1-20, the deponent is requested to produce at the time of his or her deposition all documents relating to his or her testimony or their contact with the subject matter of these proceedings and/or their responses to discovery, including, but not limited to, the results of any studies done for these proceedings and any backup documentation, including raw data, for those studies.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the OCC's Notice to Take Deposition and Request for Production of Documents was served via first class U.S. mail, postage pre-paid, to the persons listed below this 18th day of September, 2007.


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