

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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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
BRIAN P. DAVEY
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 knowledge and expertise with the subject matter of these proceedings on behalf of Duke Energy Ohio, Inc. including, but not limited to, Brian P. Davey, General Manager, Financial Planning and Analysis. The deposition will take place at the offices of OCC, 10 West Broad Street, 18th Floor, Columbus, Ohio and will begin at 1:00 p.m. on Wednesday, January 30, 2008, or such other place and time as are mutually agreed upon by Duke Energy Ohio, Inc. and the OCC. Deponent will appear at designated time with documents at OCC and remain present until deposed. Parties are invited to attend and cross-examine.

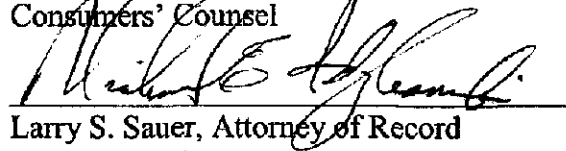
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The deposition will be taken of the aforementioned deponent on relevant topics within the scope of these proceedings, including but not limited to, the subject matter of the deponent's testimony or the deponent's knowledge and expertise with the subject matter of this proceeding. The deposition 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 her deposition all documents relating to her testimony or the deponent's knowledge and expertise with the subject matter of these proceedings and/or the deponent's 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,

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Consumers' Counsel



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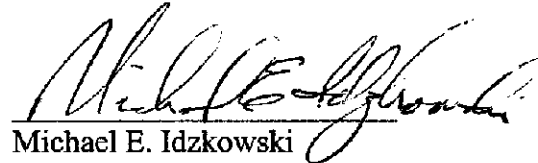
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CERTIFICATE OF SERVICE

I hereby certify that a that a true copy of the foregoing *Notice To Take Deposition Upon Oral Examination of Brian P. Davey and Request for Production of Documents by the Office of the Ohio Consumers' Counsel* was served by Regular U.S. Mail Service (also electronically as a courtesy copy, where possible), postage prepaid, to all parties this 3rd day of January, 2008.



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