

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke )  
Energy Ohio, Inc. For an Increases in ) Case No. 08-0709-EL-AIR  
Electric Rates. )  
  
In the Matter of the Application of Duke )  
Energy Ohio, Inc. For Tariff Approval. ) Case No. 08-0710-EL-ATA  
)  
  
In the Matter of the Application of Duke )  
Energy Ohio, Inc. for Approval To ) Case No. 08-0711-EL-AAM  
Change Accounting Methods. )

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**NOTICE TO TAKE DEPOSITIONS UPON ORAL EXAMINATION  
AND REQUEST FOR PRODUCTION OF DOCUMENTS  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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To:  
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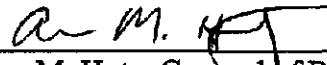
Pursuant to Ohio Adm. Code Section 4901-1-21, please take notice that the Ohio Consumers' Counsel will take the oral deposition of Kevin C. Higgins. The deposition will be conducted at the offices of the OCC, 10 W. Broad St., 18<sup>th</sup> Floor, Columbus, Ohio, at 10:00 a. m. beginning on March 23, 2009, or such other time that is mutually agreed upon by the parties.

This deposition will be taken upon oral examination (as upon cross-examination) before an officer authorized by law to take deposition and will continue from day to day, except for holidays and weekends, until completed.

Pursuant to Ohio Adm. Code Sections 4901-1-21(E) and 4901-1-20, the deponent is requested to produce at the time the first deposition begins all documents relating to his testimony in these proceedings and upon which he relied for preparation of his testimony (including for facts and opinions), and also produce all documents containing information relied upon for responses to discovery, including any backup documentation or raw data relied upon for responses to discovery, in particular the guidelines published in the Electric Utility Cost Allocation Manual published by NARUC.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL

  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this Notice to Take Deposition Upon Oral Examination and Request for Production of Documents was served by Regular U.S. Mail Service, postage prepaid, to the parties of record identified below, on this 4th day of March, 2009.

  
\_\_\_\_\_  
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