

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Emma)
Binford,)
)
Complainant,)
)
v.)
)
Duke Energy Ohio,)
)
Respondent.)

Case No. 09-669-EL-CSS

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PUCO

APPLICATION FOR SUBPOENA OF EMMA BINFORD
AND
MEMORANDUM IN SUPPORT

Pursuant to Rule 4901-1-25 of the Ohio Administrative Code, Duke Energy Ohio respectfully requests that the Public Utilities Commission of Ohio (the "Commission"), or any commissioner, the legal director, the deputy legal director, or the attorney examiner assigned to this case issue a subpoena compelling Emma Binford to appear at a deposition on April 9, 2010, at 12:30 p.m., at 221 East Fourth Street, Cincinnati, Ohio 45201, on the 25th floor, in order to provide deposition testimony concerning matters before the Commission in the above-captioned case. The subpoena also requests that Ms. Binford produce certain identified documents.

Grounds for this application are set forth in the accompanying Memorandum in Support.

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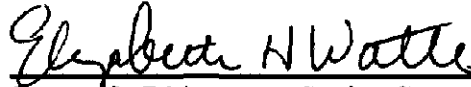
MEMORANDUM IN SUPPORT

Rule 4901-1-25, Ohio Administrative Code, gives the Commission the power to issue subpoenas ordering persons to provide testimony at a deposition and to produce books, papers, documents and other materials. Duke Energy Ohio respectfully requests a subpoena, pursuant to such rule, to command Emma Binford to appear and provide testimony as on cross-examination, and to produce identified documents, at a deposition scheduled for 12:30 p.m. on Friday, April 9, 2010, at 221 East Fourth Street, Cincinnati, Ohio 45201, on the 25th floor.

The above-captioned case involves a complaint by the deponent against Duke Energy Ohio with regard to billing and disconnection services provided by Duke Energy Ohio to Ms. Binford. The deposition testimony of Ms. Binford is therefore critical to the ability of Duke Energy Ohio to investigate and respond to the allegations in the complaint and to prepare an informed defense. In addition, the provision of documents on which Ms. Binford intends to rely, including Duke Energy Ohio bills received at this service address, are vital to Duke Energy Ohio's preparation for hearing.

Therefore, Duke Energy Ohio respectfully requests that the subpoena provided herewith be issued by the Commission.

Respectfully submitted,



Rocco O. D'Ascenzo, Senior Counsel

Counsel of Record

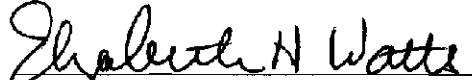
Elizabeth H. Watts, Assistant General Counsel
Counsel for Duke Energy Ohio

Duke Energy Business Services LLC
139 East Fourth Street
Rm 2500, Atrium II
PO Box 960
Cincinnati, OH 45201-0960

155 East Broad Street, 21st Floor
Columbus, Ohio 43215

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on the following parties, this 1st day of April, 2010, via regular mail delivery, postage prepaid.


Elizabeth H. Watts

Emma Binford
3736 Beekman Street
Cincinnati, Ohio 45223

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA

PUCO

RECEIVED-DOCKETING DIV
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TO:
Emma Binford
3736 Beekman Street
Cincinnati, Ohio 45223

Upon application of Duke Energy Ohio, Inc., you are hereby required to appear before the Public Utilities Commission of Ohio at a deposition, as a witness for yourself, in the following proceeding:

Case No. 09-669-EL-CSS

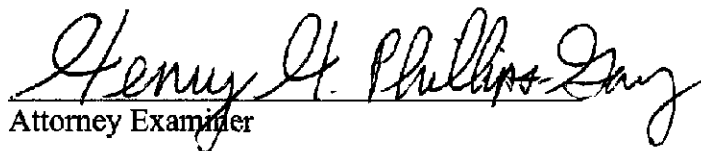
Case Title: In the Matter of the Complaint of Emma Binford v. Duke Energy Ohio

You are to appear at 12:30 p.m. on Friday, April 9, 2010, at 221 East Fourth Street, Cincinnati, Ohio 45201, on the 25th floor.

You shall bring with you the following:

1. Any and all documents you intend to rely upon at hearing.
2. All Duke Energy bills you have received at the address relevant to the complaint.

Dated, at Columbus, Ohio, this 1st day of April, 2010.


Attorney Examiner

Notice: If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned. Every copy of this subpoena for the witness must contain this notice.