

FILE

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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc. to Establish its Fuel) Case No. 09-974-EL-FAC
and Economy Purchased Power)
Component of its Market-Based Standard)
Service Offer for 2009.)

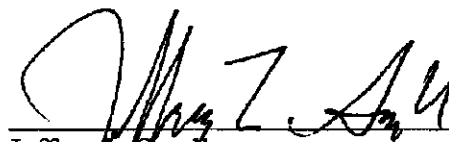
In the Matter of the Application of Duke)
Energy Ohio, Inc. to Establish its System) Case No. 09-975-EL-RDR
Reliability Tracker of its Market-Based)
Standard Service Offer for 2009.)

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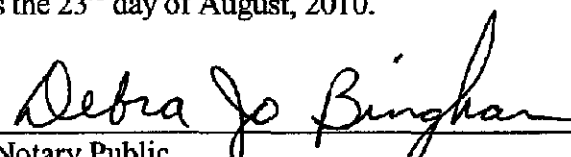
RETURN OF SERVICE

State of Ohio)
County of Franklin) ss.

Jeffrey L. Small, being duly sworn, states that he is over eighteen (18) years of age, and that on August 23, 2010, at approximately 1:00 p.m., he served the within subpoena on Elizabeth Watts, Attorney for Duke Energy Ohio, Inc., accepting said subpoena for Joseph A. Miller, Jr., by delivering a copy thereof to said person at 155 E. Broad Street, 21st Floor, Columbus, Ohio 43215.



Jeffrey L. Small

Subscribed and sworn to before me this the 23rd day of August, 2010.


Notary Public



Debra Jo Bingham, Notary Public
Union County, State of Ohio
My Commission Expires June 13, 2015

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business technician  Date Processed AUG 23, 2010

**STATE OF OHIO
PUBLIC UTILITIES COMMISSION
180 EAST BROAD STREET
COLUMBUS, OHIO 43266-0573**

**Ted Strickland
GOVERNOR**



**THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA DUCES TECUM**

**TO: Joseph A. Miller, Jr.
c/o Elizabeth Watts (as agreed)
Duke Energy Ohio, Inc.
155 East Broad Street, 21st Floor
Columbus, Ohio 43215**

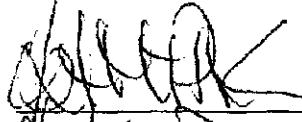
Upon application of Counsel for the Office of the Ohio Consumers' Counsel ("OCC"), Mr. Joseph A. Miller, Jr. (an employee of a Duke Energy affiliated company) is hereby required to appear and give testimony at the hearing scheduled for September 7, 2010 at the offices of the Public Utilities Commission of Ohio ("PUCO" or "Commission") located at 180 E. Broad Street, 18th Floor, Columbus, Ohio 43215 at 10:00 a.m. *Mr. Miller is required to attend the hearing until his testimony is completed, upon cross-examination, regarding the treatment of repairs during 2009 for outages at the Zimmer Station and arrangement for replacement power that resulted from the outages.*

Mr. Miller shall attend from day to day until the hearing is completed to provide testimony and information concerning the Zimmer Station outages. In addition, Mr. Miller is required to bring with him all documents in his possession or control, and in the possession or control of Duke (all forms of documents, including hard copies of information stored on electronic media), that provide the analysis relied upon by Mr.

Miller and Duke to determine the amount of replacement power obtained as the result of outages at the Zimmer Station as well as the causes and manner of repair to the Zimmer Station during 2009. The documents shall include those reports, analyses, and documentation provided by Duke in response to the OCC's requests for production of documents (e.g. RPD-10).

Dated at Columbus, Ohio, this 23rd day of August 2010.

BY:

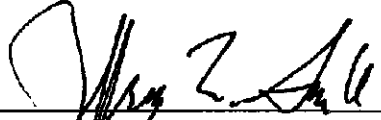


TITLE:

Chief Executive Officer PUCO/O&B

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Return of Service was served via regular U.S. Mail, postage prepaid, upon the counsel identified below this 23rd day of August 2010.



Jeffrey L. Small
Assistant Consumers' Counsel

SERVICE

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