

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of Duke)
 Energy Ohio for Approval of a Market)
 Rate Offer to Conduct a Competitive)
 Bidding Process for Standard Service) Case No. 10-2586-EL-SSO
 Offer Electric Generation Supply,)
 Accounting Modifications, and Tariffs for)
 Generation Service.)

 NOTICE OF DEPOSITION, *DUCES TECUM*, TO INDUSTRIAL ENERGY USERS-OHIO

Please take notice that, pursuant to Rule 4901-1-21 of the Ohio Administrative Code, Duke Energy Ohio, Inc. (Duke Energy Ohio) will take the deposition of each and every witness from whom the Industrial Energy Users-Ohio (IEU) will provide direct testimony relative to the above-captioned case. The witnesses are to appear for deposition on December 22, 2010, beginning at 9:00 a.m., at 155 East Broad Street, 21st Floor, Columbus, Ohio 43215. The depositions will be taken upon oral examination before an officer duly authorized by law to take depositions and will continue from day to day until complete.

Pursuant to Rules 4901-1-20(E) and 4901-1-21(E), each witness is requested to produce, at the time of their deposition, true and accurate copies of the documents identified in Exhibit A, attached hereto.

Said depositions will be taken as if on cross-examination for purposes of discovery, use at hearing, and all other uses permitted under the Ohio Rules of Civil Procedure and Evidence.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Amy B. Spiller", written in a cursive style.

Amy B. Spiller (0047277)

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Elizabeth H. Watts (003192)

Assistant General Counsel

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Senior Counsel

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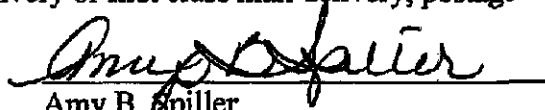
EXHIBIT A

Duke Energy Ohio hereby requests that, at the time and place set forth above in the notice of deposition, *duces tecum*, each witness produce true and accurate copies of the following documents:

1. Any and all documents that were reviewed by said witness for purposes of preparing their direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said witness for purposes of preparing their direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in said witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said witness in preparing, or otherwise assisting in the preparation of, discovery responses submitted by the IEU relative to the above-captioned proceeding.
5. Any and all documents prepared by said witness for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by the IEU relative to the above-captioned proceeding.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing was served on the following parties of record by electronic mail delivery or first class mail delivery, postage prepaid, this 24th day of November 2010.


Amy B. Spiller

John W. Bentine, Esq. Mark Yurick, Esq. Matthew S. White, Esq. Counsel for the Kroger Company Chester, Wilcox & Saxbe, LLP 65 East State Street, Suite 1000 Columbus, Ohio 43215-4213 jbentine@cwslaw.com myurick@cwslaw.com mwhite@cwslaw.com	David F. Boehm, Esq. Michael L. Kurtz, Esq. Counsel for Ohio Energy Group Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202 dboehm@bkllawfirm.com mkurtz@bkllawfirm.com
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