

DUKE ENERGY CORPORATION

139 East Fourth Street, 1313 Main Cincinnati, OH 45201-0960 Telephone: (513) 287-4359 Facsimile: (513) 287-4385

Arny B. Spiller Associate General Counsel E-mail: amy.spiller@duke-energy.com

December 13, 2010

 VIA ELECTRONIC MAIL DELIVERY

 Douglas Hart

 441 Vine Street, Suite 4192

 Cincinnati, Obio 45202

 dhart@douglaschart.com

 Re:
 In the Matter of the Application of Duke Energy Ohio for Approval of a Marker

 Rate Offer

 Case No. 10-2586-EL-SSO

Dear Counsel:

With respect to the captioned matter, enclosed please find a notice of deposition, *duces tecum*, issued to your respective client. Given the compressed procedural schedule, we are issuing these notices so that we may reserve the necessary time on your calendars, as well as those of your anticipated witnesses. To the extent a particular date presents a problem, please advise immediately so that we may reasonably endeavor to eliminate any scheduling conflicts. In this regard, please understand that we are reluctant to conduct depositions prior to the filing of the intervenor testimony, as that would only lead to continuing depositions in progress until such testimony has been filed.

We have tendered these notices with the expectation that you will be filing testimony in this proceeding. To the extent that expectation is incorrect, please let us know so that we can adjust the depositions scheduling accordingly.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,

(Imy B. Aprice / Kc Amy B. Spiller

Enclosure

cc: All counsel of record with enclosures (via electronic mail)

382228v15

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_**DEC 13** 2010

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

}

)

)

)

)

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 Offer Electric Generation Supply, Accounting Modifications, and Tariffs for Generation Service.

Case No. 10-2586-EL-SSO

NOTICE OF DEPOSITION, DUCES TECUM, TO EAGLE ENERGY, LLC

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 Eagle Energy, LLC (Eagle Energy, LLC.) will provide direct testimony relative to the above-captioned case. The witnesses are to appear for deposition on December 30, 2010, beginning at 11:30 a.m., at 139 East Fourth Street, 12th Floor, Cincinnati, Ohio 45202. 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.

381948v14

Respectfully submitted,

(imy B. Apiewe/jkc Amy B. Spiller (0047277)

Associate General Counsel Elizabeth H. Watts (003192) Assistant General Counsel Rocco O. D'Ascenzo (0077651) Senior Counsel Duke Energy Business Services 139 East Fourth Street, 1313-Main Cincinnati, Ohio 45202 (513) 287-4359 (telephone) (513) 287-4385 (facsimile) Email: <u>amy.spiller@duke-energy.com</u>

381948v14

1

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 Eagle Energy 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 Eagle Energy 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 1.3^{10} day of December 2010.

Amy B. Spiler

John W. Bentine	David F. Boehm
Mark Yurick	Michael L. Kurtz
Matthew S. White	Counsel for Ohio Energy Group
Counsel for the Kroger Company	Boehm, Kurtz & Lowry
Chester, Wilcox & Saxbe, LLP	36 East Seventh Street, Suite 1510
65 East State Street, Suite 1000	Cincinnati, Ohio 45202
Columbus, Ohio 43215-4213	dboehm@bkllawfirm.com
jbentine@cwslaw.com	mkurtz@bkllawfirm.com
myurick@cwslaw.com	
mwhite@cwslaw.com	
David C. Rinebolt	Colleen L. Mooney
Counsel for Ohio Partners for Affordable	Counsel for Ohio Partners for Affordable
Energy	Energy
231 West Lima Street	1431 Mulford Road
Findlay, OH 45840-3033	Columbus, OH 43212-3404
Drinebolt@ohiopartners.org	Cmooney2@columbus.rr.com
Samuel C. Randazzo	William T. Reisinger, Counsel of Record
Joseph E. Oliker	Nolan Moser
Counsel for Industrial Energy Users-Ohio	Trent A. Dougherty
McNees Wallace & Nurick LLC	Ohio Environmental Council
21 E. State Street, 17 th Floor	1207 Grandview Avenue, Suite 201
Columbus, Ohio 43215	Columbus, Ohio 43212-3449
sam@mwncmh.com	will@theoec.org
joliker@mwncmh.com	nolan@theoec.org
	trent@theoec.org

381948v14

M. Howard Petricoff Stephen M. Howard VORYS, SATER, SEYMOUR AND PEASE LLP 52 East Gay Street P.O. 1008 Columbus, Ohio 43216-1008 mhpetricoff@vorys.com smboward@vorys.com Cynthia Fonner Brady Senior Counsel Constellation Energy Resources, LLC 550 W. Washington St., Suite 300 Chicago, Illinois 60661 cynthia.brady@constellation.com Attorneys for Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc.	Ann M. Hotz, Counsel of Record Kyle L. Verrett Jody M. Kyler Assistant Consumer Counsels Office of the Ohio Consumers'Counsel 10 West Broad Street, Suite 1800 Columbus, Ohio 43215-3485 hotz@occ.state.oh.us <u>verrett@occ.state.oh.us</u> kyler@occ.state.oh.us
Cleveland, Ohio 44114 <u>dakutik@jonesday.com</u> Grant W. Garber, Attorney for FirstEnergy Solutions Corp. Jones Day 325 John H. McConnell Blvd., Suite 600 Columbus, Ohio 43215-2673 <u>gwgarber@jonesday.com</u>	
David A. Kutik, Attorney for FirstEnergy Solutions Corp. Jones Day North Point 901 Lakeside Avenue	dhart@douglasehart.com
Mark A. Hayden, Counsel of Record FirstEnergy Service Company 76 South Main Street Akron, Ohio 44308 haydenm@firstenergycorp.com	Douglas E. Hart Attorney for The Greater Cincinnati Health Council 441 Vine Street, Suite 4192 Cincinnati, OH 45202

Steven Beeler John Jones Assistant Attorneys General Public Utilities Commission of Ohio 180 East Broad Street Columbus, Ohio 43215 <u>Steven.beeler@puc.state.oh.us</u> John.jones@puc.state.oh.us	Michael D. Dortch Counsel for Duke Energy Retail Sales, LLC Kravitz, Brown & Dortch, LLC 65 East State St., Suite 200 Columbus, OH 43215 <u>mdortch@kravitzllc.com</u>
Barth E. Royer Bell & Royer Co., LPA 33 South Grant Avenue Columbus, Ohio 43215 <u>barthroyer@aol.com</u> Gary A. Jeffries Senior Counsel Dominion Resources Services, Inc. 501 Martindale Street, Suite 400 Pittsburgh, PA 15212 <u>Gary.A.Jeffries@dom.com</u> Attorneys for Dominion Retail, Inc.	Thomas J. O'Brien Counsel for the City of Cincinnati Bricker & Eckler LLP 100 South Third Street Columbus, Ohio 43215 tobrien@bricker.com
Douglas E. Hart Counsel for Eagle Energy, LLC 441 Vine Street, Suite 4192 Cincinnati, Ohio 45202 <u>dhart@douglasehart.com</u>	

.