

FILE

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 ) Case No. 10-2586-EL-SSO  
Offer Electric Generation Supply, )  
Accounting Modifications, and Tariffs for )  
Generation Service. )

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AMENDED NOTICE OF DEPOSITION, *DUCES TECUM*, TO THE KROGER CO.

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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 Kroger Co. (Kroger) will provide direct testimony relative to the above-captioned case, beginning at 11:30 a.m. on December 22, 2010. Such deposition will take place telephonically, and counsel for Duke Energy Ohio will circulate a call-in number for the deposition. The depositions will be taken 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.

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Respectfully submitted,

*Amy B. Spiller/jke*

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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 Kroger 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 Kroger 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<sup>st</sup> day of December 2010.

  
Amy B. Spiller

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