

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

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**SECOND AMENDED NOTICE TO TAKE DEPOSITION, DUCES TECUM,
UPON ORAL EXAMINATION OF
DUKE ENERGY OHIO WITNESSES
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Ohio Adm. Code Rule 4901-1-21(B), please take notice that the Ohio Consumers' Counsel ("OCC") will take the oral deposition of all individuals for whom testimony is filed or will be filed in the above-captioned matters or who have knowledge and expertise with the subject matter of these proceedings on behalf of Duke Energy Ohio, Inc. ("Duke Energy Ohio").

A telephone deposition will take place at the offices of Duke Energy Ohio, 139 E. Fourth Street, Floors 12 and 13, Cincinnati, Ohio, and will begin at 1:00 p.m. on Thursday, December 16, 2010 for Kenneth J. Jennings.

Moreover, a telephone deposition will take place on December 16, 2010 at 10:00 a.m. from Boston of Robert J. Lee.

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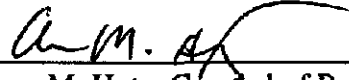
Parties are invited to attend and cross-examine. OCC will establish a telephone bridge to facilitate interested parties who would like to listen or ask questions. The depositions will be taken of the aforementioned deponents on relevant topics within the scope of these proceedings, including but not limited to, the subject matter of the deponent's testimony or the deponent's knowledge and expertise with the subject matter of this proceeding. The depositions will be taken upon oral examination (as upon cross-examination) before an officer authorized by law to take depositions and will continue from day to day, except for holidays and weekends, until completed.

Pursuant to Ohio Adm. Code Rules 4901-1-21(E) and 4901-1-20, each deponent is requested to produce at the time of his (or her) deposition:

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 authorized by said witnesses for purposes of preparing their direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in said witness' direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said witnesses in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Duke Energy Ohio relative to the above-captioned proceeding.
5. Any and all documents prepared by said witnesses for purposed of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Duke Energy Ohio relative to the above-captioned proceeding.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

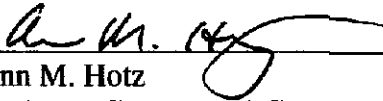


Ann M. Hotz, Counsel of Record
Kyle L. Verrett
Jody M. Kyler
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
(614) 466-8574 (Telephone)
hotz@occ.state.oh.us
verret@occ.state.oh.us
kyler@occ.state.oh.us

CERTIFICATE OF SERVICE

I hereby certify that a copy of the OCC's Second Amended Notice to Take Deposition and Request for Production of Documents was served on the persons stated below via electronic transmission this 15th day of December 2010.



Ann M. Hotz
Assistant Consumers' Counsel

SERVICE

Amy Spiller
Elizabeth Watts
Duke Energy Ohio Inc.
221 E. Fourth St., 25 AT II
Cincinnati, OH 45202
Amy.Spiller@duke-energy.com
Elizabeth.Watts@duke-energy.com

Steven Beeler
John Jones
Public Utilities Commission of Ohio
180 E. Broad St., 6th St.
Columbus, OH 43215
Steven.beeler@puc.state.oh.us
John.jones@puc.state.oh.us

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202
dboehm@BKLawfirm.com
mikurtz@BKLawfirm.com

Samuel C Randazzo
McNees Wallace & Nurick LLC
Fifth Third Center
21 East State Street, Suite 1700
Columbus, OH 43215-4228
sam@mwncmh.com

David C. Rinebolt
Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45839-1793
cmooney2@columbus.rr.com
drinebolt@ohiopartners.org

John W. Bentine
Mark S. Yurick
Matthew S. White
Chester Willcox & Saxbe, LLP
65 East State Street, Suite 1000
Columbus, OH 43215
jbentine@cwsllaw.com
myurick@cwsllaw.com
mwhite@cwsllaw.com

William T. Reisinger
Nolan Moser
Trent A. Dougherty
Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, OH 43212-3449
will@theoec.org
nolan@theoec.org
trent@theoec.org

Mark A. Hayden
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
haydenm@firstenergycorp.com

David A. Kutik
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114
dakutik@jonesday.com

Grant W. Garber
Jones Day
P.O. Box 165017
Columbus, OH 43216-5017
gwwgarber@jonesday.com

Douglas E. Hart
441 Vine St., Suite 4192
Cincinnati, OH 45202
dhart@douglasehart.com

Cynthia Fonner Brady
Senior Counsel
Constellation Energy Resources, LLC
550 W, Washington St., Suite 300
Chicago, IL 60661
Cynthia.Brady@constellation.com

M. Howard Petricoff
Stephen M. Howard
Vorys, Sater, Seymour And Pease LLP
52 East Gay St., P. O. Box 1008
Columbus, OH 43216-1008
mhpetricoff@vorys.com
smhoward@vorys.com

Michael D. Dortch
Kravitz, Brown & Dortch, LLC
65 East State St., Suite 200
Columbus, OH 43215
mdortch@kravitzllc.com

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
tobrien@bricker.com

Douglas E. Hart
441 Vine Street, Suite 4192
Cincinnati, OH 45202
dhart@douglasehart.com

Mary Christensen
Christensen & Christensen LLP
8760 Orion Place, Suite 300
Columbus OH 43240
mchristensen@columbuslaw.org

Terrence O'Donnell
Matthew W. Warnock
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
todonnell@bricker.com
mwarnock@bricker.com

Rick D. Chamberlain
Behrens, Wheeler & Chamberlain
6 N.E. 63rd Street, Suite 400
Oklahoma City, OK 73105
rdc_law@swbell.net

Kevin Osterkamp
Roetzel & Andress LPA
155 E. Broad Street, 12th Floor
Columbus, OH 43215
kosterkamp@ralaw.com

Lisa McAlister
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
lmcalister@bricker.com

Anne M. Vogel
AEP Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
amvogel@aep.com

Matthew J. Satterwhite
AEP Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
mjsatterwhite@aep.com

Amy.Spiller@duke-energy.com
Elizabeth.Watts@duke-energy.com
Steven.beeler@puc.state.oh.us
John.jones@puc.state.oh.us
dboehm@BKLawfirm.com
mkurtz@BKLawfirm.com
sam@mwncmh.com
cmooney2@columbus.rr.com
drinebolt@ohiopartners.org
jbentine@cwslaw.com
myurick@cwslaw.com
mwhite@cwslaw.com
will@theoec.org
nolan@theoec.org
trent@theoec.org
haydenm@firstenergycorp.com

dakutik@jonesday.com
gwwarber@jonesday.com
dhart@douglasshart.com
Cynthia.Brady@constellation.com
mhpetricoff@vorys.com
smhoward@vorys.com
mdortch@kravitzllc.com
tobrien@bricker.com
dhart@douglasshart.com
mchristensen@columbuslaw.org
todonnell@bricker.com
mwarnock@bricker.com
rdc_law@swbell.net
kosterkamp@ralaw.com
lmcalister@bricker.com
amvogel@aep.com
mjsatterwhite@aep.com

Katie.stenman@puc.state.oh.us
christine.pirik@puc.state.oh.us