

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

|   |   |                         |
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| In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Gas Rates.  | ) | Case No. 12-1685-GA-AIR |
|   | ) |                         |
| In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.  | ) | Case No. 12-1686-GA-ATA |
|   | ) |                         |
| In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of an Alternative Rate Plan for Gas Distribution Service. | ) | Case No. 12-1687-GA-ALT |
|   | ) |                         |
| In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.                            | ) | Case No. 12-1688-GA-AAM |
|   | ) |                         |

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**AMENDED  
NOTICE TO TAKE DEPOSITIONS UPON ORAL EXAMINATION OF  
SHAWN S. FIORE AND GARY J. HEBBELER  
AND REQUEST FOR PRODUCTION OF DOCUMENTS  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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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 the following individuals who have filed testimony in these proceedings on behalf of Duke Energy Ohio, Inc. ("Duke Energy" or "Duke Energy Ohio") at the following times or at another time mutually agreed upon between the parties:

**Shawn S. Fiore**, Friday, April 25, 2013, 11:30 a.m. and

**Gary J. Hebbeler**, Thursday, April 25, 2013, 4 p.m.

The depositions will take place at the offices of Frost, Brown and Todd, 10 West Broad Street, 23<sup>rd</sup> Floor, Columbus, Ohio and will begin at the above designated dates

and times, or such other place and time as are mutually agreed upon by Duke Energy Ohio, Inc. and the OCC. Deponents will appear at designated time with documents at OCC and remain present until the deposition is completed. Parties are invited to attend and cross-examine.

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, the deponents are requested to produce at least 24 hours prior to the time of their depositions all documents relating to their testimony or the deponent's knowledge and expertise with the subject matter of these proceedings and/or the deponent's responses to discovery, including, but not limited to, the results of any studies done for these proceedings and any backup documentation, including raw data, for those studies. In addition, it is requested that Duke Energy Ohio or each witness produce the following documentation at least 24 hours prior to the deposition:

1. All documents reviewed and/or relied upon in preparation of your testimony in this proceeding. If such documents have previously been produced through discovery in this proceeding, identification of all such documents in accordance with the identification system used to provide discovery responses in this proceeding (bates numbers, interrogatory and

Request for Document identification numbers). Please break down all documents reviewed and/or relied upon as to whether they relate to the East End or West End sites.

2. The contract and any underlying contract documentation (Request for Proposal, proposals, offer and acceptance letters or other correspondence, etc.) reflecting the business relationship between Duke Energy and Mr. Fiore.
3. Documentation showing the services provided by the witnesses associated with their engagement in this matter, including any invoices, records of hours worked and hours billed (including dates performed), and details of services provided by Mr. Fiore.
4. To the extent not otherwise provided, identify Mr. Fiore's hourly (or other) rate(s) for services associated with this engagement.
5. Provide a list of all professional services Mr. Fiore has provided to Duke Energy Ohio, Inc. during his career, including a description of the engagement, the time frame of the engagement, and the total amount paid by Duke Energy to Mr. Fiore with respect to each such engagement.
6. With respect to Mr. Fiore's testimony, p. 2, lines 11-13, please provide documentation showing the hours worked and hours billed (including dates performed), and details of services provided by Mr. Fiore for the East End site. If Mr. Fiore has provided any services at the West End site, please provide documentation showing the hours worked and hours billed

(including dates performed), and details of services provided by Mr. Fiore for the West End site.

7. With respect to Mr. Fiore's testimony, p. 6, lines 15-19 regarding regulation of CPs, please provide all documentation related to his certification and training as a CP, any disciplinary history, and a Certificate of Good Standing as a CP.
8. Please provide any correspondence Mr. Fiore has prepared and delivered showing his denial of an NFA letter and/or a CNS letter to any site in his role as a Certified Professional.
9. Please provide any correspondence Mr. Fiore has prepared and delivered showing his recommendation(s) to Ohio EPA for Urban Setting Designations.
10. Provide any documentation of the cost of attempting to obtain a USD designation for any site investigation/remediation in which Mr. Fiore has been involved.
11. Please provide the free product sampling results for both the East-End and West-End sites upon which Mr. Fiore relies to state that the free product at these sites "has and will impact groundwater in excess of applicable standards."

Respectfully submitted,

BRUCE J. WESTON  
OHIO CONSUMERS' COUNSEL

*/s/ Edmund "Tad" Berger*

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the OCC's Amended Notice to Take Depositions upon Oral Examination of Shawn S. Fiore and Gary J. Hebbeler and Request for Production of Documents was served on the persons stated below by electronic mail, this 25th day of April 2013.

/s/ Edmund "Tad" Berger

Edmund "Tad" Berger  
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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/25/2013 10:31:52 AM**

**in**

**Case No(s). 12-1685-GA-AIR, 12-1686-GA-ATA, 12-1687-GA-ALT, 12-1688-GA-AAM**

Summary: Notice of Deposition Amended Notice to Take Depositions Upon Oral Examination of Shawn S. Fiore and Gary J. Hebbeler and Request for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Berger, Edmund "Tad" Mr.