

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke)	
Energy Ohio for Authority to Establish a)	
Standard Service Offer Pursuant to Section)	
4928.143, Revised Code, in the Form of)	Case No. 14-841-EL-SSO
an Electric Security Plan, Accounting)	
Modifications and Tariffs for Generation)	
Service.)	

In the Matter of the Application of Duke)	
Energy Ohio for Authority to Amend its)	Case No. 14-842-EL-ATA
Certified Supplier Tariff, P.U.C.O. No. 20.)	

**SECOND AMENDED NOTICE OF DUKE ENERGY OHIO
TO TAKE DEPOSITION *DUCES TECUM* OF KEVIN C. HIGGINS**

Pursuant to Ohio Admin. Code Rule 4901-1-21(B), please take notice that Duke Energy Ohio, Inc., (Duke Energy) will take the oral deposition of Kevin C. Higgins, who has been identified as a witness and upon whom The Kroger Co. (Kroger) intends to rely upon at hearing in the above captioned matter, on October 3, 2014 beginning at 12:30 P.M. EST and continuing thereafter until complete.

The deposition will take place at DepomaxMerit Litigation Services, Inc., 333 South Rio Grande, Salt Lake City, Utah 84101. The oral deposition will be taken via telephonic means upon oral examination (as if on cross-examination) before an officer authorized by law to take depositions.

Pursuant to Ohio Admin. Code 4901-1-21(E) and 4901-1-20, the witness is requested to produce at the time of his deposition true and accurate copies of the documents identified in Exhibit A.

The deposition will begin at 12:30 P.M. EST and continue day to day until complete. Parties are invited to attend and to cross-examine.

Respectfully submitted,

A handwritten signature in blue ink, reading "Amy B. Spiller", is written over a horizontal line.

Amy B. Spiller (0047277)

Deputy General Counsel

Rocco O. D'Ascenzo (0077651)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

DUKE ENERGY OHIO, INC.

139 East Fourth Street ML 1303 Main

P. O. Box 960

Cincinnati, Ohio 45202



EXHIBIT A

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

1. Any and all documents provided to said witness in connection with his participation in the above-captioned proceeding.
2. Any and all documents that were reviewed by said witness for purposes of preparing his direct testimony relative to the above-captioned proceeding.
3. Any and all documents created or authored by said witness for purposes of preparing his direct testimony relative to the above-captioned proceeding.
4. Any and all documents referenced in said witness's direct testimony relative to the above-captioned proceeding.
5. 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
6. 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 service, this 24 day of September, 2014.


Elizabeth H. Watts 

Steven Beeler
Thomas Lindgren
Ryan ORourke
Assistant Attorneys General
Public Utilities Section
180 East Broad St., 6th Floor
Columbus, Ohio 43215
Steven.beeler@puc.state.oh.us
Thomas.lindgren@puc.state.oh.us
Ryan.orourke@puc.state.oh.us

Counsel for Staff of the Commission

Kevin R. Schmidt
88 East Broad Street, Suite 1770
Columbus, Ohio 43215
schmidt@sppgrp.com

Counsel for the Energy Professionals of Ohio

David F. Boehm
Michael L. Kurtz
Jody M. Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
dboehm@BKLawfirm.com
mkurtz@BKLawfirm.com
jkylercohn@BKLawfirm.com

Counsel for the Ohio Energy Group

Mark A. Hayden
Jacob A. McDermott
Scott J. Casto
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308
haydenm@firstenergycorp.com
jmcdermott@firstenergycorp.com
scasto@firstenergycorp.com

Counsel for FirstEnergy Solutions Corp.

Maureen R. Grady
Joseph P. Serio
Edmund "Tad" Berger
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Maureen.grady@occ.ohio.gov
Joseph.serio@occ.ohio.gov
Edmund.berger@occ.ohio.gov

**Counsel for the Ohio Consumers'
Counsel**

Kimberly W. Bojko
Mallory M. Mohler
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
Bojko@carpenterlipps.com
Mohler@carpenterlipps.com

**Counsel for the Ohio Manufacturers'
Association**

Joseph M. Clark
Direct Energy
21 East State Street, 19th Floor
Columbus, Ohio 43215
joseph.clark@directenergy.com

**Counsel for Direct Energy Services,
LLC and Direct Energy Business, LLC**

Judi L. Sobecki
The Dayton Power and Light Company
1065 Woodman Drive
Dayton, Ohio 45432
Judi.sobecki@aes.com

**Counsel for The Dayton Power and
Light Company**

Joseph Olikier
Matthew White
6100 Emerald Parkway
Dublin, Ohio 43016
joliker@igsenergy.com
mswhite@igsenergy.com

Counsel for Interstate Gas Supply, Inc.

Gerit F. Hull
Eckert Seamans Cherin & Mellot, LLC
1717 Pennsylvania Avenue, N.W.
12th Floor
Washington, DC 20006
ghull@eckertseamans.com

**Counsel for Direct Energy Services,
LLC and Direct Energy Business, LLC**

Samuel C. Randazzo
Frank P. Darr
Matthew R. Pritchard
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, Ohio 43215
sam@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com

**Counsel for Industrial Energy Users-
Ohio**

Trent Dougherty
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212-3449
tdougherty@theOEC.org

**Counsel for the Ohio Environmental
Council**

Andrew J. Sonderman
Margeaux Kimbrough
Kegler Brown Hill & Ritter LPA
Capitol Square, Suite 1800
65 East State Street
Columbus, Ohio 43215-4294
asonderman@keglerbrown.com
mkimbrough@keglerbrown.com

**Counsel for People Working
Cooperatively, Inc.**

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, Ohio 45839-1793
cmooney@ohiopartners.org

**Counsel for Ohio Partners for
Affordable Energy**

Steven T. Nourse
Matthew J. Satterwhite
Yazen Alami
American Electric Power Service
Corporation
1 Riverside Plaza 29th Floor
Columbus, Ohio 43215
stnourse@aep.com
mjsatterwhite@aep.com
yalami@aep.com

Counsel for Ohio Power Company

Christopher J. Allwein
Todd M. Williams
Williams Allwein and Moser, LLC
1500 West Third Avenue, Suite 330
Columbus, Ohio 43212
callwein@wamenergylaw.com
toddm@wamenergylaw.com

Counsel for the Sierra Club

Rebecca L. Hussey
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
Hussey@carpenterlipps.com

Counsel for The Kroger Company

M. Howard Petricoff
Michael J. Settineri
Gretchen L. Petrucci
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
P.O.Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
mjsettineri@vorys.com
glpetrucci@vorys.com

Counsel for Constellation NewEnergy, Inc. and Exelon Generation Company, LLC

David I. Fein
Vice President, State Government
Affairs - East
Exelon Corporation
10 South Dearborn Street, 47th Floor
Chicago, Illinois 60603
David.fein@exeloncorp.com

For Exelon Corporation

Douglas E. Hart
441 Vine Street
Suite 4192
Cincinnati, Ohio 45202
dhart@douglasshart.com

Counsel for The Greater Cincinnati Health Council

Cynthia Fonner Brady
Exelon Business Services Company
4300 Winfield Road
Warrenville, Illinois 60555
Cynthia.brady@constellation.com

For Constellation NewEnergy, Inc.

Lael Campbell
Exelon
101 Constitution Avenue, NW
Washington, DC 2001
Lael.Campbell@constellation.com

For Constellation NewEnergy, Inc.

M. Howard Petricoff
Special Assistant Attorney General
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com

**Counsel for Miami University and the
University of Cincinnati**

Justin Vickers
Environmental Law & Policy Center
35 East Wacker Drive, Suite 1600
Chicago, Illinois 60601
jvickers@elpc.org

**Counsel for the Environmental Law &
Policy Center**

Samantha Williams
Natural Resources Defense Council
20 N. Wacker Drive, Suite 1600
Chicago, Illinois 60606
swilliams@nrdc.org

**Counsel for the Natural Resources
Defense Council**

M. Howard Petricoff
Michael J. Settineri
Gretchen L. Petrucci
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
mjsettineri@vorys.com
glpetrucci@vorys.com

**Counsel for the Retail Energy Supply
Association**

Gregory J. Poulos
EnerNOC, Inc.
471 E. Broad Street, Suite 1520
Columbus, Ohio 43215
gpoulos@enernoc.com

Counsel for EnerNOC, Inc.

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

Counsel for the City of Cincinnati

Rick D. Chamberlain
Behrens, Wheeler, & Chamberlain
6 N.E. 63rd Street, Suite 400
Oklahoma City, OK 73105
rchamberlain@okenergylaw.com

**Counsel for Wal-Mart Stores East, LP
and Sam's East, Inc.**

Donald L. Mason
Michael R. Traven
Roetzel & Andress, LPA
155 E. Broad Street, 12th Floor
Columbus, Ohio 43215
dmason@ralaw.com
mtraven@ralaw.com

**Counsel for Wal-Mart Stores East, LP
and Sam's East, Inc.**

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/26/2014 3:44:28 PM

in

Case No(s). 14-0841-EL-SSO, 14-0842-EL-ATA

Summary: Notice of Deposition Second Amended Notice of Duke Energy Ohio to Take Depositions Duces Tecum of Kevin C. Higgins (Kroger) electronically filed by Mrs. Debbie L Gates on behalf of Duke Energy Ohio Inc. and Spiller, Amy B and Watts, Elizabeth H