

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, et al.	)	
	)	
Complainants,	)	
	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

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**MOTION FOR PROTECTIVE ORDER  
AND REQUEST FOR EXPEDITED RULING**

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Pursuant to Rules 4901-1-24(A), Ohio Adm. Code (“O.A.C.”), Complainants hereby move for a protective order to prevent further depositions of Complainants, per the January 29, 2018 Notices of Deposition issued by Respondent Duke Energy Ohio, Inc. (“Duke”), and to prevent any additional unduly burdensome and harassing discovery from occurring. Duke has filed 110 Notices of Deposition<sup>1</sup> and Requests for Production of Documents for the Complainants in this proceeding, totaling over 438 pages (the “Notices”).<sup>2</sup> Complainants have either held or agreed to hold a total of 20 depositions. To date, the depositions alone have resulted in or are expected to result in approximately 25 hours of deposition time and over 112 photographs and documents produced.

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<sup>1</sup> On March 8, 2018, the Commission dismissed eighteen (18) Complainants. See Entry at ¶40, 57 (March 8, 2018). While that Entry is subject to rehearing, Duke nonetheless has 110 Notices of Deposition still pending. Thus, Complainants are obligated to address all 110 of which remain pending.

<sup>2</sup> See Notices of Deposition (January 29, 2018), attached hereto as Exhibit A, pursuant to Rule 4901-1-24(B)(2), O.A.C..

To put Duke's request to depose 110 Complainants and have them produce additional documents at the deposition into perspective, it should be noted that Duke has already served 74 rounds of individual discovery on numerous complainants (including multiple rounds on the same Complainants), totaling 1,365 pages. As a result of this written discovery, Complainants have produced and additional 3,749 pages of discovery responses, photographs, and documents to date.

The reasons underlying this Motion are set forth in the attached Memorandum in Support. Also attached hereto are copies of the Notices of Deposition which are the subject of the request for a protective order, pursuant to Rule 4901-1-24(B)(2), O.A.C., and an affidavit of counsel setting forth the efforts which have been made to resolve any differences with the party seeking discovery, pursuant to Rule 4901-1-24(B)(3), O.A.C.

As Complainants continue to be subjected to unduly burdensome and harassing discovery that are draining Complainants' resources, Complainants respectfully seek that its request for a Protective Order be expedited pursuant to Rule 4901-1-12(C), O.A.C..<sup>3</sup>

Respectfully submitted,

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March 14, 2018

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<sup>3</sup> Complainants cannot certify that Duke does not object to this request.

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	)	
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**MEMORANDUM IN SUPPORT**

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**I. INTRODUCTION**

Complainants initiated this complaint proceeding against Duke on November 14, 2017. On November 22, 2017 and January 5, 2018, Complainants amended their initial Complaint<sup>4</sup> (hereinafter, generally, “the Complaint”). In the Complaint, Complainants collectively raised several issues concerning the reasonableness and lawfulness of Duke’s vegetation management policies, practices, and plan, and the implementation of Duke’s vegetation management policies, practices, and plan. All Complainants are directly affected by Duke’s vegetation management policies, practices, and plan and how Duke is currently implementing such. All Complainants are also directly affected by the misleading and deceptive practices that Duke has engaged in, which violated the Commission’s rules. The issues raised by the Complaint apply to the Complainants as a whole, as they are all impacted by Duke’s unlawful, unjust, and unreasonable activities.

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<sup>4</sup> Entry at ¶4 (November 28, 2017); Entry at ¶11 (January 25, 2018).

Specifically, Complainants alleged issues related to: the adequacy and lawfulness of Duke's vegetation management plan; the unjust and unreasonable vegetation management practices and policies of Duke; the unjust, unreasonable, and unlawful implementation of Duke's vegetation management practices, policies, and plan, which includes the clear cutting of trees and vegetation on Customers' properties and the use of dangerous herbicides; and defects in how Duke's vegetation management plan was modified, including deceptive and misleading statements and filings by Duke. The number of Complainants in this proceeding is simply a reflection of the extent of Duke's unlawful, unjust, and unreasonable vegetation and management practices throughout several communities.

On January 29, 2018, only four days after the Second Amended Complaint was filed, Duke filed 109 Notices of Deposition for Complainants in this proceeding (the "Notices"), with a 110th deposition notice subsequently filed on February 27, 2018.<sup>5</sup> Despite Duke's assurances in its Motion to Compel that it did not seek to depose both spouses jointly own the same property and are both on the Second Amended Complaint,<sup>6</sup> Duke actually did notice these depositions for both spouses in the situation described.<sup>7</sup> After receiving the Notices, Complainants have worked in good faith to obtain the information Duke has requested concurrently with responding to over a thousand pages of discovery requests and admissions.<sup>8</sup> To date, Complainants have either produced or agreed

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<sup>5</sup> See Exhibit A.

<sup>6</sup> See Motion to Compel at 5.

<sup>7</sup> See Exhibit A.

<sup>8</sup> See Email exchanges between counsel for Complainants and counsel for Duke, from February 5, 2018 to March 13, 2018, collectively attached hereto as Exhibits B-Q.

to produce 20 deponents for Duke.<sup>9</sup> Nineteen of those depositions would have already been completed, but for Duke's refusal to move forward as scheduled.

After Duke's repeated refusal to hold telephonic depositions to expedite the process and for those Complainants that were not available previously due to work commitments or travel, Complainants coordinated, rearranged other commitments, and scheduled to make an additional five Complainants available on March 10, 2018, but Duke refused to depose those Complainants on March 10, 2018 because it was a Saturday. This is in spite of the fact that when scheduling the hearing dates at the prehearing conference, Duke recognized that Saturday depositions may be necessary. Nonetheless, upon Duke's refusal, counsel was able to reschedule the five Complainants and add one more deponent that Duke requested for another round of depositions, which will occur on March 20, 2018. Contrary to Duke's comments to the contrary,<sup>10</sup> counsel worked diligently to rearrange schedules and coordinate a different date available to all six Complainants and counsel within two and a half business days.<sup>11</sup> But in an effort to afford Complainants with at least a week to provide notice to their employers (given that Duke has insisted that the depositions take place during business hours), the available date that was selected was a mere six business days after the previously scheduled date.<sup>12</sup> To date, Complainants have either held or have agreed to hold a total of 20 depositions.

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<sup>9</sup> To date, the following Complainants have been deposed: Kim Wiethorn; Olga Staios; Barbara Casper; Jonathan Mackey; Mike Priessler; Paul Smith; Melisa Kuhne; Joe Grossi; March Wahlquist;; Karen Daboub; John Gump; Dennis Baker; Ken Bryant, and Mark Thompson. Duke, on the other hand, has not allowed Complainants to depose any of its witnesses.

<sup>10</sup> See Duke's Motion to Compel at 3, 7 (March 13, 2018).

<sup>11</sup> See Exhibit P, email string between counsel (February 27, 2018 to March 7, 2018).

<sup>12</sup> Id.

To be clear, the number of deponents that Complainants have made available to Duke exceeds the number of witnesses that Complainants will rely upon when this matter is heard by the Commission on April 17, 2018. Through the fourteen depositions conducted to date, it has become abundantly clear that no other Complainants beyond the 20 will be necessary or will provide any new information that either party will need to present at the upcoming hearing regarding the unreasonable and unlawful vegetation and management practices and activities that Duke is engaging in on Complainants' properties that result in the mass removal or leveling to the ground of the trees and vegetation on Complainants' properties through the use of clear cutting or herbicides. Any lingering doubt on the matter will be eliminated with the additional six depositions.

As explained in the Second Amended Complaint, Duke's easements are similar if not identical, Duke's door hangers explaining their intended activities on the Complainants' properties are similar if not identical, and Duke's vegetation management materials provided to Complainants are identical. Duke is asking the same questions through the depositions and eliciting the same responses. Duke is asking for the deponents to opine on the same legal issues. Duke is reviewing the exact same easements, door hangers, and Duke vegetation management materials with each deponent. The only differences have been a review of pictures provided by Complainants, all of which have been or will be produced in written discovery, and the discussions with Duke's employees, which Duke can and should obtain from its own employees.

Given the nature of this proceeding, additional deponents that will not be testifying have nothing to add, and future deponents will simply regurgitate the same generalized facts which Duke has heard time and time again.

Nevertheless, as explained in Duke's Motion to Compel recently filed, Duke appears determined to depose each and every Complainant. While Duke's request to do so is itself unreasonable, Duke has made matters worse by being wholly uncooperative throughout the discovery process. Specifically, Duke has failed to accommodate Complainants' schedules,<sup>13</sup> refused to conduct any depositions via telephone (with one recent exception), refused to conduct any depositions outside of traditional business hours, and refused to allow Complainants' counsel adequate time to prepare them for depositions (knowing full well that counsel is located over an hour and a half away from Complainants).

It is now clear that Duke's ultimate goal has never been to put forth a good faith approach to discovery, but rather to bury Complainants in discovery to increase their litigation costs and thwart Complainants' preparation for hearing. While the subject of this request is Duke's effort to depose every Complainant, Duke's complete discovery activities must be noted to put Duke's outstanding request to depose 89 more Complainants into context and why Complainants are seeking assistance from the Commission. During the 4 months that this case has been pending, Duke has served 74 rounds of individual discovery on numerous complainants (including multiple rounds on the same Complainants), totaling 1,365 pages, noticed 110 depositions, filed three motions to dismiss that require responsive pleadings, and issued 21 letters disputing discovery responses that requested substantive responses and explanations and rewrites of discovery responses. As a result of all of this

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<sup>13</sup> See, e.g., Exhibit B, email from Bob McMahon (February 6, 2018); Exhibit D, email from Bob McMahon (February 21, 2018).

discovery, Complainants have produced or will produce over 3,861 pages of discovery responses, photographs, and documents, and 20 deponents.

Additionally, it must also be noted that Duke has refused to participate meaningfully in discovery with Complainants throughout this discovery period. Duke has served Complainants with numerous rounds of (duplicative) discovery to date, but Duke has repeatedly withheld discovery responses, claiming an “undue burden,” and it has refused to make any of its witnesses available for deposition until every Complainant has been deposed.<sup>14</sup> Duke has also demanded that counsel respond to discovery issued to Complainants in other cases where counsel was not involved, never received the discovery, and the cases were withdrawn.<sup>15</sup> Duke repeated its demands (and refused to forward the discovery it was referencing) despite the fact that counsel explained that they were not in possession of any such discovery and could not possibly respond to what they did not have.<sup>16</sup> Of course, Complainants are victims of Duke’s burdensome and costly requests, to say nothing of Duke’s persistent threats and harassment aimed at Complainants and their counsel.

As discussed herein, Complainants have made every reasonable effort to work with Duke, but with a hearing date of April 17, 2018 quickly approaching, Complainants are

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<sup>14</sup> See, e.g., Duke’s Responses to Complainant’s First Set of Requests for Admission, attached hereto as Exhibit R, at CACC-RFA-01-009 (“This Request is overly broad and unduly burdensome in that there are more than 85 properties and property owners at issue in the Second Amended Complaint.”); Duke’s Responses to Complainant’s First Set of Interrogatories, attached hereto as Exhibit S, at CAC-INT-01-006 (“This Request is overly broad and unduly burdensome in that there are more than 85 properties and property owners at issue in the Second Amended Complaint.”).

<sup>15</sup> See Exhibit G, email from Bob McMahon (February 15, 2018); Exhibit I, email from Bob McMahon (February 15, 2018).

<sup>16</sup> *Id.*



now forced to file this request for the Commission's protection throughout the rest of the discovery period.

## II. DISCUSSION

The PUCO's legal standard for motions for a protective order is stated in Rule 4901-1-24, O.A.C., which provides, in part: "Upon motion of any party or person from whom discovery is sought, the commission, the legal director, the deputy legal director, or an attorney examiner **may issue any order that is necessary to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.**"<sup>17</sup> Under that Rule, the Commission may issue a protective order that discovery, including depositions, will "not be had," or, at the very least, "may be had only on specified terms and conditions."<sup>18</sup>

Pursuant to Rule 4901-1-24, O.A.C., Complainants now request a protective order that no additional depositions be taken of Complainants in this proceeding beyond the 20 depositions that have either been held or are scheduled to be held. As discussed further herein, Duke's behavior throughout the discovery phase of this proceeding has been wholly non-cooperative, marked by threats and harassment, and its attempt to depose 110 Complainants is nothing more than an obvious effort to impose an undue burden and inflict an enormous expense on Complainants. Protective Orders exist to prevent the exact kind of corporate bullying which Duke has unfortunately displayed throughout this proceeding.

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<sup>17</sup> Rule 4901-1-24, O.A.C. (emphasis added).

<sup>18</sup> Rule 4901-1-24(A)(1)-(2), O.A.C..

**A. Deposing Every Additional Complainant Will Not Lead to the Discovery of Admissible Evidence.**

It is a shame that Complainants have been forced to file this motion. As the Commission is well aware, the purpose of the Commission's rules of discovery, Rules 4901-1-16 to 4901-1-24, O.A.C., is "to encourage the prompt and expeditious use of prehearing discovery in order to facilitate thorough and adequate preparation for participation in commission proceedings. The[] rules are also intended to minimize commission intervention in the discovery process."<sup>19</sup>

To further this purpose, the Commission limits discovery only to that which is "reasonably calculated to lead to the discovery of admissible evidence."<sup>20</sup> Indeed, the Commission denies parties the right to seek discovery where that discovery is not reasonably calculated to lead to the discovery of admissible evidence.<sup>21</sup> Here, Complainants have already allowed or agreed to allow Duke to depose 20 Complainants. Indeed, those who have been deposed to date were those who, at Duke's request, are most likely to testify at the upcoming hearing, scheduled for April 17, 2018.<sup>22</sup>

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<sup>19</sup> Rule 4901-1-16(A), O.A.C..

<sup>20</sup> Rule 4901-1-16(B), O.A.C..

<sup>21</sup> See, e.g., *In the Matter of Application of Duke Energy Ohio, Inc. for Approval of A Mkt. Rate Offer to Conduct A Competitive Bidding Process for A Std. Serv. Offer Elec. Generation Supply, Accounting Modifications, & Tariffs for Generation Serv.*, Panel Case No. 10-2586-EL-SSO, Entry at \* 3 (December 13, 2010) ("In considering the requests for production and interrogatories contained in Category 4, **the attorney examiner agrees with Duke, that these requests are not reasonably calculated to lead to the discovery of evidence that is admissible in the current proceeding.**") (emphasis added); *In the Matter of the Complaint of Ps Executive Centers, Inc.*, Panel Case No. 01-2771-TP-CSS, Entry (November 14, 2002) (Denying a motion to compel where discovery requests "should be viewed as irrelevant and **not reasonably calculated to lead to the discovery of admissible evidence.**") (emphasis added).

<sup>22</sup> To be clear, Complainants do not intend to offer all 20 individuals who have been, or will be, deposed by Duke at the upcoming Commission hearing, but Complainants have agreed to not offer the testimony of any additional Complainants without first providing Duke the opportunity to depose those additional Complainants.

As Duke is well aware, Complainants can – and intend to – substantiate their claims in the Complaint at the upcoming hearing with the testimony of only some Complainants, all of whom have already been or will be deposed by Duke. The fact is, the additional Complainants’ testimony is not pertinent to the legal issues which underlie this case, which include: the adequacy and lawfulness of Duke’s vegetation management plan; the unjust and unreasonable vegetation management practices and policies of Duke; the unjust, unreasonable, and unlawful implementation of Duke’s vegetation management practices, policies, and plan, which includes the clear cutting of trees and vegetation on Customers’ properties and the use of dangerous herbicides; and defects in how Duke’s vegetation management plan was modified, including deceptive and misleading statements and filings by Duke. Those are the issues raised in the Second Amended Complaint, and it is a waste of time, effort, and resources to allow Duke to overwhelm the record with duplicative testimony from property owners who will not further the determination of those issues.

Thus, Duke’s noticed depositions are not reasonably calculated to lead to the discovery of admissible evidence. Rather, Duke’s Notices of Deposition are calculated to impose an unlawful burden on Complainants.

**B. A Protective Order is Necessary to Protect Complainants from Undue Burden and Expense.**

Although Duke believes that it is not required to respond to discovery requests regarding the 110 Complainants or their properties that Duke intends to destroy or significantly alter, Duke has made it clear that it intends to insist on deposing every Complainant that chose to exercise its rights under Ohio law and seek the protection of the Commission from unjust, unreasonable, and unlawful services, practices, and activities of

a public utility.<sup>23</sup> Specifically, Duke’s counsel has stated that “[y]es, there are a lot of complainants but, once again, you chose to file the Second Amended Complaint with more than 100 complainants.”<sup>24</sup> Duke evidently believes that, because its vegetation management plan impacts multiple neighborhoods and communities of property owners, it is entitled to prolong discovery with unnecessary, burdensome, and expensive tactics until those entire communities of property owners have no resources left to present their case to the Commission and simply give up. Duke is obviously mistaken, as that is why the Commission’s rules and protections are in place—to protect Complainants from “annoyance, embarrassment, oppression, or undue burden or expense.” Rule 4901-1-24(A)(1), O.A.C..

The Commission’s rules and protections are also in place to level the playing field for all complainants in complaint proceedings. Utilities are always going to be able to outspend individual complainants in these types of cases, using in-house counsel and hiring outside counsel to bury complainants in a massive amount of paperwork. The utilities have deep pockets (paid for by ratepayers of course), but residential customers trying to save their trees and vegetation from unnecessary destruction do not. Unfortunately, the Commission’s rules do not allow for the awarding of attorney fees. Therefore, in many situations, the only hope for complainants to even have a chance to challenge the utilities’ unlawful and unreasonable actions is for them to come together and share their resources by hiring counsel to file joint complaints and to manage the discovery and process for

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<sup>23</sup> See, e.g., Exhibit B (“While I understand that some of your clients may not want to take off work to be deposed, they voluntarily chose to file complaints against Duke Energy Ohio, thereby entitling my client to conduct discovery about their claims.”), and Exhibit H, email from Bob McMahon (February 15, 2018) (“If your clients do not want to prosecute their claims, which necessarily requires them to participate in discovery, then I suggest that you promptly dismiss them from the case.”).

<sup>24</sup> See Exhibit L, email from Bob McMahon (February 21, 2018).

several complainants on a collective basis. This is exactly what the Complainants in this proceeding did in an attempt to minimize the aggregate and individual-case costs of legal representation during the litigation and to make the most efficient use of the resources available to the Complainants.

The Commission's rules allow for, and in fact encourage the filing of, joint complaints and coordination of litigation, cross examination, and witnesses to prevent the presentation of cumulative evidence and repetitious and cumulative cross examination to "assure that the hearing proceeds in an orderly and expeditious manner."<sup>25</sup> In fact, on January 25, 2018, the Attorney Examiner granted Complainants' motion to amend the complaint for this very reason.<sup>26</sup>

The Commission should similarly encourage the joint effort of the Complainants to bring their concerns to the Commission on a consolidated, joint basis to conserve time and resources of the Complainants, as well as the Commission. It is not in the Complainants' or Commission's best interest to have 110 Complainants testify. Rather, it is in everyone's best interest to "streamline [the Commission's] docket and consider all claims regarding Duke's vegetation management plan in one proceeding."<sup>27</sup> It was pointless spending hours coordinating efforts to streamline the complaints and file one joint complaint, containing

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<sup>25</sup> See Rule 4901-1-27(B), O.A.C. ("[T]he presiding hearing officer may, without limitation:...[t]ake such actions as are necessary to...[p]revent the presentation of irrelevant or cumulative evidence."); Rule 4901-1-11(D)(2), O.A.C. ("[T]he commission...may...[r]equire parties with substantially similar interests to consolidate their examination of witnesses or presentation of testimony."); see also Ohio Rule of Evidence 403(B) ("[E]vidence may be excluded if its probative value is substantially outweighed by considerations of undue delay, or needless presentation of cumulative evidence.").

<sup>26</sup> See Entry (January 25, 2018) ("Upon review, the attorney examiner finds Complainants' January 5, 2018, motion to amend the first amended complaint reasonable because, as Complainants note, **this will allow the Commission to streamline its docket and consider all claims regarding Duke's vegetation management plan in one proceeding.**") (emphasis added).

<sup>27</sup> Id.

specific claims for all complainants, if Complainants are, nonetheless, going to be required to produce every Complainant for deposition and for hearing. If Duke intended to move forward on an individual-by-individual complaint basis, then it should have objected to the motion to consolidate and motions to amend the Complaint to add Complainants, but it did not. Rather, Duke itself recognized the value of, and benefited from, a consolidated approach to this litigation.

When Complainants moved to file the Second Amended Complaint, Duke stated that “the Company does not necessarily oppose Complainants’ procedural request to file a Second Amended Complaint that adds certain Complainants and removes others from this proceeding.”<sup>28</sup> Although it opposed the merits of some of the individual complainants’ claims, Duke welcomed the amendment to the extent that it simultaneously proposed the withdrawal of more than 30 individual complaints against Duke in other dockets and allowed the Company to litigate the identical issues at the heart of these claims once, in a single docket. But rather than afford Complainants those same benefits of consolidation, Duke now seeks to lay waste to them by constructing a litigation strategy that imposes the same massive burden of the repeated, identical, and unnecessary resolution of the same legal questions for each Complainant that should have been avoided when Complainants economically asserted their claims as part of a joint complaint. Duke’s efforts to override the Commission’s protections and precedent in allowing parties to file jointly by insisting

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<sup>28</sup> Duke Energy Ohio, Inc.’s Memorandum Contra Motion to Amend the Amended Complaint at 2 (January 22, 2018).

that every Complainant either be deposed (and presumably testify) or lose their right to challenge the utilities' actions should be rejected.

The Commission should note that, through the depositions taken to date, Duke has been asking the same questions and eliciting the same responses from Complainants. To the extent Duke seeks additional depositions, Duke is beating the proverbial dead horse, for the sole purpose of imposing an undue burden and unreasonable expense on Complainants. As discussed, under Rule 4901-1-24(A), O.A.C., the Commission may issue a protective order where it "is necessary to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense."<sup>29</sup> Duke's contemptible behavior throughout the discovery process has risen to this point, and Complainants unfortunately need the Commission's protection moving forward. Complainants and their counsel are being harassed by Duke and Duke is imposing an undue burden and expense on Complainants.<sup>30</sup>

Duke's bad faith approach to discovery has plagued the discovery process. After Duke served its 400+ pages of Notices of Deposition, Complainants promptly worked to identify the primary Complainants to be deposed. After an incredible amount of work behind the scenes (of which Duke was fully aware), Complainants identified those primary Complainants to be deposed and worked diligently to coordinate everyone's schedules to

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<sup>29</sup> Rule 4901-1-24(A), O.A.C.; see also *In the Matter of the Petition of Ohiotelnet.com, Inc. for Arbitration of Interconnection Rates, Terms, & Conditions & Related Arrangements with Alltel Ohio, Inc.*, Panel Case No. 00-1601-TP-ARB, Arbitration Award (January 11, 2001) ("Where a party finds that compliance with a discovery request would be burdensome or costly, the party may seek a protective order.").

<sup>30</sup> See, e.g., Exhibit C, email from Bob McMahon (February 7, 2018); Exhibit D, email from Bob McMahon (February 9, 2018); Exhibit E, email from Bob McMahon (February 9, 2018); Exhibit F, email from Bob McMahon (February 9, 2018); Exhibit J, email from Bob McMahon (February 20, 2018); Exhibit M, email from Bob McMahon (February 26, 2018); Exhibit N, email from Bob McMahon (February 27, 2018); Exhibit O, email from Bob McMahon (February 28, 2018); and Exhibit Q, email from Bob McMahon (March 13, 2018).

accommodate Duke's requests.<sup>31</sup> Nevertheless, disregarding the work that was completed, Duke imposed a litany of unreasonable demands on the depositions and the deponents, including, but not limited to: (a) that all depositions must be conducted in-person, as Duke repeatedly refused to conduct any depositions by phone (until one recent exception);<sup>32</sup> (b) that depositions must be scheduled more quickly and more regularly than Complainants are able, in willful ignorance of the logistical nightmare of coordinating various individuals' professional, personal, medical, and travel schedules;<sup>33</sup> (c) that all depositions must take place during the work week, as Duke refuses to participate in depositions on the weekend (although Duke recognized the possible necessity of Saturday depositions at the prehearing conference);<sup>34</sup> (d) that all depositions must take place promptly at 9:00 or 9:30 a.m., ignoring Complainants' request for a 10:00 a.m. start time (which was requested due to prior scheduling conflicts, travel, and so that Complainants could adequately prepare for the depositions);<sup>35</sup> (e) that all depositions must take place in Cincinnati, at Duke's outside counsel's offices that could not accommodate all Complainants and that had no meeting space;<sup>36</sup> (f) that the number of Complainants that must be deposed each day of depositions be six to eight Complainants;<sup>37</sup> and (g) that certain Complainants be offered for depositions in the first two or three rounds of depositions, or on a particular day, over other previously selected Complainants, in willful disregard of the various individuals' professional,

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<sup>31</sup> See, e.g., Exhibits B, D, H, J.

<sup>32</sup> See, e.g., Exhibits B, R.

<sup>33</sup> See, e.g., Exhibits H, L, R.

<sup>34</sup> See, e.g., Exhibits B, C, R.

<sup>35</sup> See, e.g., Exhibits B, D, L.

<sup>36</sup> See, e.g., Exhibits C, D, E, F.

<sup>37</sup> See, e.g., Exhibit B.



personal, medical, and travel schedules.<sup>38</sup> To date, Complainants have cooperated with many of Duke's demands, but it has come at enormous expense.<sup>39</sup> When confronted about the harassing emails and expense that Duke's demands have inflicted on Complainants, Duke's counsel rudely dismissed Complainants' concerns, and continued to harass and threaten Complainants, complaining that counsel was not moving quick enough to meet his demands and arbitrary deadlines.<sup>40</sup>

Duke's unreasonable demands have not been limited to Complainants' depositions. Duke is also refusing to make its own corporate representatives available for deposition, at least until all Complainants have been deposed.<sup>41</sup> Duke has also demanded that depositions of its representatives must take place in Cincinnati, where the deponents (and counsel) reside or work and on a date convenient to Duke. The glare of Duke's hypocrisy is blinding.

Duke's insincerity does not end there, as it also has refused to sufficiently respond to standard written discovery. Indeed, Duke repeatedly cites an undue burden, due to the number of Complainants, to excuse its insufficient discovery responses.<sup>42</sup> Duke is simultaneously insisting that all of the property owners must appear in person for time-consuming and expensive depositions, but Duke cannot be bothered to produce standard

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<sup>38</sup> See, e.g., Exhibits K, J.

<sup>39</sup> *Id.* While Duke's demands are unreasonable on their own, the attached emails, Exhibits B-D, G-S, also demonstrate the harassing and threatening tone that Duke's counsel has adopted throughout the discovery process.

<sup>40</sup> See Exhibit L ("I'm not sure how my 5 ½ line email can 'drain' so much of 'complainants' resources,' but you're the one who chose to respond with a small treatise.").

<sup>41</sup> See Exhibit O.

<sup>42</sup> See, e.g., Exhibit R, at CACC-RFA-01-009 ("This Request is overly broad and unduly burdensome in that there are more than 85 properties and property owners at issue in the Second Amended Complaint."); Exhibit S, at CAC-INT-01-006 ("This Request is overly broad and unduly burdensome in that there are more than 85 properties and property owners at issue in the Second Amended Complaint.").

written discovery as it relates to each of the property owners, because Duke claims those responses would be too burdensome. It should go without saying that responding to written discovery is less time-consuming and expensive than depositions of 110 Complainants.

All the while, Complainants have participated in discovery in good faith only to be punished by rising legal bills. Despite Duke's behavior, Complainants have allowed Duke to depose twenty witnesses, Complainants have responded to 74 rounds of individual discovery on numerous Complainants (including multiple rounds on the same Complainants), totaling 1,365 pages, and Complainants have responded to 21 letters disputing discovery responses that requested substantive responses and explanations and rewrites of discovery responses. Complainants have also continued to supplement their discovery responses as additional information or documents become available. Again, in total, Complainants have produced over 3,861 pages of discovery responses, photographs, and documents. Of course, this was all part of Duke's plan. Duke's unreasonable, unjust, unduly burdensome discovery demands and behavior must be stopped.

**C. Ohio Law Does Not Require Every Complainant to Testify in Order to Reach the Ultimate Issue in this Case.**

As explained previously, Complainants are permitted, and in fact encouraged, to consolidate and coordinate litigation efforts wherever possible. Complainants have chosen to do such in this proceeding and have come together to agree on facts, causes of actions, and claims, and filed a joint complaint against Duke. Complainants have crafted a joint litigation strategy to efficiently and effectively present their case to the Commission. Duke has no right to dictate how Complainants present their joint case, which includes mandating that all Complainants need to testify. Indeed, it is curious why Duke would encourage Complainants to bolster the evidence against it, unless Duke was simply trying to

overwhelm Complainants with burdensome and expensive depositions. Regardless, Duke cannot force every Complainant to testify. To the extent that Duke believes that Complainants “voluntarily chose to file complaints against [Duke], thereby entitling [Duke] to conduct discovery about their claims,” as Duke’s counsel has insisted via email,<sup>43</sup> Duke is incorrect. While Duke certainly has a right to conduct discovery about Complainants’ collective claims, it has done so. Having conducted discovery about Complainants’ claims, Duke does not now have the right to pester the additional Complainants simply because the additional property owners all have a shared grievance.

The Commission has long held that, where multiple complainants file sufficiently similar complaints, only a fraction of the complainants need to testify.<sup>44</sup> In *In the Matter of the Complaint of Distributors Associates, Inc., and Numerous Other Petitioners v. General Telephone Company of Ohio*, Case Nos. 79-543-TP-CSS, 79-543-TP-CSS, etc. In that proceeding, the Commission considered two complaints; one complaint had 112 signatories, and the other complaint had 97 signatories.<sup>45</sup> The complaints were consolidated for public hearing, at which only 16 witnesses testified – despite having 209 complainants in the proceeding.<sup>46</sup> The Commission held:

While it is true that those testifying at public hearing represented only a fraction of those signing the petitions, and even a smaller percentage of the entire Chatham subscribers body, the similarity in certain of the complaints is sufficient to infer that these problems may well be common throughout

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<sup>43</sup> See Exhibit B.

<sup>44</sup> See *In the Matter of the Complaint of Distributors Associates, Inc., and Numerous Other Petitioners v. General Telephone Company of Ohio*, Case Nos. 79-543-TP-CSS, 79-543-TP-CSS, etc., Opinion and Order at 5 (April 1, 1981) (“It is certainly not necessary that each petitioner or Chatham exchange subscriber testify in order to reach the conclusion that certain common problems relating to telephone service may exist. An adequate cross section of Chatham subscribers has testified to similar type problems to support such a conclusion in these cases.”).

<sup>45</sup> *Id.* at 1.

<sup>46</sup> *Id.*

the exchange area. **It certainly is not necessary that each petition or Chatham exchange subscriber testify in order to reach the conclusion that certain common problems relating to telephone service may exist. An adequate cross-section of Chatham subscribers has testified to similar type problems to support such a conclusion in these cases.**<sup>47</sup>

The Commission held that “the complainants herein presented sufficient evidence” to support their claims.<sup>48</sup> Here, Complainants have done the same, if not more, as they have presented a more-than-adequate cross-section of property owners to testify to their similar problems stemming from Duke’s vegetation management plan, practices, policies, and activities in the neighborhoods and communities where Complainants reside.

The Commission has accepted testimony of a few representative complainants in other similar cases, because the Commission only looks to the substance of the testimony; how many complainants testify is wholly irrelevant.<sup>49</sup> In *In the Matter of the Complaint of Mary E. Cogswell, et al., Complainants*, for example, the Commission carefully explained that its consideration of the complaint at issue was solely based on the evidence provided – not on the fact that only two out of 16 complainants testified:

Accordingly, **based upon the evidence of record, the Commission finds that the relief requested by the complainants should be denied and that the complaint should be dismissed.** Having found that this case should be dismissed based upon the evidence presented, the Commission finds the

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<sup>47</sup> *Id.* at \*3 (bold emphasis added; underline in original).

<sup>48</sup> *Id.* at \*12.

<sup>49</sup> See, e.g., *In the Matter of the Complaint of Steve Bowman, et al., Complainants, v. Columbia Gas of Ohio, Inc. & Columbia Gas Transmission Corp., Respondents, Relative to the Allegations of Improper Maintenance of Gas Pipelines & Improper Termination of Serv.*, 1 Case No. 83-1328-GA-CSS, Opinion and Order (Feb. 17, 1988) (In which the Commission accepted the testimony of eight complainants on behalf of six other complainants who did not testify); *In the Matter of the Complaint of Mary E. Cogswell, et al., Complainants*, Case No. 91-1421-EL-CSS, Supplemental Opinion and Order (July 22, 1993) (In which fourteen out of sixteen complainants declined to testify at hearing, but the complaint was dismissed based on the evidence presented, not the number of testifying complainants.).

company's motion to dismiss certain complainants from the case for not appearing at the hearing to be moot.<sup>50</sup>

Likewise, here, the Commission should only look to the evidence which Complainants present.

If Complainants do not present enough evidence to support their complaint, then their complaint should be dismissed. That should be Complainants' concern, not Duke's. The Commission should not allow Duke to dictate how Complainants present their evidence in this proceeding, when more than enough evidence will be provided to support Complainants' claims.

**D. Complainants Have Exhausted All Other Reasonable Methods of Resolving Any Differences With Duke.**

Finally, as is shown by the facts stated in the attached affidavit of counsel, Complainants are entitled to a protective order at this time because Duke has repeatedly rebuffed Complainants' reasonable efforts to resolve this dispute. While Complainants are cognizant that the Commission's discovery rules are "intended to minimize commission intervention in the discovery process," Rule 4901-1-16(A), O.A.C., Duke's refusal to proceed through the discovery period in good faith has left Complainants no other option than to file this request.

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<sup>50</sup> *In the Matter of the Complaint of Mary E. Cogswell, et al., Complainants*, Panel Case No. 91-1421-EL-CSS, Supplemental Opinion and Order, \*5 (July 22, 1993).

### III. CONCLUSION

For the reasons set forth above, Complainants respectfully request that the Commission grant this motion for a protective order so that no depositions of any additional Complainants be taken after the 20 selected deponents are completed, and so that Duke's unduly burdensome and harassing conduct ends.

Respectfully submitted,

/s/ Kimberly W. Bojko  
Kimberly W. Bojko (0069402)  
Brian W. Dressel (0097163)  
Stephen E. Dutton (0096064)  
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March 14, 2018

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was served on March 14, 2018 by electronic mail upon all parties of record.

/s/ Kimberly W. Bojko  
Kimberly W. Bojko

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, et al.	)	
	)	
Complainants,	)	
	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**AFFIDAVIT OF KIMBERLY W. BOJKO**

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I, Kimberly W. Bojko, attorney for the Complainants in the above captioned case, being first duly sworn, depose and state that the following efforts have been made to resolve the differences with Duke Energy Ohio, Inc. ("Duke") as to the Motion for Protective Order regarding Duke's Notices of Deposition for all remaining Complainants in this proceeding:

1. Complainants initiated this complaint proceeding against Duke on November 14, 2017.
2. On January 29, 2018, only four days after Complainants filed their Second Amended Complaint, Duke filed Notices of Deposition for 110 Complainants in this proceeding (the "Notices").<sup>1</sup> The Notices totaled over 400 pages.

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<sup>1</sup> On March 8, 2018, the Commission dismissed 18 Complainants from this proceeding, but all 110 of Duke's Notices remain pending.



3. After receiving the Notices, Complainants identified those primary Complainants to be deposed and worked diligently to coordinate everyone's schedules to accommodate Duke's requests.

4. During the four months that this case has pending, Duke has served 74 rounds of individual discovery on numerous complainants (including multiple rounds on the same Complainants), totaling 1,365 pages, noticed 84 depositions, filed three motions to dismiss that require responsive pleadings, and issued 21 letters disputing discovery responses that requested substantive responses and explanations and rewrites of discovery responses. Complainants have worked in good faith to obtain the information Duke has requested.

5. As a result of all of this discovery, Complainants have produced over 3,861 pages of discovery responses, photographs, and documents.

6. Despite Complainants' good faith efforts to participate in the discovery process, Duke has imposed a litany of unreasonable demands on the depositions and the deponents, including, but not limited to: (a) that all depositions must be conducted in-person, as Duke repeatedly refused to conduct any depositions by phone (until one recent exception); (b) that depositions must be scheduled more quickly and more regularly than Complainants are able, in willful ignorance of the logistical nightmare of coordinating various individuals' professional, personal, medical, and travel schedules; (c) that all depositions must take place during the work week, as Duke refuses to participate in depositions on the weekend (although Duke recognized the possible necessity of Saturday depositions at the prehearing conference); (d) that all depositions must take place promptly at 9:00 or 9:30 a.m., ignoring Complainants' request for a 10:00 a.m. start time (which was requested due to prior scheduling conflicts, travel, and so that Complainants could adequately prepare for the depositions); (e) that all depositions must take place in Cincinnati

at Duke's outside counsel's offices that could not accommodate all Complainants and that had no meeting space; (f) that the number of Complainants that must be deposed each day of depositions be six to eight Complainants; and (g) that certain Complainants be offered for depositions in the first two or three rounds of depositions or on a particular day over other previously selected Complainants, in willful disregard of the various individuals' professional, personal, medical, and travel schedules.

7. Despite Duke's demands, Complainants have either produced or agreed to produce twenty witnesses for deposition. Complainants have also responded to 74 rounds of individual discovery on numerous Complainants (including multiple rounds on the same Complainants), totaling 1,365 pages, and Complainants have responded to 21 letters disputing discovery responses that requested substantive responses and explanations and rewrites of discovery responses. Complainants have also continued to supplement their discovery responses as additional information or documents become available.

8. Responding to Duke's discovery requests has imposed an incredible financial burden on Complainants.

9. Depositions are the most expensive form of discovery for Complainants in this case, as each deposition takes at least an hour. Further, my office is located over an hour and a half away from the city where Duke's counsel has insisted on holding the depositions.

10. Through the fourteen depositions conducted to date, it has become abundantly clear that no other Complainants are necessary or will provide any new information that either party will need to present at the upcoming hearing, scheduled for April 17, 2018, regarding the issues presented in the Complaint.

11. Given the discovery produced by Complainants to date, including through depositions and written discovery, it is unduly burdensome for additional Complainants to be deposed by Duke.

12. My office has engaged in several conversations with Duke's counsel throughout February and March 2018 (via email and in-person), in an attempt to discuss the undue burden Duke's deposition requests are imposing on Complainants. Many such conversations are attached to the accompanying Motion for Protective Order, as Exhibits B-Q (the "Emails").

13. As is demonstrated throughout the Emails, Duke's counsel not only has refused to engage in meaningful conversations with my office regarding the undue burden being imposed upon Complainants, but Duke's counsel also has adopted an overtly harassing and threatening tone throughout our email correspondence.

14. In addition to the Emails, I spoke with Duke's counsel on March 2, 2018 to discuss the undue burden being imposed upon Complainants through Duke's unnecessary deposition requests.

15. During that discussion, Duke's counsel confirmed that Duke will continue to insist that all Complainants be deposed in this proceeding. Duke's counsel refused to discuss the matter further with me.

16. Despite Complainants' efforts to resolve this dispute in lieu of a motion for protective order, Duke has not been willing to discuss any such resolution. Such good-faith efforts to resolve this dispute, and to continue engaging in meaningful written discovery, have only exposed Complainants to annoyance, oppression, and undue burden and expense.

17. In fact, on March 13, 2018, Duke filed a Motion to Compel all Complainants to appear for depositions.

18. As a result, it is unfortunately clear that reasonable resolution of this discovery dispute will not be achieved without the Commission's intervention. Duke's refusal to proceed through the discovery period in a reasonable manner has left Complainants no other option than to file the accompanying Motion for Protective Order.

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF FRANKLIN )


The undersigned, being of lawful age and duly sworn on oath, hereby certifies, deposes and state the following:

I have caused to be prepared the attached written affidavit for OCC in the above referenced docket. This affidavit is true and correct to the best of my knowledge, information and belief.

Further affiant sayeth naught.

  
\_\_\_\_\_  
Kimberly W. Bojko, Affiant

Subscribed and sworn to before me this 14th day of March 2018.

  
\_\_\_\_\_  
Notary Public



Sara C. Stoner  
Notary Public, State of Ohio  
My Commission Expires 11-12-2018



155 East Broad Street  
20<sup>th</sup> Floor  
Columbus, Ohio, 43215  
o: 614-222-1330  
f: 614-222-1337

January 29, 2018

Ms. Barcy McNeal  
PUCO Docketing Division  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, OH 43215-3716

Re: Case No. 17-2344-EL-CSS / In the Matter of the Complaint of Citizens Against Clear  
Cutting, *et al.* v. Duke Energy Ohio, Inc.  
Notices of Deposition

Dear Ms. McNeal:

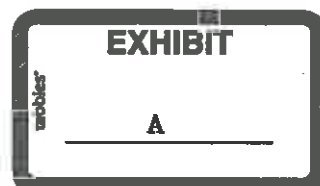
Please find attached Notices of Deposition of each Complainant in the above-referenced case.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

*Emily A. Olive, CP*

Emily A. Olive  
Paralegal



**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
BARBARA CASPER**

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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 Barbara Casper (Ms. Casper) and all witnesses whom Ms. Casper intends to rely upon at hearing and any persons on whom Ms. Casper relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Casper relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Casper 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	Case No. 17-2344-EL-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
BARBARA COLLINS**

---

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 Barbara Collins (Ms. Collins) and all witnesses whom Ms. Collins intends to rely upon at hearing and any persons on whom Ms. Collins relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Collins relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Collins 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 29th day of January, 2018.

/s/ Elizabeth H. Watts  
Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	Case No. 17-2344-EL-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
BERTHA DAVIS**

---

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 Bertha Davis (Ms. Davis) and all witnesses whom Ms. Davis intends to rely upon at hearing and any persons on whom Ms. Davis relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com) (email)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com) (e-mail)

Robert A. McMahon (0064319)

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Cincinnati, Ohio 45206

(513) 533-3441 (telephone)

(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com) (e-mail)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Davis relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Davis 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 29th day of January, 2018.

/s/ Elizabeth H. Watts  
Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	Case No. 17-2344-EL-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
CAROL TENENHOLTZ**

---

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 Brian Weiss (Mr. Weiss) and all witnesses whom Mr. Weiss intends to rely upon at hearing and any persons on whom Mr. Weiss relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

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Robert A. McMahon (0064319)

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Cincinnati, Ohio 45206

(513) 533-3441 (telephone)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Weiss relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Weiss 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 29th day of January, 2018..

/s/ Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  
[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	Case No. 17-2344-EL-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
DENNIS BAKER**

---

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 Dennis Baker (Mr. Baker) and all witnesses whom Mr. Baker intends to rely upon at hearing and any persons on whom Mr. Baker relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Baker relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Baker 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	Case No. 17-2344-EL-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
GARY BALSER**

---

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 Gary Balser (Mr. Balser) and all witnesses whom Mr. Balser intends to rely upon at hearing and any persons on whom Mr. Balser relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Balser relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Balser 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	Case No. 17-2344-EL-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
SHANA BERGE**

---

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 Shana Berge (Ms. Berge) and all witnesses whom Ms. Berge intends to rely upon at hearing and any persons on whom Ms. Berge relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Berge relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Berge 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	Case No. 17-2344-EL-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
CHARLIE GAST**

---

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 Charlie Gast (Mr. Gast) and all witnesses whom Mr. Gast intends to rely upon at hearing and any persons on whom Mr. Gast relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Gast relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Gast 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	Case No. 17-2344-EL-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
CARRIE GAUSE**

---

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 Carrie Gause (Ms. Gause) and all witnesses whom Ms. Gause intends to rely upon at hearing and any persons on whom Ms. Gause relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Gause relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Gause 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	Case No. 17-2344-EL-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
CAROL TENENHOLTZ**

---

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 Carol Tenenholtz (Ms. Tenenholtz) and all witnesses whom Ms. Tenenholtz intends to rely upon at hearing and any persons on whom Ms. Tenenholtz relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

Eberly McMahon Copetas LLC

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Tenenholtz relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Tenenholtz 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	Case No. 17-2344-EL-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
CALISSA THOMPSON**

---

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 Calissa Thompson (Ms. Thompson) and all witnesses whom Ms. Thompson intends to rely upon at hearing and any persons on whom Ms. Thompson relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

139 East Fourth Street

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Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Thompson relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Thompson 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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280 North High Street  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	Case No. 17-2344-EL-CSS
v.	)	
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JULIE CARNES**

---

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 Julie Carnes (Ms. Carnes) and all witnesses whom Ms. Carnes intends to rely upon at hearing and any persons on whom Ms. Carnes relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Carnes relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Carnes 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
KIM CARRIER**

---

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 Kim Carrier (Ms. Carrier) and all witnesses whom Ms. Carrier intends to rely upon at hearing and any persons on whom Ms. Carrier relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Carrier relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Carrier 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
SCOTT CARSON**

---

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 Scott Carson (Mr. Carson) and all witnesses whom Mr. Carson intends to rely upon at hearing and any persons on whom Mr. Carson relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Carson relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Carson 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
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Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
GREG CHTELMAKH**

---

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 Greg Chtelmakh (Mr. Chtelmakh) and all witnesses whom Mr. Chtelmakh intends to rely upon at hearing and any persons on whom Mr. Chtelmakh relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Chtelmakh relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Chtelmakh 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
DAN GAUSE**

---

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 Dan Gause (Mr. Gause) and all witnesses whom Mr. Gause intends to rely upon at hearing and any persons on whom Mr. Gause relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Gause relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Gause 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
DONALD JACOB**

---

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 Donald Jacob (Mr. Jacob) and all witnesses whom Mr. Jacob intends to rely upon at hearing and any persons on whom Mr. Jacob relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Jacob relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Jacob 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
DAN KEMMETER**

---

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 Dan Kemmeter (Mr. Kemmeter) and all witnesses whom Mr. Kemmeter intends to rely upon at hearing and any persons on whom Mr. Kemmeter relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

139 East Fourth Street

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Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Kemmeter relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Kemmeter 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
DAN REECE**

---

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 Dan Reece (Mr. Reece) and all witnesses whom Mr. Reece intends to rely upon at hearing and any persons on whom Mr. Reece relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Reece relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Reece 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
DANA STELLER**

---

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 Dana Steller (Mr. Steller) and all witnesses whom Mr. Steller intends to rely upon at hearing and any persons on whom Mr. Steller relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Steller relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Steller 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
KATHLEEN DANNER**

---

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 Kathleen Danner (Ms. Danner) and all witnesses whom Ms. Danner intends to rely upon at hearing and any persons on whom Ms. Danner relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Danner relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Danner 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
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Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
DARRELLE REESE**

---

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 Darrelle Reese (Mr. Reese) and all witnesses whom Mr. Reese intends to rely upon at hearing and any persons on whom Mr. Reese relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Reese relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Reese 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
DELORIS REESE**

---

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 Deloris Reese (Ms. Reese) and all witnesses whom Ms. Reese intends to rely upon at hearing and any persons on whom Ms. Reese relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Reese relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Reese 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
ANITA DEYE**

---

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 Anita Deye (Ms. Deye) and all witnesses whom Ms. Deye intends to rely upon at hearing and any persons on whom Ms. Deye relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Deye relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Deye 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JASON DIMACULANGAN**

---

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 Jason Dimaculangan (Mr. Dimaculangan) and all witnesses whom Mr. Dimaculangan intends to rely upon at hearing and any persons on whom Mr. Dimaculangan relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

139 East Fourth Street

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Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Dimaculangan relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Dimaculangan 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
280 North High Street  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
KEITH DONOVAN**

---

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 Keith Donovan (Mr. Donovan) and all witnesses whom Mr. Donovan intends to rely upon at hearing and any persons on whom Mr. Donovan relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Donovan relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Donovan 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 29th day of January, 2018.

/s/ Elizabeth H. Watts  
Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
EVELYN KING**

---

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 Evelyn King (Ms. King) and all witnesses whom Ms. King intends to rely upon at hearing and any persons on whom Ms. King relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. King relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. King 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
SUSAN FALICK**

---

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 Susan Falick (Ms. Falick) and all witnesses whom Ms. Falick intends to rely upon at hearing and any persons on whom Ms. Falick relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Falick relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Falick 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

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Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
CLIFFORD FAUBER**

---

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 Clifford W. Fauber (Mr. Fauber) and all witnesses whom Mr. Fauber intends to rely upon at hearing and any persons on whom Mr. Fauber relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Fauber relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Fauber 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 29th day of January, 2018.

/s/ Elizabeth H. Watts  
Elizabeth H. Watts

Kimberly W. Bojko  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
SHARON M. FELMAN**

---

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 Sharon M. Felman (Ms. Felman) and all witnesses whom Ms. Felman intends to rely upon at hearing and any persons on whom Ms. Felman relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Felman relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Felman 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
RANDALL J. FICK**

---

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 Randall J. Fick (Mr. Fick) and all witnesses whom Mr. Fick intends to rely upon at hearing and any persons on whom Mr. Fick relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Fick relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Fick 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
PHILIP GRIGGS**

---

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 Philip Griggs (Mr. Griggs) and all witnesses whom Mr. Griggs intends to rely upon at hearing and any persons on whom Mr. Griggs relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Griggs relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Griggs 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JOSEPH GROSSI**

---

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 Joseph Grossi (Mr. Grossi) and all witnesses whom Mr. Grossi intends to rely upon at hearing and any persons on whom Mr. Grossi relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Grossi relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Grossi 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 29th day of January, 2018.

/s/ Elizabeth H. Watts  
Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JOHN GUMP**

---

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 John Gump (Mr. Gump) and all witnesses whom Mr. Gump intends to rely upon at hearing and any persons on whom Mr. Gump relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Gump relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Gump 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 29th day of January, 2018.

/s/ Elizabeth H. Watts  
Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JOHN HASSELBECK**

---

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 John Hasselbeck (Mr. Hasselbeck) and all witnesses whom Mr. Hasselbeck intends to rely upon at hearing and any persons on whom Mr. Hasselbeck relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Hasselbeck relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Hasselbeck 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
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Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
ERIC HATFIELD**

---

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 Eric Hatfield (Mr. Hatfield) and all witnesses whom Mr. Hatfield intends to rely upon at hearing and any persons on whom Mr. Hatfield relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Hatfield relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Hatfield 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
NICOLE HICIU**

---

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 Nicole Hiciu (Ms. Hiciu) and all witnesses whom Ms. Hiciu intends to rely upon at hearing and any persons on whom Ms. Hiciu relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Hiciu relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Hiciu 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
GREGORY HOETING**

---

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 Gregory Hoeting (Mr. Hoeting) and all witnesses whom Mr. Hoeting intends to rely upon at hearing and any persons on whom Mr. Hoeting relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

Eberly McMahon Copetas LLC

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Hoeting relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Hoeting 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
LAWRENCE HUG**

---

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 Lawrence Hug (Mr. Hug) and all witnesses whom Mr. Hug intends to rely upon at hearing and any persons on whom Mr. Hug relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

139 East Fourth Street

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P.O. Box 960

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(513) 533-3441 (telephone)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Hug relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Hug 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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280 North High Street  
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[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  
[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JOHN COLLINS**

---

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 John Collins (Mr. Collins) and all witnesses whom Mr. Collins intends to rely upon at hearing and any persons on whom Mr. Collins relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Collins relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Collins 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JENNY GAST**

---

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 Jenny Gast (Ms. Gast) and all witnesses whom Ms. Gast intends to rely upon at hearing and any persons on whom Ms. Gast relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Gast relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Gast 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JIM HAID**

---

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 Jim Haid (Mr. Haid) and all witnesses whom Mr. Haid intends to rely upon at hearing and any persons on whom Mr. Haid relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Haid relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Haid 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JAMES HOYER**

---

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 James Hoyer (Mr. Hoyer) and all witnesses whom Mr. Hoyer intends to rely upon at hearing and any persons on whom Mr. Hoyer relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3441 (telephone)

(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Hoyer relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Hoyer 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JOHN RIESTER**

---

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 John Riester (Mr. Riester) and all witnesses whom Mr. Riester intends to rely upon at hearing and any persons on whom Mr. Riester relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Riester relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Riester 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JEFF SIMS**

---

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 Jeff Sims (Mr. Sims) and all witnesses whom Mr. Sims intends to rely upon at hearing and any persons on whom Mr. Sims relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Sims relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Sims 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JOY STELLER**

---

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 Joy Steller (Ms. Steller) and all witnesses whom Ms. Steller intends to rely upon at hearing and any persons on whom Ms. Steller relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Steller relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Steller 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JAMES JOHNSON**

---

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 James Johnson (Mr. Johnson) and all witnesses whom Mr. Johnson intends to rely upon at hearing and any persons on whom Mr. Johnson relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Johnson relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Johnson 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
KAREN DABDOUB**

---

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 Karen Dabdoub (Ms. Dabdoub) and all witnesses whom Ms. Dabdoub intends to rely upon at hearing and any persons on whom Ms. Dabdoub relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete. The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Dabdoub relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Dabdoub 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
KATHLEEN OLSEN**

---

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 Kathleen Olsen (Ms. Olsen) and all witnesses whom Ms. Olsen intends to rely upon at hearing and any persons on whom Ms. Olsen relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Olsen relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Olsen 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

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**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
KAREN RIPP**

---

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 Karen Ripp (Ms. Ripp) and all witnesses whom Ms. Ripp intends to rely upon at hearing and any persons on whom Ms. Ripp relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete. beginning at 10:00 A.M. and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Ripp relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Ripp 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
KAREN SMITH**

---

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 Karen Smith (Ms. Smith) and all witnesses whom Ms. Smith intends to rely upon at hearing and any persons on whom Ms. Smith relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

Eberly McMahon Copetas LLC

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Smith relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Smith 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JOHN KILGORE**

---

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 John Kilgore (Mr. Kilgore) and all witnesses whom Mr. Kilgore intends to rely upon at hearing and any persons on whom Mr. Kilgore relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

Eberly McMahon Copetas LLC

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Kilgore relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Kilgore 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
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[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  
[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
MELISA KUHNE**

---

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 Melisa Kuhne (Ms. Kuhne) and all witnesses whom Ms. Kuhne intends to rely upon at hearing and any persons on whom Ms. Kuhne relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Kuhne relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Kuhne 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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Columbus, OH 43215  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
LAURA HAID**

---

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 Laura Haid (Ms. Haid) and all witnesses whom Ms. Haid intends to rely upon at hearing and any persons on whom Ms. Haid relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Haid relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Haid 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
LINDA SIMS**

---

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 Linda Sims (Ms. Sims) and all witnesses whom Ms. Sims intends to rely upon at hearing and any persons on whom Ms. Sims relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Sims relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Sims 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
PEONY LO**

---

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 Peony Lo (Ms. Lo) and all witnesses whom Ms. Lo intends to rely upon at hearing and any persons on whom Ms. Lo relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Lo relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Lo 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
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Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
PATRICIA LOHSE**

---

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 Patricia Lohse (Ms. Lohse) and all witnesses whom Ms. Lohse intends to rely upon at hearing and any persons on whom Ms. Lohse relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Lohse relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Lohse 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JOHN LU**

---

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 John Lu (Mr. Lu) and all witnesses whom Mr. Lu intends to rely upon at hearing and any persons on whom Mr. Lu relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Lu relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Lu 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
MARK LYKINS**

---

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 Mark Lykins (Mr. Lykins) and all witnesses whom Mr. Lykins intends to rely upon at hearing and any persons on whom Mr. Lykins relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com)

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Lykins relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Lykins 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
MICHELLE BACON**

---

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 Michelle Bacon (Ms. Bacon) and all witnesses whom Ms. Bacon intends to rely upon at hearing and any persons on whom Ms. Bacon relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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Robert A. McMahon (0064319)

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Cincinnati, Ohio 45206

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Bacon relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Bacon 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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280 North High Street  
Columbus, OH 43215  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
MELISSA BROOME**

---

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 Melissa Broome (Ms. Broome) and all witnesses whom Ms. Broome intends to rely upon at hearing and any persons on whom Ms. Broome relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Broome relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Broome 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
MAJEB DABDOUB**

---

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 Majeb Dabdoub (Mr. Dabdoub) and all witnesses whom Mr. Dabdoub intends to rely upon at hearing and any persons on whom Mr. Dabdoub relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Dabdoub relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Dabdoub 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

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**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
MICHELE REECE**

---

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 the Michele Reece (Ms. Reece) and all witnesses whom Ms. Reece intends to rely upon at hearing and any persons on whom Ms. Reece relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Reece relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Reece 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

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**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
MARK THOMPSON**

---

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 Mark Thompson (Mr. Thompson) and all witnesses whom Mr. Thompson intends to rely upon at hearing and any persons on whom Mr. Thompson relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Thompson relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Thompson 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
CAROL TENENHOLTZ**

---

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 Melissa Weiss (Ms. Weiss) and all witnesses whom Ms. Weiss intends to rely upon at hearing and any persons on whom Ms. Weiss relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Weiss relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Weiss 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JONATHAN MACKEY**

---

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 Jonathan Mackey (Mr. Mackey) and all witnesses whom Mr. Mackey intends to rely upon at hearing and any persons on whom Mr. Mackey relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Mackey relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Mackey 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JASON MAYHALL**

---

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 Jason Mayhall (Mr. Mayhall) and all witnesses whom Mr. Mayhall intends to rely upon at hearing and any persons on whom Mr. Mayhall relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Mayhall relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Mayhall 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
280 North High Street  
Columbus, OH 43215  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
PATRICIA MCGILL**

---

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 Patricia McGill (Ms. McGill) and all witnesses whom Ms. McGill intends to rely upon at hearing and any persons on whom Ms. McGill relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. McGill relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. McGill 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
NICOLE MENKAUS**

---

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 Nicole Menkaus (Ms. Menkhaus) and all witnesses whom Ms. Menkhaus intends to rely upon at hearing and any persons on whom Ms. Menkhaus relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Menkhaus relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Menkhaus 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
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Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
DENNIS MITMAN**

---

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 Dennis Mitman (Mr. Mitman) and all witnesses whom Mr. Mitman intends to rely upon at hearing and any persons on whom Mr. Mitman relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Mitman relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Mitman 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

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**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
NANCY JACOB**

---

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 Nancy Jacob (Ms. Jacob) and all witnesses whom Ms. Jacob intends to rely upon at hearing and any persons on whom Ms. Jacob relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Jacob relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Jacob 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
NANCI SCHMIDT**

---

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 Nanci Schmidt (Ms. Schmidt) and all witnesses whom Ms. Schmidt intends to rely upon at hearing and any persons on whom Ms. Schmidt relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com)

[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Schmidt relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Schmidt 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
SHUKU NISHIHATA**

---

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 Shuku Nishihata (Ms. Nishihata) and all witnesses whom Ms. Nishihata intends to rely upon at hearing and any persons on whom Ms. Nishihata relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

Eberly McMahon Copetas LLC

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Nishihata relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Nishihata 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  
[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
SANDRA L. NUNN**

---

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 Sandra L. Nunn (Ms. Nunn) and all witnesses whom Ms. Nunn intends to rely upon at hearing and any persons on whom Ms. Nunn relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Nunn relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Nunn 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
PETER BROOME**

---

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 Peter Broome (Mr. Broome) and all witnesses whom Mr. Broome intends to rely upon at hearing and any persons on whom Mr. Broome relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Broome relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Broome 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
PAUL SMITH**

---

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 Paul Smith (Mr. Smith) and all witnesses whom Mr. Smith intends to rely upon at hearing and any persons on whom Mr. Smith relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Smith relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Smith 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
R. ALLEN PANCOAST**

---

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 R. Allen Pancoast (Mr. Pancoast) and all witnesses whom Mr. Pancoast intends to rely upon at hearing and any persons on whom Mr. Pancoast relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Pancoast relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Pancoast 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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Carpenter Lipps & Leland LLP  
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Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
GARY PAULY**

---

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 Gary Pauly (Mr. Pauly) and all witnesses whom Mr. Pauly intends to rely upon at hearing and any persons on whom Mr. Pauly relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Pauly relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Pauly 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
MIKE PREISSLER**

---

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 Mike Preissler (Mr. Preissler) and all witnesses whom Mr. Preissler intends to rely upon at hearing and any persons on whom Mr. Preissler relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Preissler relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Preissler 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
MAJID QURESHI**

---

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 Majid Qureshi (Mr. Qureshi) and all witnesses whom Mr. Qureshi intends to rely upon at hearing and any persons on whom Mr. Qureshi relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Qureshi relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Qureshi 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
ROBB OLSEN**

---

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 Robb Olsen (Mr. Olsen) and all witnesses whom Mr. Olsen intends to rely upon at hearing and any persons on whom Mr. Olsen relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Olsen relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Olsen 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
ROB RIPP**

---

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 Rob Ripp (Mr. Ripp) and all witnesses whom Mr. Ripp intends to rely upon at hearing and any persons on whom Mr. Ripp relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Ripp relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Ripp 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
RICHARD TENENHOLTZ**

---

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 Richard Tenenholtz (Mr. Tenenholtz) and all witnesses whom Mr. Tenenholtz intends to rely upon at hearing and any persons on whom Mr. Tenenholtz relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Tenenholtz relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Tenenholtz 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

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Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
THERESA REIS**

---

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 Theresa Reis (Ms. Reis) and all witnesses whom Ms. Reis intends to rely upon at hearing and any persons on whom Ms. Reis relied upon in forming her opinion in the above captioned matter, , on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Reis relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Reis 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

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**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JULIE REYNOLDS**

---

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 Julie Reynolds (Ms. Reynolds) and all witnesses whom Ms. Reynolds intends to rely upon at hearing and any persons on whom Ms. Reynolds relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Reynolds relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Reynolds 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
SANFORD CASPER**

---

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 Sanford Casper (Mr. Casper) and all witnesses whom Mr. Casper intends to rely upon at hearing and any persons on whom Mr. Casper relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Casper relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Casper 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
SHELLEY HOYER**

---

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 Shelley Hoyer (Ms. Hoyer) and all witnesses whom Ms. Hoyer intends to rely upon at hearing and any persons on whom Ms. Hoyer relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Hoyer relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Hoyer 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
SALLY RIESTER**

---

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 Sally Riester (Ms. Riester) and all witnesses whom Ms. Riester intends to rely upon at hearing and any persons on whom Ms. Riester relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Riester relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Riester 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
STEVE SCHMIDT**

---

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 Steve Schmidt (Mr. Schmidt) and all witnesses whom Mr. Schmidt intends to rely upon at hearing and any persons on whom Mr. Schmidt relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Schmidt relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Schmidt 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
AMANDA SACHS**

---

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 Amanda Sachs (Ms. Sachs) and all witnesses whom Ms. Sachs intends to rely upon at hearing and any persons on whom Ms. Sachs relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Sachs relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Sachs 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
RICHELLE SCHIMPF**

---

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 the Richelle Schimpf (Ms. Schimpf) and all witnesses whom Ms. Schimpf intends to rely upon at hearing and any persons on whom Ms. Schimpf relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Schimpf relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Schimpf 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

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Stephen E. Dutton  
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Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

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**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
ROBERT SCHNEIDER**

---

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 Robert Schneider (Mr. Schneider) and all witnesses whom Mr. Schneider intends to rely upon at hearing and any persons on whom Mr. Schneider relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Schneider relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Schneider 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
SUSAN B. SHORR**

---

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 Susan B. Shorr (Ms. Shorr) and all witnesses whom Ms. Shorr intends to rely upon at hearing and any persons on whom Ms. Shorr relied upon in forming her opinion in the above captioned matter on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Shorr relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Shorr 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
DAVID SIFF**

---

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 David Siff (Mr. Siff) and all witnesses whom Mr. Siff intends to rely upon at hearing and any persons on whom Mr. Siff relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

Eberly McMahon Copetas LLC

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Siff relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Siff 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
OLGA STAIOS**

---

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 Olga Staios (Ms. Staios) and all witnesses whom Ms. Staios intends to rely upon at hearing and any persons on whom Ms. Staios relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

139 East Fourth Street

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Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Staios relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Staios 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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Columbus, OH 43215  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
NANCY STEINBRINK**

---

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 Nancy Steinbrink (Ms. Steinbrink) and all witnesses whom Ms. Steinbrink intends to rely upon at hearing and any persons on whom Ms. Steinbrink relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Steinbrink relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Steinbrink 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 29th day of January, 2018.

/s/ Elizabeth H. Watts  
Elizabeth H. Watts

Kimberly W. Bojko  
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Brian W. Dressel  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
SYMMES TOWNSHIP TRUSTEES**

---

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 the Symmes Township Trustees (Trustees) and all witnesses whom the Trustees intend to rely upon at hearing and any persons on whom the Trustees relied upon in forming their opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by the Trustees relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by the Trustees 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

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Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
TODD BACON**

---

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 the Todd Bacon (Mr. Bacon) and all witnesses whom Mr. Bacon intends to rely upon at hearing and any persons on whom Mr. Bacon relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Bacon relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Bacon 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
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Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
TOM KING**

---

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 Tom King (Mr. King) and all witnesses whom Mr. King intends to rely upon at hearing and any persons on whom Mr. King relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. King relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. King 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
VICKI KEMMETER**

---

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 the Vicki Kemmeter (Ms. Kemmeter) and all witnesses whom Ms. Kemmeter intends to rely upon at hearing and any persons on whom Ms. Kemmeter relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Kemmeter relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Kemmeter 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
VALERIE VAN IDEN**

---

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 Valerie Van Iden (Ms. Van Iden) and all witnesses whom Ms. Van Iden intends to rely upon at hearing and any persons on whom Ms. Van Iden relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

139 East Fourth Street

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[Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com)

[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

Eberly McMahon Copetas LLC

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(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Van Iden relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Van Iden 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
FRED VONDERHAAR**

---

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 the Fred Vonderhaar (Mr. Vonderhaar) and all witnesses whom Mr. Vonderhaar intends to rely upon at hearing and any persons on whom Mr. Vonderhaar relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Vonderhaar relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Vonderhaar 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
PHYLLIS WAHL**

---

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 the Phyllis Wahl (Ms. Wahl) and all witnesses whom Ms. Wahl intends to rely upon at hearing and any persons on whom Ms. Wahl relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Wahl relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Wahl 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
MARC WAHLQUIST**

---

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 Marc Wahlquist (Mr. Wahlquist) and all witnesses whom Mr. Wahlquist intends to rely upon at hearing and any persons on whom Mr. Wahlquist relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Wahlquist relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Wahlquist 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
KIM WIETHORN**

---

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 the Kim Wiethorn (Ms. Wiethorn) and all witnesses whom Ms. Wiethorn intends to rely upon at hearing and any persons on whom Ms. Wiethorn relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Wiethorn relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Wiethorn 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
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Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
TIMOTHY S. WILSON**

---

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 Timothy S. Wilson (Mr. Wilson) and all witnesses whom Mr. Wilson intends to rely upon at hearing and any persons on whom Mr. Wilson relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Wilson relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Wilson 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

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[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
FU WONG**

---

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 Fu Wong (Mr. Wong) and all witnesses whom Mr. Wong intends to rely upon at hearing and any persons on whom Mr. Wong relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Wong relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Wong 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
JAMES WULKER**

---

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 James Wulker (Mr. Wulker) and all witnesses whom Mr. Wulker intends to rely upon at hearing and any persons on whom Mr. Wulker relied upon in forming his opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

139 East Fourth Street

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[Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com)

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[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

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[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Wulker relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Mr. Wulker 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
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[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, Et Al.,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

---

**NOTICE OF DUKE ENERGY OHIO, INC.,  
TO TAKE DEPOSITION *DUCES TECUM* OF  
ANNE WYMORE**

---

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 Anne Wymore (Ms. Wymore) and all witnesses whom Ms. Wymore intends to rely upon at hearing and any persons on whom Ms. Wymore relied upon in forming her opinion in the above captioned matter, on a date to be mutually agreed upon by counsel and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Elizabeth H. Watts

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

Jeanne W. Kingery (0012172)

Associate General Counsel

DUKE ENERGY OHIO, INC.

139 East Fourth Street

1303-Main

P.O. Box 960

Cincinnati, Ohio 45202

Telephone: (513) 287-4320

[Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com)

[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Robert A. McMahon (0064319)

Eberly McMahon Copetas LLC

2321 Kemper Lane, Suite 100

Cincinnati, Ohio 45206

(513) 533-3441 (telephone)

(513) 533-3554 (fax)

[bcmahon@emclawyers.com](mailto:bcmahon@emclawyers.com)

Attorneys for Duke Energy Ohio, Inc.

## **EXHIBIT A**

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

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Wymore relative to the above-captioned proceeding
5. Any and all documents prepared by said deponent for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Ms. Wymore 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 29th day of January, 2018.

/s/ Elizabeth H. Watts

Elizabeth H. Watts

Kimberly W. Bojko  
Stephen E. Dutton  
Brian W. Dressel  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
280 North High Street  
Columbus, OH 43215  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  
[Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com)  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

Counsel for Complainants

URL: <http://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=e8cf74ad-0342-418d-bc63-0ed974cbde17>

Date & Time: 1/29/2018 at 17:28:01.0193217 EST

Case Number(s): 17-2344-EL-CSS

Summary: Notice of Deposition of Duke Energy Ohio, Inc. electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.

Confirmation Number: ef3a1358-7f7b-4da8-a1ac-124cdebe9d8

Official PDF File: ef3a1358-7f7b-4da8-a1ac-124cdebe9d8\_Official\_ccochern129201852748PM\_17-

2344\_NoticesofDeposition\_01292018.pdfSecure.pdf

Source File(s): ef3a1358-7f7b-4da8-a1ac-124cdebe9d8\_ccochern129201852756PM\_17-2344\_NoticesofDeposition\_01292018.pdf

## **Kimberly W. Bojko**

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Tuesday, February 06, 2018 11:40 AM  
**To:** Kimberly W. Bojko  
**Cc:** Brian Dressel; Watts, Elizabeth H; Olive, Emily A.  
**Subject:** FW: 17-2344-EL-CSS Depositions

Kim,

I'm following up on your email to Elizabeth (below) and our discussions at the Commission.

I can depose complainants on February 19, but we need to get more than four done that day. Please identify which of the four complainants listed in your email will be available in person for their deposition on 2/19/18, and also identify 2-4 other complainants for deposition that day.

I suggest that we start at 9 am in my office. The depositions must take place in person, as we do not agree to conduct these depositions by telephone. I can host them at my office but we only have room for 6 people, including the court reporter, at any given time.

I also can be available to depose complainants on the following dates: February 21, 22, 23, 26, 28, and March 2, 5, 6, 8, 9. Please reach out to your clients ASAP and let's get these depositions lined up. As you can see, we are providing a lot of dates and flexibility to accommodate all of the complainants. While I understand that some of your clients may not want to take off work to be deposed, they voluntarily chose to file complaints against Duke Energy Ohio, thereby entitling my client to conduct discovery about their claims. We can work with them to a certain extent (hence providing 10 dates in addition to your suggested date of 2/19/18) but they need to work with us, too.

I look forward to hearing from you at the earliest convenience.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

---

**From:** Kimberly W. Bojko [<mailto:bojko@CarpenterLipps.com>]  
**Sent:** Monday, February 05, 2018 8:59 AM  
**To:** Watts, Elizabeth H  
**Cc:** Brian Dressel  
**Subject:** 17-2344-EL-CSS Depositions



**\*\*\* Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\***

Liz,  
Per our discussion and your request last week, we have selected 6 complainants for the initial round of depositions. Those complainants are: Kim Wiethorn, Joe Grossi, Jonathan Mackey, Fred Vonderhaar, Barbara Casper and Marc Wahlquist. Four of these complainants are available either in person or by phone on February 19, 2018 to be deposed. We are working on finding a time that is open for the other two.

Please let us know if this date works for you.

Thank you,  
Kim

**Kimberly W. Bojko**  
CARPENTER LIPPS & LELAND LLP  
Columbus ▪ New York ▪ Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4124  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

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**From:** Brian Dressel [mailto:dressel@CarpenterLipps.com]  
**Sent:** Wednesday, February 07, 2018 5:22 PM  
**To:** Bob McMahon <bcmcmahon@emclawyers.com>; Kimberly W. Bojko <bojko@CarpenterLipps.com>  
**Cc:** Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Bob,

We have 7 Complainants to be deposed on 2/19/2018. These seven are: Kim Wiethorn, Olga Staios, Barbara Casper, Jonathan Mackey, Mike Priessler, Paul Smith, and Melisa Kuhne. We will provide a schedule as to the order of the depositions prior to the 19<sup>th</sup> (i.e. who will go first, second, etc.).

You mentioned that your office has limited space. How many people do you anticipate having present on behalf of Duke?

Thank you,

**Brian W. Dressel**  
CARPENTER LIPPS & LELAND LLP  
Columbus ▪ New York ▪ Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4131  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

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---

**From:** Bob McMahon [mailto:bcmcmahon@emclawyers.com]  
**Sent:** Tuesday, February 06, 2018 11:40 AM  
**To:** Kimberly W. Bojko  
**Cc:** Brian Dressel; Watts, Elizabeth H; Olive, Emily A.  
**Subject:** FW: 17-2344-EL-CSS Depositions

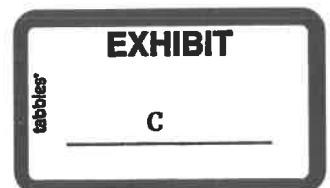
Kim,

I'm following up on your email to Elizabeth (below) and our discussions at the Commission.

I can depose complainants on February 19, but we need to get more than four done that day. Please identify which of the four complainants listed in your email will be available in person for their deposition on 2/19/18, and also identify 2-4 other complainants for deposition that day.

I suggest that we start at 9 am in my office. The depositions must take place in person, as we do not agree to conduct these depositions by telephone. I can host them at my office but we only have room for 6 people, including the court reporter, at any given time.

I also can be available to depose complainants on the following dates: February 21, 22, 23, 26, 28, and March 2, 5, 6, 8, 9. Please reach out to your clients ASAP and let's get these depositions lined up. As you can see, we are providing a lot of dates and flexibility to accommodate all of the complainants. While I understand that some of your clients may not want to take off work to be deposed, they voluntarily chose to file complaints against Duke Energy Ohio, thereby



## Kimberly W. Bojko

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Friday, February 09, 2018 11:15 AM  
**To:** Kimberly W. Bojko; Brian Dressel  
**Cc:** Watts, Elizabeth H; Olive, Emily A.  
**Subject:** RE: 17-2344-EL-CSS Depositions

Kim,

We are happy to start the depositions at 10 am on 2/19 and approve your suggested order for those depositions, but we do not agree to conduct the depositions at Symmes Township's office. We are entitled to depose opposing parties in our office. My office and the parties are located in Hamilton County so it's not as if we are asking your clients to travel for their depositions, or even leave the county for that matter. Plus I am concerned that conducting the depositions at a governmental office may create unnecessary issues, and I do not want to turn this discovery process into a 3-ring circus. The complainants' depositions will take place in my office. Call or email if you would like to discuss the matter further.

Regards,

Bob

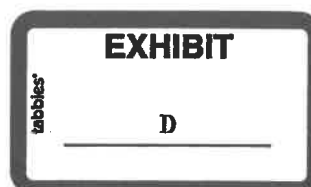
Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Kimberly W. Bojko [mailto:bojko@CarpenterLipps.com]  
**Sent:** Thursday, February 08, 2018 5:26 PM  
**To:** Bob McMahon <bmcMahon@emclawyers.com>; Brian Dressel <dressel@CarpenterLipps.com>  
**Cc:** Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Bob,  
Per my voicemail, we appreciate the offer to use your office for the depositions scheduled for 2/19/18; however, we would prefer to host the depositions at Symmes Twp's offices--9323 Union Cemetery Road, Symmes Township, Ohio 45140-9386. It is my understanding that the Township has a conference room for the depositions, as well as additional space, which will be useful. Additionally, due to scheduling issues, we need to begin the depositions at 10:00 a.m.

At this time, we intend to proceed in this order, beginning at 10:00 a.m.:

Jonathan Mackey  
Mike Priessler  
Melisa Kuhne



Olga Staios  
Paul Smith  
Barbara Casper  
Kim Wiethorn

Let me know if you have any questions. Thank you.  
Kim

**Kimberly W. Bojko**  
CARPENTER LIPPS & LELAND LLP  
Columbus ▪ New York ▪ Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4124  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

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---

**From:** Bob McMahon [<mailto:bmcMahon@emclawyers.com>]  
**Sent:** Thursday, February 08, 2018 8:10 AM  
**To:** Brian Dressel; Kimberly W. Bojko  
**Cc:** Watts, Elizabeth H; Olive, Emily A.  
**Subject:** RE: 17-2344-EL-CSS Depositions

Brian,

We are confirmed for those 7 depositions in my office starting at 9 am on February 19. I do not believe that anyone else from Duke Energy Ohio will attend those depositions, but I will confirm and get back to you.

Are you working on the other offered dates? I know that process can take some time, but we need to start locking in deponents, dates and times ASAP.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

## Kimberly W. Bojko

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Friday, February 09, 2018 11:31 AM  
**To:** Kimberly W. Bojko; Brian Dressel  
**Cc:** Watts, Elizabeth H; Olive, Emily A.  
**Subject:** RE: 17-2344-EL-CSS Depositions

Kim,

The deponents and my firm are located in Hamilton County. This situation is not remotely similar to your efforts to have Duke Energy Ohio employees and witnesses travel to Columbus for their depositions, so I don't understand your point. It is not as if I will be deposing a third-party witness employed by Symmes Township—the 7 complainants to be deposed on 2/19 are individuals who live in this county. Having them drive to another city in the same county is not an unreasonable inconvenience.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Kimberly W. Bojko [mailto:[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)]  
**Sent:** Friday, February 09, 2018 11:24 AM  
**To:** Bob McMahon <bmcMahon@emclawyers.com>; Brian Dressel <dressel@CarpenterLipps.com>  
**Cc:** Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Your request is not appropriate. Our approach is consistent with the PUCO practice. It is typical for the party requesting the deposition to travel to the deponent.

Just as Duke requires us to travel to its Cincinnati office to depose its witness, Duke is required to travel to our designated location to depose our witnesses. This is standard practice that Duke is well aware. We would not be allowed to order Duke's witnesses in this case to travel to our offices in Columbus and Duke has in fact refused in the past to do just that in other proceedings. From a google search, your offices are 29 minutes away from Symmes Township and in what appears to be a residential neighborhood. There is no meeting room or space for our witnesses. Further your offices are not downtown so we have no ability to use other facilities for our witnesses. We will not further burden our witnesses by requiring them to drive 30 minutes away to your offices.

**Kimberly W. Bojko**  
CARPENTER LIPPS & LELAND LLP  
Columbus • New York • Chicago





## Kimberly W. Bojko

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Friday, February 09, 2018 1:09 PM  
**To:** Kimberly W. Bojko; Brian Dressel  
**Cc:** Watts, Elizabeth H; Olive, Emily A.  
**Subject:** RE: 17-2344-EL-CSS Depositions

Kim,

I assure you that you could not force us to travel to Columbus to depose complainants who live in Hamilton County. But we don't need to argue over that non-issue, or this one for that matter. I will depose your clients at the Symmes Township office on February 19<sup>th</sup> based on your assurance that my concerns about a 3-ring circus are unfounded. If that situation changes, we will deal with it accordingly at the time.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Kimberly W. Bojko [mailto:bojko@CarpenterLipps.com]  
**Sent:** Friday, February 09, 2018 12:04 PM  
**To:** Bob McMahon <bmcMahon@emclawyers.com>; Brian Dressel <dressel@CarpenterLipps.com>  
**Cc:** Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: 17-2344-EL-CSS Depositions

I disagree. If I wanted to have my witnesses come to my offices and be deposed here and have you travel here, that would be standard practice at the PUCO. Historically, unless there is an out of state witness and it is done by telephone or there is a space issue, each party's witness is deposed at their counsel's office. We need to have resources available to us, just as if it was being done in our offices, including access to meeting rooms. There is no meeting room or space for our witnesses at your office. Further we researched the issue yesterday to determine if we could access your offices easily if we utilized such a space in downtown Cincinnati. Given the location of your office, that is not feasible. We have no ability to use other facilities for our witnesses. Your concerns of some 3 ring circus is unfounded. We need to have meeting rooms and office space available to meet with our witnesses and conduct our business. We have already agreed to your two requests to have only in-person witnesses on that day and to increase the number of witnesses from 6 to 7. I think our request is not unreasonable and is in fact standard PUCO practice.

We will agree to depose the witnesses at the Symmes Township offices.

Thanks.



Kim

**Kimberly W. Bojko**

CARPENTER LIPPS & LELAND LLP  
Columbus ▪ New York ▪ Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4124  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

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---

**From:** Bob McMahon [<mailto:bmcMahon@emclawyers.com>]

**Sent:** Friday, February 09, 2018 11:31 AM

**To:** Kimberly W. Bojko; Brian Dressel

**Cc:** Watts, Elizabeth H; Olive, Emily A.

**Subject:** RE: 17-2344-EL-CSS Depositions

Kim,

The deponents and my firm are located in Hamilton County. This situation is not remotely similar to your efforts to have Duke Energy Ohio employees and witnesses travel to Columbus for their depositions, so I don't understand your point. It is not as if I will be deposing a third-party witness employed by Symmes Township—the 7 complainants to be deposed on 2/19 are individuals who live in this county. Having them drive to another city in the same county is not an unreasonable inconvenience.

Regards,

Bob

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[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

---

**From:** Kimberly W. Bojko [<mailto:bojko@CarpenterLipps.com>]

**Sent:** Friday, February 09, 2018 11:24 AM

**To:** Bob McMahon <[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)>; Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>

**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>

**Subject:** RE: 17-2344-EL-CSS Depositions

## Kimberly W. Bojko

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Thursday, February 15, 2018 10:34 AM  
**To:** Kimberly W. Bojko  
**Cc:** Brian Dressel; Watts, Elizabeth H; Olive, Emily A.  
**Subject:** RE: 17-2344-EL-CSS: overdue discovery responses

Kim,

Are you seriously taking this position? Those complainants were served personally with discovery requests in their individual cases and never responded. Their claims were consolidated into this case at their request. Under your theory, Duke Energy Ohio would have to serve new discovery every time someone amended a complaint because a prior complaint would be "withdrawn" and superseded. You know full well that is not the standard governing discovery before the Commission. Please confirm that you will not be responding to the discovery requests served on those Complainants so that we may decide how to proceed with respect to the Attorney Examiner.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Kimberly W. Bojko [mailto:bojko@CarpenterLipps.com]  
**Sent:** Thursday, February 15, 2018 10:23 AM  
**To:** Bob McMahon <bmcMahon@emclawyers.com>  
**Cc:** Brian Dressel <dressel@CarpenterLipps.com>; Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: 17-2344-EL-CSS: overdue discovery responses

Good morning, Bob.

We have reviewed our files and searched our emails and we do not know what requests you are referencing. To date, we have timely responded to all of Duke's discovery requests served upon us in the above-captioned case (17-2344) pursuant to Ohio law and the Commission's rules. Upon review of our files regarding the specific Complainants listed below, we have not been served with any discovery requests related to those Complainants. Duke has not propounded any discovery related to these Complainants in the complaint case pending before the PUCO in case no. 17-2344.

To the extent that you are referring to other complaint cases brought by these Complainants, neither myself nor anyone else at our firm represented the Complainants in those cases and were not served with any discovery. Furthermore, complaints brought by these Complainants relating to Duke's vegetation management activity were voluntarily withdrawn upon the Commission's acceptance of the Second Amended Complaint. Therefore, any discovery related to those cases is moot.



Thank you,

Kim Bojko

**Kimberly W. Bojko**

CARPENTER LIPPS & LELAND LLP  
Columbus ▪ New York ▪ Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4124  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

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**From:** Bob McMahon [<mailto:bmcMahon@emclawyers.com>]

**Sent:** Tuesday, February 13, 2018 2:33 PM

**To:** Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>

**Cc:** Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>; Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>

**Subject:** 17-2344-EL-CSS: overdue discovery responses

Kim,

Duke Energy Ohio, Inc. previously served written discovery requests on the following Complainants, who originally were *pro se* but who subsequent became represented by your firm:

1. Shana Berge
2. Melissa and Peter Broome
3. Barbara and Sanford Casper
4. Kathleen Danner
5. Anita Deye
6. Jason Dimaculangan
7. Clifford Fauber
8. Philip Griggs
9. John Gump
10. Jim and Laura Haid
11. Gregory Hoeting
12. Tom and Evelyn King
13. Melisa Kuhne
14. Patricia McGill
15. Nicole Menkaus
16. Olga Staios
17. Richard and Carol Tenenholtz
18. R. Allen Pancoast
19. Paul and Karen Smith
20. Brian and Melissa Weiss
21. Anne Wymore

22. Sharon M. Felman
23. Timothy Wilson
24. Mike Preissler
25. Dana and Joy Steller
26. Marc Wahlquist
27. Gary Pauly
28. Steve and Nanci Schmidt
29. Kathleen Danner
30. James Wulker

We served these requests back in early December, but none of them have responded. Obviously these requests are now long overdue. I realize that you were not their counsel of record at the time, but you are now. Therefore, we need their responses ASAP and definitely before they get deposed. In other words, the 20-day clock does not start to run again because these responses are 6+ weeks late already. I look forward to getting their written responses and all responsive documents forthwith.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
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(513) 533-3441—direct  
(513) 460-5490—mobile  
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[www.emclawyers.com](http://www.emclawyers.com)

## Kimberly W. Bojko

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Thursday, February 15, 2018 10:41 AM  
**To:** Kimberly W. Bojko; Brian Dressel  
**Cc:** Watts, Elizabeth H; Olive, Emily A.  
**Subject:** FW: 17-2344-EL-CSS Depositions

Kim/Brian,

A week has gone by and you have not gotten back to us with dates for the depositions of other Complainants. If your clients do not want to prosecute their claims, which necessarily requires them to participate in discovery, then I suggest that you promptly dismiss them from the case. If not, we need dates for their depositions ASAP. We cannot wait any longer, nor will we allow Complainants to drag this process out in the hopes of justifying another continuance. If I don't hear from you by tomorrow with a list of some deponents and available dates, we will re-notice depositions for dates, times and locations convenient to us. I do not expect dates for everyone by tomorrow but we have to keep this process moving forward. Your immediate attention to this matter is both appreciated and anticipated.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Bob McMahon  
**Sent:** Thursday, February 08, 2018 8:10 AM  
**To:** 'Brian Dressel' <dressel@CarpenterLipps.com>; Kimberly W. Bojko <bojko@CarpenterLipps.com>  
**Cc:** Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Brian,

We are confirmed for those 7 depositions in my office starting at 9 am on February 19. I do not believe that anyone else from Duke Energy Ohio will attend those depositions, but I will confirm and get back to you.

Are you working on the other offered dates? I know that process can take some time, but we need to start locking in deponents, dates and times ASAP.

Regards,

Bob



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(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Brian Dressel [<mailto:dressel@CarpenterLipps.com>]  
**Sent:** Wednesday, February 07, 2018 5:22 PM  
**To:** Bob McMahon <[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)>; Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>  
**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Bob,

We have 7 Complainants to be deposed on 2/19/2018. These seven are: Kim Wiethorn, Olga Staios, Barbara Casper, Jonathan Mackey, Mike Priessler, Paul Smith, and Melisa Kuhne. We will provide a schedule as to the order of the depositions prior to the 19<sup>th</sup> (i.e. who will go first, second, etc.).

You mentioned that your office has limited space. How many people do you anticipate having present on behalf of Duke?

Thank you,

**Brian W. Dressel**  
CARPENTER LIPPS & LELAND LLP  
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280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4131  
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---

**From:** Bob McMahon [<mailto:bmcMahon@emclawyers.com>]  
**Sent:** Tuesday, February 06, 2018 11:40 AM  
**To:** Kimberly W. Bojko  
**Cc:** Brian Dressel; Watts, Elizabeth H; Olive, Emily A.  
**Subject:** FW: 17-2344-EL-CSS Depositions

Kim,

I'm following up on your email to Elizabeth (below) and our discussions at the Commission.

## Kimberly W. Bojko

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Thursday, February 15, 2018 3:06 PM  
**To:** Kimberly W. Bojko  
**Cc:** Brian Dressel; Watts, Elizabeth H; Olive, Emily A.  
**Subject:** RE: 17-2344-EL-CSS: overdue discovery responses  
**Attachments:** Baker Discovery Responses Case No. 17-2344-EL-CSS.DOCX.PDF

Kim,

My short response was not remotely "outrageous," nor were any of my comments "unfounded and offensive." It is interesting how you go to great lengths to demonstrate how reasonable you've acted in discovery (see highlighted portion below) when, in reality, some of your clients claimed that certain of Duke Energy Ohio's discovery requests were "nonsensical" because "the Complainant was not a named Complainant to the initial Complaint referenced in Interrogatory No. 5." See, e.g., Dennis and Amelia Baker's Answers to Interrogatory Nos. 5, 7, 8, 21-27. Yes, those answers demonstrated such good faith.

Regardless, I am not inclined to argue with you via emails. Duke Energy Ohio is entitled to discovery from every Complainant. Therefore, we will direct new discovery requests to those Complainants who were previously *pro se* and are now represented by your firm, and you can respond separately on behalf of each such Complainant.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
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(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)



**From:** Kimberly W. Bojko [mailto:bojko@CarpenterLipps.com]  
**Sent:** Thursday, February 15, 2018 12:12 PM  
**To:** Bob McMahon <bmcMahon@emclawyers.com>  
**Cc:** Brian Dressel <dressel@CarpenterLipps.com>; Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: 17-2344-EL-CSS: overdue discovery responses

I truly am mystified by your outrageous response. First, we have NO discovery. We cannot respond to discovery that we do NOT have and that was never served upon us. You are required by the PUCO rules to serve counsel of record for discovery issued in the case that you are seeking discovery on.

Second, the individual cases were NOT consolidated. In fact, Duke opposed the consolidation on 11/21/17 and the AE Entry issued 1/25/18 specifically stated that the Motion for consolidation was moot. The cases were not consolidated and the cases were subsequently withdrawn. The cases have DIFFERENT case numbers and the cases had DIFFERENT complaints filed. How could discovery on the withdrawn complaints that are in different cases and that are with regard



to different complaints even be relevant to the pending joint complaint? The issues in the joint complaint are set forth in the joint complaint. Discovery may be had on the joint complaint. The PUCO practice is to allow discovery on the issues pending in the case. Just as I may not ask discovery in a separate case that Duke is involved in and use it against Duke in this case, neither can you. Duke has argued this point previously in several cases. Thus, even if discovery was propounded and answered by Complainants in a separate case, you could not use that discovery in this case.

As for the amendments to the joint complaint, which were all made in the SAME case number and which were similar in allegations, you are just incorrect. We did not take the position that you had to reissue discovery. In fact, we did the exact opposite. We responded to discovery requests in the joint complaint case that were served prior to an amendment to the complaint and came due after an amendment was accepted. See Discovery requests served on Nov. 22 and responded to on Dec. 12. The First Amended Complaint was accepted on Nov. 28. We have also supplemented your discovery requests even after amendments were accepted. We have been operating in good faith with regard to the amendments and your comments implying the opposite are unfounded and offensive. Duke has had incorrect references in its discovery and we have gone out of our way to attempt to answer the questions as if they were asked with the correct citations.

**Kimberly W. Bojko**

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**From:** Bob McMahon [<mailto:bmcMahon@emclawyers.com>]

**Sent:** Thursday, February 15, 2018 10:34 AM

**To:** Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>

**Cc:** Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>; Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>

**Subject:** RE: 17-2344-EL-CSS: overdue discovery responses

Kim,

Are you seriously taking this position? Those complainants were served personally with discovery requests in their individual cases and never responded. Their claims were consolidated into this case at their request. Under your theory, Duke Energy Ohio would have to serve new discovery every time someone amended a complaint because a prior complaint would be "withdrawn" and superseded. You know full well that is not the standard governing discovery before the Commission. Please confirm that you will not be responding to the discovery requests served on those Complainants so that we may decide how to proceed with respect to the Attorney Examiner.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC

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Cincinnati, OH 45206  
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(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Kimberly W. Bojko [<mailto:bojko@CarpenterLipps.com>]  
**Sent:** Thursday, February 15, 2018 10:23 AM  
**To:** Bob McMahon <[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)>  
**Cc:** Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>; Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>  
**Subject:** RE: 17-2344-EL-CSS: overdue discovery responses

Good morning, Bob.

We have reviewed our files and searched our emails and we do not know what requests you are referencing. To date, we have timely responded to all of Duke's discovery requests served upon us in the above-captioned case (17-2344) pursuant to Ohio law and the Commission's rules. Upon review of our files regarding the specific Complainants listed below, we have not been served with any discovery requests related to those Complainants. Duke has not propounded any discovery related to these Complainants in the complaint case pending before the PUCO in case no. 17-2344.

To the extent that you are referring to other complaint cases brought by these Complainants, neither myself nor anyone else at our firm represented the Complainants in those cases and were not served with any discovery. Furthermore, complaints brought by these Complainants relating to Duke's vegetation management activity were voluntarily withdrawn upon the Commission's acceptance of the Second Amended Complaint. Therefore, any discovery related to those cases is moot.

Thank you,

Kim Bojko

**Kimberly W. Bojko**  
CARPENTER LIPPS & LELAND LLP  
Columbus ▪ New York ▪ Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
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[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

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**From:** Bob McMahon [<mailto:bmcMahon@emclawyers.com>]  
**Sent:** Tuesday, February 13, 2018 2:33 PM  
**To:** Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>  
**Cc:** Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>; Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily

A. <Emily.Olive@duke-energy.com>

**Subject:** 17-2344-EL-CSS: overdue discovery responses

Kim,

Duke Energy Ohio, Inc. previously served written discovery requests on the following Complainants, who originally were *pro se* but who subsequent became represented by your firm:

1. Shana Berge
2. Melissa and Peter Broome
3. Barbara and Sanford Casper
4. Kathleen Danner
5. Anita Deye
6. Jason Dimaculangan
7. Clifford Fauber
8. Philip Griggs
9. John Gump
10. Jim and Laura Haid
11. Gregory Hoeting
12. Tom and Evelyn King
13. Melisa Kuhne
14. Patricia McGill
15. Nicole Menkaus
16. Olga Staios
17. Richard and Carol Tenenholtz
18. R. Allen Pancoast
19. Paul and Karen Smith
20. Brian and Melissa Weiss
21. Anne Wymore
22. Sharon M. Felman
23. Timothy Wilson
24. Mike Preissler
25. Dana and Joy Steller
26. Marc Wahlquist
27. Gary Pauly
28. Steve and Nanci Schmidt
29. Kathleen Danner
30. James Wulker

We served these requests back in early December, but none of them have responded. Obviously these requests are now long overdue. I realize that you were not their counsel of record at the time, but you are now. Therefore, we need their responses ASAP and definitely before they get deposed. In other words, the 20-day clock does not start to run again because these responses are 6+ weeks late already. I look forward to getting their written responses and all responsive documents forthwith.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC

## Kimberly W. Bojko

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Tuesday, February 20, 2018 9:14 AM  
**To:** Kimberly W. Bojko; Brian Dressel  
**Cc:** Watts, Elizabeth H; Olive, Emily A.  
**Subject:** RE: 17-2344-EL-CSS Depositions

Kim/Brian,

We did not hear back from you on Thursday, as promised. Therefore, we selected the following 8 Complainants for deposition on March 2<sup>nd</sup>: Joseph Grossi, Fred Vonderhaar and Marc Wahlquist (all 3 were originally offered for yesterday's session), along with Randall Fick, Shana Berge, John or Sally Riester, Mark or Carissa Thompson, and Amanda Sachs.

I do not necessarily care about the order, but these are the individuals that we want to depose on March 2<sup>nd</sup>. Accordingly, these complainants need to make themselves available that day. If we start at 9 am, or even 9:30 am, we can complete 3 depositions before a short lunch break and then finish the remaining 5 depositions the remainder of the day. I am happy to conduct them at the same location as yesterday's depositions. Please get back to us ASAP so that we can issue the appropriate notices and schedule the court reporter.

Regards,

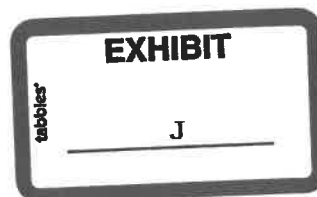
Bob

Robert A. McMahon  
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Cincinnati, OH 45206  
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[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Kimberly W. Bojko [mailto:bojko@CarpenterLipps.com]  
**Sent:** Thursday, February 15, 2018 11:34 AM  
**To:** Bob McMahon <bmcMahon@emclawyers.com>; Brian Dressel <dressel@CarpenterLipps.com>  
**Cc:** Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Yes, we are working on it and intended to get you a list today. As you can imagine, scheduling has been a bit difficult but I will assure you that we have no interest in delaying the case.

**Kimberly W. Bojko**  
CARPENTER LIPPS & LELAND LLP  
Columbus ▪ New York ▪ Chicago  
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(614) 365-4124



[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

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**Sent:** Thursday, February 15, 2018 10:41 AM  
**To:** Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>; Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>  
**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>  
**Subject:** FW: 17-2344-EL-CSS Depositions

Kim/Brian,

A week has gone by and you have not gotten back to us with dates for the depositions of other Complainants. If your clients do not want to prosecute their claims, which necessarily requires them to participate in discovery, then I suggest that you promptly dismiss them from the case. If not, we need dates for their depositions ASAP. We cannot wait any longer, nor will we allow Complainants to drag this process out in the hopes of justifying another continuance. If I don't hear from you by tomorrow with a list of some deponents and available dates, we will re-notice depositions for dates, times and locations convenient to us. I do not expect dates for everyone by tomorrow but we have to keep this process moving forward. Your immediate attention to this matter is both appreciated and anticipated.

Regards,

Bob

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[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Bob McMahon  
**Sent:** Thursday, February 08, 2018 8:10 AM  
**To:** 'Brian Dressel' <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>; Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>  
**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Brian,

We are confirmed for those 7 depositions in my office starting at 9 am on February 19. I do not believe that anyone else from Duke Energy Ohio will attend those depositions, but I will confirm and get back to you.

Are you working on the other offered dates? I know that process can take some time, but we need to start locking in deponents, dates and times ASAP.

## Kimberly W. Bojko

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Wednesday, February 21, 2018 7:49 AM  
**To:** Brian Dressel; Kimberly W. Bojko  
**Cc:** Watts, Elizabeth H; Olive, Emily A.  
**Subject:** RE: 17-2344-EL-CSS Depositions

Brian,

As I indicated we would do, we selected deponents because we were promised a list on Thursday (never happened) and then again promised in your email on that a list would be forthcoming (never happened). We never agreed to start at 10 am on March 2<sup>nd</sup>. Please reach out to the Riesters, Thompsons and Ms. Sachs and arrange for one of them to be deposed starting at 9 or 9:30 am. Assuming that happens, we are otherwise OK with the remaining list and order.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
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(513) 533-3441—direct  
(513) 460-5490—mobile  
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[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)  
[www.emclawyers.com](http://www.emclawyers.com)



**From:** Brian Dressel [mailto:dressel@CarpenterLipps.com]  
**Sent:** Tuesday, February 20, 2018 9:42 PM  
**To:** Bob McMahon <bmcMahon@emclawyers.com>; Kimberly W. Bojko <bojko@CarpenterLipps.com>  
**Cc:** Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Bob,

We did email you back last week, you must have missed it. As we stated in that email, the March 2 date works for us. We will not, however, be able to start at 9 am. We felt that the 10 am start time worked well yesterday and think it could be good to use that time again. We are amenable to taking a shorter lunch break in order to not have the day run too long.

Referencing our email from last week, the reason that we did not have a list of names included is that we are still working with people's schedules in an attempt to confirm these dates. However, we do have a tentative list in place. As you will see, many of the names on our list are reflected on yours as well.

These Complainants have made arrangements to attend on March 2, based on our understanding that we would provide you with a full roster of complainants for that day. These arrangements include working around medical procedures that

complainants will be performing, adjusting work schedules, and adjusting weekend plans. We are not prepared, therefore, to ask those not on your list to rearrange their schedules again. We selected a group of seven, mirroring the first round. Those seven are:

- Joe Grossi
- Marc Wahlquist
- Fred Vonderhaar
- Karen Dabdoub
- John Gump
- Dennis Baker
- Ken Bryant (Symmes Township Trustee)

We are prepared to proceed with the depositions of the listed individuals on March 2. Please let us know if you have any questions.

Thank you,

Brian Dressel

**Brian W. Dressel**  
CARPENTER LIPPS & LELAND LLP  
Columbus ▪ New York ▪ Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
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**From:** Bob McMahon [<mailto:bmcMahon@emclawyers.com>]

**Sent:** Tuesday, February 20, 2018 9:14 AM

**To:** Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>; Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>

**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>

**Subject:** RE: 17-2344-EL-CSS Depositions

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I do not necessarily care about the order, but these are the individuals that we want to depose on March 2<sup>nd</sup>. Accordingly, these complainants need to make themselves available that day. If we start at 9 am, or even 9:30 am, we can complete 3 depositions before a short lunch break and then finish the remaining 5 depositions the remainder of the day. I am happy to conduct them at the same location as yesterday's depositions. Please get back to us ASAP so that we can issue the appropriate notices and schedule the court reporter.

Regards,

Bob

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**From:** Kimberly W. Bojko [<mailto:bojko@CarpenterLipps.com>]  
**Sent:** Thursday, February 15, 2018 11:34 AM  
**To:** Bob McMahon <[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)>; Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>  
**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Yes, we are working on it and intended to get you a list today. As you can imagine, scheduling has been a bit difficult but I will assure you that we have no interest in delaying the case.

**Kimberly W. Bojko**  
CARPENTER LIPPS & LELAND LLP  
Columbus ▪ New York ▪ Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4124  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

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**From:** Bob McMahon [<mailto:bmcMahon@emclawyers.com>]  
**Sent:** Thursday, February 15, 2018 10:41 AM  
**To:** Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>; Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>  
**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>  
**Subject:** FW: 17-2344-EL-CSS Depositions

Kim/Brian,

A week has gone by and you have not gotten back to us with dates for the depositions of other Complainants. If your clients do not want to prosecute their claims, which necessarily requires them to participate in discovery, then I suggest that you promptly dismiss them from the case. If not, we need dates for their depositions ASAP. We cannot wait any longer, nor will we allow Complainants to drag this process out in the hopes of justifying another continuance. If I don't hear from you by tomorrow with a list of some deponents and available dates, we will re-notice depositions for dates, times and locations convenient to us. I do not expect dates for everyone by tomorrow but we have to keep this process moving forward. Your immediate attention to this matter is both appreciated and anticipated.

Regards,



## Kimberly W. Bojko

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Wednesday, February 21, 2018 2:41 PM  
**To:** Kimberly W. Bojko; Brian Dressel  
**Cc:** Watts, Elizabeth H; Olive, Emily A.  
**Subject:** RE: 17-2344-EL-CSS Depositions

Kim,

I'm not sure how my 5 ½ line email can "drain" so much of "complainants' resources," but you're the one who chose to respond with a small treatise.

I suggest that you go back and read our email exchange from 2/15/18, which I've highlighted below. I indicated that I needed a list of deponents and available dates by the next day, or that we would select the deponents and notice their depositions. You responded within an hour or so that you intended to send that list the same day. Whether or not the list was to be "immediately forthcoming" is not relevant because we never received one from you the following day as requested, over the weekend or on Monday, nor did either of us raise the issue on Monday during the 7 depositions taken that day. Yes, I knew about March 2<sup>nd</sup>, as I proposed the date and had received Brian's email on Friday. But it was not until yesterday morning that we decided whom to depose, as I indicated would be the case in Thursday's email, at which time I promptly sent the email.

I'm not interested in a meaningless move from 10 am to 9:45 am on March 2<sup>nd</sup>. We can start at 10 am on March 2<sup>nd</sup>. But I am interested in accelerating the deposition schedule. Doing a day of depositions every 12 days does not cut it. We need to lock in more deposition dates ASAP, and then you need to start contacting your clients and scheduling the depositions in a more expedited manner. Yes, there are a lot of complainants but, once again, you chose to file the Second Amended Complaint with more than 100 complainants.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Kimberly W. Bojko [mailto:bojko@CarpenterLipps.com]  
**Sent:** Wednesday, February 21, 2018 10:13 AM  
**To:** Bob McMahon <bmcMahon@emclawyers.com>; Brian Dressel <dressel@CarpenterLipps.com>  
**Cc:** Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Bob,



First, we stated that we hoped to provide you with a list by the end of the day on Thursday. Although we were unable to confirm schedules by Thursday, we did email you with a date on Friday (one that you selected) so that you could plan accordingly. We were unable to confirm schedules when we emailed you the date and it made no sense to email you a list that was not yet confirmed. We never said the list would be immediately forthcoming. If you recall, the next business day (which was a holiday for most), we were with you in Cincinnati for the entire day plus drive time. We could not possibly speak to the complainants and email you when we were sitting in seven depositions with you for 8.5 hours. You could have inquired about this on Monday if this was an issue. We were with you for 8.5 hours yet you chose not to raise the issue during that period. Rather, you wanted to wait and email so that you could drain more of the complainants' resources.

Due to other commitments and previously arranged schedules on your chosen date, we are unable to begin at 9 or 9:30 am. We could potentially try to begin at 9:45, but that is the earliest. Also, please note that the list that we provided you was not in the order of witnesses as they will appear. We are still attempting to work around people's schedules as I am sure you can appreciate. One gentleman is a surgeon and he is providing his time between surgeries. Again, this is the exact reason why we did not want to email you a list until schedules and time slots were confirmed.

At least one of the additional witnesses that you listed is not available on the selected date. We will attempt to contact the other two per your request, but they will not be deposed at 9 or 9:30. We will provide you the order of witnesses after we have confirmed times with them. Although not our preference, if your preference is to start at 9:45 am on 3/2, we will commit to make that happen and ask a complainant to arrive earlier for his deposition than previously discussed.

Thanks,  
Kim

**Kimberly W. Bojko**  
CARPENTER LIPPS & LELAND LLP  
Columbus • New York • Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4124  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

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**From:** Bob McMahon [<mailto:bmcmahon@emclawyers.com>]  
**Sent:** Wednesday, February 21, 2018 7:49 AM  
**To:** Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>; Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>  
**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Brian,

As I indicated we would do, we selected deponents because we were promised a list on Thursday (never happened) and then again promised in your email on that a list would be forthcoming (never happened). We never agreed to start at 10 am on March 2<sup>nd</sup>. Please reach out to the Riesters, Thompsons and Ms. Sachs and arrange for one of them to be deposed starting at 9 or 9:30 am. Assuming that happens, we are otherwise OK with the remaining list and order.

Regards,

## Kimberly W. Bojko

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Monday, February 26, 2018 9:38 AM  
**To:** Kimberly W. Bojko; Brian Dressel  
**Cc:** Watts, Elizabeth H; Olive, Emily A.  
**Subject:** FW: 17-2344-EL-CSS Depositions

Kim/Brian,

It is now (business) Day 3 since our email exchange on 2/21/18 (below). Do you have additional dates for other Complainants' depositions after March 2? Do you have the finalized order for the depositions on March 2? Please get back to me ASAP. Thanks

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)



**From:** Bob McMahon  
**Sent:** Wednesday, February 21, 2018 2:41 PM  
**To:** 'Kimberly W. Bojko' <bojko@CarpenterLipps.com>; Brian Dressel <dressel@CarpenterLipps.com>  
**Cc:** Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Kim,

I'm not sure how my 5 ½ line email can "drain" so much of "complainants' resources," but you're the one who chose to respond with a small treatise.

I suggest that you go back and read our email exchange from 2/15/18, which I've highlighted below. I indicated that I needed a list of deponents and available dates by the next day, or that we would select the deponents and notice their depositions. You responded within an hour or so that you intended to send that list the same day. Whether or not the list was to be "immediately forthcoming" is not relevant because we never received one from you the following day as requested, over the weekend or on Monday, nor did either of us raise the issue on Monday during the 7 depositions taken that day. Yes, I knew about March 2<sup>nd</sup>, as I proposed the date and had received Brian's email on Friday. But it was not until yesterday morning that we decided whom to depose, as I indicated would be the case in Thursday's email, at which time I promptly sent the email.

I'm not interested in a meaningless move from 10 am to 9:45 am on March 2<sup>nd</sup>. We can start at 10 am on March 2<sup>nd</sup>. But I am interested in accelerating the deposition schedule. Doing a day of depositions every 12 days does not cut it. We need to lock in more deposition dates ASAP, and then you need to start contacting your clients and scheduling

## Kimberly W. Bojko

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Tuesday, February 27, 2018 11:44 AM  
**To:** Brian Dressel; Kimberly W. Bojko  
**Cc:** Watts, Elizabeth H; Olive, Emily A.  
**Subject:** RE: 17-2344-EL-CSS Depositions

OK, thanks

What about the next round of depositions? Where do you stand in response to my several requests to line up days and deponents after March 2? We need to schedule depositions more quickly and more regularly than once every 10 days.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Brian Dressel [mailto:dressel@CarpenterLipps.com]  
**Sent:** Tuesday, February 27, 2018 11:23 AM  
**To:** Bob McMahon <bmcMahon@emclawyers.com>; Kimberly W. Bojko <bojko@CarpenterLipps.com>  
**Cc:** Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: 17-2344-EL-CSS Depositions

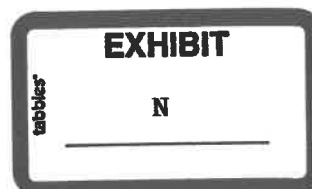
Hi Bob,

Here is the schedule for Friday. Fred Vonderhaar got called out of town for work so we replaced him with Mark Thompson, who was one of the ones you asked for.

10 am – Karen Dabdoub  
11 am – Dennis Baker  
12 pm – Mark Thompson  
2 pm – Joe Grossi  
3 pm – Ken Bryant  
4 pm – Marc Wahlquist  
5 pm – John Gump

Thank you,

**Brian W. Dressel**  
CARPENTER LIPPS & LELAND LLP



Columbus ▪ New York ▪ Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4131  
[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)

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**From:** Bob McMahon [<mailto:bmcMahon@emclawyers.com>]  
**Sent:** Monday, February 26, 2018 9:38 AM  
**To:** Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>; Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>  
**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>  
**Subject:** FW: 17-2344-EL-CSS Depositions

Kim/Brian,

It is now (business) Day 3 since our email exchange on 2/21/18 (below). Do you have additional dates for other Complainants' depositions after March 2? Do you have the finalized order for the depositions on March 2? Please get back to me ASAP. Thanks

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
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(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Bob McMahon  
**Sent:** Wednesday, February 21, 2018 2:41 PM  
**To:** 'Kimberly W. Bojko' <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>; Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>  
**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>  
**Subject:** RE: 17-2344-EL-CSS Depositions

Kim,

I'm not sure how my 5 ½ line email can "drain" so much of "complainants' resources," but you're the one who chose to respond with a small treatise.

I suggest that you go back and read our email exchange from 2/15/18, which I've highlighted below. I indicated that I needed a list of deponents and available dates by the next day, or that we would select the deponents and notice their depositions. You responded within an hour or so that you intended to send that list the same day. Whether or not the list was to be "immediately forthcoming" is not relevant because we never received one from you the following day as

## Kimberly W. Bojko

---

**From:** Bob McMahon <bcmcmahon@emclawyers.com>  
**Sent:** Wednesday, February 28, 2018 11:16 AM  
**To:** 'Etter, Terry (Terry.Etter@occ.ohio.gov)'  
**Cc:** Watts, Elizabeth H; Olive, Emily A.; Kimberly W. Bojko; Brian Dressel  
**Subject:** FW: Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions  
**Attachments:** Notice to Take Deposition - Burton - 17-2344-EL-CSS - 2.27.18.pdf; Notice to Take Deposition - Holton - 17-2344-EL-CSS - 2.27.18.pdf

Terry,

We object to the separate Notices to Take Deposition of Bryce Burton and Steve Holton that your office served yesterday afternoon because: (a) we're not available March 7; (b) depositions of Duke Energy Ohio's agents, employees and witnesses must take place in Cincinnati where they reside or work; and (c) as set forth in O.A.C. 4901-1-21(E), your notices do not comply with O.A.C. 4901-1-20. We will make both witnesses available for deposition on dates convenient to all parties and counsel, but keep in mind that we previously noticed the depositions of all Complainants and have been trying in vain to schedule any of those depositions after March 2<sup>nd</sup>. Those previously noticed depositions remain a priority for scheduling purposes.

Regards,

Bob McMahon

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bcmcmahon@emclawyers.com](mailto:bcmcmahon@emclawyers.com)

**From:** Debra.Bingham@occ.ohio.gov [mailto:Debra.Bingham@occ.ohio.gov]  
**Sent:** Tuesday, February 27, 2018 3:35 PM  
**To:** Rocco.D'Ascenzo@duke-energy.com; Elizabeth.Watts@duke-energy.com; Bob McMahon <bcmcmahon@emclawyers.com>; Bojko@carpenterlipps.com; Dutton@carpenterlipps.com; Dressel@carpenterlipps.com; Anna.Sanyal@puco.ohio.gov  
**Subject:** Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Attached please find 2 Notices to Take Depositions and Requests for Production of Documents by the Office of the Ohio Consumers' Counsel that have been electronically filed today with the PUCO. If you have any questions, please contact Terry Etter with our office.

Below are the e-filing confirmations.

Thank you.

Deb Bingham  
Administrative Assistant



Office of the Ohio Consumers' Counsel  
65 East State Street, 7<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 466-1311  
[Debra.bingham@occ.ohio.gov](mailto:Debra.bingham@occ.ohio.gov)

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Filings received after 5:30 p.m. Eastern Time will be deemed to be filed the following business day. All filings and document information is subject to review by the PUCO Docketing Division.

**Please click on the link below to ensure that your document has been filed.** Call (614) 466-4095, during business hours, if you have questions, have problems viewing your filed document, or need assistance. Do not reply to this message. Send any correspondence to [docketing@puc.state.oh.us](mailto:docketing@puc.state.oh.us).

You should print or save this notice confirming that the following document was electronically filed.

URL: <http://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=5bce6daa-50d2-4ea1-a3a1-549a58a4262c>

Date & Time: 2/27/2018 at 15:23:56.5820456 EST

Case Number(s): 17-2344-EL-CSS

Summary: Notice of Deposition Notice to Take Deposition and Requests for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Etter, Terry L.

Confirmation Number: 9d5ddf91-b4a8-46a9-8e03-9988f289fa6e

Official PDF File: 9d5ddf91-b4a8-46a9-8e03-9988f289fa6e\_Official\_dbingham227201832242PM\_Notice to Take Deposition - Burton - 17-2344-EL-CSS - 2.27.18.pdfSecure.pdf

Source File(s): 9d5ddf91-b4a8-46a9-8e03-9988f289fa6e\_dbingham227201832308PM\_Notice to Take Deposition - Burton - 17-2344-EL-CSS - 2.27.18.doc

Filings received after 5:30 p.m. Eastern Time will be deemed to be filed the following business day. All filings and document information is subject to review by the PUCO Docketing Division.

**Please click on the link below to ensure that your document has been filed.** Call (614) 466-4095, during business hours, if you have questions, have problems viewing your filed document, or need assistance. Do not reply to this message. Send any correspondence to [docketing@puc.state.oh.us](mailto:docketing@puc.state.oh.us).

You should print or save this notice confirming that the following document was electronically filed.

URL: <http://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=b1a7f8d2-1650-4e28-941d-4b202c2ceb5d>

Date & Time: 2/27/2018 at 15:30:37.4056069 EST

Case Number(s): 17-2344-EL-CSS

Summary: Notice of Deposition Notice to Take Deposition and Requests for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Etter, Terry L.

Confirmation Number: 6cb506be-ccfd-43a4-b0af-8ee5bf02edcc

Official PDF File: 6cb506be-ccfd-43a4-b0af-8ee5bf02edcc\_Official\_dbingham227201833009PM\_Notice to Take Deposition - Holton - 17-2344-EL-CSS - 2.27.18.pdfSecure.pdf

Source File(s): 6cb506be-ccfd-43a4-b0af-8ee5bf02edcc\_dbingham227201833017PM\_Notice to Take Deposition - Holton - 17-2344-EL-CSS - 2.27.18.doc

**From:** Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>

**Sent:** Wednesday, March 7, 2018 12:43 PM

**To:** Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>; Bob McMahon <[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)>;  
Terry.Etter@occ.ohio.gov

**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>; Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>

**Subject:** RE: Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Bob,

We are writing following up on our conversation last Friday where you refused to conduct depositions on Saturdays in order to accommodate Complainants' schedules. Although we believe this is contrary to Commission practice, we have worked diligently to reschedule the depositions we offered for Saturday 3/10. As such, we can offer the below-listed Complainants for depositions on Tuesday, March 20, 2018. We also await your response regarding a phone deposition of Fred Vonderhaar.

Nicole Menkhaus

James Wulker

Dennis Mitman

Eric Hatifeld

Randall Fick

Thank you,

**Brian W. Dressel**

CARPENTER LIPPS & LELAND LLP

Columbus ▪ New York ▪ Chicago

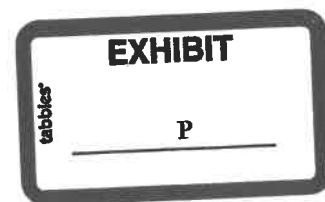
280 Plaza, Suite 1300

280 N. High Street

Columbus, OH 43215

(614) 365-4131

[dressel@carpenterlipps.com](mailto:dressel@carpenterlipps.com)



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**From:** Kimberly W. Bojko

**Sent:** Thursday, March 01, 2018 6:41 PM

**To:** 'Bob McMahon' <[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)>; Terry.Etter@occ.ohio.gov

**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>; Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>

**Subject:** RE: Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Bob,

I am writing in response to a few of your emails and issues that you have raised in this case.

First, for tomorrow's depositions, we have a minor change in scheduling due to a work emergency of one complainant. We would like to switch the order of 2 depositions. Both Complainants have agreed to the switch. That change is John Gump would move up and be deposed from 4-5 pm and Marc Wahlquist would move back and be deposed from 5-6 pm. We hope that you are amenable to this minor change.



We have worked diligently to schedule the numerous depositions that you have requested and do not appreciate your comments otherwise. It is very difficult to work around the various schedules and conflicts.

To that end, we have an additional date for depositions. Given that Duke has refused to conduct certain depositions by phone, we are proposing a date of Saturday, March 10, beginning at 11:00 a.m., to depose certain Complainants that cannot appear during the work day due to already scheduled business travel out of state and other work commitments. On that date, we would be prepared to proceed with the depositions of Fred Vonderhaar, Randall Fick, and Jim Wulker. Those Complainants have been confirmed for March 10<sup>th</sup>. We are also making efforts to coordinate with Amanda Sachs, who was another Complainant you had named in earlier correspondence, and Nicole Menkhaus, who we believe may be available that day as well. We hope to confirm these two individuals soon.

With that said, after the completion of the depositions on Saturday, March 10, 2018, that should bring us to a total of 19 depositions, deposing 19 Complainants. At this time, we do not agree to conduct further depositions beyond Saturday, March 10<sup>th</sup>. The Commission's rules limit discovery to that which is admissible at hearing or is reasonably calculated to lead to the discovery of admissible evidence (Ohio Adm. Code 4901-1-16(B)). While we have not made final determinations as to which Complainants will testify at hearing, by the conclusion of the depositions that we have agreed to, we can state that Duke will have deposed all Complainants currently under consideration. If that assessment changes unexpectedly, we would of course make any additional Complainants that will testify and have not been deposed available for depositions. Given those facts, proceeding with the depositions of additional Complainants serves no other purpose but to harass Complainants and drain their resources, which is not a permissible use of the discovery process. We are, therefore, requesting that you agree to withdraw your remaining notices of depositions.

Finally, we also do not agree with your response to Mr. Etter regarding the depositions of Duke's employees. The notices were proper under the Commission's rules. Additionally, parties have a right to notice depositions just as you did. There is no reason that those depositions cannot be scheduled concurrently and in coordination with the Complainants' depositions.

Thank you,

Kim Bojko

**Kimberly W. Bojko**  
CARPENTER LIPPS & LELAND LLP  
Columbus ▪ New York ▪ Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4124  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)

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**From:** Bob McMahon [<mailto:bmcmahon@emclawyers.com>]

**Sent:** Wednesday, February 28, 2018 9:01 PM

**To:** [Terry.Etter@occ.ohio.gov](mailto:Terry.Etter@occ.ohio.gov)

**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>; Kimberly

W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>; Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>  
**Subject:** RE: Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Sure, it's simple: you noticed the depositions for next week and included requests for production of documents without providing sufficient time (20 days) for Duke Energy Ohio to respond to the document requests.

I will look into dates and get back to you. But our priority now is scheduling Complainants' depositions, which apparently is going to require a motion to compel at this stage.

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441—direct  
(513) 460-5490—mobile  
(513) 533-3554—fax  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)  
[www.emclawyers.com](http://www.emclawyers.com)

**From:** Terry.Etter@occ.ohio.gov [mailto:Terry.Etter@occ.ohio.gov]  
**Sent:** Wednesday, February 28, 2018 4:00 PM  
**To:** Bob McMahon <[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)>  
**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>; Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>; Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>  
**Subject:** RE: Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Bob: Thanks for your response. I understand that the depositions of complainants are progressing and that the biggest problem has been scheduling them around complainants' work schedules. Can you provide us with dates that would be workable for Duke? We will be glad to come to Cincinnati. As for your assertion that our notices do not comply with 4901-1-20, please explain.

Terry Etter  
Office of the Ohio Consumers' Counsel  
65 East State Street, 7<sup>th</sup> Floor  
Columbus, Ohio 43215-4213  
614-466-7964

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---

**From:** Bob McMahon [mailto:[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)]  
**Sent:** Wednesday, February 28, 2018 11:16 AM  
**To:** Etter, Terry  
**Cc:** Watts, Elizabeth H; Olive, Emily A.; Kimberly W. Bojko; Brian Dressel  
**Subject:** FW: Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Terry,

We object to the separate Notices to Take Deposition of Bryce Burton and Steve Holton that your office served yesterday afternoon because: (a) we're not available March 7; (b) depositions of Duke Energy Ohio's agents, employees and witnesses must take place in Cincinnati where they reside or work; and (c) as set forth in O.A.C. 4901-1-21(E), your notices do not comply with O.A.C. 4901-1-20. We will make both witnesses available for deposition on dates convenient to all parties and counsel, but keep in mind that we previously noticed the depositions of all Complainants and have been trying in vain to schedule any of those depositions after March 2<sup>nd</sup>. Those previously noticed depositions remain a priority for scheduling purposes.

Regards,

Bob McMahon

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** [Debra.Bingham@occ.ohio.gov](mailto:Debra.Bingham@occ.ohio.gov) [mailto:[Debra.Bingham@occ.ohio.gov](mailto:Debra.Bingham@occ.ohio.gov)]  
**Sent:** Tuesday, February 27, 2018 3:35 PM  
**To:** [Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com); [Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com); Bob McMahon  
<[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)>; [Bojko@carpenterlipps.com](mailto:Bojko@carpenterlipps.com); [Dutton@carpenterlipps.com](mailto:Dutton@carpenterlipps.com);  
[Dressel@carpenterlipps.com](mailto:Dressel@carpenterlipps.com); [Anna.Sanyal@puco.ohio.gov](mailto:Anna.Sanyal@puco.ohio.gov)  
**Subject:** Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Attached please find 2 Notices to Take Depositions and Requests for Production of Documents by the Office of the Ohio Consumers' Counsel that have been electronically filed today with the PUCO. If you have any questions, please contact Terry Etter with our office.

Below are the e-filing confirmations.

Thank you.

Deb Bingham  
Administrative Assistant  
Office of the Ohio Consumers' Counsel  
65 East State Street, 7<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 466-1311  
[Debra.bingham@occ.ohio.gov](mailto:Debra.bingham@occ.ohio.gov)

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You should print or save this notice confirming that the following document was electronically filed.

URL: <http://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=5bce6daa-50d2-4ea1-a3a1-549a58a4262c>

Date & Time: 2/27/2018 at 15:23:56.5820456 EST

Case Number(s): 17-2344-EL-CSS

Summary: Notice of Deposition Notice to Take Deposition and Requests for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Etter, Terry L.

Confirmation Number: 9d5ddf91-b4a8-46a9-8e03-9988f289fa6e

Official PDF File: 9d5ddf91-b4a8-46a9-8e03-9988f289fa6e\_Official\_dbingham227201832242PM\_Notice to Take Deposition - Burton - 17-2344-EL-CSS - 2.27.18.pdfSecure.pdf

Source File(s): 9d5ddf91-b4a8-46a9-8e03-9988f289fa6e\_dbingham227201832308PM\_Notice to Take Deposition - Burton - 17-2344-EL-CSS - 2.27.18.doc

Filings received after 5:30 p.m. Eastern Time will be deemed to be filed the following business day. All filings and document information is subject to review by the PUCO Docketing Division.

**Please click on the link below to ensure that your document has been filed.** Call (614) 466-4095, during business hours, if you have questions, have problems viewing your filed document, or need assistance. Do not reply to this message. Send any correspondence to [docketing@puc.state.oh.us](mailto:docketing@puc.state.oh.us).

You should print or save this notice confirming that the following document was electronically filed.

URL: <http://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=b1a7f8d2-1650-4e28-941d-4b202c2ceb5d>

Date & Time: 2/27/2018 at 15:30:37.4056069 EST

Case Number(s): 17-2344-EL-CSS

Summary: Notice of Deposition Notice to Take Deposition and Requests for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Etter, Terry L.

Confirmation Number: 6cb506be-ccfd-43a4-b0af-8ee5bf02edcc

Official PDF File: 6cb506be-ccfd-43a4-b0af-8ee5bf02edcc\_Official\_dbingham227201833009PM\_Notice to Take Deposition - Holton - 17-2344-EL-CSS - 2.27.18.pdfSecure.pdf

Source File(s): 6cb506be-ccfd-43a4-b0af-8ee5bf02edcc\_dbingham227201833017PM\_Notice to Take Deposition - Holton - 17-2344-EL-CSS - 2.27.18.doc

## Kimberly W. Bojko

---

**From:** Bob McMahon <bmcMahon@emclawyers.com>  
**Sent:** Tuesday, March 13, 2018 11:21 AM  
**To:** Kimberly W. Bojko; Brian Dressel; Terry.Etter@occ.ohio.gov  
**Cc:** Watts, Elizabeth H; Olive, Emily A.  
**Subject:** RE: Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Kim,

Yes, you still have not answered the key question: in what city will Fred Vonderhaar be on March 20? I've asked twice yet you respond only with information that I already know ("he is working off-site, out of state"). We need to arrange for a court reporter and conference room in the city in which Mr. Vonderhaar is working. The court reporter at Symmes Township's office for the other depositions cannot do his deposition from another state. Rather than lecture me about Saturday depositions and your alleged understanding about how telephonic depositions are conducted, please answer the question so that we may accommodate your client's request.

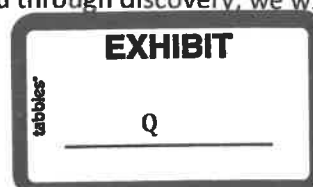
Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Kimberly W. Bojko [mailto:bojko@CarpenterLipps.com]  
**Sent:** Tuesday, March 13, 2018 11:09 AM  
**To:** Bob McMahon <bmcMahon@emclawyers.com>; Brian Dressel <dressel@CarpenterLipps.com>; Terry.Etter@occ.ohio.gov  
**Cc:** Watts, Elizabeth H <Elizabeth.Watts@duke-energy.com>; Olive, Emily A. <Emily.Olive@duke-energy.com>  
**Subject:** RE: Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Bob,  
Thank you for your email. Rest assured, we are working on all of your requests and have been upon receipt. We are well aware of the process, especially the typical PUCO process. We are also well aware of how depositions are conducted, including the need for a telephone to conduct the telephonic deposition. As you know, Mr. Vonderhaar is working off-site, out of state. He has limited availability and access. Due to this limited availability and access because of previously-scheduled work commitments and after Duke initially refused a telephonic deposition, we attempted to schedule his deposition in-person last Saturday to eliminate some of these difficulties, but Duke refused. His deposition and the other 6 could have already been completed had Duke not refused a Saturday deposition date (which by the way, I believe you agreed to during the prehearing conference with the attorney examiners). If and when we receive additional documents that have not already been produced to you through discovery, we will provide them to you per the discovery rules.



Please let me know if you have any questions.  
Thank you.  
Kim

**Kimberly W. Bojko**  
CARPENTER LIPPS & LELAND LLP  
Columbus ▪ New York ▪ Chicago  
280 Plaza, Suite 1300  
280 N. High Street  
Columbus, OH 43215  
(614) 365-4124  
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**From:** Bob McMahon [<mailto:bmcMahon@emclawyers.com>]  
**Sent:** Monday, March 12, 2018 3:35 PM  
**To:** Brian Dressel <[bdressel@CarpenterLipps.com](mailto:bdressel@CarpenterLipps.com)>; Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>;  
[Terry.Etter@occ.ohio.gov](mailto:Terry.Etter@occ.ohio.gov)  
**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>  
**Subject:** RE: Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Kim/Brian,

As I indicated by email last Wednesday (see highlighted portion below), we need to know where Fred Vonderhaar will be located on March 20 so that we can arrange for a court reporter and conference room in that location. We cannot use the court reporter in Ohio for a deposition in another state, meaning Mr. Vonderhaar cannot simply dial into the Symmes Township conference room that day. We also will need a conference line at Symmes Township for purposes of conducting Mr. Vonderhaar's deposition so please make those arrangements since we are accommodating your client's request to conduct his deposition by telephone. In addition, we need to get the exhibits to the out-of-state court reporter in advance so that the court reporter may present the exhibits to Mr. Vonderhaar in person. Therefore, if Mr. Vonderhaar intends to produce additional documents for his deposition in response to the previously filed and served notice of deposition, please produce them to us before Friday. Please call or email if you have any questions.

Regards,

Bob

Robert A. McMahon  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206  
(513) 533-3441 (direct)  
(513) 460-5490 (mobile)  
(513) 533-3554 (fax)  
[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)

**From:** Bob McMahon

**Sent:** Wednesday, March 07, 2018 8:16 PM

**To:** Brian Dressel <[dressel@CarpenterLipps.com](mailto:dressel@CarpenterLipps.com)>; Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>; Terry.Etter@occ.ohio.gov

**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>

**Subject:** RE: Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Brian/Kim,

I was meaning to email you earlier today but did not have a chance before having to leave for a day-long meeting, so thanks for following up and having a date available.

Regarding Fred Vonderhaar: based on your representations that Mr. Vonderhaar is on a long-term project out of state through the end of April and is not present in Ohio during the Mon-Friday work days, we are willing to make an exception for him and conduct his deposition telephonically. We need to know where Mr. Vonderhaar is working so that we can make arrangements for a court reporter, conference room, etc. in his location. As for the date of his deposition and the other depositions, we are willing to do all depositions on March 20, assuming we can make arrangements wherever Mr. Vonderhaar is located. While I don't think it is appropriate to delay the depositions another two weeks, we are not inclined to argue about that issue.

As for the other Complainants, you previously indicated by email and when we spoke on Friday that you will not make any other Complainants available for deposition even though Duke Energy Ohio previously noticed all Complainants' depositions without objection. While you may want to characterize this joint complaint as being similar to a class action, "Commission practice does not provide for class action complainants. In the event that a Complainant is successful, the Commission would apply its findings on a prospective basis to each customer similarly situated to the Complainant." *Weiss v. Cleveland Electric Illuminating Company*, Case No. 97-876-EL-CSS, (November 6, 1997, Entry); see also, *In the Matter of the Complaint of the City of Solon, Ohio on behalf of itself, and Certain Named Residential and Commercial Residents of the City of Solon v. The Cleveland Electric Illuminating Company*, Case No. 03-1407-EL-CSS (December 17, 2003, Entry). There simply is no need to keep more than 85 Complainants in this case, as we've explained in the past. But, if you choose to proceed with all named Complainants, Duke Energy Ohio has the right to depose every person who has asserted a claim against the company regardless of whether you intend to call them in your case. If you hold firm in your refusal to make all Complainants available for deposition, Duke Energy Ohio will move to dismiss them from this case. Therefore, please confirm in writing by close of business tomorrow whether you will produce all remaining Complainants for deposition.

Regards,

Bob

Robert A. McMahon

Eberly McMahon Copetas LLC

2321 Kemper Lane, Suite 100

Cincinnati, OH 45206

(513) 533-3441—direct

(513) 460-5490—mobile

(513) 533-3554—fax

[bmcmahon@emclawyers.com](mailto:bmcmahon@emclawyers.com)

[www.emclawyers.com](http://www.emclawyers.com)

**From:** Brian Dressel <[bdressel@CarpenterLipps.com](mailto:bdressel@CarpenterLipps.com)>

**Sent:** Wednesday, March 7, 2018 12:43 PM

**To:** Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>; Bob McMahon <[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)>; Terry.Etter@occ.ohio.gov

**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>; Kimberly W. Bojko <[bojko@CarpenterLipps.com](mailto:bojko@CarpenterLipps.com)>

**Subject:** RE: Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Bob,

We are writing following up on our conversation last Friday where you refused to conduct depositions on Saturdays in order to accommodate Complainants' schedules. Although we believe this is contrary to Commission practice, we have worked diligently to reschedule the depositions we offered for Saturday 3/10. As such, we can offer the below-listed Complainants for depositions on Tuesday, March 20, 2018. We also await your response regarding a phone deposition of Fred Vonderhaar.

Nicole Menkhaus

James Wulker

Dennis Mitman

Eric Hatifeld

Randall Fick

Thank you,

**Brian W. Dressel**

CARPENTER LIPPS & LELAND LLP

Columbus ▪ New York ▪ Chicago

280 Plaza, Suite 1300

280 N. High Street

Columbus, OH 43215

(614) 365-4131

[bdressel@carpenterlipps.com](mailto:bdressel@carpenterlipps.com)

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**From:** Kimberly W. Bojko

**Sent:** Thursday, March 01, 2018 6:41 PM

**To:** 'Bob McMahon' <[bmcMahon@emclawyers.com](mailto:bmcMahon@emclawyers.com)>; Terry.Etter@occ.ohio.gov

**Cc:** Watts, Elizabeth H <[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)>; Olive, Emily A. <[Emily.Olive@duke-energy.com](mailto:Emily.Olive@duke-energy.com)>; Brian Dressel <[bdressel@CarpenterLipps.com](mailto:bdressel@CarpenterLipps.com)>

**Subject:** RE: Duke 17-2344-EL-CSS - OCC's Notices to Take Depositions

Bob,

I am writing in response to a few of your emails and issues that you have raised in this case.

First, for tomorrow's depositions, we have a minor change in scheduling due to a work emergency of one complainant. We would like to switch the order of 2 depositions. Both Complainants have agreed to the switch. That change is John Gump would move up and be deposed from 4-5 pm and Marc Wahlquist would move back and be deposed from 5-6 pm. We hope that you are amenable to this minor change.



**Duke Energy Ohio**  
**Case No. 17-2344-EL-CSS**  
**Citizens Against Clearcutting First Set of Requests for Admission**  
**Date Received: January 25, 2018**

**CACC-RFA-01-001**

**REQUEST:**

Please admit that in the application that Duke submitted to modify its vegetation management program in Case No. 16-915-EL-ESS<sup>1</sup> stated that the proposed revisions to the vegetation management program “were made simply to clarify and make the terms more coherent” and that “[t]here are no substantive changes to the program.”

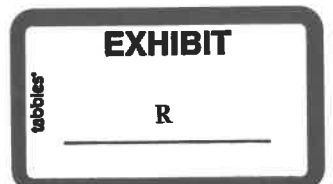
**RESPONSE:**

Objection. Duke Energy Ohio’s Application to modify its Programs for Inspection, Maintenance, Repair and Replacement of Distribution and Transmission Lines, Section (f), as filed in Case No. 16-915-EL-ESS, speaks for itself.

**PERSON RESPONSIBLE:** Legal

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<sup>1</sup> *In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of Revised Paragraph (f) of Its Programs for Inspection, Maintenance, Repair and Replacement of Distribution and Transmission Lines*, Case No. 16-915-EL-ESS Application (April 28, 2016).



**Duke Energy Ohio**  
**Case No. 17-2344-EL-CSS**  
**Citizens Against Clear Cutting First Set of Interrogatories**  
**Date Received: January 25, 2018**

**CACC-INT-01-001**

**REQUEST:**

Which specific transmission lines, identified by circuit number and location, does Duke own in Hamilton County, Symmes Township, Deerfield Township, Montgomery, and Clermont County, Ohio? Please identify with specificity.

**RESPONSE:** Objection. This Interrogatory is overly broad and unduly burdensome. Furthermore, it seeks information that is irrelevant and not likely to lead to the discovery of admissible evidence.

**PERSON RESPONSIBLE:** Legal



**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**3/14/2018 5:30:52 PM**

**in**

**Case No(s). 17-2344-EL-CSS**

Summary: Motion for Protective Order electronically filed by Mr. Brian W Dressel on behalf of Complainants