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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke Energy Ohio To Modify Its Market-Based Standard Service Offer.	)	Case No. 06-986-EL-UNC
In the Matter of the Application of The Cincinnati Gas & Electric Company To Modify its Non-Residential Generation Rates to Provide for Market-Based Standard Service Offer Pricing and to Establish a Pilot Alternative Competitively-Bid Service Rate Option Subsequent to Market Development Period.	)	Case No. 03-93-EL-ATA
In the Matter of the Application of The Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Certain Costs Associated with The Midwest Independent Transmission System Operator.	)	Case No. 03-2079-EL-AAM
In the Matter of the Application of The Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Capital Investment in its Electric Transmission and Distribution System And to Establish a Capital Investment Reliability Rider to be Effective After the Market Development Period.	)	Case No. 03-2081-EL-AAM Case No. 03-2080-EL-ATA
In the Matter of the Application of Duke Energy Ohio, Inc. to Modify Its Fuel and Economy Purchased Power Component of Its Market-Based Standard Service Offer.	)	Case No. 06-1068-EL-UNC
In the Matter of the Application of the Cincinnati Gas & Electric Company to Modify Its Fuel and Economy Purchased Power Component of Its Market-Based Standard Service Offer.	)	Case No. 05-725-EL-UNC

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In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust and Set its System Reliability Tracker.	)))	Case No. 06-1069-EL-UNC
In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust and Set its System Reliability Tracker Market Price.	)))	Case No. 05-724-EL-UNC
In the Matter of the Application of Duke Energy Ohio, Inc. To Adjust and Set the Annually Adjusted Standard Service Offer.	))))	Case No. 06-1085-EL-UNC

RETURN OF SERVICE

State of Ohio)
) ss.
County of Franklin)

_____, being duly sworn, states that he is over eighteen (18) years of age, and that on _____, at approximately _____ __.m., he served the within subpoena on _____, by delivering a copy thereof to said person at_____.

_____

Subscribed and sworn to before me this the _____ day of _____, 2006

_____

06-986-EL-UNC et al.

STATE OF OHIO
PUBLIC UTILITIES COMMISSION
180 EAST BROAD STREET
COLUMBUS, OHIO 43266-0573

Robert Taft
GOVERNOR

THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA DUCES TECUM

TO: Charles R. Whitlock
President
Duke Energy Retail Sales LLC
139 East Fourth Street, EA600
Cincinnati, Ohio 45202

Upon application of Counsel for the Office of the Ohio Consumers' Counsel ("OCC"), the Duke Energy Retail Sales, LLC ("DERS") by its attorney or statutory agent is hereby required to make available Mr. Charles R. Whitlock to appear for oral examination on January 3, 2007 at the offices of the OCC (10 W. Broad Street, 18th Floor, Columbus, Ohio 43215) at 1:00 p.m. and submit to oral testimony by cross examination by the OCC regarding Case Nos. 06-986-EL-UNC, 03-93-EL-ATA, 03-2079-EL-AAM, 03-2081-EL-AAM, 03-2080-EL-ATA, 06-1068-EL-UNC, 05-725-EL-UNC, 06-1069-EL-UNC, 05-724-EL-UNC, and 06-1085-EL-UNC, all cases related to Duke Energy Ohio, Inc.'s standard service offer charges. In addition, you are required at said time and place to provide to the OCC i) all documents containing any and all agreements between DERS and customers of Duke Energy related to the sale or possible sale of electric power or energy, ii) all documents containing any and all agreements between each and every affiliate company of DERS and customers of Duke Energy, iii) all documents containing correspondence related to these agreements, including e-mail and other forms of

correspondence with, by way of example only, Duke Energy customers, and representatives of companies affiliated with DERS, and iv) all documents in the possession and control of DERS pertaining to the aforementioned agreements.

Dated at Columbus, Ohio, this 13th day of December, 2006.

BY: Ven W Kn

TITLE: Attorney Examiner, P.U.C.O.