

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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PUCO

Consolidated Duke Energy Ohio, Inc., Rate)	Case Nos. 03-93-EL-ATA
Stabilization Plan Remand and Rider)	03-2079-EL-AAM
Adjustment Cases.)	03-2081-EL-AAM
)	03-2080-EL-ATA
)	05-724-EL-UNC
)	05-725-EL-UNC
)	06-1068-EL-UNC
)	06-1069-EL-UNC
)	06-1085-EL-UNC

**MOTION FOR
SUBPOENA TO DENIS GEORGE**

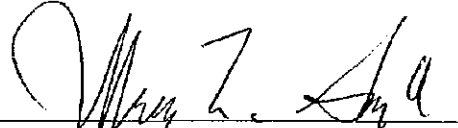
Now comes the Office of the Ohio Consumers' Counsel ("OCC") and, pursuant to Ohio Adm. Code 4901-1-25, hereby respectfully moves the Public Utilities Commission of Ohio ("Commission" or "PUCO"), any commissioner, the legal director, the deputy legal director, or the attorney examiner assigned to this case to issue a subpoena compelling Denis George to appear at hearing and provide oral testimony as on cross-examination on March 20, 2007 at 1:00 p.m. and attend from day to day until called to testify by the OCC at the Commission offices (180 E. Broad Street, 11th Floor, Columbus, Ohio 43215) to provide testimony concerning matters before the Commission in the above-captioned cases.

Grounds for this Motion are set forth in the accompanying Memorandum in Support.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Am Date Processed 3/8/07

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

A handwritten signature in black ink, appearing to read "Jeffrey L. Small", written over a horizontal line.

Jeffrey L. Small, Trial Attorney

Ann M. Hotz

Larry S. Sauer

Assistant Consumers' Counsel

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Consolidated Duke Energy Ohio, Inc., Rate)	Case Nos. 03-93-EL-ATA
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)	06-1085-EL-UNC

MEMORANDUM IN SUPPORT

The OCC requests a subpoena, pursuant to Ohio Adm. Code 4901-1-25, to command Denis George to appear and provide oral testimony as on cross-examination on March 20, 2007 at 1:00 p.m. and attend the hearing from day to day until called to testify by the OCC at the Commission offices (180 E. Broad Street, 11th Floor, Columbus, Ohio 43215) in the above-captioned proceedings.

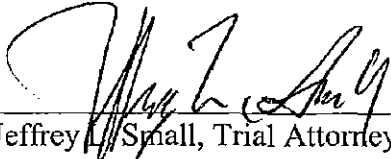
The above-captioned cases all involve Duke Energy Ohio, Inc.'s standard service charges. Evidence regarding the price components proposed for standard service offer pricing of generation service and agreements entered into by Duke Energy Ohio, Inc., directly or indirectly using its affiliated companies, are expected to be central to the issues on remand from the Ohio Supreme Court. *Ohio Consumers' Counsel v. Public Util. Comm.*, 111 Ohio St.3d 300, 2006-Ohio-5789. Mr. George is employed by Kroger, a

customer of Duke Energy Ohio, and was involved in Kroger's energy procurement during the time of the litigation of the Duke Energy Ohio, Inc. rate stabilization plan case (Case No. 03-93-EL-ATA, et al.). Mr. George is knowledgeable about Kroger's procurement of electricity from Duke Energy Ohio, Inc. and its affiliated companies before, during, and after the period in which the rate stabilization case was pending before appeal. He will be able to provide in-depth information regarding these matters.

Mr. George's full participation in the examination will facilitate a full and complete development of the cases before the Commission, including the ultimate record upon which the Commission will base its decision.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



Jeffrey L. Small, Trial Attorney

Ann M. Hotz

Larry S. Sauer

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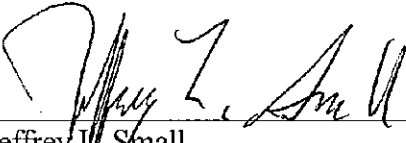
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Subpoena of Denis George was served electronically upon the addresses listed (taken from the Hearing Examiners' electronic list, as supplemented) on the 8th day of March, 2007.



Jeffrey L. Small
Assistant Consumers' Counsel

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PUBLIC UTILITIES COMMISSION
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COLUMBUS, OHIO 43266-0573

Ted Strickland
GOVERNOR



THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA

TO: Denis George
1209 Ridgewood Drive
Loveland, Ohio 45140

Upon application of Counsel for the Office of the Ohio Consumers' Counsel ("OCC"), Denis George is hereby required to appear on March 20, 2007, at 1:00 p.m., at the offices of the Public Utilities Commission of Ohio (180 E. Broad Street, 11th Floor, Columbus, Ohio 43215), and attend the hearing from day to day until called by OCC to testify. The witness shall submit to oral testimony upon cross-examination by the OCC.

Dated at Columbus, Ohio, this 8th day of March, 2007.

BY:

Scott Zank

TITLE:

Attorney Examiner