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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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 GREGORY FICKE

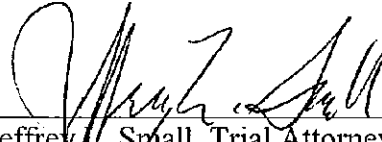
Now comes the Office of the Ohio Consumers' Counsel ("OCC") and, pursuant to Ohio Adm. Code 4901-1-25, hereby respectfully moves the Public Utilities Commission of Ohio ("Commission" or "PUCO"), any commissioner, the legal director, the deputy legal director, or the attorney examiner assigned to this case to issue a subpoena compelling Gregory Ficke 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.

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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", is 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 Gregory Ficke 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.

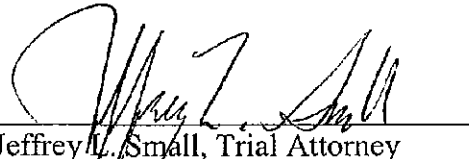
The above-captioned cases all involve Duke Energy Ohio, Inc.'s standard service charges. Evidence regarding the price components proposed for standard service offer pricing of generation service and agreements entered into by Duke Energy Ohio, Inc., directly or indirectly using its affiliated companies, 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. Ficke is currently a consultant to one or more of the Duke-affiliated companies, and was the President of Duke Energy Ohio,

Inc. (i.e. in its predecessor's name, the Cincinnati Gas and Electric Company) during the period when Case No. 03-93-EL-ATA, et al. was pending before the Commission before it was appealed. Mr. Ficke is therefore knowledgeable regarding matters that involve Duke Energy Ohio, Inc. during an important period in the development of Case No. 03-93-EL-ATA, et al.

Mr. Ficke'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

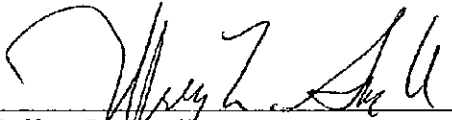
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Ann M. Hotz
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Subpoena of Gregory Ficke 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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Ted Strickland
GOVERNOR



THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA

TO: Gregory C. Ficke
6562 Neville Court
Mason, Ohio 450040

Upon application of Counsel for the Office of the Ohio Consumers' Counsel ("OCC"), Gregory Ficke 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:

A handwritten signature in cursive script, appearing to read "Scott Jankovic", written over a horizontal line.

TITLE:

A handwritten signature in cursive script, appearing to read "Attorney Examiner", written over a horizontal line.