

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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|   |   |                        |
|---|---|------------------------|
| 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         |

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**MOTION FOR  
SUBPOENA TO JAMES ZIOLKOWSKI**

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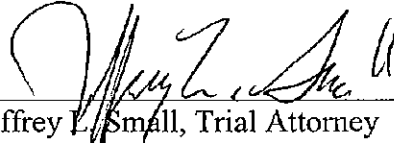
Now comes the Office of the Ohio Consumers' Counsel ("OCC") and, pursuant to Ohio Adm. Code 4901-1-25, hereby respectfully moves the Public Utilities Commission of Ohio ("Commission" or "PUCO"), any commissioner, the legal director, the deputy legal director, or the attorney examiner assigned to this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

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The OCC requests a subpoena, pursuant to Ohio Adm. Code 4901-1-25, to command James Ziolkowski 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.

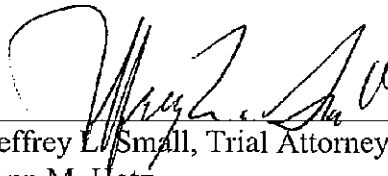
The above-captioned cases all involve Duke Energy Ohio, Inc.'s standard service charges. Evidence regarding the price components proposed for standard service offer pricing of generation service and agreements entered into by Duke Energy Ohio, Inc., directly or indirectly using its affiliated companies,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

Supervisor employed by Duke Energy Shared Services, Inc., the service company whose employees provide professional services to a range of Duke-affiliated companies. Mr. Ziolkowski was a witness for Duke Energy Ohio, Inc. (i.e. in its predecessor's name, the Cincinnati Gas and Electric Company) in Case No. 03-93-EL-ATA before the appeal of the case to the Ohio Supreme Court. Mr. Ziolkowski is knowledgeable about matters that are the subject of the hearing in the above-captioned cases.

Mr. Ziolkowski'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

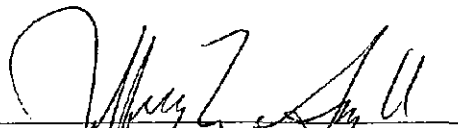


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## CERTIFICATE OF SERVICE

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

  
\_\_\_\_\_  
Jeffrey L. Small  
Assistant Consumers' Counsel

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

Ted Strickland  
GOVERNOR



THE PUBLIC UTILITIES COMMISSION OF OHIO  
SUBPOENA

**TO:** James Ziolkowski  
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Cincinnati, Ohio 45209

Upon application of Counsel for the Office of the Ohio Consumers' Counsel ("OCC"), James Ziolkowski 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 8<sup>th</sup> day of March, 2007.

**BY:**

Scott A. Arbas

**TITLE:**

Attorney Examiner