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APPEARANCES:

Mr. Paul A. Colbert
155 East Broad Street
21st Floor
Columbus, Ohio 43215

On behalf of Duke Energy Ohio.

Mr. Jeffrey L. Small
Assistant Consumers' Counsel
10 West Broad Street
Suite 1800
Columbus, Ohio 43215-3485

On behalf of the Residential
Ratepayers of Duke Energy Ohio.

Boehm Kurtz & Lowry
1510 URS Center
By Mr. Michael L. Kurtz
and
Mr. Kurt Boehm
36 East Seventh Street
Cincinnati, Ohio 45202

On behalf of the Ohio Energy
Group and Kroger.

ALSO PRESENT:
Ms. Beth Hixon
Ms. Anita M. Schafer

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Wednesday Morning Session,
February 21, 2007.

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MR. SMALL: This deposition is taken in case 03-93-EL-ATA and consolidated cases before the Public Commission of Ohio. It is also taken in case 06-986-EL-UNC, a related but separate matter before the Public Utilities Commission of Ohio.

This deposition is taken pursuant to notice to Kroger, agreement as to date and location between the parties. And all parties were notified of the change in location and the time and date of this deposition.

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DENIS GEORGE

being by me first duly sworn, as hereinafter certified, deposes and says as follows:

CROSS-EXAMINATION

By Mr. Small:

Q. For the court reporter would you state and spell your name?

A. Denis, D-E-N-I-S E. George,
G-E-O-R-G-E.

1 Q. Mr. George, I think you and I are --
2 you are familiar with me. I am Jeff Small, I
3 represent the Office of the Ohio Consumers'
4 Counsel and the residential customers of Duke
5 Energy Ohio.

6 A. Nice to see you again.

7 Q. Nice to see you again. I am sure
8 that you have testified. Have you ever had your
9 deposition taken?

10 A. I have.

11 Q. Okay. I am sure that you have been
12 deposed and testified many times. I have just a
13 few things for reminders. Please respond
14 audibly so the court reporter can take down your
15 responses. Let me know if you don't understand
16 a question. Let me know if you think of
17 something that requires revision of one of your
18 answers.

19 Let me know if you need a break.
20 I don't expect this to be a lengthy deposition,
21 but there will probably be an opportunity to
22 take a break sometime during the course of the
23 deposition day.

24 Please respond to my questions

1 unless you are instructed by your counsel
2 otherwise. Your counsel is Mr. Kurtz here
3 today?

4 A. Yes.

5 Q. All right. Do you understand those
6 instructions?

7 A. Yes, I do.

8 Q. Thank you. I would like to know a
9 little bit about your background as far as
10 positions that you have had. And I understand
11 that you at one point worked for Dayton Power &
12 Light; is that correct?

13 A. That is correct.

14 Q. And what position did you hold
15 there?

16 A. I held several positions there. I
17 started there in 1980 as a gas supply analyst.
18 I held that position from 1980 on 1982. I was a
19 summer legal intern there in the summer of 1983.

20 From 1985 to 1990 I was counsel.
21 1990 to 1993 I was supervisor of regulatory
22 activities. 1993 to 1995 I was Associate
23 General Counsel.

24 Q. In your position as supervisor of

1 regulatory activities did you have supervisory
2 responsibilities regarding the tariffs for
3 Dayton Power & Light?

4 A. Yes.

5 Q. You departed Dayton Power & Light in
6 1995?

7 A. December of 1995.

8 Q. What was your position after that?

9 A. I was Vice President and General
10 Manager Stand, S-T-A-N-D, Energy Corporation in
11 Cincinnati.

12 Q. What were your responsibilities in
13 that position?

14 A. Many and varied. But the general
15 management of the daily affairs of the company.
16 I helped create an electricity trading desk and
17 oversaw the company's regulatory interventions.

18 Q. Those would be regulatory
19 interventions including before the Public
20 Utilities Commission of Ohio?

21 A. Yes.

22 Q. What was your next position?

23 A. Well, between -- I left Stand in
24 March of 1997. And I did not have a position

1 until June of 1999 when I joined Kroger.

2 Q. What position did you hold when you
3 joined Kroger in 1999?

4 A. Corporate Energy Manager. The
5 position I hold now.

6 Q. What are your responsibilities in
7 that position?

8 A. I am responsible for energy and
9 natural gas procurement for the company in areas
10 where such things are possible. I am
11 responsible for implementation of energy
12 efficiency programs in our facilities. I am
13 responsible for overseeing utility relationships
14 as well as regulatory interventions. And I also
15 have responsibility for energy information and
16 reporting within the company.

17 Q. In your role as -- or one of your
18 duties to procure energy where it is possible,
19 does that include electricity in Ohio since
20 electric restructuring started January 1st,
21 2001?

22 A. Yes.

23 MR. SMALL: I am going to mark a
24 number of exhibits. And I will put before you

1 all the exhibits that I have today. Then I will
2 direct your attention to one part of it or
3 another. So at this point in time I would like
4 to mark Exhibits A, B, C, and D.

5 (EXHIBITS MARKED FOR THE PURPOSES OF
6 IDENTIFICATION)

7 (DISCUSSION OFF THE RECORD)

8 (Beginning of the Confidential
9 portion of the deposition)

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1 MR. SMALL: All right. That
2 concludes my questions then. I appreciate you
3 taking the time out to do the deposition.

4 THE WITNESS: My pleasure. Thank
5 you.

6 (At 12:50, P.M. the deposition was
7 concluded)

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State of Ohio :
County of Hamilton : SS:

I, Denis George, do hereby certify that I have read the foregoing transcript of my deposition given on February 21, 2007; that together with the correction page attached hereto noting changes in form or substance, if any, it is true and correct.



Denis George

I do hereby certify that the foregoing transcript of the deposition of Denis George was submitted to the witness for reading and signing; that after he had stated to the undersigned Notary Public that he had read and examined his deposition, he signed the same in my presence on the _____ day of _____, 2007.

Notary Public

My commission expires _____, 20____.

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