

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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2008 FEB -8 PM 3:54  
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In the Matter of the Application of )  
Duke Energy Ohio, Inc. for an ) Case No. 07-589-GA-AIR  
Increase in Gas Rates. )

In the Matter of the Application of )  
Duke Energy Ohio, Inc. for ) Case No. 07-590-GA-ALT  
Approval of an Alternative Rate )  
Plan for its Gas Distribution )  
Service. )

In the Matter of the Application of )  
Duke Energy Ohio, Inc. for ) Case No. 07-591-GA-AAM  
Approval to Change Accounting )  
Methods. )

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**AMENDED  
NOTICE TO TAKE DEPOSITION UPON ORAL EXAMINATION OF  
PAUL G. SMITH  
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

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Pursuant to Ohio Adm. Code Rule 4901-1-21(B), please take notice that the Ohio Consumers' Counsel ("OCC") will take the oral deposition of all individuals for whom testimony is filed or will be filed in the above-captioned matters or who have knowledge and expertise with the subject matter of these proceedings on behalf of Duke Energy Ohio, Inc. including, but not limited to, Paul G. Smith, Vice President, Rates Ohio and Kentucky. The deposition will take place at the offices of Duke Energy-Ohio, 139 East Fourth Street, Atrium II Building, 25<sup>th</sup> Floor, Cincinnati, Ohio 45201, at 3:00 p.m. on Friday, February 15, 2008, or such other place and time as are mutually agreed upon by Duke Energy Ohio, Inc. and the OCC. Deponent will appear at designated time with

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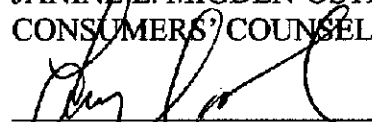
documents and remain present until deposed. Parties are invited to attend and cross-examine.

The deposition will be taken of the aforementioned deponent on relevant topics within the scope of these proceedings, including but not limited to, the subject matter of the deponent's testimony or the deponent's knowledge and expertise with the subject matter of this proceeding. The deposition will be taken upon oral examination (as upon cross-examination) before an officer authorized by law to take depositions and will continue from day to day, except for holidays and weekends, until completed.

Pursuant to Ohio Adm. Code Rules 4901-1-21(E) and 4901-1-20, the deponent is requested to produce at the time of her deposition all documents relating to her testimony or the deponent's knowledge and expertise with the subject matter of these proceedings and/or the deponent's responses to discovery, including, but not limited to, the results of any studies done for these proceedings and any backup documentation, including raw data, for those studies.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL



Larry S. Sauer, Counsel of Record

Joseph P. Serio

Michael E. Idzkowski

Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

10 West Broad Street, Suite 1800

Columbus, Ohio 43215-3485

614-466-8574 (Telephone)

614-466-9475 (Facsimile)

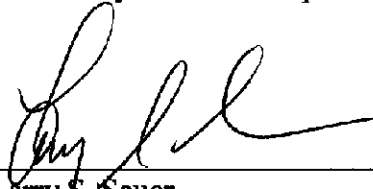
[sauer@occ.state.oh.us](mailto:sauer@occ.state.oh.us)

[serio@occ.state.oh.us](mailto:serio@occ.state.oh.us)

[idzkowski@occ.state.oh.us](mailto:idzkowski@occ.state.oh.us)

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the OCC's Amended Notice to Take Deposition and Request for Production of Documents was served on the persons stated below via first class U.S. Mail, prepaid postage, and electronically served to all parties this 8<sup>th</sup> day of February 2008.

  
Larry S. Sauer  
Assistant Consumers' Counsel

### **PARTIES OF RECORD**

Paul A. Colbert  
John Finnigan  
Associate General Counsel  
Duke Energy Ohio  
139 Fourth Street, Room 25 ATII  
Cincinnati, Ohio 45201

Thomas Lindgren  
William Wright  
Attorney General's Office  
Public Utilities Section  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, Ohio 43215

David F. Boehm  
Michael L. Kurtz  
Kurt J. Boehm  
Boehm, Kutz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202-4454

David Rinebolt  
Ohio Partners for Affordable Energy  
231 West Lime Street  
P.O. Box 1793  
Findlay, Ohio 45839-1793

John M. Dosker  
General Counsel  
Stand Energy Corporation  
1077 Celestial Street, Suite 110  
Cincinnati, Ohio 45202-1629

Sally W. Bloomfield  
Thomas J. O'Brien  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, Ohio 43215-4219

John W. Bentine  
Mark S. Yurick  
Chester, Willcox & Saxbe LLP  
65 East State Street, Suite 1000  
Columbus, Ohio 43215-4213

Mary W. Christensen  
Christensen Christensen Donchatz  
Kettlewell & Owens, LLC  
100 East Campus View Blvd. Suite 360  
Columbus Ohio 43235

Howard Petricoff  
Vorys, Sater, Seymour and Pease LLP  
52 E. Gay Street  
Columbus Ohio 43215