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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

- |  |   |   |                        |
|--|---|---|------------------------|
| <b>In the Matter of the Application of Duke<br/>Energy Ohio, Inc., for an Increase in Electric<br/>Distribution Rates.</b>                     | ) | ) | Case No. 08-709-EL-AIR |
|  | ) | ) |                        |
| <b>In the Matter of the Application of Duke<br/>Energy Ohio, Inc., for a Tariff Approval.</b>  | ) | ) | Case No. 08-710-EL-ATA |
|  | ) | ) |                        |
| <b>In the Matter of the Application of Duke<br/>Energy Ohio, Inc., for Approval to Change<br/>Accounting Methods.</b>                          | ) | ) | Case No. 08-711-EL-AAM |
|  | ) | ) |                        |
| <b>In the Matter of the Application of Cincinnati<br/>Gas &amp; Electric Company for Approval of its<br/>Rider BDP, Backup Delivery Point.</b> | ) | ) | Case No. 06-718-EL-ATA |
|  | ) | ) |                        |

**NOTICE OF DEPOSITION TO DUKE ENERGY OHIO**

PLEASE TAKE NOTICE that pursuant to Rule 4901-1-21(F) of the Ohio Administrative Code, Intervenor The Ohio Cable Telecommunications Association ("the OCTA") will take the deposition of Donald L. Storck, and such other representatives of Duke Energy Ohio ("Duke") who are capable of responding fully to questions related to the subjects described in Attachment A before a person authorized to administer an oath at the offices of Vorys, Sater, Seymour and Pease LLP, 221 East Fourth Street, Suite 2000, Atrium Two, Conference Room II, Cincinnati, Ohio 45202, commencing at 9:00 a.m. on Friday, November 21, 2008. The deposition will be recorded stenographically and by video tape.

The subjects for examination are set forth below. To the extent that Mr. Storck is not prepared to answer questions fully concerning the matters in the listed subject areas, Duke shall designate and produce for deposition those people who are so prepared. If Mr. Storck is not prepared to answer questions in any subject area, Duke

should identify such person who is so prepared and set forth for each such person the matters on which that person will testify and shall provide such information to the OCTA at least five (5) business days before the deposition.

#### **DEFINITIONS**

1. The term "Duke" shall mean Duke Energy Ohio and all predecessors.
2. The term "Distribution Pole," when referring to a pole fully or partially owned by Duke, means a pole whose investment is contained within FERC Account 364, including drop and lift poles.

#### **SUBJECTS FOR EXAMINATION AT DEPOSITION**

1. All arrangements of any kind (including license agreements, joint use agreements, joint ownership agreements and any other kind of agreements or arrangements) that Duke has (and has had since 2000) regarding use of Duke's Distribution Poles for the attachment of facilities.
2. Duke's proposed pole attachment rate of \$14.42 per attachment, including all related calculations and backup calculations and records.
3. The number of Distribution Poles represented in Duke's Account 364 since 2000.
4. Duke's continuing property records for Account 364 since 2000, including all adjustments, if any, made to those records since 2000.
5. Any audits and/or safety inspections of Duke's Distribution Poles since 2000.
6. Duke's practices regarding retirement of Distribution Poles since 2000, including accounting for such retirements.

7. Duke's costs of removal of Distribution Poles and its salvage value for Distribution Poles since 2000.

8. The potential impact of Duke's proposed increase in pole attachment rates on the rates for residential electric service, including the impact on such rates on a per kilowatt hour basis.

9. The conduct of the "recent pole attachment audit" referred to at page 12 of Mr. Storck's direct testimony, including the accuracy of such audit, the basis for findings of "unauthorized attachments" in such audit, and the nature and basis for any findings of "safety violations" caused by Duke or members of the OCTA in such audit.

10. All prior pole attachment audits conducted by Duke since 1995.

11. The reason why Duke's existing Tariff does not address "unauthorized attachments."

12. The accuracy of Duke's records regarding permits for pole attachments applied for and obtained by parties that are attached to Duke's poles.

13. The conduct of all parties attached to Duke's Distribution Poles (including OCTA members and Duke) with response to the results of the recent pole attachment audit.

14. Duke's costs of maintaining, inspecting and inventorying the pole attachments on its Distribution Poles.

15. Duke's basis for and interpretation of the language in the "Applicability" section of Duke's proposed Tariff.

16. Duke's basis for and interpretation of the language in the "Agreement" section of Duke's proposed Tariff.

17. Duke's basis for and interpretation of the language in the "Attachment Charges" section of Duke's proposed Tariff.

18. Duke's basis for and interpretation of the language in the "Payment" section of Duke's proposed Tariff.

19. Duke's basis for and interpretation of the language in the "Application" section of Duke's proposed Tariff.

20. Duke's basis for and interpretation of the language in the "Technical Manuals" section of Duke's proposed Tariff.

21. Duke's basis for and interpretation of the language in the "Technical Specifications" section of Duke's proposed Tariff.

22. Duke's basis for and interpretation of the language in the "Replacement Costs" section of Duke's proposed Tariff.

23. Duke's basis for and interpretation of the language in the "Rearranging Costs" section of Duke's proposed Tariff.

24. Duke's basis for and interpretation of the language in the "Inspections" section of Duke's proposed Tariff.

25. Duke's basis for and interpretation of the language in the "Safety Violations" section of Duke's proposed Tariff.

26. Duke's basis for and interpretation of the language in the "Indemnification" section of Duke's proposed Tariff.

27. Duke's basis for and interpretation of the language in the "Supply of Electric Service" section of Duke's proposed Tariff.

28. Duke's basis for and interpretation of the language in the "Use by Third Parties" section of Duke's proposed Tariff.

29. Duke's basis for and interpretation of the language in the "Bond" section of Duke's proposed Tariff.

30. Duke's basis for and interpretation of the language in the "Default" section of Duke's proposed Tariff.

31. Duke's basis for and interpretation of the language in the "Expiration of Agreement" section of Duke's proposed Tariff.

32. The embedded and net costs of distribution poles owned by Duke affiliates in Kentucky and North Carolina.

33. The reasons for any differences in Duke's embedded and net pole costs when compared to the embedded and net pole costs of Duke's affiliates in Kentucky and North Carolina.

34. Any arrangements or plans by Duke for the provision of telecommunications, data or video or services, either alone or in conjunction with other entities.

Respectfully submitted,



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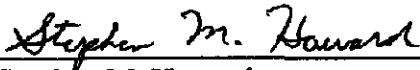
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing document was served upon the following persons via email, this 13<sup>th</sup> day of November, 2008.

  
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