

FILE



RECEIVED-DOCKETING DIV

2008 DEC 24 AM 10: 39

PUCO

139 East Fourth Street, R. 25 At II
P.O. Box 960
Cincinnati, Ohio 45201-0960
Tel: 513-419-1837
Fax: 513-419-1846
dianne.kuhnell@duke-energy.com

Dianne B. Kuhnell
Senior Paralegal

VIA OVERNIGHT MAIL DELIVERY

December 23, 2008

Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Re: Case No. 08-709-EL-AIR

Dear Docketing Division:

Enclosed please find for filing an original and twenty-two copies each of the Notice of Deposition of Jonathon McGee and the Notice of Deposition of Edward Kozalek.

Please file-stamp and return two copies of each in the envelope provided.

Should you have any questions, please contact me at (513) 419-1837.

Very truly yours,


Dianne Kuhnell
Senior Paralegal

Enclosure

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 5 Date Processed - DEC 24 2008

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

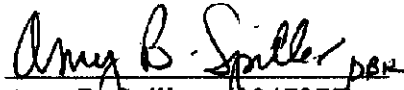
In The Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Electric Distribution Rates)))	Case No. 08-709-EL-AIR
In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval)))	Case No. 08-710-EL-ATA
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval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

NOTICE OF DEPOSITION DUCES TECUM OF JONATHON MCGEE

Please take notice that pursuant to Rule 4901-1-2(F) of the Ohio Administrative Code (OAC), and by its counsel, Petitioner, Duke Energy Ohio will take the deposition of Jonathon McGee on January 16, 2009, beginning at 9:00 a.m. and continuing thereafter until completed. The deposition will take place at the offices of Duke Energy Ohio, 155 E. Broad Street, 21st Floor, Columbus, Ohio 43215, and will be recorded by a court stenographer authorized to issue oaths. Said deposition will be taken as if on cross-examination for purposes of discovery, use at the trial and or hearing, and all other uses permitted under the Ohio Rules of Civil Procedure and Evidence.

The deponent is requested to bring to the deposition the documents identified in the attached Exhibit A.

Respectfully submitted,

Handwritten signature of Amy B. Spiller in cursive, with a horizontal line drawn across it.

Amy B. Spiller (0047277)

Associate General Counsel

Elizabeth Watts (0031092)

Associate General Counsel

Duke Energy Ohio

139 East Fourth Street, Rm. EA025

P.O. Box 960

Cincinnati, Ohio 45201

(513) 419-1810 (Telephone)

(513) 419-1846 (Facsimile)

E-mail: amy.spiller@duke-energy.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered on this the 28th day of December, 2008, via electronic mail or ordinary US mail delivery, postage prepaid, to the following:

Ohio Consumers' Counsel
Ann M. Hotz, Counsel of Record
10 W Broad Street, Suite 1800
Columbus, OH 43215-3420

Boehm, Kurtz & Lowry
David Boehm/ Michael Kurtz
36 East 7th Street
URS Building, Suite 1510
Cincinnati, OH 45202-4454

Chester, Willcox & Saxbe LLP
John W. Bentine/ Mark Yurick
65 E State Street, Suite 1000
Columbus, OH 43215-4216

Bricker & Eckler, LLP
Sally Bloomfield/ Thomas O'Brien
100 S. Third Street
Columbus, OH 43215-4236

Ohio Partners for Affordable Energy
David Rinebolt/ Colleen Mooney
231 West Lima Street
Findaly, OH 45840-3033

McNees, Wallace & Nurick LLC
Joseph M. Clark
21 East State St., 17th Floor
Columbus, OH 43215-4225

Greater Cincinnati Health Council
Douglas E. Hart
441 Vine Street, Suite 4192
Cincinnati, OH 45202-2852

Vorys, Sater, Seymour & Pease
Steven M. Howard/ Gardner F. Gillespie
52 E Gay Street
P.O. Box 1008
Columbus, OH 43215-3108

PUCO
Stephen Reilly
Attorney General's Office
180 East Broad Street, 9th Floor
Columbus, OH 43215-3707

People Working Cooperatively, Inc.
Mary W. Christensen, Esq.
100 E. Campus View Blvd.
Columbus, OH 43235-4679


Amy B. Spiller

EXHIBIT A

NOTICE OF DEPOSITION DUCES TECUM

The term "Documents" means documents as that term is used in Rule 34 of the Federal Rules of Civil Procedure, including without limitation, any written, printed, electronic, recorded or photographic matter or sound reproduction, and specifically including but not limited to contracts, agreement, letters, correspondence, e-mail, memoranda, telegrams, handwritten notes, books, records, reports, orders, security agreements, financing statements, mortgages, checks, drafts, sales records, invoices, bills, working papers, diaries, charts, papers, notes, indices, lists, inventories, computer printouts, accounting records, ledger sheets, statements, analyses, forecasts, instructions, manuals, pamphlets, brochures, flyers, announcements, schedules, written memorials of personal or telephone conversations or meetings or conferences and all other interoffice and intraoffice communications, teletypes, correspondence, worksheets, minutes, data processing cards, photographs, films, or any other writing however produced or reproduced or any computer file, server, tape, computer disk, or electronic sound recording. In the event that the original or non-identical copy of a document is not available, "documents" means an identical copy of an original or a copy of a non-identical copy. Any document bearing notations, markings or writing of any kind differing from the original shall be treated as an original document.

The items to be produced by the deponent at this deposition are as follows:

1. All documents evidencing or confirming payment made by Time Warner Cable to Duke Energy Ohio and its predecessors, for attachments made by TWC to Duke Energy Ohio's poles. For purposes of this request, documents include, but are not limited to, invoices, cancelled checks, and accounts payable ledgers.
2. All documents regarding all audits of TWC's attachments to Duke Energy Ohio's poles from 1999 to the present.
3. All documents concerning the work performed by or on behalf of TWC from 2000 to the present to install anchors for its attachments to Duke Energy Ohio's poles. For purposes of this request, documents include, but are not limited to, work orders, drawings, bills of lading or purchase, time sheets, contracts with third parties, and invoices.
4. All documents concerning the work performed by or on behalf of TWC from 2000 to the present to complete the guying of its attachments to Duke Energy Ohio's poles. For purposes of this request, documents include, but are not limited to, work orders, drawings, bills of lading or purchase, time sheets, contracts with third parties, and invoices.
5. All documents concerning the work performed by or on behalf of TWC from 2000 to the present to reduce the size of TWC's cable bundles attached to Duke Energy

Ohio's poles. For purposes of this request, documents include, but are not limited to, work orders, drawings, bills of lading or purchase, time sheets, contracts with third parties, and invoices.

6. All documents concerning the work performed by or on behalf of TWC from 2000 to the present in response to the violations identified in any audit of TWC's attachments to Duke Energy Ohio's poles. For purposes of this request, documents include, but are not limited to, work orders, drawings, bills of lading or purchase, time sheets, contracts with third parties, and invoices.
7. All documents concerning meetings between TWC and Duke Energy Ohio representatives from 2000 to the present; said meetings at which any audit of TWC's attachments to Duke Energy Ohio's poles were discussed.
8. All agreements in effect from 2000 to the present between TWC and Time Warner Telecomm pursuant to which TWTC attached or overlashed to TWC's attachments to Duke Energy Ohio's poles.
9. All agreements in effect from 2000 to the present between TWC and any Ohio public utility concerning attachments by TWC to each such utility's poles.
10. All documents corroborating any and all written notice provided by TWC to Duke Energy Ohio of safety violations observed by TWC. For purposes of this request, a "safety violation" means a violation of the National Electric Safety Code.
11. All documents concerning the work performed by TWC from 2000 to the present to correct safety violations that TWC representatives observed in the field and in Duke Energy Ohio's service territory. For purposes of this request, a "safety violation" means a violation of the National Electric Safety Code.
12. All internal corporate documents showing how much is allocated by members of the Ohio Telecommunications Association to line maintenance and safety.
13. Documents showing pole attachment agreement disputes between TWC and any other utility to which it attaches.