

**FILE**

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**NOTICE OF RESCHEDULING OF DEPOSITION TO DUKE ENERGY OHIO**

Due to the weather conditions on Wednesday, January 28, 2009, the deposition previously scheduled for 9 A.M. on January 28, 2009, did not take place. 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 such representative(s) of Duke Energy Ohio ("Duke") who is (are) capable of responding fully to questions related to the subjects described in the "Subjects for Examination at Deposition" section set forth below 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 V, Cincinnati, Ohio 45202, commencing at 9:30 a.m. on Thursday, January 29, 2009. Depositions will continue on Friday, January 30, 2009 at 9 A.M. at the same location.

This Notice of Deposition supersedes the ones filed on December 23, 2008 and January 13, 2009.

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A telephone bridge line will be set up for those who wish to participate by telephone. The call in number is 1-888-590-1240 with a participant code of 614-464-5401. The deposition will be recorded stenographically.

The subjects for examination are set forth below.

### **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 ("Account 364"), including drop and lift poles.


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

1. The Accumulated Deferred Income Taxes reflected by Duke in its FERC 1 filings since 2004.
2. Any communications services provided in Ohio by entities wholly or partly owned by Duke or Duke's affiliates, what services are offered, and the ownership and contractual relationships between such entities and DE-Ohio and its affiliates.
3. The rates, terms and conditions applied by Duke to the attachments of affiliated entities that attach to Duke's distribution poles.
4. Estimates of pole installation costs used by Duke for any purpose since 2000, including under its joint use agreements with public utilities.
5. Makeready charges imposed by Duke on cable operators since 2000 for pole replacements.
6. Implementation and use of Duke's GIS system for poles, including any pole counts available through the GIS mapping system.
7. The number of distribution poles in Account 364 for each of the years 1993 through 2007, and Duke's records of these numbers of poles.
8. The conversion of Duke's records of distribution pole investment data and the number of poles from the prior system to the current Power Plant system.

9. Any recent or ongoing revisions made to Duke's continuing property records for Account 364 for the period 2000 through 2007.
10. Costs booked by Duke to Account 364 since 1993.
11. Any errors that Duke has discovered it has made in its continuing property records for Account 364 since 1999, when such errors were discovered by Duke and what Duke is doing or has done to correct those errors.
12. Any errors that Duke has discovered it has made in its FERC Form 1 reports for Account 364 since 1999, when such errors were discovered by Duke and what Duke is doing or has done to correct those errors.
13. Any errors that Duke has discovered it has made in its accounting for Account 108 (Accumulated Depreciation) regarding distribution poles since 1999, when such errors were discovered by Duke and what Duke is doing or has done to correct those errors.
14. Any errors that Duke has discovered it has made in its "Summary of CPR – adds and retires for account 364 for the years 2000 through 2007" (prepared by Duke in lieu of providing its continuing property records to OCTA as OCTA had requested, and provided to OCTA as Attach. OCTA-POD-01-004, Page 1 of 1), when such errors were discovered by Duke and what Duke is doing or has done to correct those errors.
15. The rates, terms and conditions applied by Duke to public utilities that attach to Duke's distribution poles.
16. The rates, terms and conditions applied by public utilities to Duke's attachment of facilities to the public utilities' distribution poles.
17. Procedures used by attaching parties, including public utilities, to share information about, or obtain permission for, attaching to Duke's drop poles.
18. Procedures used by Duke to share information about, or obtain permission related to, Duke's attaching to drop poles owned by others.
19. All audits/inspections/inventories, conducted on behalf of Duke in the period 2000 through 2008 related to attachments to Duke's poles.
20. Any unauthorized attachment penalties or penalties for safety violations imposed by Duke on other parties.
21. Duke's audit/inspection/inventory of Time Warner Cable's ("TWC's") attachments in 2000-2001.

22. Duke's billing for additional attachments found in its audit/inspection/inventory of TWC's attachments in 2000-2001.
23. Any adjustments made by Duke to its pole attachment records as a result of its audit/inspection/inventory of TWC's attachments in 2000-2001.
24. Duke's audit/inspection/inventory of Adelphia's attachments in 2004-2006.
25. Duke's audit/inspection/inventory of TWC's attachments in 2005-2006.
26. Duke's records of attachments by third parties to its poles.
27. Duke's practices and plans related to curing safety violations that Duke has created on its poles.
28. Duke's practices and plans related to assisting third party attachers to cure safety violations on Duke's poles.
29. Maintenance expenses booked to Account 593 in 2005-2007 and any unusual overhead plant maintenance expenses in that time period.
30. Duke's answers to OCTA Interrogatory Nos. 1-46.

Respectfully submitted,



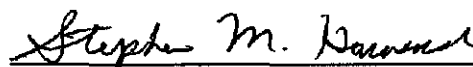
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## CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was served upon the following persons via email, this 29th day of January, 2009.

  
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