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FILE

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke )  
 Energy Ohio, Inc. For an Increases in ) Case No. 08-0709-EL-AIR  
 Electric Rates. )

In the Matter of the Application of Duke )  
 Energy Ohio, Inc. For Tariff Approval. ) Case No. 08-0710-EL-ATA  
 )

In the Matter of the Application of Duke )  
 Energy Ohio, Inc. for Approval To ) Case No. 08-0711-EL-AAM  
 Change Accounting Methods. )

**NOTICE TO TAKE DEPOSITIONS UPON ORAL EXAMINATION  
 AND REQUEST FOR PRODUCTION OF DOCUMENTS  
 BY  
 THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

To:  
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Pursuant to Ohio Adm. Code Section 4901-1-21, please take notice that the Ohio Consumers' Counsel will take the oral deposition of: (1) all persons who have prepared testimony and all persons who will prepare direct, rebuttal or other testimony in these cases on behalf of Duke Energy Ohio, Inc. ("Applicants") and (2) all persons who were the respondents, on behalf of the Applicants, to the Ohio Consumers' Counsel's

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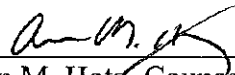
("OCC's") discovery requests and other parties' discovery requests or who can explain all the information produced by the Applicants in response to the discovery requests in the above-captioned proceedings. The depositions will be conducted at the offices of the OCC, 10 W. Broad St., 18<sup>th</sup> Floor, Columbus, Ohio, at 10:00 a. m. beginning on March 23, 2009, or such other time that is mutually agreed upon by the parties.

This 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, one deponent after the next, except for holidays and weekends, until completed.

Pursuant to Ohio Adm. Code Sections 4901-1-21(E) and 4901-1-20, the deponents are requested to produce at the time the first deposition begins all documents relating to their testimony in these proceedings and upon which they relied for preparation of their testimony (including for facts and opinions), and also produce all documents containing information relied upon for responses to discovery, including any backup documentation or raw data relied upon for responses to discovery.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL



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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this Notice to Take Deposition Upon Oral Examination and Request for Production of Documents was served by Regular U.S. Mail Service, postage prepaid, to the parties of record identified below, on this 9th day of February, 2009.



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