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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

2010 NOV 22 PM 4: 58

In the Matter of the Application of Duke)
Energy Ohio to Adjust and Set the)
Annually Adjusted Component of its)
Market Based Standard Service Offer.)

Case No. 10-1268-ELR-D

FILED

NOTICE TO TAKE DEPOSITION UPON ORAL EXAMINATION
AND REQUEST FOR PRODUCTION OF DOCUMENTS

To: Amy B. Spiller
Elizabeth H. Watts
Rocco D'Ascenzo
Duke Energy Ohio, Inc.
2500 Atrium II, P.O. Box 961
Cincinnati, OH 45201-0960

Pursuant to Ohio Adm. Code Section 4901-1-21(B), please take notice that the Ohio Consumers' Counsel will take the oral deposition of all individuals who have filed testimony in this case, were the respondents to Ohio Counsel Counsel's ("OCC's") discovery requests or who can explain information produced in response to discovery requests in the above captioned proceeding. Additionally the OCC will take the oral deposition of an individual who is familiar with the Duke Energy Ohio, Inc.'s accounting of emission allowances for the Duke Energy Ohio system and is familiar with Duke's process of providing evidence to the regulatory body, such as the U.S. EPA, related to proof that all plants within its possession are meeting the annual environmental compliance requirements. These depositions will be taken at the offices of the OCC, 10

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W. Broad St., 18th Floor, Columbus, Ohio, at 10:00 a.m. beginning on December 1, 2010, 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, 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 that time all documents relating to his or her testimony in this proceeding or responses to discovery, including, any backup documentation or raw data. Additionally the deponent with knowledge of the Duke Energy Ohio, Inc.'s accounting of emission allowances for the Duke Energy Ohio system and the deponent who is familiar with Duke's process of providing evidence to the regulatory body, such as the U.S. EPA, related to proof that all plants within its possession are meeting the annual environmental compliance requirements are/is requested to produce at that time all documents relating to his or her testimony in this proceeding or responses to discovery, including, any backup documentation or raw data.

Respectfully submitted,

JANINE MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



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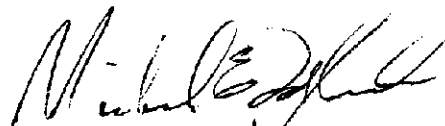
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CERTIFICATE OF SERVICE

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 first-class U.S. Mail to the parties of record identified below, on this 22nd day of November, 2010.



Michael E. Idzkowski
Assistant Consumers Counsel

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