

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

In the Matter of the Application of Duke )  
Energy Ohio for Approval of a Market )  
Rate Offer to Conduct a Competitive )  
Bidding Process for Standard Service ) Case No. 10-2586-EL-SSO  
Offer Electric Generation Supply, )  
Accounting Modifications, and Tariffs for )  
Generation Service. )

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NOTICE OF DEPOSITION, *DUCES TECUM*, TO THE KROGER CO.

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Please take notice that, pursuant to Rule 4901-1-21 of the Ohio Administrative Code, Duke Energy Ohio, Inc. (Duke Energy Ohio) will take the deposition of each and every witness from whom The Kroger Co. (Kroger) will provide direct testimony relative to the above-captioned case. The witnesses are to appear for deposition on December 22, 2010, beginning at 11:30 a.m., at 139 East Fourth Street, 12<sup>th</sup> Floor, Cincinnati, Ohio 45202. The depositions will be taken upon oral examination before an officer duly authorized by law to take depositions and will continue from day to day until complete.

Pursuant to Rules 4901-1-20(E) and 4901-1-21(E), each witness is requested to produce, at the time of their deposition, true and accurate copies of the documents identified in Exhibit A, attached hereto.

Said depositions will be taken as if on cross-examination for purposes of discovery, use at hearing, and all other uses permitted under the Ohio Rules of Civil Procedure and Evidence.

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 SJS Date Processed 11/24/10

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Amy B. Spiller".

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## **EXHIBIT A**

Duke Energy Ohio hereby requests that, at the time and place set forth above in the notice of deposition, *duces tecum*, each witness produce true and accurate copies of the following documents:

1. Any and all documents that were reviewed by said witness for purposes of preparing their direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said witness for purposes of preparing their direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in said witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said witness in preparing, or otherwise assisting in the preparation of, discovery responses submitted by Kroger relative to the above-captioned proceeding.
5. Any and all documents prepared by said witness for purposes of preparing, or otherwise assisting in the preparation of, discovery responses submitted by Kroger relative to the above-captioned proceeding.

### CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing was served on the following parties of record by electronic mail delivery or first class mail delivery, postage prepaid, this 24<sup>th</sup> day of November 2010.

  
Amy B. Spiller

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