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Rocco O. D'Ascenzo
Senior Counsel

November 29, 2010

PUCO

VIA ELECTRONIC MAIL DELIVERY

William Reisinger
Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212

Re: *In the Matter of the Application of Duke Energy Ohio for Approval of a Market Rate Offer*
Case No. 10-2586-EL-SSO

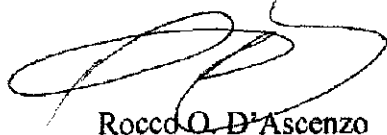
Dear Counsel:

With respect to the captioned matter, enclosed please find a notice of deposition, *duces tecum*, issued to your respective client. Given the compressed procedural schedule, we are issuing these notices so that we may reserve the necessary time on your calendars, as well as those of your anticipated witnesses. To the extent a particular date presents a problem, please advise immediately so that we may reasonably endeavor to eliminate any scheduling conflicts. In this regard, please understand that we are reluctant to conduct depositions prior to the filing of the intervenor testimony, as that would only lead to continuing depositions in progress until such testimony has been filed.

We have tendered these notices with the expectation that you will be filing testimony in this proceeding. To the extent that expectation is incorrect, please let us know so that we can adjust the depositions scheduling accordingly.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,



Rocco O. D'Ascenzo

Enclosure

cc: All counsel of record with enclosures (via electronic mail)

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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.)

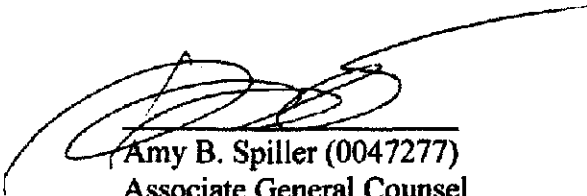
**NOTICE OF DEPOSITION, *DUCES TECUM*, TO THE OHIO ENVIRONMENTAL
COUNCIL**

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 Ohio Environmental Council (OEC) will provide direct testimony relative to the above-captioned case. The witnesses are to appear for deposition on December 28, 2010, beginning at 9:00 a.m., at 155 East Broad Street, 21st Floor, Columbus, Ohio 43215. 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.

Respectfully submitted,



Amy B. Spiller (0047277)

Associate General Counsel

Elizabeth H. Watts (003192)

Assistant General Counsel

Rocco O. D'Ascenzo (0077651)

Senior Counsel

Duke Energy Business Services

139 East Fourth Street, 1313-Main

Cincinnati, Ohio 45202

(513) 287-4359 (telephone)

(513) 287-4385 (facsimile)

Email: amy.spiller@duke-energy.com

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 OEC 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 OEC 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 29th day of November 2010.


Recco O. D'Ascenzo

John W. Bentine, Esq. Mark Yurick, Esq. Matthew S. White, Esq. Counsel for the Kroger Company Chester, Wilcox & Saxbe, LLP 65 East State Street, Suite 1000 Columbus, Ohio 43215-4213 jbentine@cwslaw.com myurick@cwslaw.com mwhite@cwslaw.com	David F. Boehm, Esq. Michael L. Kurtz, Esq. Counsel for Ohio Energy Group Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202 dboehm@bkillawfirm.com mkurtz@bkillawfirm.com
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Samuel C. Randazzo, Esq. Joseph E. Olikier Counsel for Industrial Energy Users-Ohio McNees Wallace & Nurick LLC 21 E. State Street, 17 th Floor Columbus, Ohio 43215 sam@mwncmh.com joliker@mwncmh.com	William T. Reisinger, Counsel of Record Nolan Moser Trent A. Dougherty Ohio Environmental Council 1207 Grandview Avenue, Suite 201 Columbus, Ohio 43212-3449 will@theoec.org nolan@theoec.org trent@theoec.org
Mark A. Hayden, Counsel of Record FirstEnergy Service Company 76 South Main Street Akron, Ohio 44308 haydenm@firstenergycorp.com	David A. Kutik Jones Day North Point 901 Lakeside Avenue Cleveland, Ohio 44114 dakutik@jonesday.com

<p>Grant W. Garber Jones Day 325 John H. McConnell Blvd., Suite 600 Columbus, Ohio 43215-2673 gwwgarber@jonesday.com</p>	<p>Douglas E. Hart Attorney for The Greater Cincinnati Health Council 441 Vine Street, Suite 4192 Cincinnati, OH 45202 dhart@douglasshart.com</p>
<p>M. Howard Petricoff Stephen M. Howard Counsel for Constellation NewEnergy, Inc. Vorys, Sater, Seymour, and Pease LLP 52 East Gay Street PO Box 1008 Columbus, Ohio 43216-1008 mhpetricoff@vorys.com smhoward@vorys.com</p>	<p>Cynthia Fonner Brady Senior Counsel Constellation Energy Resources LLC 550 W. Washington St., Suite 300 Chicago, IL 60661 Cynthia.brady@constellation.com</p>
<p>Ann M. Hotz Kyle L. Verrett Jody M. Kyler Office of the Ohio Consumers' Counsel 10 West Broad Street, Suite 1800 Columbus, Ohio 43215-3485 hotz@occ.state.oh.us verret@occ.state.oh.us kyler@occ.state.oh.us</p>	