

DUKE ENERGY CORPORATION

139 East Fourth Street, 1313 Main Cincinnati, OH 45201-0960 Telephone: (513) 287-4359 Facsimile: (513) 287-4385

Amy B. Sollier Associate General Counsel E-mail: amy.spiller@duke-energy.com

December 13, 2010

VIA ELECTRONIC MAIL DELIVERY

Mary Christensen Counsel for People Working Cooperatively Inc. 8760 Orion Place, Suite 300 Columbus OH 43240 mchristensen@columbuslaw.org

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,

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Enclosure

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

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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. Date Processed DEC 13 7016

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 PEOPLE WORKING COOPERATIVELY, INC.

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 People Working Cooperatively, Inc (PWC) will provide direct testimony relative to the above-captioned case. The witnesses are to appear for deposition on December 29, 2010, beginning at 2:30 p.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,

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 PWC relative to the abovecaptioned proceeding
- Any and all documents prepared by said witness for purposes of preparing, or otherwise
 assisting in the preparation of, discovery responses submitted by PWC 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 <u>\(\mathcal{L} \) day of December 2010.</u>

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John W. Bentine Mark Yurick Matthew S. White 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 Michael L. Kurtz Counsel for Ohio Energy Group Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202 dboehm@bkllawfirm.com mkurtz@bkllawfirm.com
David C. Rinebolt Counsel for Ohio Partners for Affordable Energy 231 West Lima Street Findlay, OH 45840-3033 Drinebolt@ohiopartners.org	Colleen L. Mooney Counsel for Ohio Partners for Affordable Energy 1431 Mulford Road Columbus, OH 43212-3404 Cmooney2@columbus.rr.com
Samuel C. Randazzo Joseph E. Oliker Counsel for Industrial Energy Users-Ohio McNees Wallace & Nurick LLC 21 E. State Street, 17th 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, Attorney for FirstEnergy Solutions Corp. Jones Day North Point 901 Lakeside Avenue Cleveland, Ohio 44114 dakutik@jonesday.com

Grant W. Garber, Attorney for FirstEnergy Solutions Corp. Jones Day 325 John H. McConnell Blvd., Suite 600 Columbus, Ohio 43215-2673 gwgarber@jonesday.com

Douglas E. Hart
Attorney for The Greater Cincinnati
Health Council
441 Vine Street, Suite 4192
Cincinnati, OH 45202
dhart@douglasehart.com

M. Howard Petricoff
Stephen M. Howard
VORYS, SATER, SEYMOUR AND
PEASE LLP
52 East Gay Street
P.O. 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
smhoward@vorys.com

Cynthia Fonner Brady
Senior Counsel
Constellation Energy Resources, LLC
550 W. Washington St., Suite 300
Chicago, Illinois 60661
cynthia.brady@constellation.com

Attorneys for Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc.

Ann M. Hotz, Counsel of Record
Kyle L. Verrett
Jody M. Kyler
Assistant Consumer Counsels
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
hotz@occ.state.oh.us
verrett@occ.state.oh.us
kyler@occ.state.oh,us

Denny Denlar	NEA-IN DAG
Steven Beeler	Michael D. Dortch
John Jones	Counsel for Duke Energy Retail Sales,
Assistant Attorneys General	LLC
Public Utilities Commission of Ohio	Kravitz, Brown & Dortch, LLC
180 East Broad Street	65 East State St., Suite 200
Columbus, Ohio 43215	Columbus, OH 43215
Steven.beeler@puc.state.oh.us	mdortch@kravitzllc.com
John.jones@puc.state.oh.us	
Barth E. Royer	Thomas J. O'Brien
Bell & Royer Co., LPA	Counsel for the City of Cincinnati
33 South Grant Avenue	Bricker & Eckler LLP
Columbus, Ohio 43215	100 South Third Street
barthroyer@aol.com	Columbus, Ohio 43215
	tobrien@bricker.com
Gary A. Jeffries	
Senior Counsel	
Dominion Resources Services, Inc.	
501 Martindale Street, Suite 400	
Pittsburgh, PA 15212	
Gary.A.Jeffries@dom.com	
Attorneys for Dominion Retail, Inc.	
Douglas E. Hart	Terrence O'Donnell
Counsel for Eagle Energy, LLC	Matthew W. Warnock
441 Vine Street, Suite 4192	Counsel for Ohio Advanced Energy
Cincinnati, Ohio 45202	100 South Third Street
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dhart@douglasehart.com	E-mail: todonnell@bricker.com
	mwarnock@bricker.com
Mary Christensen	
Counsel for People Working Cooperatively	
Inc.	
8760 Orion Place, Suite 300	
Columbus OH 43240	
mchristensen@columbuslaw.org	
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