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DUKE ENERGY CORPORATION

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Amy B. Spiller
Associate General Counsel
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December 14, 2010

VIA ELECTRONIC MAIL DELIVERY

Rick D. Chamberlain
BEHRENS, WHEELER & CHAMBERLAIN
6 N.E. 63rd Street, Suite 400
Oklahoma City, OK 73105
rdclaw@swbell.net

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,

Amy B. Spiller / jks
Amy B. Spiller

Enclosure

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

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 Date Processed DEC 14 2010

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 WAL-MART STORES EAST, LP. AND
SAM'S EAST, 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 Wal-Mart Stores East, LP, and Sam's East, Inc. (Wal-Mart) 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 (jke)
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

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Cincinnati, Ohio 45202

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(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 Wal-Mart 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 Wal-Mart 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 14 day of December 2010.

Amy B. Spiller / jkc
Amy B. Spiller

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@bklawfirm.com mkurtz@bklawfirm.com
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