

FILE

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. )

17  
RECEIVED-DOCKETING DIV  
2010 DEC 22 PM 2:29  
PUCO

---

AMENDED NOTICE OF DEPOSITION, *DUCES TECUM*, TO  
FIRSTENERGY SOLUTIONS CORP.

---

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 Michael J. Schwartz and Louis D'Alessandris from which FirstEnergy Service Company (FirstEnergy) provided direct testimony relative to the above-captioned case. The witnesses are to appear for deposition on December 23, 2010, beginning at 9:00 a.m., at 76 South Main Street in Akron, Ohio. 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.

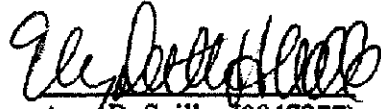
Pursuant to Rules 4901-1-20(E) and 4901-1-21(E), each witness is requested to produce, at the time of their deposition, true and accurate copies of the documents identified in Exhibit A, attached hereto.

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.

381948v24

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 Sus Date Processed DEC 22 2010

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  
25 Atrium II  
Cincinnati, Ohio 45202  
(513) 419-1810 (telephone)  
(513) 419-1846 (facsimile)  
Email: [amy.spiller@duke-energy.com](mailto:amy.spiller@duke-energy.com)

## **EXHIBIT A**

Duke Energy Ohio hereby requests that, at the time and place set forth above in the amended 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 FirstEnergy 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 FirstEnergy 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 \_\_\_\_ day of December 2010.

  
Elizabeth H. Watts

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 <a href="mailto:jbentine@cwslaw.com">jbentine@cwslaw.com</a> <a href="mailto:myurick@cwslaw.com">myurick@cwslaw.com</a> <a href="mailto:mwhite@cwslaw.com">mwhite@cwslaw.com</a>	David F. Boehm Michael L. Kurtz Counsel for Ohio Energy Group Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202 <a href="mailto:dboehm@bkllawfirm.com">dboehm@bkllawfirm.com</a> <a href="mailto:mkurtz@bkllawfirm.com">mkurtz@bkllawfirm.com</a>
David C. Rinebolt Counsel for Ohio Partners for Affordable Energy 231 West Lima Street Findlay, OH 45840-3033 <a href="mailto:Drinebolt@ohiopartners.org">Drinebolt@ohiopartners.org</a>	Colleen L. Mooney Counsel for Ohio Partners for Affordable Energy 1431 Mulford Road Columbus, OH 43212-3404 <a href="mailto:Cmooney2@columbus.rr.com">Cmooney2@columbus.rr.com</a>
Samuel C. Randazzo Joseph E. Olikier Counsel for Industrial Energy Users-Ohio McNees Wallace & Nurick LLC 21 E. State Street, 17 <sup>th</sup> Floor Columbus, Ohio 43215 <a href="mailto:sam@mwncmh.com">sam@mwncmh.com</a> <a href="mailto:joliker@mwncmh.com">joliker@mwncmh.com</a>	William T. Reisinger, Counsel of Record Nolan Moser Trent A. Dougherty Ohio Environmental Council 1207 Grandview Avenue, Suite 201 Columbus, Ohio 43212-3449 <a href="mailto:will@theoec.org">will@theoec.org</a> <a href="mailto:nolan@theoec.org">nolan@theoec.org</a> <a href="mailto:trent@theoec.org">trent@theoec.org</a>

<p>Mark A. Hayden, Counsel of Record FirstEnergy Service Company 76 South Main Street Akron, Ohio 44308 <a href="mailto:haydenm@firstenergycorp.com">haydenm@firstenergycorp.com</a></p> <p>David A. Kutik Attorney for FirstEnergy Solutions Corp. Jones Day North Point 901 Lakeside Avenue Cleveland, Ohio 44114 <a href="mailto:dakutik@jonesday.com">dakutik@jonesday.com</a></p> <p>Grant W. Garber, Attorney for FirstEnergy Solutions Corp. Jones Day 325 John H. McConnell Blvd., Suite 600 Columbus, Ohio 43215-2673 <a href="mailto:gwggarber@jonesday.com">gwggarber@jonesday.com</a></p>	<p>Douglas E. Hart Attorney for The Greater Cincinnati Health Council 441 Vine Street, Suite 4192 Cincinnati, OH 45202 <a href="mailto:dhart@douglasshart.com">dhart@douglasshart.com</a></p>
<p>M. Howard Petricoff Stephen M. Howard VORYS, SATER, SEYMOUR AND PEASE LLP 52 East Gay Street P.O. 1008 Columbus, Ohio 43216-1008 <a href="mailto:mhpetricoff@vorys.com">mhpetricoff@vorys.com</a> <a href="mailto:smhoward@vorys.com">smhoward@vorys.com</a></p> <p>Cynthia Fonner Brady Senior Counsel Constellation Energy Resources, LLC 550 W. Washington St., Suite 300 Chicago, Illinois 60661 <a href="mailto:cynthia.brady@constellation.com">cynthia.brady@constellation.com</a></p> <p>Attorneys for Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc.</p>	<p>Richard Chamberlain Behrens, Wheeler &amp; Chamberlain 6 N.E. 63<sup>rd</sup> Street, Suite 400 Oklahoma City, OK 73105 <a href="mailto:Rdc_law@swbell.net">Rdc_law@swbell.net</a></p> <p>Kevin J. Osterkamp Roetzel &amp; Anderss, LPA 155 E. Broad Street, 12<sup>th</sup> Floor Columbus, OH 43215 <a href="mailto:kosterkamp@ralaw.com">kosterkamp@ralaw.com</a></p> <p>Attorneys for Wal-Mart Stores East, LP, and Sam's East, Inc.</p>

<p>Tamera Turkenton Public Utility Commission of Ohio 180 East Broad Street Columbus, OH 43215-3793 <a href="mailto:Tamera.turkenton@puc.state.ohio.us">Tamera.turkenton@puc.state.ohio.us</a></p> <p>Steven Beeler John Jones Assistant Attorneys General Public Utilities Commission of Ohio 180 East Broad Street Columbus, Ohio 43215 <a href="mailto:Steven.beeler@puc.state.oh.us">Steven.beeler@puc.state.oh.us</a> <a href="mailto:John.jones@puc.state.oh.us">John.jones@puc.state.oh.us</a></p>	<p>Michael D. Dortch Counsel for Duke Energy Retail Sales, LLC Kravitz, Brown &amp; Dortch, LLC 65 East State St., Suite 200 Columbus, OH 43215 <a href="mailto:mdortch@kravitzllc.com">mdortch@kravitzllc.com</a></p>
<p>Barth E. Royer Bell &amp; Royer Co., LPA 33 South Grant Avenue Columbus, Ohio 43215 <a href="mailto:barthroyer@aol.com">barthroyer@aol.com</a></p> <p>Gary A. Jeffries Senior Counsel Dominion Resources Services, Inc. 501 Martindale Street, Suite 400 Pittsburgh, PA 15212 <a href="mailto:Gary.A.Jeffries@dom.com">Gary.A.Jeffries@dom.com</a></p> <p>Attorneys for Dominion Retail, Inc.</p>	<p>Thomas J. O'Brien Counsel for City of Cincinnati Bricker &amp; Eckler LLP 100 South Third Street Columbus, Ohio 43215 <a href="mailto:tobrien@bricker.com">tobrien@bricker.com</a></p>
<p>Douglas E. Hart Counsel for Eagle Energy, LLC 441 Vine Street, Suite 4192 Cincinnati, Ohio 45202 <a href="mailto:dhart@douglasshart.com">dhart@douglasshart.com</a></p>	<p>Terrence O'Donnell Christopher Montgomery Counsel for Ohio Advanced Energy 100 South Third Street E-mail: <a href="mailto:todonnell@bricker.com">todonnell@bricker.com</a> <a href="mailto:cmontgomery@bricker.com">cmontgomery@bricker.com</a></p>
<p>Mary Christensen Counsel for People Working Cooperatively Inc. Christensen &amp; Christensen LLP 8760 Orion Place, Suite 300 Columbus OH 43240 <a href="mailto:mchristensen@columbuslaw.org">mchristensen@columbuslaw.org</a></p>	<p>Anne M. Vogel, Attorney for AEP Retail Energy Partners LLC American Electric Power Service Corporation 1 Riverside Plaza, 29<sup>th</sup> Floor Columbus, OH 43215 <a href="mailto:amvogel@aep.com">amvogel@aep.com</a></p>

<p>Matthew J. Satterwhite  Attorney for Columbus Southern Power  Company and Ohio Power Company  American Electric Power Service  Corporation  1 Riverside Plaza, 29<sup>th</sup> Floor  Columbus, OH 43215  <a href="mailto:mjsatterwhite@aep.com">mjsatterwhite@aep.com</a></p>	<p>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  <a href="mailto:hotz@occ.state.oh.us">hotz@occ.state.oh.us</a>  <a href="mailto:verrett@occ.state.oh.us">verrett@occ.state.oh.us</a>  <a href="mailto:kyler@occ.state.oh.us">kyler@occ.state.oh.us</a></p>
<p>Matthew W. Warnock  Bricker &amp; Eckler LLP  100 South Third Street  Columbus, OH 43215-4291  <a href="mailto:Mwarnock@bricker.com">Mwarnock@bricker.com</a></p> <p>Kevin Schmidt  Ohio Manufacturers' Association  33 N. High Street, Suite 600  Columbus, OH 43215  <a href="mailto:Kschmidt@ohiomfg.com">Kschmidt@ohiomfg.com</a></p> <p>Counsel for Ohio Manufacturers'  Association</p>	