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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Duke Energy Ohio for Authority to)
Establish a Standard Service Offer)
Pursuant to Section 4928.143, Revised) Case No. 11-3549-EL-SSO
Code, in the Form of an Electric)
Security Plan, Accounting)
Modifications and Tariffs for)
Generation Service.)

In the Matter of the Application of)
Duke Energy Ohio for Authority to) Case No. 11-3550-EL-ATA
Amend its Certified Supplier Tariff,)
P.U.C.O. No. 20.)

In the Matter of the Application of)
Duke Energy Ohio for Authority to) Case No. 11-3551-EL-UNC
Amend its Corporate Separation Plan.)

**SECOND AMENDED NOTICE OF DUKE ENERGY OHIO
TO TAKE DEPOSITION *DUCES TECUM* OF
CONSTELLATION NEWENERGY, INC. AND CONSTELLATION ENERGY
COMMODITIES GROUP, INC.**

Pursuant to Ohio Admin. Code Rule 4901-1-21(B), please take notice that Duke Energy Ohio, Inc. (Duke Energy) will take the oral deposition of all witnesses that Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc. (Constellation) intends to rely upon at hearing and in which Constellation relied upon in forming its opinion in the above captioned matter, on October 21, 2011 beginning at 2:00 p.m.

The deposition will take place at Duke Energy Ohio's offices located at 155 East Broad Street, Columbus, Ohio 43215, on the 21st floor. The deposition will be taken upon oral

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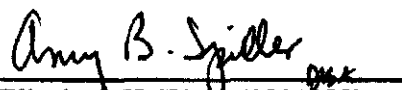
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examination (as if on cross-examination) before an officer authorized by law to take depositions and will continue thereafter until complete.

Pursuant to Ohio Admin. Code 4901-1-21(E) and 4901-1-20, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

The deposition will begin at 2:00 p.m. and continue day to day until complete. Parties are invited to attend and to cross-examine.

Respectfully submitted,



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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 Constellation 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 Constellation 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 first class, U.S. mail, postage prepaid, this 6th day of October 2011.



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