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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 Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service.	)	)	Case No. 11-3549-EL-SSO
In the Matter of the Application of Duke Energy Ohio for Authority to Amend its Certified Supplier Tariff, P.U.C.O. No. 20.	)	)	Case No. 11-3550-EL-ATA
In the Matter of the Application of Duke Energy Ohio for Authority to Amend its Corporate Separation Plan.	)	)	Case No. 11-3551-EL-UNC

**SECOND AMENDED NOTICE OF DUKE ENERGY OHIO  
TO TAKE DEPOSITION *DUCES TECUM*  
OF THE KROGER CO.**

Pursuant to Ohio Admin. Code Rule 4901-1-21(B), please take notice that Duke Energy Ohio, Inc. (Duke Energy) will take oral deposition via telephonic means of all witnesses that The Kroger Co. (Kroger) intends to rely upon at hearing and in which Kroger relied upon in forming its opinion in the above captioned matter, on October 24, 2011 beginning at 2:00 p.m.

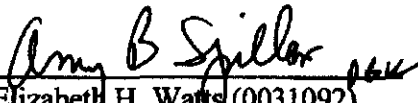
The deposition will take place at Duke Energy Ohio's offices located at 155 East Broad Street, Columbus, Ohio 43215, on the 21<sup>st</sup> floor. The oral deposition will be taken via telephonic means upon oral examination (as if on cross-examination) before an officer authorized by law to take depositions and will continue thereafter until complete.

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Pursuant to Ohio Admin. Code 4901-1-21(E) and 4901-1-20, all witnesses are requested to produce two weeks prior to 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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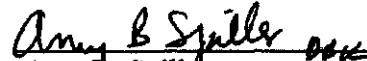
## **EXHIBIT A**

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 Kroger 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 Kroger 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 12 day of October 2011.

  
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