

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Gas Rates.))	Case No. 12-1685-GA-AIR
))	
In the Matter of the Application of Duke Energy Ohio, Inc., for Tariff Approval.))	Case No. 12-1686-GA-ATA
))	
In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of an Alternative Rate Plan for Gas Distribution Service.))	Case No. 12-1687-GA-ALT
))	
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.))	Case No. 12-1688-GA-AAM
))	

**NOTICE TO TAKE DEPOSITIONS UPON ORAL EXAMINATION OF
SHAWN S. FIORE AND GARY J. HEBBELER
AND REQUEST FOR PRODUCTION OF DOCUMENTS
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

Pursuant to Ohio Adm. Code Rule 4901-1-21(B), please take notice that the Ohio Consumers' Counsel ("OCC") will take the oral deposition of the following individuals who have filed testimony in these proceedings on behalf of Duke Energy Ohio, Inc. ("Duke Energy" or "Duke Energy Ohio") at the following times or at another time mutually agreed upon between the parties:

Gary J. Hebbeler, Thursday, April 25, 2013, 2 p.m.; and

Shawn S. Fiore, Friday, April 26, 2013, 9 a.m.

The depositions will take place at the offices of OCC, 10 West Broad Street, 18th Floor, Columbus, Ohio and will begin at the above designated dates and times, or such other place and time as are mutually agreed upon by Duke Energy Ohio, Inc. and the

OCC. Deponents will appear at designated time with documents at OCC and remain present until the deposition is completed. Parties are invited to attend and cross-examine.

The depositions will be taken of the aforementioned deponents on relevant topics within the scope of these proceedings, including but not limited to, the subject matter of the deponent's testimony or the deponent's knowledge and expertise with the subject matter of this proceeding. The depositions will be taken upon oral examination (as upon cross-examination) before an officer authorized by law to take depositions and will continue from day to day, except for holidays and weekends, until completed.

Pursuant to Ohio Adm. Code Rules 4901-1-21(E) and 4901-1-20, the deponents are requested to produce at least 24 hours prior to the time of their depositions all documents relating to their testimony or the deponent's knowledge and expertise with the subject matter of these proceedings and/or the deponent's responses to discovery, including, but not limited to, the results of any studies done for these proceedings and any backup documentation, including raw data, for those studies. In addition, it is requested that Duke Energy Ohio or each witness produce the following documentation at least 24 hours prior to the deposition:

1. All documents reviewed and/or relied upon in preparation of your testimony in this proceeding. If such documents have previously been produced through discovery in this proceeding, identification of all such documents in accordance with the identification system used to provide discovery responses in this proceeding (bates numbers, interrogatory and Request for Document identification numbers). Please break down all

documents reviewed and/or relied upon as to whether they relate to the East End or West End sites.

2. The contract and any underlying contract documentation (Request for Proposal, proposals, offer and acceptance letters or other correspondence, etc.) reflecting the business relationship between Duke Energy and Mr. Fiore.
3. Documentation showing the services provided by the witnesses associated with their engagement in this matter, including any invoices, records of hours worked and hours billed (including dates performed), and details of services provided by Mr. Fiore.
4. To the extent not otherwise provided, identify Mr. Fiore's hourly (or other) rate(s) for services associated with this engagement.
5. Provide a list of all professional services Mr. Fiore has provided to Duke Energy Ohio, Inc. during his career, including a description of the engagement, the time frame of the engagement, and the total amount paid by Duke Energy to Mr. Fiore with respect to each such engagement.
6. With respect to Mr. Fiore's testimony, p. 2, lines 11-13, please provide documentation showing the hours worked and hours billed (including dates performed), and details of services provided by Mr. Fiore for the East End site. If Mr. Fiore has provided any services at the West End site, please provide documentation showing the hours worked and hours billed (including dates performed), and details of services provided by Mr. Fiore for the West End site.

7. With respect to Mr. Fiore's testimony, p. 6, lines 15-19 regarding regulation of CPs, please provide all documentation related to his certification and training as a CP, any disciplinary history, and a Certificate of Good Standing as a CP.
8. Please provide any correspondence Mr. Fiore has prepared and delivered showing his denial of an NFA letter and/or a CNS letter to any site in his role as a Certified Professional.
9. Please provide any correspondence Mr. Fiore has prepared and delivered showing his recommendation(s) to Ohio EPA for Urban Setting Designations.
10. Provide any documentation of the cost of attempting to obtain a USD designation for any site investigation/remediation in which Mr. Fiore has been involved.
11. Please provide the free product sampling results for both the East-End and West-End sites upon which Mr. Fiore relies to state that the free product at these sites "has and will impact groundwater in excess of applicable standards."

Respectfully submitted,

BRUCE J. WESTON
OHIO CONSUMERS' COUNSEL

/s/ Edmund "Tad" Berger

Larry S. Sauer, Counsel of Record

Joseph P. Serio

Edmund Berger

Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

10 West Broad Street, Suite 1800

Columbus, Ohio 43215-3485

Telephone: Sauer – (614) 466-1312

Telephone: Serio – (614) 466-9565

Telephone: Berger – (614) 466-1292

sauer@occ.state.oh.us

serio@occ.state.oh.us

berger@occ.state.oh.us

CERTIFICATE OF SERVICE

I hereby certify that a copy of the OCC's Notice to Take Depositions upon Oral Examination of Shawn S. Fiore and Gary J. Hebbeler and Request for Production of Documents was served on the persons stated below by electronic mail, this 24th day of April 2013.

/s/ Edmund "Tad" Berger

Edmund "Tad" Berger
Assistant Consumers' Counsel

SERVICE LIST

Samuel C. Randazzo
Frank P. Darr
Joseph E. Olikier
Matthew R. Pritchard
MCNEES WALLACE & NURICK LLC
21 East State Street, 17TH Floor
Columbus, Ohio 43215

Amy B. Spiller
Rocco O. D'Ascenzo
Jeanne W. Kingery
Elizabeth H. Watts
Duke Energy Business Services, LLC
139 East Fourth Street 1303 Main
P.O. Box 961
Cincinnati, Ohio 45201-0960

Thomas McNamee
Devin Parram
Attorneys General
Public Utilities Commission of Ohio
180 East Broad Street 6th Floor
Columbus, Ohio 43215

A. Brian McIntosh
McIntosh & McIntosh
1136 Saint Gregory Street, Suite 100
Cincinnati, Ohio 45202

Douglas E. Hart
441 Vine Street, Suite 4192
Cincinnati, Ohio 45202

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, Ohio 45840

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215-4291

Mark S. Yurick
Zachary D. Kravitz
Taft Stettinius & Hollister LLP
65 East State Street Suite 1000
Columbus, Ohio 43215

Kimberly W. Bojko
Mallory M. Mohler
Carpenter Lipps & Leland LLP
280 North High Street
Suite 1300
Columbus, Ohio 43215

Vincent Parisi
Matthew White
Interstate Gas Supply Inc.
6100 Emerald Parkway
Dublin, Ohio 43016

M. Howard Petricoff
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
PO Box 1008
Columbus, Ohio 43216-1008

Andrew J. Sonderman
Kegler, Brown, Hill & Ritter LPA
Capitol Square, suite 1800
65 East State Street
Columbus, Ohio 43215

Amy.spiller@duke-energy.com
Elizabeth.watts@duke-energy.com
Jeanne.kingery@duke-energy.com
Rocco.dascenzo@duke-energy.com
sam@mwncmh.com
fdarr@mwncmh.com
joliker@mwncmh.com
mpritchard@mwncmh.com
Thomas.mcnamee@puc.state.oh.us
Devin.parram@puc.state.oh.us
brian@mcintoshlaw.com
dhart@douglasehart.com
cmooney2@columbus.rr.com
tobrien@bricker.com
myurick@taftlaw.com
zkravitz@taftlaw.com
bojko@carpenterlipps.com
mohler@carpenterlipps.com
vparisi@igsenergy.com
mwhite@igsenergy.com
mhpetricoff@vorys.com
smhoward@vorys.com
asonderman@keglerbrown.com

AEs: chris.pirik@puc.state.oh.us
Katie.stenman@puc.state.oh.us

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/24/2013 4:01:42 PM

in

Case No(s). 12-1685-GA-AIR, 12-1686-GA-ATA, 12-1687-GA-ALT, 12-1688-GA-AAM

Summary: Notice of Deposition Notice to Take Depositions Upon Oral Examination of Shawn S. Fiore and Gary J. Hebbeler and Request for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Berger, Edmund "Tad" Mr.