

**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 ) Case No. 14-841-EL-SSO  
an Electric Security Plan, Accounting )  
Modifications and Tariffs for Generation )  
Service. )

In the Matter of the Application of Duke )  
Energy Ohio for Authority to Amend its ) Case No. 14-842-EL-ATA  
Certified Supplier Tariff, P.U.C.O. No. 20. )

---

**SECOND AMENDED NOTICE OF DUKE ENERGY OHIO  
TO TAKE DEPOSITION *DUCES TECUM* OF KEVIN C. HIGGINS**

---

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 Kevin C. Higgins, who has been identified as a witness and upon whom The Kroger Co. (Kroger) intends to rely upon at hearing in the above captioned matter, on October 3, 2014 beginning at 12:30 P.M. EST and continuing thereafter until complete.

The deposition will take place at DepomaxMerit Litigation Services, Inc., 333 South Rio Grande, Salt Lake City, Utah 84101. 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.

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

The deposition will begin at 12:30 P.M. EST and continue day to day until complete. Parties are invited to attend and to cross-examine.

Respectfully submitted,



Amy B. Spiller (0047277)  
Deputy General Counsel  
Rocco O. D'Ascenzo (0077651)  
Associate General Counsel  
Jeanne W. Kingery (0012172)  
Associate General Counsel  
Elizabeth H. Watts (0031092)  
Associate General Counsel

DUKE ENERGY OHIO, INC.  
139 East Fourth Street ML 1303 Main  
P. O. Box 960  
Cincinnati, Ohio 45202



## **EXHIBIT A**

Duke Energy Ohio hereby requests that, at the time and place set forth above in the notice of deposition, *duces tecum*, Kevin C. Higgins produce true and accurate copies of the following documents:

1. Any and all documents provided to said witness in connection with his participation in the above-captioned proceeding.
2. Any and all documents that were reviewed by said witness for purposes of preparing his direct testimony relative to the above-captioned proceeding.
3. Any and all documents created or authored by said witness for purposes of preparing his direct testimony relative to the above-captioned proceeding.
4. Any and all documents referenced in said witness's direct testimony relative to the above-captioned proceeding.
5. 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
6. 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 electronic service, this 24 day of September, 2014.

  
Elizabeth H. Watts 

Steven Beeler  
Thomas Lindgren  
Ryan ORourke  
Assistant Attorneys General  
Public Utilities Section  
180 East Broad St., 6<sup>th</sup> Floor  
Columbus, Ohio 43215  
[Steven.beeler@puc.state.oh.us](mailto:Steven.beeler@puc.state.oh.us)  
[Thomas.lindgren@puc.state.oh.us](mailto:Thomas.lindgren@puc.state.oh.us)  
[Ryan.orourke@puc.state.oh.us](mailto:Ryan.orourke@puc.state.oh.us)

David F. Boehm  
Michael L. Kurtz  
Jody M. Kyler Cohn  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
[dboehm@BKLawfirm.com](mailto:dboehm@BKLawfirm.com)  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

**Counsel for Staff of the Commission**

Kevin R. Schmidt  
88 East Broad Street, Suite 1770  
Columbus, Ohio 43215  
[schmidt@sppgrp.com](mailto:schmidt@sppgrp.com)

**Counsel for the Ohio Energy Group**

Mark A. Hayden  
Jacob A. McDermott  
Scott J. Casto  
FirstEnergy Service Company  
76 South Main Street  
Akron, Ohio 44308  
[haydenm@firstenergycorp.com](mailto:haydenm@firstenergycorp.com)  
[jmcdermott@firstenergycorp.com](mailto:jmcdermott@firstenergycorp.com)  
[scasto@firstenergycorp.com](mailto:scasto@firstenergycorp.com)

**Counsel for the Energy Professionals  
of Ohio**

**Counsel for FirstEnergy Solutions  
Corp.**

Maureen R. Grady  
Joseph P. Serio  
Edmund "Tad" Berger  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
[Maureen.grady@occ.ohio.gov](mailto:Maureen.grady@occ.ohio.gov)  
[Joseph.serio@occ.ohio.gov](mailto:Joseph.serio@occ.ohio.gov)  
[Edmund.berger@occ.ohio.gov](mailto:Edmund.berger@occ.ohio.gov)

**Counsel for the Ohio Consumers'  
Counsel**

Kimberly W. Bojko  
Mallory M. Mohler  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
280 North High Street  
Columbus, Ohio 43215  
[Bojko@carpenterlipps.com](mailto:Bojko@carpenterlipps.com)  
[Mohler@carpenterlipps.com](mailto:Mohler@carpenterlipps.com)

**Counsel for the Ohio Manufacturers'  
Association**

Joseph M. Clark  
Direct Energy  
21 East State Street, 19<sup>th</sup> Floor  
Columbus, Ohio 43215  
[joseph.clark@directenergy.com](mailto:joseph.clark@directenergy.com)

**Counsel for Direct Energy Services,  
LLC and Direct Energy Business, LLC**

Judi L. Sobecki  
The Dayton Power and Light Company  
1065 Woodman Drive  
Dayton, Ohio 45432  
[Judi.sobecki@aes.com](mailto:Judi.sobecki@aes.com)

**Counsel for The Dayton Power and  
Light Company**

Joseph Olikier  
Matthew White  
6100 Emerald Parkway  
Dublin, Ohio 43016  
[joliker@igsenergy.com](mailto:joliker@igsenergy.com)  
[mwhite@igsenergy.com](mailto:mwhite@igsenergy.com)

**Counsel for Interstate Gas Supply, Inc.**

Gerit F. Hull  
Eckert Seamans Cherin & Mellot, LLC  
1717 Pennsylvania Avenue, N.W.  
12<sup>th</sup> Floor  
Washington, DC 20006  
[ghull@eckertseamans.com](mailto:ghull@eckertseamans.com)

**Counsel for Direct Energy Services,  
LLC and Direct Energy Business, LLC**

Samuel C. Randazzo  
Frank P. Darr  
Matthew R. Pritchard  
McNees Wallace & Nurick LLC  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215  
[sam@mwncmh.com](mailto:sam@mwncmh.com)  
[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)  
[mpritchard@mwncmh.com](mailto:mpritchard@mwncmh.com)

**Counsel for Industrial Energy Users-  
Ohio**

Trent Dougherty  
1207 Grandview Avenue, Suite 201  
Columbus, Ohio 43212-3449  
[tdougherty@theOEC.org](mailto:tdougherty@theOEC.org)

**Counsel for the Ohio Environmental  
Council**

Andrew J. Sonderman  
Margeaux Kimbrough  
Kegler Brown Hill & Ritter LPA  
Capitol Square, Suite 1800  
65 East State Street  
Columbus, Ohio 43215-4294  
[asonderman@keglerbrown.com](mailto:asonderman@keglerbrown.com)  
[mkimbrough@keglerbrown.com](mailto:mkimbrough@keglerbrown.com)

**Counsel for People Working  
Cooperatively, Inc.**

Colleen L. Mooney  
Ohio Partners for Affordable Energy  
231 West Lima Street  
Findlay, Ohio 45839-1793  
[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)

**Counsel for Ohio Partners for  
Affordable Energy**

Steven T. Nourse  
Matthew J. Satterwhite  
Yazen Alami  
American Electric Power Service  
Corporation  
1 Riverside Plaza 29<sup>th</sup> Floor  
Columbus, Ohio 43215  
[stnourse@aep.com](mailto:stnourse@aep.com)  
[mjsatterwhite@aep.com](mailto:mjsatterwhite@aep.com)  
[yalami@aep.com](mailto:yalami@aep.com)

**Counsel for Ohio Power Company**

Christopher J. Allwein  
Todd M. Williams  
Williams Allwein and Moser, LLC  
1500 West Third Avenue, Suite 330  
Columbus, Ohio 43212  
[callwein@wamenergylaw.com](mailto:callwein@wamenergylaw.com)  
[toddm@wamenergylaw.com](mailto:toddm@wamenergylaw.com)

**Counsel for the Sierra Club**

Rebecca L. Hussey  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
280 North High Street  
Columbus, Ohio 43215  
[Hussey@carpenterlipps.com](mailto:Hussey@carpenterlipps.com)

Douglas E. Hart  
441 Vine Street  
Suite 4192  
Cincinnati, Ohio 45202  
[dhart@douglasshart.com](mailto:dhart@douglasshart.com)

**Counsel for The Kroger Company**

**Counsel for The Greater Cincinnati  
Health Council**

M. Howard Petricoff  
Michael J. Settineri  
Gretchen L. Petrucci  
Vorys, Sater, Seymour, and Pease, LLP  
52 East Gay Street  
P.O.Box 1008  
Columbus, Ohio 43216-1008  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)

Cynthia Fonner Brady  
Exelon Business Services Company  
4300 Winfield Road  
Warrenville, Illinois 60555  
[Cynthia.brady@constellation.com](mailto:Cynthia.brady@constellation.com)

**Counsel for Constellation NewEnergy,  
Inc. and Exelon Generation Company,  
LLC**

**For Constellation NewEnergy, Inc.**

David I. Fein  
Vice President, State Government  
Affairs - East  
Exelon Corporation  
10 South Dearborn Street, 47<sup>th</sup> Floor  
Chicago, Illinois 60603  
[David.fein@exeloncorp.com](mailto:David.fein@exeloncorp.com)

Lael Campbell  
Exelon  
101 Constitution Avenue, NW  
Washington, DC 2001  
[Lael.Campbell@constellation.com](mailto:Lael.Campbell@constellation.com)

**For Exelon Corporation**

**For Constellation NewEnergy, Inc.**

M. Howard Petricoff  
Special Assistant Attorney General  
Vorys, Sater, Seymour, and Pease, LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)

**Counsel for Miami University and the  
University of Cincinnati**

Justin Vickers  
Environmental Law & Policy Center  
35 East Wacker Drive, Suite 1600  
Chicago, Illinois 60601  
[jvickers@elpc.org](mailto:jvickers@elpc.org)

**Counsel for the Environmental Law &  
Policy Center**

Samantha Williams  
Natural Resources Defense Council  
20 N. Wacker Drive, Suite 1600  
Chicago, Illinois 60606  
[swilliams@nrdc.org](mailto:swilliams@nrdc.org)

**Counsel for the Natural Resources  
Defense Council**

M. Howard Petricoff  
Michael J. Settineri  
Gretchen L. Petrucci  
Vorys, Sater, Seymour, and Pease, LLP  
52 East Gay Street  
P.O.Box 1008  
Columbus, Ohio 43216-1008  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)

**Counsel for the Retail Energy Supply  
Association**

Gregory J. Poulos  
EnerNOC, Inc.  
471 E. Broad Street, Suite 1520  
Columbus, Ohio 43215  
[gpoulos@enernoc.com](mailto:gpoulos@enernoc.com)

**Counsel for EnerNOC, Inc.**

Thomas J. O'Brien  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, Ohio 43215-4291  
[tobrien@bricker.com](mailto:tobrien@bricker.com)

**Counsel for the City of Cincinnati**



Rick D. Chamberlain  
Behrens, Wheeler, & Chamberlain  
6 N.E. 63rd Street, Suite 400  
Oklahoma City, OK 73105  
[rchamberlain@okenergylaw.com](mailto:rchamberlain@okenergylaw.com)

**Counsel for Wal-Mart Stores East, LP  
and Sam's East, Inc.**

Donald L. Mason  
Michael R. Traven  
Roetzel & Andress, LPA  
155 E. Broad Street, 12<sup>th</sup> Floor  
Columbus, Ohio 43215  
[dmason@ralaw.com](mailto:dmason@ralaw.com)  
[mtraven@ralaw.com](mailto:mtraven@ralaw.com)

**Counsel for Wal-Mart Stores East, LP  
and Sam's East, Inc.**

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/26/2014 3:44:28 PM**

**in**

**Case No(s). 14-0841-EL-SSO, 14-0842-EL-ATA**

Summary: Notice of Deposition Second Amended Notice of Duke Energy Ohio to Take Depositions Duces Tecum of Kevin C. Higgins (Kroger) electronically filed by Mrs. Debbie L Gates on behalf of Duke Energy Ohio Inc. and Spiller, Amy B and Watts, Elizabeth H