

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio, Inc., for an Increase in) Case No. 17-32-EL-AIR
Electric Distribution Rates.)

In the Matter of the Application of Duke)
Energy Ohio, Inc., for Tariff Approval.) Case No. 17-33-EL-ATA

In the Matter of the Application of Duke)
Energy Ohio, Inc., for Approval to Change) Case No. 17-34-EL-AAM
Accounting Methods.)

**NOTICE OF DUKE ENERGY OHIO, INC.,
TO TAKE DEPOSITION *DUCES TECUM* OF
THE KROGER COMPANY**

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 The Kroger Company (Kroger) intends to rely upon at hearing and any persons on whom OCC relied upon in forming its opinion in the above captioned matter, on November 28, 2017, beginning at 1:00 P.M. and continuing day-to-day thereafter until complete.

The depositions will take place at Duke Energy Ohio's offices located at 139 East Fourth Street, Cincinnati, Ohio 45202. The depositions will be taken 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, all witnesses are requested to produce at the time of their deposition true and accurate copies of the documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

/s/ Jeanne W. Kingery
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
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*, each deponent produce true and accurate copies of the following documents:

1. Any and all documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. Any and all documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
3. Any and all documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
4. Any and all documents reviewed by said deponent 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 deponent 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 6th day of October, 2017.

/s/ Jeanne W. Kingery
Jeanne W. Kingery

Steven L. Beeler
Robert A. Eubanks
Assistant Attorneys General
Public Utilities Section
30 East Broad St., 16th Floor
Columbus, Ohio 43215
Steven.beeler@ohioattorneygeneral.gov
Robert.eubanks@ohioattorneygeneral.gov

Counsel for Staff of the Commission

David Boehm
Michael L. Kurtz
Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
dboehm@BKLawfirm.com
mikurtz@BKLawfirm.com
jkylercohn@BKLawfirm.com

Counsel for Ohio Energy Group

Michael D. Dortch
Richard R. Parsons
Justin M. Dortch
Kravitz, Brown & Dortch, LLC
65 East State Street, Suite 200
Columbus, Ohio 43215
mdortch@kravitzllc.com

Counsel for Calpine Energy Solutions, LLC

William Michael
Christopher M. Healey
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Christopher.healey@occ.ohio.gov

Counsel for Office of the Ohio Consumers' Counsel

Frank P. Darr
Matthew R. Pritchard
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, Ohio 43215
fdarr@mwncmh.com
mpritchard@mwncmh.com

Counsel for Industrial Energy Users-Ohio

Madeline Fleisher
21 West Broad St., 8th Floor
Columbus, OH 43215
mfleisher@elpc.org

Counsel for Environmental Law & Policy Center

Dylan F. Borchers
Devin D. Parram
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291
dborchers@bricker.com
dparram@bricker.com

Counsel for Ohio Hospital Association

Richard L. Sites
Regulatory Counsel
155 East Broad Street, 3rd Floor
Columbus, OH 43215-3620
Rick.sites@ohiohospitals.org

Counsel for Ohio Hospital Association

Angela Paul Whitfield
Carpenter Lipps & Leland LLP
280 North High Street, Suite 1300
Columbus, Ohio 43215
paul@carpenterlipps.com

Counsel for The Kroger Co.

Colleen L. Mooney
1431 Mulford Road
Columbus, Ohio 43212
cmooney@ohiopartners.org

**Counsel for Ohio Partners for
Affordable Energy**

Elyse Akhbari
Counsel of Record
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215
eakhbari@bricker.com

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

Miranda Leppla
Counsel of Record
Trent Dougherty
1145 Chesapeake Avenue, Suite I
Columbus, Ohio 43212-3449
mleppla@theOEC.org
tdougherty@theOEC.org

**Counsel for Ohio Environmental
Council and Environmental Defense
Fund**

Joseph Olikier
Michael Nugent
6100 Emerald Parkway
Dublin, Ohio 43016
joliker@igsenergy.com
mnugent@igsenergy.com

Counsel for IGS Energy

Kurt J. Boehm
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
kboehm@BKLawfirm.com

Counsel for the City of Cincinnati

Kimberly W. Bojko (Counsel of Record)
James D. Perko, Jr.
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
Bojko @carpenterlipps.com
Perko@carpenterlipps.com

Mark A. Whitt
Andrew J. Campbell
Rebekah J. Glover
Whitt, Sturtevant LLP
The KeyBank Building, Suite 1590
88 East Broad Street
Columbus, Ohio 43215
whitt@whitt-sturtevant.com
Campbell@whitt-sturtevant.com
glover@whitt-sturtevant.com

Counsel for The Ohio Manufacturers' Association Energy Group

Counsel for the Retail Energy Supply Association (RESA)

D. David Altman (Counsel of Record)
Justin D. Newman
J. Michael Weber
D. DAVID ALTMAN CO., L.P.A.
15 East 8th Street, Suite 200W
Cincinnati, Ohio 45202
daltman@environlaw.com
jnewman@environlaw.com
jweber@environlaw.com

Mark A. Whitt
Andrew J. Campbell
Rebekah J. Glover
WHITT STURTEVANT LLP
The KeyBank Building, Suite 1590
88 East Broad Street
Columbus, Ohio 43215
whitt@whitt-sturtevant.com
campbell@whitt-sturtevant.com
glover@whitt-sturtevant.com

Counsel for Cincinnati Clean Energy Foundation

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

Samantha Williams
Staff Attorney
Natural Resources Defense Council
20 N. Wacker Drive, Suite 1600
Chicago, IL 60606
swilliams@nrdc.org

Counsel for the Natural Resources Defense Council

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/6/2017 3:29:08 PM

in

Case No(s). 17-0032-EL-AIR, 17-0033-EL-ATA, 17-0034-EL-AAM

Summary: Notice of Deposition of The Kroger Company (Kroger) electronically filed by Ms. Emily Olive on behalf of Duke Energy Ohio and Spiller, Amy B. Ms. and Kingery, Jeanne W. Ms. and Watts, Elizabeth H. Ms. and D'Ascenzo, Rocco O. Mr.