

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Duke Energy Ohio, Inc., for an)	Case No. 21-887-EL-AIR
Increase in Electric Distribution Rates.)	
In the Matter of the Application of)	
Duke Energy Ohio, Inc., for Tariff)	Case No. 21-888-EL-ATA
Approval.)	
In the Matter of the Application of)	
Duke Energy Ohio, Inc., for Approval)	Case No. 21-889-EL-AAM
to Change Accounting Methods.)	

**SECOND AMENDED NOTICE OF DUKE ENERGY OHIO, INC.,
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 Ohio) will take the oral deposition of:

- (1) All persons who filed testimony on behalf of The Kroger Co. (Kroger) in the above-captioned matter;
- (2) All persons identified by Kroger as responsible for responses to discovery in the above-captioned matter;
- (3) All persons who prepared or participated in preparing Kroger's responses to discovery in the above-captioned matter; and
- (4) All persons on whom Kroger relied in forming its opinion in the above-captioned matter.

Such depositions shall be taken on August 31, 2022, beginning at 10:00 A.M., or a date that is mutually agreeable between the parties and the deponent(s), 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 shall produce at the time of their deposition true and accurate copies of all documents identified in Exhibit A.

Parties are invited to attend and to cross-examine.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Elyse H. Akhbari

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Attorneys for Duke Energy Ohio, Inc.

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. All documents that were reviewed by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding.
2. All documents created or authored by said deponent for purposes of preparing direct testimony relative to the above-captioned proceeding, including drafts.
3. All work papers and/or case files created, maintained, or relied upon by the deponent in preparing their expert or direct testimony.
4. All documents referenced in the witness's direct testimony relative to the above-captioned proceeding.
5. 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
6. 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

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document is also being served via electronic mail on the 16th day of August, 2022, upon the persons listed below.

/s/ Elyse H. Akhbari
Elyse H. Akhbari

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**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

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in

Case No(s). 21-0887-EL-AIR, 21-0888-EL-ATA, 21-0889-EL-AAM

Summary: Notice of Deposition Second Amended Notice of Duke Energy Ohio, Inc.
To Take Deposition Duces Tecum of The Kroger Co. electronically filed by Mrs.
Tammy M. Meyer on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco and
Kingery, Jeanne and Akhbari, Elyse Hanson and Vaysman, Larisa and Brama,
Elizabeth